

Fill In

OFFICE OF CITIZEN COMPLAINTS - USE BLACK INK ONLY!

1 Day, Date & Time Complaint Received

TH-3-1-01

		1	6	8	0	1		
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Complaint Against: Personnel ☒ Policy ☐ Procedure ☐

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

2 Primary Complainant:

☐ Co-Complainant

Last Name First Name Middle Initial

HOME ADDRESS:

Street

Apartment

City

State

Zip

WORK ADDRESS:

Street

Apartment

City

State

Zip

3 Personal Information

Age _____ Date of Birth: _____

Sex: Male

Ethnicity: PERUVIAN / HS

Occupation: Recycling Business

4 Telephone Numbers:

Home: _____

Work: (_____) _____

5 Location of Occurrence:

Dubble Rock Housing Projects (Bayview)

6 Type of Place

HOUSING PROJECT

7 District

BAYVIEW

8 Day, Date, & Time Of Occurrence:

8-21-00 23:54

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

9 Incident Report or Citation No

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: Police Officers

Type of Injury: head injury, multiple bruises, scrapes and cuts, broken ribs 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
01	UF/	NS	X	Q2	Aherne # 1095	3C		M	W
01	UF/ND	NS/NS	X	Q2	Paine # 763	3C		M	W
01			X	Q2		3C		M	I
01			X	Q2		3C		M	I
01	UF/	NS	X	Q2	ED pending	3C		M	3
01			X	Q2		3C		M	3
01	UF/	NS	X	Q2	Timothy Fowlie # 150	3C		M	I
01			X	Q2		3C		M	I



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



~CITIZEN COMPLAINT FORM~

INSTRUCTIONS FOR COMPLETION OF THE CITIZEN COMPLAINT FORM:

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

填寫公民投訴書說明：

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

INSTRUCCIONES PARA LLENAR EL FORMULARIO DE QUEJAS DE LOS CIUDADANOS: Por favor conteste las preguntas de las casillas 2, 3, 4, 5, 8, 11, 15, 17, 20, 21 & 22. Deje sin contestar las demas preguntas a menos que sepa la información solicitada. El formulario debe ser contestado en **Ingles**. Si usted no tiene telefono escriba en la casilla 4 el número de un servicio de mensajes, o el de un vecino, amigo o pariente. Escriba en una hoja separada los nombres, direcciones y telefonos de los testigos (si los hay), y adjunte ésta información al formulario. En caso de que no conozca el nombre o número de insignia de los oficiales, incluya una descripción fisica completa (22). Describa los hechos en forma completa, sea especifico. Incluya quien, que, donde, cuando y porque. Su declaración debe ser un recuento exacto y verdadero del incidente y debe estar firmada por usted (25). Para pedir información o solicitar ayuda visite nuestras oficinas locales o 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-Ilmbag 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. Ilmbag 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 25. Itanong sa amin kung alinman dito ang hindi maliwanag sa inyo. Kung kailangan ninyo ng tulong, paki-tawagan kami, OCC, telepono (415) 597-7711. Maaring tawagan din ninyo ang 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.

NARRATIVE OF INCIDENT: On 8-21-00, at approximately 2354 Hrs.,

San Francisco Police Officers, Aherne #1095 and Paine # 763, attempted to arrest me, however, I fled from them. Officer Aherne immediately gave chase after me on foot, with his partner Paine following just a few feet behind. After a short distance, officer Aherne tackled me and I fell on the ground with Aherne landing on top of me. Immediately thereafter, and once handcuffed, officers Paine and Aherne started to hit and kick me in my back and head area, with their flashlight and baton, resulting in a serious head injury requiring 7 staples and multiple external/internal bruises, scrapes and cuts. During the beating, a large group of civilians surrounded the perpetrators, yelling at them to stop beating me. Once aware that I had witnesses who observed the beating, I made multiple requests that the officers take written statements from the large crowd, contending that my Civil Rights had been violated. No such statements were ever taken. Subsequently, back-up arrived and I was transported to SFGH where I was treated for my injuries. I contend that the use of force in this case was excessive, was not for the purpose of restraining/arresting me, but was inflicted in a malicious and sadistic manner for the very purpose of causing pain. I was not resisting, was handcuffed, yet still suffered a beating at the hands of these officers. This type of brutality is unacceptable and should not be tolerated. I respectfully request that your office conduct a thorough (SEE →)

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

ACKNOWLEDGEMENT OF COMPLAINANT (148.6 P.C.)

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

I HAVE READ AND UNDERSTOOD THE ABOVE STATEMENT.

<p>Assigned Investigator/Date:</p> <p><i>Jayson Walker 3.50.1</i></p>	<p>Taken By (Name/#/Unit)/Date:</p>
<p><i>Sergei Litvinov 3.13.01</i></p>	<p>Closure Approval/Date:</p> <p><i>Dana Medley 12/31/01</i></p>

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

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

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

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

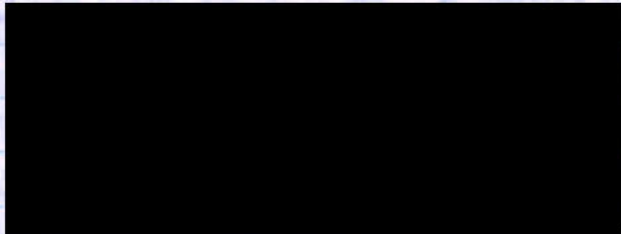
City and County of San Francisco
OFFICE OF CITIZEN COMPLAINTS
875 Stevenson Street, Room 125
San Francisco, CA 94103-0917



RECEIVED
A10CC

2001 MAR -1 P 3:48

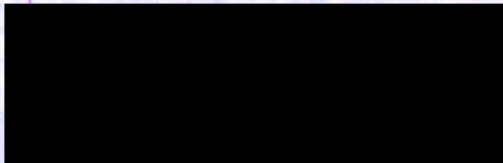
investigation into this complaint and issue me a log number for correspondence. If further information is needed please feel free to contact me at the following address:



Your assistance in this matter is greatly appreciated.

dated : 02-14-01

Respectfully Submitted,



This is a complaint of:

1-4 1-3: Unnecessary Force (UF) for excessive force against the complainant during his arrest. #1095, #763



10-29-01 SL

02-23-01

Office of Citizen Complaints
875 Stevenson St., Rm. 125
San Francisco, Ca. 94103-0917

Re: Complaint / Request for log number.

Dear Reviewer:

Attached please find a true copy of my citizens complaint.

Upon receipt, would you kindly issue me a log number for correspondence.

Please note that this is the second complaint that I'm filing. The first, somehow was lost or destroyed by your office.

Your assistance in this matter is noted and greatly appreciated as would be a prompt response.

Respectfully Submitted,

PROOF OF SERVICE

I, [REDACTED], do depose and say:

I am a party to the within action; On feburary 24, 2001, I mailed a true copy of a document entitled "Office of Citizen Complaint Form", prepaid and by first-class mail at San Francisco, California, addressed as follows:

Office of Citizen Complaints
875 Stevenson St., Rm. 125
San Francisco, CA. 94103-0917;

I have read this declaration and I certify under the penalty of perjury that its contents are true and correct.

Executed this 24 day of Feburary 2001, at San Francisco, California.

[REDACTED]

OFFICE OF CITIZEN COMPLAINTS

WITNESS LIST

OCC CASE NO. 168-01

None

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: _____

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Name: _____

Address: _____

City: _____

State: _____ Zip: _____

Telephone: _____

Civilian ☐ Officer ☐

Name: _____

Address: _____

City: _____

State: _____ Zip: _____

Telephone: _____

Civilian ☐ Officer ☐

Name: _____

Address: _____

City: _____

State: _____ Zip: _____

Telephone: _____



Office Of Cititzen Compliant
875 Stevenson St., Rm. 125
San Francisco, Ca. 94103-0917

94103/0917



SF DPA - 0168-01 - 000009

questions for interview:

163-01

how many officers were
involved in your arrest (at each stage)

names/descriptions. Arms? Paine

also heard about (baton + flashlight)
group of civ.?
who

where exactly.

why did you run?

did you resist.

injuries:
how/who caused.

OFFICE OF CITIZEN COMPLAINTS
MEMBER INTERVIEW FORM

PRELIMINARY INFORMATION FOR THE RECORD:

1. This interview is regarding OCC case number 168-01 and is taking place on
(Date & Time) 11/21/01 2030; at (Location) OCC.
2. Conducting the interview is (Investigator) S. Litvinov
3. Also present is _____
4. The member being interviewed is (Name & Star No.) Off. DeJesus #247.
5. His/Her representative (or Attorney) is Off. Ryan 1756.

ASK THE FOLLOWING QUESTIONS FOR THE RECORD:

1. (Title & Last Name) Off. DeJesus, have you read the statement of
(Complainant) [REDACTED], concerning an incident at
(Location) _____ on (Date & Time) 8-21-00? ☒ Yes ☐ No
A. (If Applicable) Have you read the OCC Added Allegation in this case? ☐ Yes ☐ No
2. Have you read General Order 2.08? ☒ Yes ☐ No
3. Have you read Rule 21 of General Order 2.01? ☒ Yes ☐ No
4. Have you read Section I.A. of General Order 2.04? ☒ Yes ☐ No
5. Do you understand these orders? ☒ Yes ☐ No
6. Are you prepared to be interviewed at this time? ☒ Yes ☐ No

CLOSING:

1. Is there any other statement relevant to this incident you wish to make at this time?
☐ Yes ☐ No
2. Are there any witnesses or other evidence relevant to this case that you intend to submit on
your behalf?
3. The interview is concluded at (Time) 21:00

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lighting conditions in the area.

Questions

if anything
what everyone had in their hands
at the time he approached

what did everyone do w/ it (batter, flashlight) /
afterwards

what did everybody do while waiting for the ambulance

when did notice the first on-lookers

how large was the crowd. / how close.

did you ask anyone for a statement. / when
at what point.

did any other off ask for a statement.

strike / w first 2 for batter

after tackle, - ^{went down} also ~~was~~ ^{ended up on the} first to ground first
off on camp.

Haere.

port Fawlie.

off trail..

- when a you, would - - no ..

- for I believe I used.

- no idea of further time
in or home.

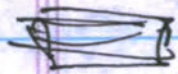
pane was going ..

pane had first light.

pane pushed to the ground.

all time went down way
a little bit.

camp was pulled down.

 can was not able to stand up
and get away.

after

- I left to went to his radio car.
~ 30 yards.

Fowler & myself left in new
almost immediately.

Amulani - who shot I am aware of

put crowd then went back to radio car
~ 80 feet away.

witness statements - no, it was not my
friend.

other off's asking for statement - ~~can~~ no
glances - I don't recall

complants - no

blood / scratches - - nothing pings out
at me

flashlight (penn) - no idea.

connect w/ camp's lead - no.

fist (get) no..

stun (put) - not that I know of

anyone - I did not cause.

culmination - I have no idea.

any ss
Sgt. - I have no idea.

Sgt Craig - no.

any other member present - I do recall

light -
closest - no idea
able to see faces - yes.

OFFICE OF CITIZEN COMPLAINTS
MEMBER INTERVIEW FORM

PRELIMINARY INFORMATION FOR THE RECORD:

1. This interview is regarding OCC case number 168-01 and is taking place on
(Date & Time) 11/21/01 21:20, at (Location) OCC.
2. Conducting the interview is (Investigator) S. Litvinov
3. Also present is _____
4. The member being interviewed is (Name & Star No.) Off. Foulke 150*
5. His/Her representative (or Attorney) is Off. Ryan #1756

ASK THE FOLLOWING QUESTIONS FOR THE RECORD:

1. (Title & Last Name) _____, have you read the statement of
(Complainant) _____, concerning an incident at
(Location) _____ on (Date & Time) _____? ☒ Yes ☐ No
A. (If Applicable) Have you read the OCC Added Allegation in this case? ☐ Yes ☐ No
2. Have you read General Order 2.08? ☒ Yes ☐ No
3. Have you read Rule 21 of General Order 2.01? ☒ Yes ☐ No
4. Have you read Section I.A. of General Order 2.04? ☒ Yes ☐ No
5. Do you understand these orders? ☒ Yes ☐ No
6. Are you prepared to be interviewed at this time? ☒ Yes ☐ No

CLOSING:

1. Is there any other statement relevant to this incident you wish to make at this time?
☐ Yes ☐ No
2. Are there any witnesses or other evidence relevant to this case that you intend to submit on
your behalf?
3. The interview is concluded at (Time) 21:20.

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Off. Pawlie

168-01
see / 11-21-01

They were really about as he found
all there - I believe so.

part of D. Turn appears.

I can't recall what.

anything in your hands - I don't recall
usually.

any tackle - I did not see.

comp's arms! - I can
comp was back down..

do you remember where you were after

ambulance - I don't recall.

I did not hear.

no one came forward willing to make any
Statement.

Sgt. - I don't need

talking to go! - no.

strike w/ fist -

I don't remember - can't remember names.

name's fresh - not direct memories.

Memory... 5 Do.

OFFICE OF CITIZEN COMPLAINTS
MEMBER INTERVIEW FORM

PRELIMINARY INFORMATION FOR THE RECORD:

1. This interview is regarding OCC case number 168-01 and is taking place on
(Date & Time) 11/21/01 21:25, at (Location) _____.
2. Conducting the interview is (Investigator) _____.
3. Also present is _____.
4. The member being interviewed is (Name & Star No.) Off. James Sheene 1095.
5. His/Her representative (or Attorney) is Sgt. Sengie 2045.

ASK THE FOLLOWING QUESTIONS FOR THE RECORD:

1. (Title & Last Name) _____, have you read the statement of
(Complainant) _____, concerning an incident at
(Location) _____ on (Date & Time) _____? ☒ Yes ☐ No
A. (If Applicable) Have you read the OCC Added Allegation in this case? ☐ Yes ☐ No
2. Have you read General Order 2.08? ☒ Yes ☐ No
3. Have you read Rule 21 of General Order 2.01? ☒ Yes ☐ No
4. Have you read Section I.A. of General Order 2.04? ☒ Yes ☐ No
5. Do you understand these orders? ☒ Yes ☐ No
6. Are you prepared to be interviewed at this time? ☒ Yes ☐ No

CLOSING:

1. Is there any other statement relevant to this incident you wish to make at this time?
☐ Yes ☐ No
2. Are there any witnesses or other evidence relevant to this case that you intend to submit on
your behalf?

3. The interview is concluded at (Time) 21:55
- s:\invforms\memintv.doc

14 - face down on backboard.

I don't know what was in
fell.

not complete stand up ng. lunch over.

we were all knocked to the fence & then
to the ground.

I did not see anything in his hands.

but after review IR. he had.

hitting u/flashing 4 - no.

any contact flared u/head - no.

how long it took to cuff. - it's hard to estimate
a minute or

anything in the hands of those off.

where was the button (at the time) - I don't recall.

after - got, breath, barely,
away for ID weapons.

was he at some point we set him up.

your young: after everything.

I remembered seeing rocks & glasses.

light - not poor.

able to see your face.

off Paul & Dorem & don't recall..
stayed on left

it did seem ~~extended~~ period of time
over five.

camp's signs - I did not examine her for signs
once I realized I was impressed.

camp's signs -
broken rib

he was saying

I don't know about her, besides
his foot.

his entrance / exit?

as well as I saw one

I don't know whether I've
seen that before or not

on-lookers... - when the ambulance arrived.

I did not hear

I heard camp saying off to take her

I was, indeed
and not hear anything off. about it.

50 yards away - from corner.
glances? - I don't know.

1 DEd. - I don't know.

I don't recall who booked me.

it was the end of my shift.
at station w/sg. it could have been
Craig & Bando.

I don't recall the conversation between
Craig & Payne.

why in 'Lo use of force. log. - I don't remember
- from recollection
he was not there

OFFICE OF CITIZEN COMPLAINTS
MEMBER INTERVIEW FORM

PRELIMINARY INFORMATION FOR THE RECORD:

1. This interview is regarding OCC case number 168-01 and is taking place on
(Date & Time) 12/17/01 5:45 pm, at (Location) OCC.
2. Conducting the interview is (Investigator) S. Litvinov
3. Also present is _____
4. The member being interviewed is (Name & Star No.) Off. Timothy Paine # 763
5. His/Her representative (or Attorney) is Sgt. Dempsey #1087.

ASK THE FOLLOWING QUESTIONS FOR THE RECORD:

1. (Title & Last Name) Off. Paine, have you read the statement of
(Complainant) _____, concerning an incident at
(Location) _____ on (Date & Time) _____? ☒ Yes ☐ No
A. (If Applicable) Have you read the OCC Added Allegation in this case? ☐ Yes ☐ No
2. Have you read General Order 2.08? ☒ Yes ☐ No
3. Have you read Rule 21 of General Order 2.01? ☒ Yes ☐ No
4. Have you read Section I.A. of General Order 2.04? ☒ Yes ☐ No
5. Do you understand these orders? ☒ Yes ☐ No
6. Are you prepared to be interviewed at this time? ☒ Yes ☐ No

CLOSING:

1. Is there any other statement relevant to this incident you wish to make at this time?
☐ Yes ☐ No
 2. Are there any witnesses or other evidence relevant to this case that you intend to submit on
your behalf?
 3. The interview is concluded at (Time) 1800 pm
- s:\invforms\memintv.doc

Ahern - states the first person.

off Ahern was the first to get into contact.

1-2 minute. for the scene was to arrive.

Ahern. head. his later in the hands.

Paine entered w/out doors..

Paine did not see if
Fauler head. & De Jern head a lot.

family well but being it was right..

^{was}
Paine dark light at the car

no idea if Fauler & De Jern are there
known

10-15 minutes to wait for ambulance.

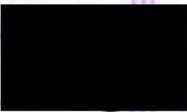
- talking to other off about surgery.
- talking to the sergeant
- wash my hand.
- asked:

6-8 ppl off at the bus

camp sat upright against the fence.

some off in

Sgt. Bolin requested to see scene.

 was yelling.

at some point a woman came out

6-10 people came out. yelled
some shouts.

Some walked across the street

they were 25-30 feet from the street

No idea what Fouche & DeTegans..

no;

glasses. - I don't remember.

Did you see A D F
strike w/ baton 'w/ baton or bludge - no.

potential contact might have occurred.

after the first takedown, flashlight might
drop.

box was closed
Struck w/ fist

" - I don't know how
to explain it..

Statement: [REDACTED] violently fought w/us.

all injuries were created by his actions

Sgt. re: question w/ MBE
whether hit camp → deliberate act / or accident

ROUTING AND TRANSMITTAL SLIP

FOR ACTION

FOR RECOMMEN-
DATION

1 TO

(NAME)

OCC

INITIALS

FOR APPROVAL

(UNIT)

DATE

AS REQUESTED

2 TO

(NAME)

INITIALS

NOTE & FORWARD

(UNIT)

DATE

FOR INFORMATION

3 TO

(NAME)

INITIALS

NOTE & RETURN

(UNIT)

DATE

PER CONVERSATION

4 TO

(NAME)

INITIALS

CONFER

(UNIT)

DATE

FOR SIGNATURE

Forwarded to MCD
Mistakenly.

COORDINATE

INVESTIGATE &
REPORT

FOR COMPLIANCE

REPLY IN MY NAME

NOTE: DO NOT USE THIS FORM AS A RECORD OF APPROVALS, CONCURRENCES, DISAPPROVALS, CLEARANCES AND SIMILAR ACTIONS

FROM

(NAME)

MCD

DATE

11-16-01

(UNIT)

PHONE

SF DPA - 0168-01 - 000031

SAN FRANCISCO POLICE DEPARTMENT

SFPD 39 (7/72)

Memorandum

San Francisco Police Department

RECEIVED
AT OCC

2001 NOV 26 P 2:28



To: Captain P. Jackson #1301
Commanding Officer
Bayview Station

APPROVED

YES

NO

From: Lieutenant John J. Feeney
Third Platoon

Lt. Feeney 2024

[Signature]
L. JOHN J. FEENEY #2158

Date: Wednesday, November 21, 2001

Subject: Unable to Serve OCC Notice to Appear in OCC Case #168-01

Issue: Unable to Serve OCC Notice to Appear to Officer Tim Paine #763

Discussion: Bayview Station received the attached "OCC Notice to Appear" for Officer Tim Paine #763 on 11/13/2001.



Conclusion: Officer Tim Paine was not served an OCC Notice to Appear in a timely fashion [REDACTED] Also, [REDACTED] Officer Paine was unable to attend the scheduled interview on 11/21/2001 at 2000 hours. I was unable to personally notify OCC Investigator Sergei Litvinov to inform him of this unfortunate situation prior to today. I called OCC during normal business hours yet I reached only their answering service instead and was told that they had no way of reaching anyone in the office. They said that they would fax a message to the OCC office for Sergei Litvinov.

Recommendation: I recommend that this matter be rescheduled with OCC and that a copy of this memo be forwarded to Lt. Hennessey of MCD.

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

RECEIVED
AT OCC

2001 NOV 26 P 2:12

**NOTICE AND ORDER TO APPEAR
PROOF OF SERVICE**Mary C. Dunlap
Director

TO: Commanding Officer/O.I.C, Bayview Station

FOR: Officer Timothy Paine # 763

AS: ☒ Named Member _____ Witness

FROM: Investigator Sergei Litvinov

DATE: November 8, 2001 OCC Case No.: 168-01

YOU ARE HEREBY NOTIFIED of your possible involvement in the above referenced complaint and ORDERED TO APPEAR at the Office of Citizen Complaints, located at 480 Second Street, Suite #100, on the date and time indicated below for the purpose of providing a statement in this matter. If you are designated as a named member, it is your responsibility to arrange for representation, but in any event you are required to appear on time and be prepared to proceed. Bring field notes and any other materials relevant to this incident. **Failure to appear or personally provide at least 24 hours notice of a need to reschedule constitutes a violation of General Order 2.04 and may result in disciplinary action.**

Wednesday, November 21, 2001, at 20:00 hrs

Date and Time of Interview

COMMANDING OFFICER: Serve and sign this Order when the member named above next reports for duty. If the member is on D.P. or extended sick leave but is medically able to appear, ensure that service is made on the member at his/her residence. Service may also be completed by phone with a notation made on the copy returned to OCC that telephone notification was made. If the member is designated as named, give a copy of this completed form and the attachments to the member. Witness members do not get a copy of the complaint, and none may be attached in that event. Return the original to the OCC with the next transfer of order. **If you are unable to serve the member you shall notify the OCC investigator by phone no later than (enter a date 48 hrs prior to date of appearance).**

COMMANDING OFFICER'S PROOF OF SERVICE:Date received: 11-13-01

Reason for failure to serve or other comments:

Date/Time served: _____

Date returned to OCC: _____

Signature

Star No.

MEMBER'S ACKNOWLEDGMENT OF RECEIPT: Your signature acknowledges receipt of this notice and the following attachments: ☒ Complaint Form _____ Added Allegation Form

Member's Signature

Star No.

Date and Time Notified

C-01-346

SFPD Scheduling - Use - Employee Scheduling History

File Edit View Go Favorites Use Report Help

Current Employee Scheduling

EmplID: [REDACTED] Paine, Timothy D Star: 763

From Date: 11/01/2001 To Date: 02/03/2002 Refresh

	Schedule Date	Day	Pay Type	Department	Watch	Unit	Start Date	Start Time	End Date	End Time	Comment
1	11/01/2001	Thu	H	POTR	3						
2	11/02/2001	Fri	H	POTR	3						
3	11/03/2001	Sat	H	POTR	3						
4	11/04/2001	Sun	H	POTR	3						
5	11/05/2001	Mon	VA	POTR	3		11/05/2001	4:00PM	11/06/2001	2:00AM	
6	11/06/2001	Tue	VA	POTR	3		11/06/2001	12:00PM	11/06/2001	10:00PM	Training-Inservice
7	11/07/2001	We	VA	POTR	3		11/07/2001	4:00PM	11/08/2001	2:00AM	
8	11/08/2001	Thu	VA	POTR	3		11/08/2001	4:00PM	11/09/2001	2:00AM	
9	11/09/2001	Fri	H	POTR	3						
10	11/10/2001	Sat	H	POTR	3						
11	11/11/2001	Sun	IL	POTR	3		11/11/2001	4:00PM	11/12/2001	2:00AM	
12	11/12/2001	Mon	H	POTR	3						
13	11/13/2001	Tue	SP	POTR	3		11/13/2001	4:00PM	11/14/2001	2:00AM	
14	11/14/2001	We	SP	POTR	3		11/14/2001	4:00PM	11/15/2001	2:00AM	
15	11/15/2001	Thu	REG	POTR	3	3C15D	11/15/2001	4:00PM	11/16/2001	2:00AM	
16	11/16/2001	Fri	REG	POTR	3	3C90	11/16/2001	4:00PM	11/17/2001	2:00AM	
17	11/17/2001	Sat	H	POTR	3						
18	11/18/2001	Sun	H	POTR	3						
19	11/19/2001	Mon	H	POTR	3						
20	11/20/2001	Tue	H	POTR	3						
21	11/21/2001	We	REG	POTR	3	3C15D	11/21/2001	4:00PM	11/22/2001	2:00AM	
22	11/22/2001	Thu	HP	POTR	3	3CSD	11/22/2001	4:00PM	11/23/2001	2:00AM	
23	11/23/2001	Fri	HP	POTR	3	3CSD	11/23/2001	4:00PM	11/24/2001	2:00AM	
24	11/24/2001	Sat	REG	POTR	3	3C15D	11/24/2001	4:00PM	11/25/2001	2:00AM	
25	11/25/2001	Sun	REG	POTR	3	3C16D	11/25/2001	4:00PM	11/26/2001	2:00AM	
26	11/26/2001	Mon	H	POTR	3						
27	11/27/2001	Tue	H	POTR	3						
28	11/28/2001	We	H	POTR	3						
29	11/29/2001	Thu	SP	POTR	3		11/29/2001	4:00PM	11/30/2001	2:00AM	

PDPRD Current Employee Scheduling Update/Display

Start Microsoft Word - Document5 SFPD Scheduling - U... 1:16 PM

Fill In

OFFICE OF CITIZEN COMPLAINTS - USE BLACK INK ONLY!

1 Day, Date & Time Complaint Received
 TH-3-1-01

Complaint Against: Personnel ☒ Policy ☐ Procedure ☐

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

2 Primary Complainant: ☐ Co-Complainant

Last Name _____ First Name _____ Middle Initial _____

HOME ADDRESS: _____
 Street _____ Apartment _____
 City _____ State _____ Zip _____

WORK ADDRESS: _____
 Street _____ Apartment _____
 City _____ State _____ Zip _____

3 Personal Information

Age _____ Date of Birth: _____

Sex: Male

Ethnicity: PERUVIAN / HS

Occupation: Recycling Business

4 Telephone Numbers:

Home: _____

Work: () _____

5 Location of Occurrence: _____ (BAYVIEW)

6 Type of Place HOUSING PROJECT

7 District BAYVIEW

8 Day, Date, & Time Of Occurrence: 8-21-00 23:54

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

9 Incident Report or Citation No _____

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: Police Officers

Type of Injury: head injury, multiple bruises, scrapes and cuts, broken ribs

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	Eth
01	VF		X	Q2	Aherne # 1095	3C		M	W
01	VF		X	Q2	Paine # 763	3C		M	W
01			X	Q2		3C		M	I
01			X	Q2		3C		M	I
01	VF		X	Q2	Luis DeJesus #247	3C		M	3
01			X	Q2		3C		M	3
01	VF		X	Q2	Timothy Fowlie # 150	3C		M	I
01			X	Q2		3C		M	I

10-29-01/SL

22

NARRATIVE OF INCIDENT: On 8-21-00, at approximately 2354 Hrs.,

San Francisco Police Officers, Aherne #1095 and Paine #763, attempted to arrest me, however, I fled from them. Officer Aherne immediately gave chase after me on foot, with his partner Paine following just a few feet behind. After a short distance, officer Aherne tackled me and I fell on the ground with Aherne landing on top of me. Immediately thereafter, and once handcuffed, officers Paine and Aherne started to hit and kick me in my back and head area, with their flashlight and baton, resulting in a serious head injury requiring 7 staples and multiple external/internal bruises, scrapes and cuts. During the beating, a large group of civilians surrounded the perpetrators, yelling at them to stop beating me. Once aware that I had witnesses who observed the beating, I made multiple requests that the officers take written statements from the large crowd, contending that my Civil Rights had been violated. No such statements were ever taken. Subsequently, back-up arrived and I was transported to SFETH where I was treated for my injuries. I contend that the use of force in this case was excessive, was not for the purpose of restraining/arresting me, but was inflicted in a malicious and sadistic manner for the very purpose of causing pain. I was not resisting, was handcuffed, yet still suffered a beating at the hands of these officers. This type of brutality is unacceptable and should not be tolerated. I respectfully request that your office conduct a thorough (SEE →)

(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.

Complainant Signature/Date:

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

02/14/01

Assigned Investigator/Date:

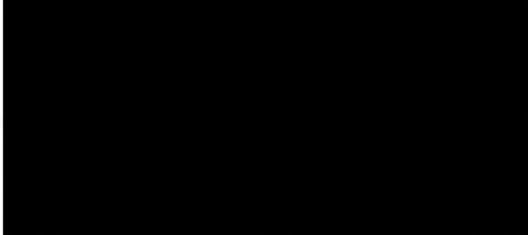
Closure Approval/Date:

Jayson Wheeler 3.5.01

Sergei Litvinov 3.13.01

SF DPA - 0168-01 - 000037

investigation into this complaint and issue me a log number for correspondence. If further information is needed please feel free to contact me at the following address:



Your assistance in this matter is greatly appreciated.

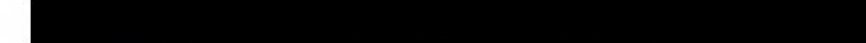
dated : 02-14-01

Respectfully Submitted,

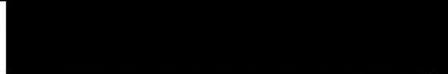


This is a complaint of:

1-4 ~~1-3~~ Unnecessary Force (UF) for excessive force against the complainant during his arrest. #1095, #763



Against



10-29-01 SL

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



Mary C. Dunlap
Director

**NOTICE AND ORDER TO APPEAR
PROOF OF SERVICE**

TO: Commanding Officer/O.I.C, Bayview Station

FOR: Officer Timothy Paine # 763

AS: ☒ Named Member ☐ Witness

FROM: Investigator Sergei Litvinov

DATE: December 5, 2001 OCC Case No.: 168-01

YOU ARE HEREBY NOTIFIED of your possible involvement in the above referenced complaint and ORDERED TO APPEAR at the Office of Citizen Complaints, located at 480 Second Street, Suite #100, on the date and time indicated below for the purpose of providing a statement in this matter. If you are designated as a named member, it is your responsibility to arrange for representation, but in any event you are required to appear on time and be prepared to proceed. Bring field notes and any other materials relevant to this incident. **Failure to appear or personally provide at least 24 hours notice of a need to reschedule constitutes a violation of General Order 2.04 and may result in disciplinary action.**

Monday, December 17, 2001, at 17:30 hrs

Date and Time of Interview

COMMANDING OFFICER: Serve and sign this Order when the member named above next reports for duty. If the member is on D.P. or extended sick leave but is medically able to appear, ensure that service is made on the member at his/her residence. Service may also be completed by phone with a notation made on the copy returned to OCC that telephone notification was made. If the member is designated as named, give a copy of this completed form and the attachments to the member. Witness members do not get a copy of the complaint, and none may be attached in that event. Return the original to the OCC with the next transfer of order. **If you are unable to serve the member you shall notify the OCC investigator by phone no later than (enter a date 48 hrs prior to date of appearance).**

COMMANDING OFFICER'S PROOF OF SERVICE:

Date received: 12-10-01
Date/Time served: 12/10/01 2137
Date returned to OCC: 12/12/01

Reason for failure to serve or other comments:

Signature

Star No.

MEMBER'S ACKNOWLEDGMENT OF RECEIPT: Your signature acknowledges receipt of this notice and the following attachments: ☒ Complaint Form ☐ Added Allegation Form

Member's Signature

Star No.

Date and Time Notified

C-01-380

=====0000000785=====

Wed 21-Nov-01 04:36p

=====

Wed 21-Nov-01 04:36p MLW TAKEN

TO: SERGEI ONLY

FROM: LT FEENEY

CO: BAYVIEW STA

TEL#: [REDACTED]

MSG: RE OFCR TIM PAINE

WILL NOT BE ABLE TO MAKE INTERVIEW AT

8PM [REDACTED]

WAS UNABLE TO SERVE HIM

*****READ ER PAGE INFO CAREFULLY*****

TAKE ONLY BRIEF MSG FROM CLRS

FILING COMPLAINTS

WITH THE NOTICE [REDACTED]

FAXED

Dialout history

Wed 21-Nov-01 04:29p DG Dialout [REDACTED]

Wed 21-Nov-01 04:32p MLW Dialout [REDACTED]

Wed 21-Nov-01 04:33p MLW Dialout [REDACTED]

=====0000000785=====

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



Mary C. Dunlap
Director

**NOTICE AND ORDER TO APPEAR
PROOF OF SERVICE**

TO: Commanding Officer/O.I.C, Bayview Station

FOR: Officer Timothy Fowlie # 150

AS: [REDACTED]

FROM: Investigator Sergei Litvinov

DATE: November 8, 2001 OCC Case No.: 168-01

YOU ARE HEREBY NOTIFIED of your possible involvement in the above referenced complaint and ORDERED TO APPEAR at the Office of Citizen Complaints, located at 480 Second Street, Suite #100, on the date and time indicated below for the purpose of providing a statement in this matter. If you are designated as a named member, it is your responsibility to arrange for representation, but in any event you are required to appear on time and be prepared to proceed. Bring field notes and any other materials relevant to this incident. **Failure to appear or personally provide at least 24 hours notice of a need to reschedule constitutes a violation of General Order 2.04 and may result in disciplinary action.**

Wednesday, November 21, 2001, at 21:00 hrs

Date and Time of Interview

COMMANDING OFFICER: Serve and sign this Order when the member named above next reports for duty. If the member is on D.P. or extended sick leave but is medically able to appear, ensure that service is made on the member at his/her residence. Service may also be completed by phone with a notation made on the copy returned to OCC that telephone notification was made. If the member is designated as named, give a copy of this completed form and the attachments to the member. Witness members do not get a copy of the complaint, and none may be attached in that event. Return the original to the OCC with the next transfer of order. **If you are unable to serve the member you shall notify the OCC investigator by phone no later than (enter a date 48 hrs prior to date of appearance).**

COMMANDING OFFICER'S PROOF OF SERVICE:

Date received: 11-13-01
Date/Time served: 11/17/01 1600
Date returned to OCC: 11-18-01

Reason for failure to serve or other comments:

Signature

Captain P. Jackson #1301
Star No.

MEMBER'S ACKNOWLEDGMENT OF RECEIPT: Your signature acknowledges receipt of this notice and the following attachments: X Complaint Form Added Allegation Form

Member's Signature

Star No.

Date and Time Notified

C-01-349

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO


Mary C. Dunlap
 Director

**NOTICE AND ORDER TO APPEAR
 PROOF OF SERVICE**

TO: Commanding Officer/O.I.C, Bayview Station

FOR: Officer Luis DeJesus # 247

AS: [REDACTED]

FROM: Investigator Sergei Litvinov

DATE: November 8, 2001 OCC Case No.: 168-01

YOU ARE HEREBY NOTIFIED of your possible involvement in the above referenced complaint and ORDERED TO APPEAR at the Office of Citizen Complaints, located at 480 Second Street, Suite #100, on the date and time indicated below for the purpose of providing a statement in this matter. If you are designated as a named member, it is your responsibility to arrange for representation, but in any event you are required to appear on time and be prepared to proceed. Bring field notes and any other materials relevant to this incident. **Failure to appear or personally provide at least 24 hours notice of a need to reschedule constitutes a violation of General Order 2.04 and may result in disciplinary action.**

Wednesday, November 21, 2001, at 20:30 hrs

Date and Time of Interview

COMMANDING OFFICER: Serve and sign this Order when the member named above next reports for duty. If the member is on D.P. or extended sick leave but is medically able to appear, ensure that service is made on the member at his/her residence. Service may also be completed by phone with a notation made on the copy returned to OCC that telephone notification was made. If the member is designated as named, give a copy of this completed form and the attachments to the member. Witness members do not get a copy of the complaint, and none may be attached in that event. Return the original to the OCC with the next transfer of order. **If you are unable to serve the member you shall notify the OCC investigator by phone no later than (enter a date 48 hrs prior to date of appearance).**

COMMANDING OFFICER'S PROOF OF SERVICE:Date received: 11-13-01

Reason for failure to serve or other comments:


Date/Time served: ~~11-13-01~~ 11/17/01 1600Date returned to OCC: 11-18-01

 Captain P. Jackson #1301

Signature

Star No.

MEMBER'S ACKNOWLEDGMENT OF RECEIPT: Your signature acknowledges receipt of this notice and the following attachments: X Complaint Form Added Allegation Form



Member's Signature

247
 Star No.

11/16/01 1600
 Date and Time Notified

C-01-350

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



Mary C. Dunlap
Director

**NOTICE AND ORDER TO APPEAR
PROOF OF SERVICE**

TO: Commanding Officer/O.I.C, Bayview Station

FOR: Officer James Aherne # 1095

AS: [REDACTED]

FROM: Investigator Sergei Litvinov

DATE: November 8, 2001 OCC Case No.: 168-01

YOU ARE HEREBY NOTIFIED of your possible involvement in the above referenced complaint and ORDERED TO APPEAR at the Office of Citizen Complaints, located at 480 Second Street, Suite #100, on the date and time indicated below for the purpose of providing a statement in this matter. If you are designated as a named member, it is your responsibility to arrange for representation, but in any event you are required to appear on time and be prepared to proceed. Bring field notes and any other materials relevant to this incident. **Failure to appear or personally provide at least 24 hours notice of a need to reschedule constitutes a violation of General Order 2.04 and may result in disciplinary action.**

Wednesday, November 21, 2001, at 21:30 hrs

Date and Time of Interview

COMMANDING OFFICER: Serve and sign this Order when the member named above next reports for duty. If the member is on D.P. or extended sick leave but is medically able to appear, ensure that service is made on the member at his/her residence. Service may also be completed by phone with a notation made on the copy returned to OCC that telephone notification was made. If the member is designated as named, give a copy of this completed form and the attachments to the member. Witness members do not get a copy of the complaint, and none may be attached in that event. Return the original to the OCC with the next transfer of order. **If you are unable to serve the member you shall notify the OCC investigator by phone no later than (enter a date 48 hrs prior to date of appearance).**

COMMANDING OFFICER'S PROOF OF SERVICE:

Date received: 11-13-01
Date/Time served: 11-15-01, 0220
Date returned to OCC: 11-15-01

Reason for failure to serve or other comments:

Signature

Star No. 1389

MEMBER'S ACKNOWLEDGMENT OF RECEIPT: Your signature acknowledges receipt of this notice and the following attachments: X Complaint Form Added Allegation Form

Member's Signature

Star No. 1095Date and Time Notified 11/15/01 0220 hrs

C-01-347

City and County of San Francisco

Department of
Public HealthSan Francisco General Hospital
Medical Center**FAX TRANSMITTAL**

DATE OF TRANSMITTAL:	11/2/1
TO:	
FACILITY NAME:	OFFICE OF CITIZEN COM
Attention:	SERGEI LITVINOV
ADDRESS:	
FAX #:	597-7733
TELEPHONE #:	
# OF PAGES (including this page):	3

FROM:	
NAME OF SENDER:	[REDACTED]
PHONE #:	[REDACTED]
FAX #:	[REDACTED]
PATIENT NAME:	[REDACTED]
PATIENT MEDICAL RECORD #:	[REDACTED]

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

COMMENTS:

CONFIDENTIALITY NOTICE

The documents accompanying this telecopy transmission contain confidential information, belonging to the sender, which is legally privileged. This information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copy, distribution, or action taken in reliance on the content of these documents is strictly prohibited. If you have received this telecopy in error, please notify the sender immediately to arrange for the return of these documents.

1001 Potrero Ave., San Francisco, CA 94110

MEMBER RESPONSE
OCC CASE NUMBER 168-01

- 1) OFFICERS AHERNE # 1095, PAINE #763, DEJSUS #247 , AND I TOOK THE COMPLAINTANT INTO CUSTODY. OFFICER AHERN WAS THE FIRST TO CONTACT SUSPECT. THE SUSPECT RESISTED. OFFICER PAINE ASSISTED OFFICER AHERN DUE TO THE FACT THAT SUSPECT WAS STANDING ABOVE OFFICER AHERN ATTEMPTING TO TAKE AWAY HIS DEPARTMENT ISSUED BATON. I ASSISTED BOTH OF THEM BY I ATTEMPTED TO AND EVENTUALLY GAINED CONTROL OF ONE OF THE SUSPECTS HANDS AND ASSITED IN HANDCUFFING HIM .
- 2) I USED A BENT WRIST HANDCUFFING TECHNIQUE
- 3) [REDACTED] WAS INTIALLY TACKELED TO THE GROUND AND IMMEDIATLEY RESISTED . MYSELF AND THE OTHER OFFICERS ON THE SCENE HAD TO USE PHYSICALLY HOLD [REDACTED] ON THE GROUND USING THE WEIGHT OF ALL THREE OF US .
- 4) NO
- 5) NO
- 6) NO
- 7) I AIDED IN HANDCUFFING [REDACTED] WHILE HE WAS ON THE GROUND WHICH WAS COVERED WITH GLASS AND DEBRIS . I BELIEVE THE INJURIES HE SUSTAINED WERE CAUSED FROM HIS OWN RESISTANCE AND RUBBING AGAINST THE GROUND .
- 8) NO
- 9) YES
- 10) NO . I WAS NOT AWARE OF ANY WITNESSES .
- 11) NO
- 12) YES
- 13) NO
- 14) NO
- 15) NONE

T. FOWLIE #150

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

**Mary C. Dunlap**
Director**OFFICE OF CITIZEN COMPLAINTS
MEMBER RESPONSE FORM**

TO: Officer Timothy Paine # 763 **RE: OCC CASE No.** 168-01

FROM: Investigator Sergei Litvinov **COMPLAINANT:** [REDACTED]

DATE: October 1, 2001 **DATE OF OCCURRENCE:** 8-21-00

RESPONSE DUE DATE: October 30, 2001 **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.

LE:ZLY 82 130 100Z
(OVER)

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

1. Please identify the officers, who were involved in taking complainant [REDACTED] to police custody and describe their involvement.
2. Please describe the type of force you used upon complainant [REDACTED] during his arrest.
3. Was any type of force used upon [REDACTED] by any other involved officer? If so, please identify the officer(s) and describe the type of force.
4. Did you hit the complainant with a baton and/or flashlight at any time? If so, please elaborate.
5. Did you kick the complainant at any time? If so, please elaborate.
6. Did any other involved officer hit/kick the complainant at any point? If so, please identify the officer(s) and describe the circumstances under which this occurred.
7. Did you cause any of the injuries sustained by complainant [REDACTED] during his arrest? If so, please explain.
8. Did any other officer involved in complainant [REDACTED] arrest cause his injuries? If so, please explain.
9. Did complainant [REDACTED] provide physical resistance during the arrest? If so, please describe this resistance.
10. Did you take names/statements from the witnesses, who observed complainant [REDACTED] arrest? If not, please explain.
11. Did complainant [REDACTED] request at any time that the names/statements from the witnesses should be taken and included in the report? If so, how did you respond to this request.
12. Does [REDACTED] accurately describe the circumstances surrounding the complainant's arrest? If no, please explain.

ARE THERE ANY WITNESSES TO THIS INCIDENT?

IF SO, PLEASE IDENTIFY THEM AND PROVIDE CONTACT INFORMATION.

WOULD AN ORAL INTERVIEW AID THIS INVESTIGATION?

IF YES, PLEASE EXPLAIN:

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

REASON FOR THIS REQUEST: Investigation of citizen complaint.

DOCUMENTS ATTACHED:

MEMBER'S SIGNATURE:



DATE: 10-28-01 SF DPA - 0168-01 - 000047

O.C.C. Member response form
Re: OCC case #168-01
To: OCC Investigator Sergei Litvinov
From : Officer Timothy Paine #763

Answers to information requested:

1. Myself and Ofc.'s Aherne #1095, DeJesus #247, and Fowlie #150 were the primary officers in taking [REDACTED] into custody. Initially, Ofc. Aherne and I were in a violent struggle with [REDACTED]. We were then joined by Ofc.'s DeJesus and Fowlie and after a minute or two we managed to get [REDACTED] into custody. Other officers joined my call for assistance but no others were involved in the fight.
2. [REDACTED] refused to heed to our red lights and siren. [REDACTED] refused Ofc. Aherne's and my demands to stop running. [REDACTED] was tackled by Ofc. Aherne. [REDACTED] was on top of Ofc. Aherne and was in the process in taking Ofc. Aherne's baton. I tackled [REDACTED]. [REDACTED] continued flailing legs and arms and refused all verbal attempts to comply and vigorously fought our attempts to control him physically. We were joined by Ofc.'s DeJesus and Fowlie who tried to control [REDACTED] fighting. [REDACTED] pulled and hid his arms from us. We eventually pried his arms loose and got him into custody. This fighting occurred on a sidewalk against a fence that had some entangled barb wire and a pile of large loose rocks and gravel.
3. The listed officers tried to hold onto [REDACTED] flailing arms and legs. He repeatedly tried to get away from us. He had to physically be held in place by our combined body weight. We had to pry his arms out from under him. We had to hold his legs down with body weight.
4. I don't know. I was holding my flashlight when I tackled [REDACTED] and contact may have occurred. However, I was running when I jumped onto him and did not notice any direct contact.
5. No. I was unable to as I was down on the ground fighting with [REDACTED].
6. I did not see any other officer kick [REDACTED].
7. No. [REDACTED] caused all injuries to himself and the other officers. I don't know at which point [REDACTED] injuries occurred or how.
8. No. see #7
9. Yes. See #2. [REDACTED] swung and kicked at us repeatedly. He tried repeatedly to get up to run. He resisted the body weight of four officers and made the task of handcuffing him dangerous and difficult. It took maybe 2 minutes, a long time to fight 4 people, to get [REDACTED] to handcuffs. Once cuffed [REDACTED] stopped fighting.
10. No. The area was quiet and devoid of people as this incident unfolded. The streets were empty. [REDACTED] screaming after he was handcuffed caused numerous people to exit their apartments and come outside to berate us. When I asked if anyone wanted to provide a witness statement to this incident no one came forward. The residents eventually went back to their homes.
11. Yes he did. See #10. No one wished to provide a statement, most likely because no one was a true witness.
12. Yes.

There are no known witnesses to this incident.

An oral interview would not aid your investigation.

[REDACTED] had ample opportunity to stop his vehicle and surrender. He chose to flee by vehicle and when trapped he fled by foot. When he failed to stop for police verbal commands he was tackled. During this initial tackle he achieved an upper hand on the officer and tried to take a potentially deadly weapon from the officer; a situation that could have ended in a more serious manner. He was tackled again and continued to fight 2 officers. It took 4 struggling officers to subdue [REDACTED]. One other officer received cuts and abrasions while I received minor abrasions. [REDACTED] had stolen a car, fled from the police, was in possession of narcotics, and undoubtedly was under the influence of narcotics. [REDACTED] made false complaints of injuries at the scene such as screaming about broken ribs (an injury that precludes screaming). He was also on parole and made the above complaints during his parole hearing. As I feel, and stated by [REDACTED] parole agent, [REDACTED] actions directly caused his injuries as well as the injuries to officers. 100Z

Timothy Paine

10-28-01

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



Mary C. Dunlap
Director

OFFICE OF CITIZEN COMPLAINTS MEMBER RESPONSE FORM

TO: Officer James Aherne # 1095 RE: OCC CASE No. 168-01
FROM: Investigator Sergei Litvinov COMPLAINANT: [REDACTED]
DATE: October 1, 2001 DATE OF OCCURRENCE: 8-21-00
RESPONSE DUE DATE: October 22, 2001 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.**

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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.)*

1. Please identify the officers, who were involved in taking complainant [REDACTED] into police custody and describe their involvement.
2. Please describe the type of force you used upon complainant [REDACTED] during his arrest.
3. Was any type of force used upon [REDACTED] by any other involved officer? If so, please identify the officer(s) and describe the type of force.
4. Did you hit the complainant with a baton and/or flashlight at any time? If so, please elaborate.
5. Did you kick the complainant at any time? If so, please elaborate.
6. Did any other involved officer hit/kick the complainant at any point? If so, please identify the officer(s) and describe the circumstances under which this occurred.
7. Did you cause any of the injuries sustained by complainant [REDACTED] during his arrest? If so, please explain.
8. Did any other officer involved in complainant [REDACTED] arrest cause his injuries? If so, please explain.
9. Did complainant [REDACTED] provide physical resistance during the arrest? If so, please describe this resistance.
10. Did you take names/statements from the witnesses, who observed complainant [REDACTED] arrest? If not, please explain.
11. Did complainant [REDACTED] request at any time that the names/statements from the witnesses should be taken and included in the report? If so, how did you respond to this request.
12. Does [REDACTED] accurately describe the circumstances surrounding the complainant's arrest? If no, please explain.

ARE THERE ANY WITNESSES TO THIS INCIDENT?

IF SO, PLEASE IDENTIFY THEM AND PROVIDE CONTACT INFORMATION.

WOULD AN ORAL INTERVIEW AID THIS INVESTIGATION?

IF YES, PLEASE EXPLAIN:

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

REASON FOR THIS REQUEST: Investigation of citizen complaint.

DOCUMENTS ATTACHED:

YES

MEMBER'S SIGNATURE:



DATE: 12/16/01 SF DPA-0168-01-000050

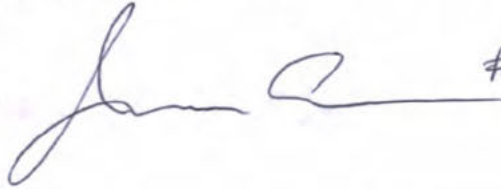
MEMBER RESPONSE TO
OCC CASE #168-01

1. OFC. PAINE #763, OFC. DEJESUS #247, OFC. FOWLIE #150 AND I WERE INVOLVED IN ARRESTING [REDACTED]. I EXITED THE PATROL CAR WITH MY 26" BATON IN HAND AND CHASED [REDACTED] AS HE RAN FROM THE STOLEN VEHICLE. AFTER [REDACTED] REFUSED TO STOP RUNNING, I TACKLED HIM. AS WE HIT THE GROUND, [REDACTED] ROLLED ON TOP OF ME AND GRABBED THE END OF MY BATON AS HE STOOD UP. WHILE I WAS STILL ON THE GROUND WITH [REDACTED] ABOVE ME ATTEMPTING TO TAKE MY BATON, OFC. PAINE TACKLED [REDACTED] KNOCKING HIM AND ME AGAINST A CYCLONE FENCE AND GROUND. [REDACTED] ONCE AGAIN ATTEMPTED TO ESCAPE AND TRIED TO GET UP, BUT AS HE ATTEMPTED TO STAND UP A SECOND TIME OFC. FOWLIE AND DEJESUS ARRIVED AND ASSISTED IN [REDACTED] ARREST. I ATTEMPTED TO CONTROL [REDACTED] LEGS AS HE CONTINUED TO KICK AT US. OFC. PAINE AND FOWLIE ATTEMPTED TO GAIN CONTROL OF [REDACTED] ARMS TO HANDCUFF HIM. OFC. DEJESUS ATTEMPTED TO CONTROL [REDACTED] UPPER BODY AND HEAD. FINALLY [REDACTED] BECAME TIRED AND WE WERE ABLE TO GAIN CONTROL OF HIS HANDS AND HANDCUFF HIM.
2. I TACKLED HIM ONTO THE GROUND AND AFTER OFC. FOWLIE AND DEJESUS, ARRIVED I ATTEMPTED TO PIN [REDACTED] KICKING LEGS TO THE GROUND BY KNEELING ON HIS LEGS.
3. OFC. PAINE TACKLED [REDACTED] OFC. DEJESUS ATTEMPTED TO CONTROL [REDACTED] UPPER BODY AND HEAD, WHILE OFC. PAINE AND FOWLIE ATTEMPTED TO GAIN CONTROL OF [REDACTED] ARMS AND STOP HIM FROM STANDING UP BY KNEELING ON HIS BACK.
4. NO
5. NO
6. NO
7. [REDACTED] INJURIES WERE SUSTAINED DURING HIS ATTEMPT TO FLEE AND STRUGGLE ON THE GROUND. I DON'T KNOW IF HE SUSTAINED ANY INJURIES WHEN I TACKLED HIM, OR IF HIS INJURIES WERE SUSTAINED WHILE HE STRUGGLED WITH OFC. FOWLIE, DEJESUS, PAINE AND I ON THE GROUND WHEN WE ATTEMPTED TO HANDCUFF HIM.
8. SEE ABOVE STATEMENT
9. YES, BESIDES RUNNING FROM THE STOLEN VEHICLE, HE GRABBED THE TIP OF MY BATON AND ATTEMPTED TO TAKE MY BATON. AFTER THAT WHILE WE ATTEMPTED TO HANDCUFF [REDACTED] HE KICKED HIS LEGS AND ATTEMPTED TO STAND UP EVEN WITH THE WEIGHT OF FOUR OFFICER'S ON HIM. REALIZING HE COULD NOT STAND UP HE PULLED HIS ARMS UNDER HIS BODY, IGNORING ALL VERBAL COMMANDS TO PUT HIS ARMS BEHIND HIS BACK AND TO STOP RESISTING. FROM THE STRUGGLE WITH [REDACTED] I HAD A THREE INCH GASH ON MY LEFT ELBOW AND ABRASIONS TO MY LEFT PALM.
10. NO, THERE WERE NO WITNESSES TO [REDACTED] ARREST.
11. YES, HE DID, BUT THERE WERE NO WITNESSES TO HIS ARREST. A CROWD DID START TO FORM AT THE SCENE AFTER HIS ARREST, BUT THEY ONLY CAME OUT AFTER

[REDACTED] HAD BEEN HANDCUFFED AND WE AWAITED THE AMBULANCE TO TREAT MY INJURIES AND [REDACTED] INJURIES.

- 12. YES
- 13. NO
- 14. NO
- 15. NO STATEMENT

JAMES D. AHERNE #1095

 #1095

2001 OCT 22 A 5:24

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



Mary C. Dunlap
Director

OFFICE OF CITIZEN COMPLAINTS MEMBER RESPONSE FORM

TO: Officer Luis DeJesus # 247 RE: OCC CASE No. 168-01
FROM: Investigator Sergei Litvinov COMPLAINANT: [REDACTED]
DATE: October 1, 2001 DATE OF OCCURRENCE: 8-21-00
RESPONSE DUE DATE: October 22, 2001 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.

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(OVER)

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

1. Please identify the officers, who were involved in taking complainant [REDACTED] into police custody and describe their involvement.
2. Please describe the type of force you used upon complainant [REDACTED] during his arrest.
3. Was any type of force used upon [REDACTED] by any other involved officer? If so, please identify the officer(s) and describe the type of force.
4. Did you hit the complainant with a baton and/or flashlight at any time? If so, please elaborate.
5. Did you kick the complainant at any time? If so, please elaborate.
6. Did any other involved officer hit/kick the complainant at any point? If so, please identify the officer(s) and describe the circumstances under which this occurred.
7. Did you cause any of the injuries sustained by complainant [REDACTED] during his arrest? If so, please explain.
8. Did any other officer involved in complainant [REDACTED] arrest cause his injuries? If so, please explain.
9. Did complainant [REDACTED] provide physical resistance during the arrest? If so, please describe this resistance.
10. Did you take names/statements from the witnesses, who observed complainant [REDACTED] arrest? If not, please explain.
11. Did complainant [REDACTED] request at any time that the names/statements from the witnesses should be taken and included in the report? If so, how did you respond to this request.
12. Does [REDACTED] accurately describe the circumstances surrounding the complainant's arrest? If no, please explain.

ARE THERE ANY WITNESSES TO THIS INCIDENT?

IF SO, PLEASE IDENTIFY THEM AND PROVIDE CONTACT INFORMATION.

WOULD AN ORAL INTERVIEW AID THIS INVESTIGATION?

IF YES, PLEASE EXPLAIN:

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

REASON FOR THIS REQUEST: Investigation of citizen complaint.

DOCUMENTS ATTACHED:

MEMBER'S SIGNATURE: _____ DATE: _____

SF.DPA - 0168-01 - 000054

MEMBER RESPONSE
OCC CASE NUMBER 168-01

- 1) OFFICERS AHERNE # 1095, PAINE #763, FOWLIE # 150, MYSELF. OFFICER AHERN FIRST TO CONTACT SUSPECT. SUSPECT RESISTED. OFFICER PAINE ASSISTED OFFICER AHERN DUE TO THE FACT THAT SUSPECT WAS STANDING ABOVE OFFICER AHERN ATTEMPTING TO TAKE AWAY HIS DEPARTMENT ISSUED BATON. I ASSISTED BOTH OF THEM BY CONTROLLING THE UPPER BODY HEAD AND SHOULDER AREA OF SUSPECT, WHILE OFFICER FOWLIE AND PAINE ATTEMPTED TO GAIN CONTROL OF SUSPECTS ARMS.
- 2) I USED PHYSICAL CONTROL. AS DESCRIBED IN THE POLICE REPORT I ATTEMPTED TO CONTROL THE SUSPECTS HEAD AND SHOULDER AREA.
- 3) I BELIEVED THAT WE ALL USED PHYSICAL FORCE WHILE ATTEMPTING TO GAIN CONTROL AND COMPLIANCE FROM THE SUSPECT WHO WAS VIOLENTLY RESISTING BY ATTEMPTING TO PULL AWAY OFFICER AHERN'S BATON WHICH COULD HAVE USED AS A DEADLY WEAPON.
- 4) NO
- 5) NO
- 6) NO. NOT THAT I AM AWARE OF
- 7) I BELIEVE THAT THE SUSPECT CAUSED HIS OWN INJURIES BY VIOLENTLY RESISTING ARREST. IGNORING OUR VERBAL COMMANDS. AND VIOLENTLY RESISTING TO THE POINT THAT IT TOOK FOUR OFFICERS TO GAIN CONTROL OF HIM.
- 8) NO
- 9) YES. AS IT STATES IN THE POLICE REPORT. HE ATTEMPTED TO TAKE AWAY OFFICER AHERN'S DEPARTMENT ISSUED BATON, WHICH COULD HAVE BEEN USED AS A DEADLY WEAPON. HE PHYSICALLY RESISTED. HE WOULD NOT LET US GAIN CONTROL OF HIS ARMS OR HANDS. HE CONTINUOUSLY ATTEMPTED TO GET UP. HE TRIED TO PULL AWAY SEVERAL TIMES.
- 10) I TOOK NO WRITTEN STATEMENTS FROM ANYBODY. I DID HEAR A WOMAN YELL SOMETHING BUT I DO NOT KNOW WHAT SHE SAID.
- 11) HE REQUESTED NOTHING FROM ME
- 12) YES
- 13) I DO NOT KNOW WHO WITNESSED THIS INCIDENT
- 14) NO
- 15) NONE

LUIS DEJESUS # 247

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

RECEIVED
AT OCC
2001 OCT -4 P 2:36Mary C. Dunlap
Director**PROOF OF SERVICE**

TO: Commanding Officer/ O.I.C., Company "C"

RE: MEMBER RESPONSE FORM FOR OCC CASE No. 168-01

FROM: Sergei Litvinov, Investigator

DATE: October 1, 2001

MEMBER TO BE NOTIFIED: **Officer Luis DeJesus # 247** [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 **October 22, 2001**. 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: 10-3-01

Reason for failure to serve:

Date and Time served: 10-3-01Date returned to OCC: 10-3-01

Signature

1301
Star No.

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

Member's Signature

247
Star No.10-3-01 1600 hrs.
Date and Time Notified

C-01-299

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

RECEIVED
AT OCC
2001 OCT -4 P 2:36Mary C. Dunlap
Director**PROOF OF SERVICE**

TO: Commanding Officer/ O.I.C., Company "C"

RE: MEMBER RESPONSE FORM FOR OCC CASE No. 168-01

FROM: Sergei Litvinov, Investigator

DATE: October 1, 2001

MEMBER TO BE NOTIFIED: **Officer Timothy Fowlie # 150** [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 **October 22, 2001**. 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: 10-3-01

Reason for failure to serve:

Date and Time served: 10-3-01Date returned to OCC: 10-3-01

[Signature] 1301
Signature Star No.

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

Tim Fowlie 150 10-3-01 1600
Member's Signature Star No. Date and Time Notified

SF DPA - 0168-01 - 000057
C-01-301

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

RECEIVED
AT OCC
2001 OCT -9 P 2:29Mary C. Dunlap
Director**PROOF OF SERVICE**

TO: Commanding Officer/ O.I.C., Company "C"

RE: MEMBER RESPONSE FORM FOR OCC CASE No. 168-01

FROM: Sergei Litvinov, Investigator

DATE: October 1, 2001

MEMBER TO BE NOTIFIED: **Officer James Aherne # 1095** [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 **October 22, 2001**. 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: 10-3-01
 Date and Time served: 10/4/01 2100
 Date returned to OCC: 10/5/01

Reason for failure to serve:

Signature

Star No.

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

[Signature]
 Member's Signature

1095
 Star No.

10-04/01 2100 hrs.
 Date and Time Notified

C-01-300

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

RECEIVED
AT OCC

2001 OCT 11 P 2:25

Mary C. Dunlap
Director

PROOF OF SERVICE

TO: Commanding Officer/ O.I.C., Company "C"

RE: MEMBER RESPONSE FORM FOR OCC CASE No. 168-01

FROM: Sergei Litvinov, Investigator

DATE: October 1, 2001

MEMBER TO BE NOTIFIED: **Officer Timothy Paine # 763** [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 **October 30, 2001**. 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: 10-3-01
Date and Time served: 10/7/01 2300
Date returned to OCC: 10-9-01Reason for failure to serve:

_____L.T. Feeney 2024
Signature Star No.

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

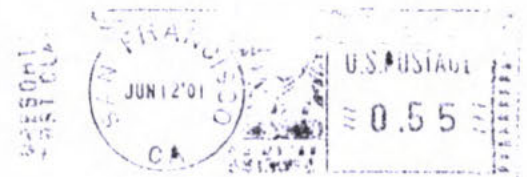
[Signature] 763 10-7-01 2300
Member's Signature Star No. Date and Time Notified

0-01-302



LEGAL SERVICES
2ND FLOOR
SAN FRANCISCO, CA 94103

Office of Citizen Complaints
Attention: Sergei Litvinov
480 2nd Street, Suite 100
San Francisco, CA 94107-1429



MEMORANDUM

DATE	4/30/2001	RE:	168-01
TO	Cheri / Jean Field / Sergei		
MESSAGE	<p>Please review request from FBI agency attached.</p> <p>Need approximate date for closure on case. file to respond.</p> <p>Please advise ASAP</p>		
<p>Thanks</p> <p>Linda</p> <p>SIGNED</p>			

Adams SC1157

Dear Linda,

Approximate date for the completion of the OCE investigation in this case would be October 31, 2001

Sergei Litvinov

SF DPA - 0168-01 - 000061 4/30/01



FBI FACSIMILE COVER SHEET

PRECEDENCE

- ☐ Immediate
☐ Priority
☒ Routine

CLASSIFICATION

- ☐ Top Secret
☐ Secret
☐ Confidential
☐ Sensitive
☒ Unclassified

Time Transmitted: _____

Sender's Initials: _____

Number of Pages: 2
(including cover sheet)To: Office of Citizen ComplaintsDate: 04/30/2001

Name of Office

Facsimile Number: (415) 597-7733

Attn: _____

Name

Room

Telephone

From: San Francisco

Name of Office

Subject: Case No. 168-01

Special Handling Instructions: _____

Originator's Name: SA Elizabeth GarciaTelephone: [REDACTED]

Originator's Facsimile Number: _____

Approved: _____

Brief Description of Communication Faxed: _____

WARNING

Information attached to the cover sheet is U.S. Government Property. If you are not the intended recipient of this information, disclosure, reproduction, distribution, or use of this information is prohibited (18.U.S.C. § 641). Please notify the originator or local FBI Office immediately to arrange for proper disposition.



U.S. Department of Justice
Federal Bureau of Investigation

In Reply, Please Refer to
File No. [REDACTED]

450 Golden Gate Ave.
San Francisco, CA 94102
(415) 553-7400
April 30, 2001

Attention: Office of Citizen Complaints

RE: Case No. 168-01

To Whom it May Concern:

I am writing to request copies of all documents and photographs included in Case File #168-01, for the purpose of completing an FBI civil rights investigation. This case involves a complaint of excessive use of force by Officers Aherne and Paine during the arrest of [REDACTED] on August 21, 2000. If this case file includes any compelled statements by the officers, please separate those statements from the other documents and provide them in sealed envelopes. Please provide these items to Special Agent Elizabeth Garcia at the above address. Thank you for your assistance in this matter.

Very Truly Yours,

Bruce J. Gebhardt
Special Agent in Charge

Bruce J. Gebhardt

By:
Joel A. Moss
Supervisory Special Agent

TOTAL P.02

04-10-01

Office of Citizen Complaints
480 Second St., Suite 100
San Francisco, CA. 94107-1429
Attn: Sergi Litvinov

Re: OCC Case No. 168-01

Dear Mr. Litvinov:

Attached please find true copies of the medical release forms that you sent me for my signature.

I am currently unable to provide you with the names of any of the witnesses that observed the incident, because the arresting officers refused to take any statements from them, even after my request for them to do so. However, I am scheduled for release in a few months and once released, I can help you in regard to this request.

Sincerely,

CC: RV.
E.C., Esq.
O.CC.



Office of Citizen Complaints
480 Second St., Suite 100
San Francisco, CA. 94107-1429
Attn: Sergei Litvinov
Investigator

94107+1455



SF DPA - 0168-01 - 000065

04/10/01
AV

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



Mary C. Dunlap
Director

March 20, 2001

[REDACTED]
County Jail No. 1
850 Bryant Street
San Francisco, CA 94103

Re: OCC Case No. 168-01

[REDACTED]
Your complaint against SFPD officers in connection with your arrest on August 21, 2000, has been received, logged and assigned for investigation by this office. In order to conduct a thorough investigation, we need to gather all available evidence and interview all potential witnesses to the alleged police misconduct. And we need you help to achieve this objective.

I am sending you two medical release forms for your signature. Please read, sign and mail these document back to our office. We would also appreciate if you could give us the names/contact information for the civilian individuals, who allegedly witnessed your arrest. You can provide this information either in writing or by calling the OCC collect during the office business hours. I will be looking forward to hearing from you in the near future. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sergei Litvinov".

Sergei Litvinov
Investigator
encl.
cc: case file

Report Type: Vehicle
Incident-Supple
mental

San Francisco Police Department

INCIDENT REPORT

I N C I D E N T	Incident Number	Reported Date/Time	Occurrence On/From Date/Time	Occurrence To Date/Time	CAD Number	
		08/21/2000 23:54	08/21/2000 23:54			
	Type Of Incident Vehicle, Recovered, Auto - 07041					
	Location Of Occurrence CAMERON/NICHOLS AVE'S			Type Of Premise STREET		
	Arrest Made Yes	Non-Suspect Incident	Suspect Known	Suspect Unknown	Reporting Unit 3C15C	
	Type of Vehicle Incident : Recovered Assign To : 5C200 Copies To (Name Of Units) : AUTO, NARC, GW, DAVOR Assigned By : TP, 763					
Location Sent To : ON-VIEW How Cleared : Adult Booked Report Status : Signed Faxed To Auto Status : TP, 763, 08/22/2000 04:15						
O D F E C I L C A E R A T I O N	I declare under penalty of perjury, this report of <u>6</u> 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 <input checked="" type="checkbox"/> Post Training <input checked="" type="checkbox"/> Signature: <u>[Signature]</u>					
	Reporting Officer PAINE, TIMOTHY		Star 763	Station BAYVIEW	Watch 16-02	Date 08/22/2000 04:36
	Reviewing Officer		Star	Station	Watch	Date
	OIC Approval Officer <u>[Signature]</u>		Star 884	Station C.C.	Watch 2107	Date 8/22/00
	Report Status Signed	Juv. Involved	How Cleared Adult Booked	Assigned To 5C200	Copy To	

Report-Type: Vehicle
Incident-Supple
mental

San Francisco Police Department
INCIDENT REPORT

O F F E N S E 1	Offense Type Cocaine Offense - 16620
O F F E N S E 2	Offense Type Driving, No License Issued - 65015
O F F E N S E 3	Offense Type Evading a Police Vehicle or Bicycle - 27177
O F F E N S E 4	Offense Type Resisting, Delaying, or Obstructing Peace Officer Duties - 27170
O F F E N S E 5	Offense Type Narcotics Paraphernalia, Possession of - 16710

Report Type: Vehicle
Incident-Supple
mental

San Francisco Police Department

INCIDENT REPORT

S U B J E C T 1	Code R/V - Reportee/Victim		Name SFPD #763 & #1095		Alias		
	Home Phone		Home Address San Francisco, CA				
	Work Phone		Work Address				
	School (If Juvenile)	Sex	DOB	Height	Weight	Eye Color	Hair Color
	Age : Unknown						
S U B J E C T 2	Code V - Victim		Name [REDACTED]		Alias		
	Home Phone		Home Address				
	Night [REDACTED]		Work Address				
	Day [REDACTED]						
	School (If Juvenile)	Sex Female	DOB [REDACTED]	Height	Weight	Eye Color	Hair Color
Race : Asian							
Age : 20							
S U B J E C T 3	Code B - Booked		Name DOE, JOHN		Alias		
	Home Phone		Home Address San Francisco, CA				
	Work Phone		Work Address				
	School (If Juvenile)	Sex Male	DOB Unknown	Height 5' 09"	Weight 140 lbs	Eye Color Brown	Hair Color Black
	Race : Hispanic Charges : 10851 CVC, 11350 H&S, 2800.1 VC, 12500(A) CVC Booked : Yes Age : 20 - 25 Where Booked : CJ #9 Book/Cite Approved By : SGT. BUONO, 328						
V E H I C L E 1	Code R - Recovered		Year 2000	Make HONDA	Model CIVIC	Style Coupe	Color (Top/Bottom) SILVER/SILVER
	License Plate/Registration # [REDACTED]		Registration State CA	Registration Date 06/10/2001	VIN [REDACTED]	Vehicle Disposition Released	
	Condition Of Vehicle : Apparently Drivable				Plate & VIN Match : Yes		
	Vehicle Started By : Key in Ignition				Location Of Recovery : GILMAN/GRIFFITH		
Arrest Made : Yes				VIN Condition : Matches Registration			
P R O P E R T Y 1	Property Code E - Evidence		Item CRACK COCAINE		Brand		Model
	Serial Number		Color OFF-WHITE				
	Quantity : 1				Narcotics Lab Number : 00181328		
	Bag Number : ONE				Seized By (Star) : 763		
Seized From Where : CENTER CONSOLE OF (R)VEH							
P R O P E R T Y 2	Property Code E - Evidence		Item PHOTOGRAPHS		Brand POLAROID		Model
	Serial Number		Color YES				
	Quantity : 7				Seized By (Star) : 763		
	Seized From Where : SCENE				Description : PHOTOGRAPHS DEPICTING SCENE, INJURIES TO OFC. AHERNE, AND INJURIES TO DOE		

Report-Type: Vehicle
Incident-Supple
mental

San Francisco Police Department
INCIDENT REPORT

N Topic: NARRATIVE

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AT THE ABOVE DATE AND TIME OFC. AHERNE #1095 AND I WERE DRIVING S/B NICHOLS AVE FROM CAMERON AVE WHEN WE OBSERVED A SILVER HONDA CIVIC (CA LIC. [REDACTED]) DRIVING IN FRONT OF US. I NOTICED THAT THE LICENSE PLATE WAS LISTED ON OUR STOLEN VEHICLE 'HOT' SHEET. OFC. AHERNE CALLED A CODE-33 AS WE FOLLOWED THE VEHICLE. WHILE BROADCASTING THE PERTINENT INFORMATION WE FOLLOWED THE VEHICLE AND DRIVER AS HE DROVE AIMLESSLY AROUND THE DOUBLEROCK HOUSING PROJECTS. THE VEHICLE DROVE S/B NICHOLS TO E/B FITZGERALD TO N/B GRIFFITH TO W/B CAMERON TO S/B CAMERON TO E/B FITZGERALD TO N/B GRIFFITH TO W/B CAMERON. WHILE WAITING FOR BACKUP TO ARRIVE THE VEHICLE DROVE SLOWLY AND INDICATED MOST OF HIS TURNS. FINALLY WHILE DRIVING W/B CAMERON THE VEHICLE TURNED TO S/B NICHOLS AND IMMEDIATELY ACCELERATED FROM US.

AT THIS POINT I TURNED ON OUR EMERGENCY OVERHEAD RED LIGHTS AND ACTIVATED MY SIREN. THE VEHICLE CONTINUED TO FLEE FROM US TO S/B CAMERON TO E/B FITZGERALD. AT FITZGERALD AND GRIFFITH'S STREETS THE SUSPECT TURNED RIGHT TOWARDS GILMAN AVE BUT FOUND THE EXIT BLOCKED BY A CLOSED SECURITY GATE. AT THIS POINT THE CAR STOPPED JUST BEFORE THE GATE AND THE SUSPECT EXITED THE CAR, RAN AROUND THE FRONT OF IT, AND THROUGH A OPEN PEDESTRIAN EXIT. OFC. AHERNE IMMEDIATELY GAVE CHASE ON FOOT WITH ME FOLLOWING SHORTLY BEHIND. THE SUSPECT CROSSED TO THE SOUTH SIDE OF THE STREET AND ATTEMPTED TO RUN S/B GRIFFITH TOWARDS GILMAN DR. APPROXIMATELY MID BLOCK OFC. AHERNE, WHO HAD BEEN HOLDING HIS 26" BATON DURING THE CHASE, TACKLED THE SUSPECT. AS I CAME UPON THEM I SAW THE OFC. AHERNE AND THE SUSPECT GO DOWN BUT THE SUSPECT GOT BACK UP AND WAS NOW HOLDING OFC. AHERNE'S BATON WITH OFC. AHERNE STILL DOWN AND HOLDING THE OTHER END OF THE BATON. I WAS HOLDING MY STREAMLIGHT FLASHLIGHT IN MY RIGHT HAND AND TACKLED THE SUSPECT. THE THREE OF US FELL TO THE SIDEWALK AGAINST A CYCLONE FENCE THAT HAD SOME AMOUNTS A BARBED WIRE ALONG THE SIDE AND NUMEROUS LARGE ROCKS STREWN AROUND THE GROUND. THE SUSPECT REFUSED ALL COMMANDS TO SURRENDER AND ATTEMPTED TO ESCAPE FROM US. AS HE TRIED TO GET UP A SECOND TIME WE WERE JOINED BY OFC.'S DEJESUS #247 AND FOWLIE #150, 3C15E. I ATTEMPTED TO PIN THE SUSPECT DOWN BY PLACING MY RIGHT KNEE ON HIS LEFT SIDE BACK WHILE OFC. DEJESUS TRIED TO HOLD THE SUSPECTS HEAD DOWN. OFC. AHERNE TRIED TO CONTROL THE SUSPECTS KICKING AND FLAILING LEGS. THE SUSPECT STILL REFUSED TO COMPLY WITH MY NUMEROUS VERBAL COMMANDS TO STOP RESISTING ARREST AND CONTINUED TO PULL HIS ARMS AWAY FROM MYSELF AND OFC. FOWLIE. THE SUSPECT WAS FINALLY OVERWHELMED BY OUR MASS ON HIM BUT HE NOW PULLED BOTH OF HIS ARMS UNDER HIS BODY. DESPITE THE FACT THAT THE SUSPECT MAY HAVE BEEN ATTEMPTING TO RETRIEVE A DEADLY A WEAPON WE MANAGED TO BRING HIS ARMS OUT AND EVENTUALLY HANDCUFF HIM. NUMEROUS OTHER BAYVIEW DISTRICT UNITS RESPONDED TO OUR ASSISTANCE.

A LARGE CROWD BEGAN ASSEMBLING ON OUR LOCATION FROM THE DOUBLEROCK HOUSING PROJECTS AND BEGAN YELLING AT US. DUE TO THE HOSTILE NATURE OF THE CROWD AND THE EXTREME OFFICER SAFETY PROBLEM POSED, SGT. BUONO #328, 3C102, GAVE PERMISSION FOR OFC. ENCINAS #1935, 3C12C, TO DRIVE THE VEHICLE BACK TO BAYVIEW STATION. AFTER THE SITUATION CALMED DOWN WE SAW THAT OFC. AHERNE HAD A 3" GASH ALONG HIS LEFT ELBOW, AND ABRASIONS TO HIS LEFT PALM,

Incident # [REDACTED]

Page 4 of 6

Report Type: Vehicle
Incident-Supple
mental

San Francisco Police Department
INCIDENT REPORT

BOTH WERE BLEEDING. THE SUSPECT BEGAN BLEEDING FROM A CUT TO THE BACK OF HIS HEAD AND HAD TWO ABRASIONS OVER HIS RIGHT EYE; APPARENTLY A RESULT OF HIS FIGHTING AND STRUGGLE. OFC. AHERNE PERFORMED AN ARREST SEARCH OF THE SUSPECT AND LOCATED A BURNT GLASS TUBE CRACK PIPE IN THE SUSPECT'S LEFT FRONT PANTS POCKET. THE SUSPECT BEGAN COMPLAINING OF POLICE BRUTALITY AND CLAIMED HE HAD DONE NOTHING WRONG. THE SUSPECT MADE NUMEROUS INCOHERENT STATEMENTS ABOUT CIVIL RIGHTS AND REPEATEDLY ASKED MY NAME AND THE NAMES OF ALL PARTIES PRESENT. HIS BEHAVIOR APPEARED CONSISTENT WITH AN INDIVIDUAL UNDER THE INFLUENCE OF ALCOHOL AND/OR NARCOTICS. I IMMEDIATELY CALLED FOR AN AMBULANCE TO TREAT THE SUSPECT AND OFC. AHERNE. THE SUSPECT REPEATEDLY REFUSED TO IDENTIFY HIMSELF VERBALLY AND APPEARED TO NOT HAVE ANY IDENTIFICATION. AFTER WAITING 5-10 MINUTES FOR THE AMBULANCE THE SUSPECT BEGAN YELLING THAT HIS RIBS WERE BROKEN AND THAT HE COULD NOT BREATHE. HE MADE DRAMATIC GASPS AND YELLS DESPITE THIS COMPLAINT. WHEN THE SUSPECT CLAIMED TO BE GETTING DIZZY I STEPPED UP THE AMBULANCE REQUEST TO CODE-3. IN TIME SFFD RA32 ARRIVED TO TREAT AHERNE. THEY TRANSPORTED OFC. AHERNE AND THE SUSPECT TO SFGH FOR TREATMENT. OFC. JACKSON #876, 3C13C, TOOK SEVERAL POLAROID PHOTOS OF THE SCENE, THE SUSPECTS INJURIES, AND OFC. AHERNE'S INJURIES. I HELD THE PHOTOGRAPHS FOR LATER BOOKING.

I RETURNED TO BAYVIEW STATION WHERE I PERFORMED AN ARREST SEARCH OF THE VEHICLE. I LOCATED AN AMOUNT OF OFF-WHITE ROCK SUBSTANCE IN THE CENTER CONSOLE OF THE VEHICLE MIXED WITH A SMALL AMOUNT OF TOBACCO LEAF. BASED ON MY EXPERIENCE WITH NARCOTICS I SEIZED THE ROCK AS SUSPECTED CRACK COCAINE. I THEN NOTIFIED THE OWNER OF THE VEHICLE (V)PO WHO RESPONDED TO BAYVIEW STATION TO RETRIEVE HER CAR. SHE HAD NO KNOWLEDGE OF THE NARCOTICS AND NUMEROUS EMPTY BEER CONTAINERS FOUND IN HER CAR. OFC.'S DEMPSKY #471 AND HALL #567, 3C14E, RELIEVED OFC. AHERNE AT SFGH AND REMAINED WITH THE SUSPECT WHO REFUSED TO IDENTIFY HIMSELF TO HOSPITAL STAFF AND WHO REFUSED TO COOPERATE WITH ANY MEDICAL TREATMENT. OFC. AHERNE RETURNED TO BAYVIEW STATION WHERE HE BOOKED THE PHOTOGRAPHS, CRACKPIPE, AND CRACK COCAINE AS EVIDENCE. OFC.'S FOWLIE AND DEJESUS HAND CARRIED THE SUSPECTED NARCOTICS TO THE NARCOTICS DROP BOX AT 850 BRYANT ST. DUE TO THE FACT THAT THE SUSPECT NEVER IDENTIFIED HIMSELF TO US HE WAS BOOKED AS JOHN DOE. WE COULD NOT ASCERTAIN HIS LICENSE STATUS SO HE WAS BOOKED FOR DRIVING WITHOUT A LICENSE, POSSESSION OF A STOLEN CAR, FLEEING A POLICE VEHICLE, POSSESSION OF CRACK COCAINE, POSSESSION OF NARCOTICS PARAPHERNALIA, RESISTING ARREST BY STRUGGLING AND CAUSING INJURIES TO OFC. AHERNE, AND DELAYING POLICE DUTIES BY REFUSING TO IDENTIFY HIMSELF. AT THE TIME OF COMPLETION OF THE REPORT THE SUSPECT WAS STILL BEING TREATED AT SFGH AND HAD NOT BEEN BOOKED INTO JAIL FACILITIES. SGT. CRAIG #884, 3C109, LOGGED THE SUSPECT'S INJURIES INTO THE STATION USE OF FORCE LOG. IT SHOULD BE NOTED THAT WHEN (V)PO RETRIEVED HER VEHICLE FROM THE STATION SHE TOLD ME THAT HER CAR WAS TAKEN FROM IN FRONT OF HER RESIDENCE WHILE THE KEYS WERE IN THE IGNITION. HER MOTHER WAS IN FRONT OF THE HOUSE AT THE TIME AND SAW THE SUSPECT TAKE THE CAR. THE SUSPECT DESCRIPTION FROM THE THEFT MATCHED OUR SUSPECT'S DESCRIPTION.

Report Type: Vehicle
Incident-Supple
mental

San Francisco Police Department
INCIDENT REPORT

Topic: CHARGES CONT'D

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148(A)PC (2 CTS), 11364 H&S

REPORT SERVICE REQUEST

DATE 3-13-01

(FOR DEPARTMENT USE ONLY)

I HEREBY REQUEST ACCESS TO THE FOLLOWING INFORMATION THAT IS CONTAINED IN THE FILES OF THE REPORT MANAGEMENT SECTION. THIS DATA IS ESSENTIAL TO THE CONDUCT OF MY CURRENT ASSIGNMENT AND SHALL BE USED FOR POLICE PURPOSES ONLY.

INIT/AGENCY <i>OCC</i>	NAME & I.D. NUMBER (PRINT) <i>Sergei Litvinov</i> # <i>122</i>	INITIALS (SIGN) <i>SL</i>	
REPORT NUMBER <i>[REDACTED] w/all suppl.</i>	VICTIM /SUSPECT (PRINT) <i>[REDACTED]</i>	DATE OF INCIDENT <i>8-21-00</i>	S.F. NUMBER

<input type="checkbox"/> I'LL RETURN FOR REPORT AT: _____ (DATE & TIME)	<input checked="" type="checkbox"/> SEND TO: <i>OCC</i> (UNIT)	RMS USE ONLY SFPD-27 (REV.6/99)
---	---	--

RECEIVED
 AT OCC
 2001 MAR 14 P 3:09

RMS - Original

San Francisco Police Department
INCIDENT REPORT

I N C I D E N T	Incident Number	Reported Date/Time	Occurrence On/From Date/Time	Occurrence To Date/Time	CAD Number
	Type Of Incident Vehicle, Stolen, Auto - 07021				
	Location Of Occurrence			Type Of Premise	
	Arrest Made			Non-Suspect Incident	Suspect Known
	Type of Vehicle Incident : Stolen			Location Sent To : SAME	
Assign To : 5C200			Copies To (Name Of Units) : AUTO		
Report Status : Signed			Assigned By : MR , 1729		
Faxed To Auto Status : MR , 1729, 08/19/2000 09:07					

O D F E F C I L C A R E R A T I O N	I declare under penalty of perjury, this report of <u>1</u> 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 <input checked="" type="checkbox"/>	Post Training <input type="checkbox"/>	Signature: <i>M. J. P.</i>	
	Reporting Officer		Star	Station	Watch	Date
	ROBINSON, MICHAEL		1729	BAYVIEW	0600-1600	08/19/2000 09:08
	Reviewing Officer		Star	Station	Watch	Date
OIC Approval Officer		Star		Watch	Date	
Sgt. M. WILSON		2133	C	6-10	8-18-00	
Report Status		Juv. Involved	How Cleared	Assigned To	Copy To	
Signed				5C200		

S U B J E C T 1	Code		Name		Alias	
	R/V - Reportee/Victim					
	Home Phone		Home Address			
	Night					
	Work Phone		Work Address			
Day						
School (If Juvenile)		Sex	DOB	Height	Weight	Eye Color
		Female				
Race : Asian		Other Information : RO OF VEHICLE				
Age : 20						

S U B J E C T 2	Code		Name		Alias	
	S - Suspect		UNK			
	Home Phone		Home Address			
			San Francisco, CA			
	Work Phone		Work Address			
School (If Juvenile)		Sex	DOB	Height	Weight	Eye Color
Other Information : NFI		Age : Unknown				

V E H I C L E 1	Code		Year	Make	Model	Style	Color (Top/Bottom)
	S - Stolen		2000	HONDA	CIVIC	2DR	SILVER/SILVER
	License Plate/Registration #		Registration State	Registration Date	VIN	Vehicle Disposition	
		CA	06/10/2001				
Other Information : RO IS V/R				Other Information : KEYS IN VEHICLE			

20 AUG 00 04 04
RECEIVED
S.F.P.D./SSD-RMS

Report Type: Vehicle
Incident-InitialSan Francisco Police Department
INCIDENT REPORT

Incident Number	Reported Date/Time 08/19/2000 07:46	Occurrence On/From Date/Time 08/19/2000 07:43	Occurrence To Date/Time	CAD Number
Type Of Incident Vehicle, Stolen, Auto - 07021				
Location Of Occurrence			Type Of Premise STREET	
Arrest Made	Non-Suspect Incident	Suspect Known	Suspect Unknown Yes	Reporting Unit 3C15
Type of Vehicle Incident : Stolen			Location Sent To : SAME	
Assign To : 5C200			Copies To (Name Of Units) : AUTO	
Report Status : Signed			Assigned By : MR . 1729	
Faxed To Auto Status : MR , 1729, 08/19/2000 09:07				

O D E C L A R A T I O N	I declare under penalty of perjury, this report of _____ 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 <input checked="" type="checkbox"/> Post Training <input type="checkbox"/> Signature: <i>M. J. R.</i>				
	Reporting Officer - ROBINSON, MICHAEL		Star 1729	Station BAYVIEW	Watch 0600-1600
	Reviewing Officer		Star	Station	Watch
	OIC Approval Officer		Star		Watch
Report Status Signed		Juv. Involved	How Cleared	Assigned To 5C200	Copy To

S U B J E C T 1	Code RV - Reportee/Victim	Name	Alias			
	Home Phone	Home Address				
	Night					
	Work Phone	Work Address				
	Day					
School (If Juvenile)	Sex Female	DOB	Height	Weight	Eye Color	Hair Color
Race : Asian		Other Information : RO OF VEHICLE				
Age : 20						

S U B J E C T 2	Code S - Suspect	Name UNK	Alias				
	Home Phone	Home Address San Francisco, CA					
	Work Phone	Work Address					
	School (If Juvenile)	Sex	DOB	Height	Weight	Eye Color	Hair Color
	Other Information : NFI		Age : Unknown				

V E H I C L E 1	Code S - Stolen	Year 2000	Make HONDA	Model CIVIC	Style 2DR	Color (Top/Bottom) SILVER/SILVER
	License Plate/Registration #	Registration State CA	Registration Date 06/10/2001	VIN	Vehicle Disposition	
	Other Information : RO OF VEHICLE		Other Information : RO OF VEHICLE			

ENTERED INTO S.V.S. BY: *GP* TIME: 09/19
CLEARED FROM S.V.S. BY: _____ TIME: _____
LOCATED IN S.V.S. BY: _____ TIME: _____
DELETED FROM S.V.S. BY: _____ TIME: _____
IT # _____ LOG _____ H.S. _____ FCN: 467002320189

08/22/00 04:40
08/22/2000 03:38

BAYVIEW STATION →

NO. 207 D01

Report Type: Vehicle

Incident-Supple-
mental

San Francisco Police Department

INCIDENT REPORT

I N C I D E N T	Incident Number	Reported Date/Time	Occurrence On/From Date/Time	Occurrence To Date/Time	CAD Number
		08/21/2000 23:54	08/21/2000 23:54		
	Type Of Incident Vehicle, Recovered, Auto - 07041				
	Location Of Occurrence CAMERON/NICHOLS AVE'S			Type Of Premise STREET	
	Arrest Made Yes	Non-Suspect Incident	Suspect Known	Suspect Unknown	Reporting Unit 3C15C
Type of Vehicle Incident : Recovered Assign To : 5C200 Copies To (Name Of Units) : AUTO, NARC, GW, DAVOR Assigned By : TP , 763					
Location Sent To : ON-VIEW How Cleared : Adult Booked Report Status : Signed Faxed To Auto Status : TP , 763, 08/22/2000 04:15					

O D F E C I L C A R E R A T I O N	I declare under penalty of perjury, this report of <u>6</u> 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 <input checked="" type="checkbox"/>	Post Training <input checked="" type="checkbox"/>	Signature: <u>Timothy Paine</u>
	Reporting Officer PAINE, TIMOTHY		Star 763	Station BAYVIEW	Watch 16-02
	Reviewing Officer		Star	Station	Watch
	OIG Approval Officer		Star	Station	Watch
	Report Status Signed		Juv. Involved	How Cleared Adult Booked	Assigned To 5C200
				Copy To	

Incident #

Page 1 of 6

SF DPA - 0168-01 - 000076

Report Type: Vehicle
Incident-Supple
mentalSan Francisco Police Department
INCIDENT REPORT

S U B J E C T 1	Code	Name		Alias			
	RV - Reportee/Victim	SFPD #763 & #1095					
	Home Phone	Home Address					
		San Francisco, CA					
	Work Phone	Work Address					
	School (If Juvenile)	Sex	DOB	Height	Weight	Eye Color	Hair Color
	Age : Unknown						

S U B J E C T 2	Code	Name		Alias			
	V - Victim						
	Home Phone	Home Address					
		Night					
	Work Phone	Work Address					
		Day					
	School (If Juvenile)	Sex	DOB	Height	Weight	Eye Color	Hair Color
		Female					
	Race : Asian -			Age : 20			

S U B J E C T 3	Code	Name		Alias			
	B - Booked	DOE, JOHN					
	Home Phone	Home Address					
		San Francisco, CA					
	Work Phone	Work Address					
	School (If Juvenile)	Sex	DOB	Height	Weight	Eye Color	Hair Color
		Male	Unknown	5' 09"	140 lbs	Brown	Black
	Race : Hispanic			Age : 20 - 25			
	Charges : 10851 CVC, 11350 H&S, 2800.1 VC,			Where Booked : CJ #9			
	12500(A) CVC			Book/Cite Approved By : SGT. BUONO, 328			
	Booked : Yes						

V E H I C L E 1	Code	Year	Make	Model	Style	Color (Top/Bottom)
	R - Recovered	2000	HONDA	CIVIC	Coupe	SILVER/SILVER
	License Plate/Registration #	Registration State	Registration Date	VIN	Vehicle Disposition	
		CA	06/10/2001		Released	
	Condition Of Vehicle : Apparently Drivable			Plate & VIN Match : Yes		
Vehicle Started By : Key in Ignition			Location Of Recovery : GILMAN/GRIFFITH			
Arrest Made : Yes			VIN Condition : Matches Registration			

P R O P E R T Y 1	Property Code	Item		Brand	Model
	E - Evidence	CRACK COCAINE			
	Serial Number	Color			
		OFF-WHITE			
	Quantity : 1		Narcotics Lab Number : 00181328		
Bag Number : ONE		Seized By (Star) : 763			
Seized From Where : CENTER CONSOLE OF (R)VEH					

P R O P E R T Y 2	Property Code	Item		Brand	Model
	E - Evidence	PHOTOGRAPHS		POLAROID	
	Serial Number	Color			
		YES			
	Quantity : 7		Seized By (Star) : 783		
Seized From Where : SCENE					
Description : PHOTOGRAPHS DEPICTING SCENE, INJURIES TO OFC. AHERNE, AND INJURIES TO DOE					

ENTERED INTO S.V.S. BY: _____	TIME: _____
CLEARED FROM S.V.S. BY: _____	TIME: _____
LOCATED IN S.V.S. BY: _____	TIME: _____
DELETED FROM S.V.S. BY: _____	TIME: _____
TT # _____	LOG _____ H.S. _____ FCN: _____

Incident # 000980048

Page 3 of 6

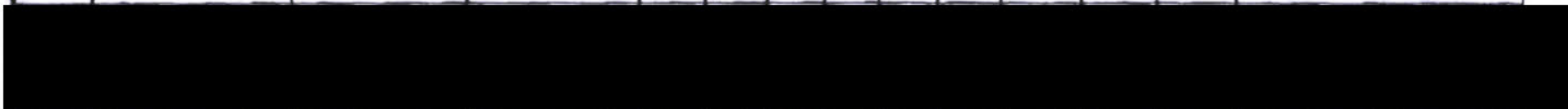
SF DPA - 0168-01 - 000077

SAN FRANCISCO POLICE DEPARTMENT

USE OF FORCE LOG

Reporting Period: Beginning 8-16-00 Ending 8-31-00
Mo. Day Yr. Mo. Day Yr.

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	CAROTID RESTRAINT	FIREARM	SUSPECT INJURED	SUSPECT COMPLAINT OF INJURY	OFFICER INJURED DURING USE OF REPORTABLE FORCE	COMMENTS
8/24/00	[REDACTED]	PADIE #7003	M. CRACK #889	✓	✓	✓	✓	✓	✓	Yes No	Yes No	Yes No	OFF. AMERE #1015 INJURY TO LEFT ARM



										Yes No	Yes No	Yes No	
										Yes No	Yes No	Yes No	
										Yes No	Yes No	Yes No	
										Yes No	Yes No	Yes No	
										Yes No	Yes No	Yes No	

recovered by Fong #2020

Captain P. Jackson
Flight Operations Bureau
#1301
UNIT

FORWARD ONE COPY TO: BUREAU HEADQUARTERS. FORWARD COPY OF LOG AND INCIDENT REPORTS TO COMMANDING OFFICER, M.C.D. AND TRAINING DIVISION.

1ST AND 15TH OF EACH MONTH

TIBURON, INC.

COMPLAINT HISTORY DETAIL: [REDACTED]
SAN FRANCISCO POLICE

PAGE 1

03/13/01
13:28

S002343005 A 1030 GRIFFITH ST/CAMERON WY,SF (D=3C 2400 GRIFFITH/2 CAMERON) C5

23:54:11 DIS2 ON-VIEW 3C15C:P <[REDACTED]>PAHERNE JAMES D/1095 <[REDACTED]>PAINE
TIMOTHY D/0763, [REDACTED] FITZ/CAMERON
23:54:11 DIS2 PRIOR 528 08/12/00 S1854
23:54:21 DIS6 MISC 3C15C, 4DR CIVIC LM ABOARD
23:54:21 DIS2 MISC 3C15C, 4 DR CIVIC 1 OCCUPANT LMA
23:54:22 0108 BACK-ENR 3C15C 3C12E:P <[REDACTED]>ARNOT CHRISTINE E/0461
<[REDACTED]>HURLEY WENDY J/0061
23:54:27 DIS2 BACK-ENR 3C15C 3C11E:P <[REDACTED]>AMOROSO MICHAEL J/0606
<[REDACTED]>DANIELS JUAN S/1468
23:54:29 DIS6 BACK-ENR 3C15C 3C13C:P <[REDACTED]>JACKSON DERRICK R/0876
<[REDACTED]>MARQUEZ MARCIAL A/0232
23:55:02 DIS6 MISC 3C11E, STRATING TTD RUN ON NICOLS AND KCAMERON TO THE
GATE
23:55:03 DIS2 MISC 3C15C, ON NICOLS GETTING READY TO GO TO EXIT , STAYING
INSIDE
23:55:23 DIS6 MISC 3C11E, 978
23:55:23 DIA2 ONSCENE 3C11E

SP IA01

TIBURON, INC.

COMPLAINT HISTORY DETAIL: [REDACTED]
SAN FRANCISCO POLICE

PAGE 2

03/13/01
13:28

23:55:47 DIS2 BACK-ENR 3C15C 3C15E:P <[REDACTED]>DEJESUS LUIS P/0247 <[REDACTED]>FOWLIE
TIMOTHY F/0150
23:55:50 DIS2 MISC 3C15E, C4 1 SIC
23:55:58 0343 BACK-ENR 3C15E 3H11D:P <[REDACTED]>OLSON JOSHUA S/4051 <[REDACTED]>RISKIN
SETH J/1915
23:56:07 DIS2 CLOC-ONS 3C15E GILMAN/GRIFFITH
23:56:07 DIS6 MISC 3C15E, FITZ/GRIFFITH
23:56:14 DIS2 MISC 3C15E, OR FITZ/GRIFFITH
23:56:47 DIS2 BACK-ENR 3C15C 3C102:S <[REDACTED]>RUONO JOSEPH M/0328, C4 C33 SH
23:56:51 DIA6 QUERY R 3C15E H [REDACTED]
23:57:34 DIS2 BACK-ONS 3C15E 3C14E:P <[REDACTED]>DEMPSKY JULIUS T/0471 <[REDACTED]>HALL
III HUGH D/0567
23:59:19 DIS6 MISC 3C15C, NEED 408 GILLMAN GRIFFINTT LM 20'S CUT TO HEAD
ALERT CONSCIOUS BREATHING OKAY BLEEDING CONTROLLED
23:59:19 DIS6 MISC 3C15C, 410 408 C2
23:59:36 DIS2 CHGLOC 3C15E CO C

SP IA01

TIBURON, INC.

COMPLAINT HISTORY DETAIL: [REDACTED]
SAN FRANCISCO POLICE

PAGE 3

03/13/01
13:28

00:00:47 0108 QUERY R 3C12E [REDACTED]
00:04:39 0108 CLEAR 3C12E HAN
00:06:14 DIS6 MISC 3C15C, CLAIMING GETTING DIZZY
00:06:20 DIS6 MISC 3C15C, C3 PLS
00:08:50 0332 CLEAR 3C11E HAN
00:09:01 0172 CLEAR 3C14E HAN
00:11:37 DIS6 ONSCENE 3C102, ETA/BREATHING PROBLEMS/CONTUSION ON BACK (H HEAD)
00:11:48 DIS2 MISC 3C102, PROBLEMS BREATHING NOW CONTUSION ON THE BACK OF

SF DPA - 0168-01 - 000079

00:11:52 DIS2 MISC 3C102, C3
00:12:08 DIS6 CLOC-ONS 3C102 GRIFFITH/GILMAN
00:12:46 DIS2 MISC 3C102, UNIT W/CAMERA GRIFFITH/GILMAN
00:12:58 DIS2 BACK-ENR 3C102 3C12C:P () CHAN SIMON K/0180 () ENCINAS
ALBERT J/1935
00:13:06 DIS2 MISC 3C102, 410 3C12C
00:14:56 0353 ONSCENE 3C12C
00:21:27 0343 QUERY H 3H11D ()
00:22:57 0343 QUERY H 3H11D ()

SP IA01

TIBURON, INC. COMPLAINT HISTORY DETAIL: () PAGE 4 03/13/01
SAN FRANCISCO POLICE 13:28

00:24:37 DIA5 CLEAR 3H11D HAN
00:24:48 0311 PREEMPT 3C15E
00:32:08 0162 CHGLOC 3C15C SFGH F/U
00:34:50 DIS6 ONSCENE 3C15C
00:34:55 DIS6 ONSCENE 3C13C
00:35:00 0162 QUERY H 3C15C ()
01:03:40 0353 CLEAR 3C12C HAN
01:04:59 DIS2 CLEAR 3C102 HAN, 7E
01:11:23 DIS6 CHGLOC 3C13C CO C F/U
01:11:25 DIS6 ONSCENE 3C13C
01:23:14 DIS2 BACK-ENR 3C15C 3C14E:P () DEMPSKY JULIUS T/0471 () HALL
III HUGH D/0567
02:05:01 0172 QUERY R 3C14E ()
03:50:23 DIS2 CLEAR 3C13C
03:50:28 DIS2 CLEAR 3C15C HAN
03:58:20 DIS2 CHGLOC 3C14E CJ9 W/1
04:19:34 DIS2 CHGLOC 3C14E CO C F/UP
05:56:11 DIS2 CLEAR 3C14E

SP IA01

TIBURON, INC. COMPLAINT HISTORY DETAIL: () PAGE 5 03/13/01
SAN FRANCISCO POLICE 13:28

05:56:11 DIS2 CLOSE

CALL RECAP:

INITIATE:	23:54:11 08/21/00	CALL NUMBER:	S3005
ENTRY:	23:54:11	CURRENT STATUS:	CLOSED
DISPATCH:	23:54:11	PRIMARY UNIT:	3C15C
ON SCENE:	23:54:11	JURISDICTION:	SP
CLOSE:	05:56:11 08/22/00	DISPOSITION:	HAN
ADDRESS:	GRIFFITH ST/CAMERON WY, SF (D=3C 2400 GRIFFITH/2 CAMERON)		
DAREA:	3C		
BEAT:	C5	TYPE:	1030 WANTED SUSP/VEH
RD:	368	PRIORITY:	A
FIRE:	6573	PRIOR HISTORY	

OPERATOR ASSIGNMENTS: DIS2 ()
DIS6 ()
0108 ()

SP IA01

TIBURON, INC. COMPLAINT HISTORY DETAIL: () PAGE 6 (LAST) 03/13/01
SAN FRANCISCO POLICE 13:28

DIA2 ()
0343 ()

SF DPA - 0168-01 - 000080

AS OF 00:06:14: DIS6
0332
0172
0353
DIA5
0311
0162
AS OF 01:04:59: DIS2
AS OF 01:11:23: DIS6
AS OF 03:50:23: DIS2
AS OF 05:56:11: DIS2

SF 1A01

Fill In

OFFICE OF CITIZEN COMPLAINTS - USE BLACK INK ONLY!

1 Day, Date & Time Complaint Received
TH-3-1-01

		1	6	8	0	1		
--	--	---	---	---	---	---	--	--

Complaint Against: Personnel ☒ Policy ☐ Procedure ☐

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

2 Primary Complainant: ☐ Co-Complainant

Last Name _____ First Name _____ Middle Initial _____

HOME ADDRESS: _____
Street Apartment

City _____ State _____ Zip _____

WORK ADDRESS: _____
Street Apartment

City _____ State _____ Zip _____

3 Personal Information

Age _____ Date of Birth: _____

Sex: Male

Ethnicity: PERUVIAN / HS

Occupation: Recycling Business

4 Telephone Numbers:

Home: _____

Work: () _____

5 Location of Occurrence:

_____ (BAYVIEW)

6 Type of Place

HOUSING PROJECT

7 District

BAYVIEW

8 Day, Date, & Time Of Occurrence:

8-21-00 23:54

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

9 _____

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: Police Officers

Type of Injury: head injury, multiple bruises, scrapes and cuts, broken ribs 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	Eth
01	VF/		X	Q2	Aherne # 1095	3C		M	W
01	VF/		X	Q2	Paine # 763	3C		M	W
01			X	Q2		3C		M	I
01			X	Q2		3C		M	I
01	VF/				ID pending	3C			
01					ID pending	3C			

22

NARRATIVE OF INCIDENT: On 8-21-00, at approximately 2354 Hrs.,

San Francisco Police Officers, Aherne #1095 and Paine #763, attempted to arrest me, however, I fled from them. Officer Aherne immediately gave chase after me on foot, with his partner Paine following just a few feet behind. After a short distance, officer Aherne tackled me and I fell on the ground with Aherne landing on top of me. Immediately thereafter, and once handcuffed, officers Paine and Aherne started to hit and kick me in my back and head area, with their flashlight and baton, resulting in a serious head injury requiring 7 staples and multiple external/internal bruises, scrapes and cuts. During the beating, a large group of civilians surrounded the perpetrators, yelling at them to stop beating me. Once aware that I had witnesses who observed the beating, I made multiple requests that the officers take written statements from the large crowd, contending that my Civil Rights had been violated. No such statements were ever taken. Subsequently, back-up arrived and I was transported to SFGH where I was treated for my injuries. I contend that the use of force in this case was excessive, was not for the purpose of restraining/arresting me, but was inflicted in a malicious and sadistic manner for the very purpose of causing pain. I was not resisting, was handcuffed, yet still suffered a beating at the hands of these officers. This type of brutality is unacceptable and should not be tolerated. I respectfully request that your office conduct a thorough (SEE →) (State law passed in 1995 mandates that the following statement be provided to, read and signed by persons filing complaints. The OGC 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.

Complainant Signature/Date:

02/14/01

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

Assigned Investigator/Date:

Jayson Wheeler 3.50.1

Closure Approval/Date:

Sergei Litvinov 3.13.01

investigation into this complaint and issue me a log number for correspondence. If further information is needed please feel free to contact me at the following address:



Your assistance in this matter is greatly appreciated.

dated : 02-14-01

Respectfully Submitted,



This is a complaint of:

1-3. Unnecessary Force (UF) for excessive force against the complainant during his arrest.



Against



22

NARRATIVE OF INCIDENT: On 8-21-00, at approximately 2354 Hrs.,

San Francisco Police Officers, Aherne #1095 and Paine # 763, attempted to arrest me, however, I fled from them. Officer Aherne immediately gave chase after me on foot, with his partner Paine following just a few feet behind. After a short distance, officer Aherne tackled me and I fell on the ground with Aherne landing on top of me. Immediately thereafter, and once handcuffed, officers Paine and Aherne started to hit and kick me in my back and head area, with their flashlight and baton, resulting in a serious head injury requiring 7 staples and multiple external/internal bruises, scrapes and cuts. During the beating, a large group of civilians surrounded the perpetrators, yelling at them to stop beating me. Once aware that I had witnesses who observed the beating, I made multiple requests that the officers take written statements from the large crowd, contending that my Civil Rights had been violated. No such statements were ever taken. Subsequently, back-up arrived and I was transported to SFGH where I was treated for my injuries. I contend that the use of force in this case was excessive, was not for the purpose of restraining/arresting me, but was inflicted in a malicious and sadistic manner for the very purpose of causing pain. I was not resisting, was handcuffed, yet still suffered a beating at the hands of these officers. This type of brutality is unacceptable and should not be tolerated. I respectfully request that your office conduct a thorough (SEE →)

(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.)

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I HAVE READ AND UNDERSTOOD THE ABOVE STATEMENT.

Complainant Signature/Date:

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

Assigned Investigator/Date:

Closure Approval/Date:

Jayson Wheeler 3.501

Sergei Litvinov 3.13.01

investigation into this complaint and issue me a log number for correspondence. If further information is needed please feel free to contact me at the following address:



Your assistance in this matter is greatly appreciated.

dated : 02-14-01

Respectfully Submitted,



This is a complaint of:

1-4 1-3 Unnecessary Force (UF) for excessive force against the complainant during his arrest. #1095, #763
#12474, 150

Against

-

10-29-01 SL

UPDATE

Fill In

POSTED 1/3/01

OFFICE OF CITIZEN COMPLAINTS - USE BLACK INK ONLY!

1 Day, Date & Time Complaint Received
TH-3-1-01

		1	6	8	0	1		
--	--	---	---	---	---	---	--	--

Complaint Against: Personnel ☒ Policy ☐ Procedure ☐

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

2 Primary Complainant: ☐ Co-Complainant ☐

Last Name _____ First Name _____ Middle Initial _____

HOME ADDRESS: _____
Street _____ Apartment _____

City _____ State _____ Zip _____

WORK ADDRESS: _____
Street _____ Apartment _____

City _____ State _____ Zip _____

3 Personal Information

Age _____ Date of Birth: _____

Sex: Male

Ethnicity: PERUVIAN / HS

Occupation: Recycling Business

4 Telephone Numbers:

Home: (_____) _____

Work: (_____) _____

5 Location of Occurrence:
Dubble Rock Housing Projects (Bayview)

6 Type of Place HOUSING PROJECT 7 District BAYVIEW

8 Day, Date, & Time Of Occurrence: 8-21-00 23:54
A.M. / P.M. (Circle one)

9 Incident Report or Citation No

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: Police Officers

Type of Injury: head injury, multiple bruises, scrapes and cuts, broken ribs 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	Eth
01	VF		X	Q2	Aherne # 1095	3C		M	W
01	VF		X	Q2	Paine # 763	3C		M	W
01			X	Q2		3C		M	I
01			X	Q2		3C		M	I
01	VF		X	Q2	ED pendon #247	3C		M	3
01			X	Q2		3C		M	3
01	VF		X	Q2	Timothy Fowlie # 150	3C		M	I
01			X	Q2					

10-29-01/82

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

Mary C. Dunlap
DirectorNOTICE AND ORDER TO APPEAR
PROOF OF SERVICE

TO: Commanding Officer/O.I.C, Bayview Station

FOR: Officer Timothy Paine # 763

FROM: Investigator Sergei Litvinov

DATE: November 8, 2001 OCC Case No.: 168-01

YOU ARE HEREBY NOTIFIED of your possible involvement in the above referenced complaint and ORDERED TO APPEAR at the Office of Citizen Complaints, located at 480 Second Street, Suite #100, on the date and time indicated below for the purpose of providing a statement in this matter. If you are designated as a named member, it is your responsibility to arrange for representation, but in any event you are required to appear on time and be prepared to proceed. Bring field notes and any other materials relevant to this incident. **Failure to appear or personally provide at least 24 hours notice of a need to reschedule constitutes a violation of General Order 2.04 and may result in disciplinary action.**

Wednesday, November 21, 2001, at 20:00 hrs

Date and Time of Interview

COMMANDING OFFICER: Serve and sign this Order when the member named above next reports for duty. If the member is on D.P. or extended sick leave but is medically able to appear, ensure that service is made on the member at his/her residence. Service may also be completed by phone with a notation made on the copy returned to OCC that telephone notification was made. If the member is designated as named, give a copy of this completed form and the attachments to the member. Witness members do not get a copy of the complaint, and none may be attached in that event. Return the original to the OCC with the next transfer of order. **If you are unable to serve the member you shall notify the OCC investigator by phone no later than (enter a date 48 hrs prior to date of appearance).**

COMMANDING OFFICER'S PROOF OF SERVICE:

Date received: 11-13-01

Reason for failure to serve or other comments:

Date/Time served: _____

Date returned to OCC: _____

Signature

Star No.

MEMBER'S ACKNOWLEDGMENT OF RECEIPT: Your signature acknowledges receipt of this notice and the following attachments: ☒ Complaint Form ☐ Added Allegation Form

Member's Signature

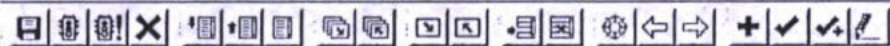
Star No.

Date and Time Notified

C-01-349

SFPD Scheduling - Use - Employee Scheduling History

File Edit View Go Favorites Use Report Help



Current Employee Scheduling

EmplID:

Paine,Timothy D

Star: 763

From Date:

11/01/2001

To Date:

02/03/2002

Refresh

	Schedule Date	Day	Pay Type	Department	Watch	Unit	Start Date	Start Time	End Date	End Time	Comment
1	11/01/2001	Thu	H	POTR	3						
2	11/02/2001	Fri	H	POTR	3						
3	11/03/2001	Sat	H	POTR	3						
4	11/04/2001	Sun	H	POTR	3						
5	11/05/2001	Mon	VA	POTR	3		11/05/2001	4:00PM	11/06/2001	2:00AM	
6	11/06/2001	Tue	VA	POTR	3		11/06/2001	12:00PM	11/06/2001	10:00PM	Training-Inservice
7	11/07/2001	We	VA	POTR	3		11/07/2001	4:00PM	11/08/2001	2:00AM	
8	11/08/2001	Thu	VA	POTR	3		11/08/2001	4:00PM	11/09/2001	2:00AM	
9	11/09/2001	Fri	H	POTR	3						
10	11/10/2001	Sat	H	POTR	3						
11	11/11/2001	Sun	L	POTR	3		11/11/2001	4:00PM	11/12/2001	2:00AM	
12	11/12/2001	Mon	H	POTR	3						
13	11/13/2001	Tue	SP	POTR	3		11/13/2001	4:00PM	11/14/2001	2:00AM	
14	11/14/2001	We	SP	POTR	3		11/14/2001	4:00PM	11/15/2001	2:00AM	
15	11/15/2001	Thu	REG	POTR	3	3C15D	11/15/2001	4:00PM	11/16/2001	2:00AM	
16	11/16/2001	Fri	REG	POTR	3	3C90	11/16/2001	4:00PM	11/17/2001	2:00AM	
17	11/17/2001	Sat	H	POTR	3						
18	11/18/2001	Sun	H	POTR	3						
19	11/19/2001	Mon	H	POTR	3						
20	11/20/2001	Tue	H	POTR	3						
21	11/21/2001	We	REG	POTR	3	3C15D	11/21/2001	4:00PM	11/22/2001	2:00AM	
22	11/22/2001	Thu	HP	POTR	3	3CSD	11/22/2001	4:00PM	11/23/2001	2:00AM	
23	11/23/2001	Fri	HP	POTR	3	3CSD	11/23/2001	4:00PM	11/24/2001	2:00AM	
24	11/24/2001	Sat	REG	POTR	3	3C15D	11/24/2001	4:00PM	11/25/2001	2:00AM	
25	11/25/2001	Sun	REG	POTR	3	3C16D	11/25/2001	4:00PM	11/26/2001	2:00AM	
26	11/26/2001	Mon	H	POTR	3						
27	11/27/2001	Tue	H	POTR	3						
28	11/28/2001	We	H	POTR	3						
29	11/29/2001	Thu	SP	POTR	3		11/29/2001	4:00PM	11/30/2001	2:00AM	

PDPRD

Current Employee Scheduling

Update/Display

Start Microsoft Word - Document5 SFPD Scheduling - U...

1:16 PM

Memorandum

San Francisco Police Department



RECEIVED
NOV 23 2001
2:01 PM

To: Captain P. Jackson #1301
Commanding Officer
Bayview Station

APPROVED YES NO

From: Lieutenant John J. Feeney
Third Platoon

L. Feeney 2024

JOHN F. MURPHY #2158

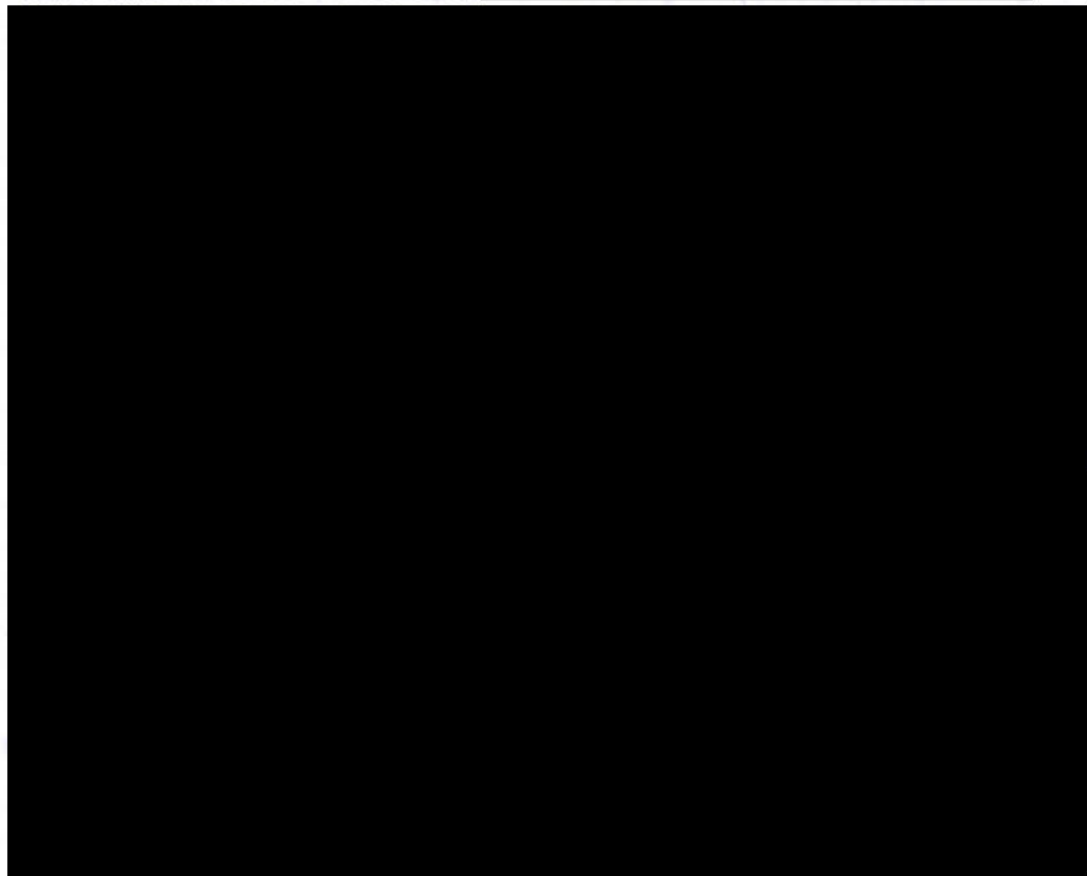
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date: Wednesday, November 21, 2001

Subject: Unable to Serve OCC Notice to Appear in OCC Case #168-01

Issue: Unable to Serve OCC Notice to Appear to Officer Tim Paine #763

Discussion: Bayview Station received the attached "OCC Notice to Appear" for Officer Tim Paine #763 on 11/13/2001. [REDACTED]



Conclusion: Officer Tim Paine was not served an OCC Notice to Appear in a timely fashion [REDACTED] Also, [REDACTED] Officer Paine was unable to attend the scheduled interview on 11/21/2001 at 2000 hours. I was unable to personally notify OCC Investigator Sergei Litvinov to inform him of this unfortunate situation prior to today. I called OCC during normal business hours yet I reached only their answering service instead and was told that they had no way of reaching anyone in the office. They said that they would fax a message to the OCC office for Sergei Litvinov.

Recommendation: I recommend that this matter be rescheduled with OCC and that a copy of this memo be forwarded to Lt. Hennessey of MCD.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/01/01 **DATE OF COMPLETION:** 12/31/01 **PAGE # 1 of 2**

SUMMARY OF ALLEGATIONS 1-4: The officers used excessive force against the complainant during his arrest.

CATEGORY OF CONDUCT: UF

FINDING: NS

DEPT. ACTION:

FINDINGS OF FACT: The named members denied the allegation. According to the complainant and the officers, there were no identifiable witnesses to the arrest. The evidence was insufficient to prove or dispel the allegation.

SUMMARY OF ALLEGATIONS 5-8: [REDACTED]

[REDACTED]

REVISED 04/20/00

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/01/01 **DATE OF COMPLETION:** 12/31/01 **PAGE #** 2 of 2

SUMMARY OF ALLEGATION # 9: [REDACTED]

[REDACTED]

SUMMARY OF ALLEGATIONS # 10-13: [REDACTED]

[REDACTED]

REVISED 04/20/00

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

January 4, 2002



Mary C. Dunlap
Director

COPY

RE: OCC Case No. 0168-01

Dear [REDACTED]

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

The allegation of **Unnecessary Force** against police officers for using excessive force against you during your arrest is **Not Sustained**.

[REDACTED]

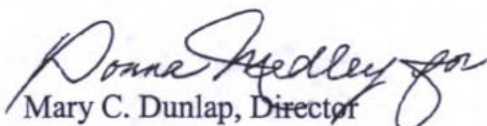
[REDACTED]

[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, **Sergei Litinov** at **597-7711**, to discuss the preliminary findings and to review the evidence upon which the findings are based. Your written request for a hearing must be mailed or delivered within ten (10) days of the date that you receive this letter to the following address:

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

Sincerely,


Mary C. Dunlap, Director

MD: cw

Attachment Enclosed

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

January 4, 2002

COPY



Mary C. Dunlap
Director

Officer James Aherne #1095
Bayview Station

RE: OCC Case No. 0168-01

Dear Officer Aherne:

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

The allegation of **Unnecessary Force** for using excessive force against the complainant during his arrest is **Not Sustained**.

[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, **Sergei Litinov** at **597-7711**, to discuss the preliminary findings and to review the evidence upon which the findings are based. Your written request for a hearing must be mailed or delivered within ten (10) days of the date that you receive this letter to the following address:

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

Sincerely,

Mary C. Dunlap
Mary C. Dunlap, Director

MD: cw

cc: Commanding Officer

Attachment Enclosed

THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

January 4, 2002

COPY



Mary C. Dunlap
Director

Officer Timothy Paine #763
Bayview Station

RE: OCC Case No. 0168-01

Dear Officer Paine:

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

The allegation of **Unnecessary Force** for using excessive force against the complainant during his arrest is **Not Sustained**.

[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, **Sergei Litinov** at **597-7711**, to discuss the preliminary findings and to review the evidence upon which the findings are based. Your written request for a hearing must be mailed or delivered within ten (10) days of the date that you receive this letter to the following address:

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

Sincerely,

Mary C. Dunlap for
Mary C. Dunlap, Director

MD: cw

cc: Commanding Officer
Attachment Enclosed

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

January 4, 2002

COPY



Mary C. Dunlap
Director

Officer Luis DeJesus #247
Bayview Station

RE: OCC Case No. 0168-01

Dear Officer DeJesus:

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

The allegation of **Unnecessary Force** for using excessive force against the complainant during his arrest is **Not Sustained**.

[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, **Sergei Litinov** at **597-7711**, to discuss the preliminary findings and to review the evidence upon which the findings are based. Your written request for a hearing must be mailed or delivered within ten (10) days of the date that you receive this letter to the following address:

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

Sincerely,

Donna Medley for

Mary C. Dunlap, Director

MD: cw

cc: Commanding Officer

Attachment Enclosed

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

January 4, 2002

COPY



Mary C. Dunlap
Director

Officer Timothy Fowlie #150
Bayview Station

RE: OCC Case No. 0168-01

Dear Officer Fowlie:

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

The allegation of **Unnecessary Force** for using excessive force against the complainant during his arrest is **Not Sustained**.

[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, **Sergei Litinov** at **597-7711**, to discuss the preliminary findings and to review the evidence upon which the findings are based. Your written request for a hearing must be mailed or delivered within ten (10) days of the date that you receive this letter to the following address:

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

Sincerely,

Mary C. Dunlap

Mary C. Dunlap, Director

MD: cw

cc: Commanding Officer

Attachment Enclosed

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/01/01 **DATE OF COMPLETION:** 12/31/01 **PAGE # 1 of 2**

Officers James Aherne # 1095, Timothy Paine # 763, Luis DeJesus # 247 & Timothy Fowlie # 150
SUMMARY OF ALLEGATIONS 1-4: The officers used excessive force against the complainant during his arrest.

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

FINDINGS OF FACT: The named members denied the allegation. According to the complainant and the officers, there were no identifiable witnesses to the arrest. The evidence was insufficient to prove or dispel the allegation.

SUMMARY OF ALLEGATIONS 5-8: [REDACTED]

NOTES:

REVISED: 10/21/99

—DLM

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/01/01 **DATE OF COMPLETION:** 12/31/01 **PAGE #** 2 of 2

[REDACTED]
SUMMARY OF ALLEGATION # 9: [REDACTED]

[REDACTED]
SUMMARY OF ALLEGATIONS # 10-13: [REDACTED]

NOTES:

REVISED: 10/21/99

DLN

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY

OCC CASE #: 168-01
INV. Sergei Litvinov
NAME: [REDACTED]
PAGE # 1 of

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DATE & ACTIVITY	(DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)
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03/01/01 Mail-in complaint from [REDACTED] received and logged at the OCC.

03/13/01 Assigned to me. Received and reviewed the complaint.

Intake computer work:

- incident/arrest, RAP printouts for complainant [REDACTED] showed his arrest on [REDACTED]
- computer version of Incident Report No. [REDACTED] and incident related CAD No. [REDACTED] showed Officers James Aherne # 1095 and Timothy Paine # 763 as primary unit (3C15C);
- PS for Co "C" on the day of incident and unit history for Officers Aherne and Paine;
- court records for the complainant's arrest showed him sentenced (on 12-8-00) to 1 year in jail as a result of this arrest;

Requested the original IR No. [REDACTED] from the SFPD RMS.

03/14/01 Posted a message on the OCC Bulletin Board regarding this complaint seeking any relevant info from other investigators (In his letter, complainant [REDACTED] wrote that it is his "second complaint" concerning the incident).

03/15/01 Received and reviewed reports from SFPD RMS. The IR did not contain narrative part.

03/19/01 Called Bayview Station and requested to fax me a copy of this report filed at the station.

03/20/01 Received and reviewed the related IR. According to the report prepared by Officer Paine # 763, complainant [REDACTED] was observed driving a car, which had been reported stolen. The complainant attempted to flee, first in the vehicle, then on foot from Officers Aherne and Paine. These officers were able to handcuff the complainant only with the help of back-up officers (Fowlie and DeJesus) because complainant [REDACTED] was resisting arrest and attempted to escape. According to the report, Officer Aherne "tackled" [REDACTED]

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY

OCC CASE #: 168-01
INV. Sergei Litvinov
NAME: [REDACTED]
PAGE # 2 of

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DATE & ACTIVITY	(DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)
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03/20/01 (incident report No. [REDACTED])

with a baton and Paine also "tackled" him with a flashlight. There is no mention of any officer "striking" and/or "kicking" [REDACTED] in the report.

Mailed two medical release forms to complainant [REDACTED] (CJ-1) for his signature and requested him for any relevant information concerning potential witnesses to his arrest.

03/20/01 Based on the complainant's written statement, his is a complaint of:

1-3/UF/for excessive force towards the complainant during his arrest.

[REDACTED]

Against - # 1095, 763, ID pending

DGO relevant to the allegations:

- excessive force
- DGO 5.01

[REDACTED]

Investigative plan:

- obtain and review the complainant's medical records (via signed releases)
- locate & interview potential witnesses (if the complainant identifies any individual);
- MRF the arresting officers and the members involved in the complainant's arrest.

03/20/01 Case submitted to the supervisor for intake review.

3-21-01 - If corroboration of comp's allegation(s) exists, int. d/s. *sergeant*
~~Order UOF log. Since~~
~~Comp denies resisting & d/s. chg. him up some add~~
~~allegation of NB for inaccurate report & chgs for false~~
~~chgs against comp. logged C priority for now. Due~~
7-2-01. *Priority may change. After comp's int no submit.*

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY

OCC CASE #: 168-01
INV. Sergei Litvinov
NAME: [REDACTED]
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DATE & ACTIVITY	(DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)
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03/21/01 Received the case from intake review:

- added two allegations (per supervisor) and pasted the allegations onto the complaint form;
- forwarded a copy of 293 form to the admin. staff
- requested a copy of the Use of Force Log for Co "C";

03/22/01 Received Use of Force Log for Co "C" with an entry concerning the complainant's arrest.

04/12/01 Received a letter from complainant [REDACTED] with two signed Release forms. In his letter, the complainant wrote that he was "unable to provide" the OCC with the names of the witnesses that observed his arrest "because the arresting officers refused to take any statements from them." Complainant [REDACTED] also stated that he was "scheduled for release in a few months and once released," he would help the OCC "in regard to this request."

Mailed requests for the complainant's medical records to the SFGH and to the Jail Medical Unit.

04/19/01 Complainant [REDACTED] called the OCC and left a message for me (with the receptionist). He inquired about the receipt of his medical release forms and indicated that he would be calling the OCC tomorrow between 9:30 a.m. and 10:00 a.m.

04/20/01 No calls/messages from the complainant.

04/23/01 Spoke with the front desk [REDACTED]. Advised her to tell complainant [REDACTED] (if he calls again and I am not available) that his medical release forms have been received and sent out in order to obtain his medical records.

*4/30/01 Received a memo from Sr. Clerk L. Taylor
re: FBI request for the contents of this file. Spoke w/supervisor
concerning Linda's memo & determined approximate date
for the completion of this investigation - October 31, 2001.
Informed Linda Taylor about this estimate.*

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY

OCC CASE #: 168-01
INV. Sergei Litvinov
NAME: [REDACTED]
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DATE & ACTIVITY	(DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)
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05/03/01 Received a letter (addressed to me) with an SFSD complaint form from complainant [REDACTED]. He alleged misconduct on the part of the jail personnel. Discussed it with the supervisor. Concluded: process it as an IO-1 complaint. Logged (No. 346-01) and mailed a copy of this complaint to the SFSD for further investigation.

05/14/01 Received jail medical records for complainant [REDACTED]. The notes begin from 8-27-00 (five days after the complainant's arrest). The records indicate that [REDACTED] had seven staples in his head area [REDACTED].

05/22/01 Received medical records for complainant [REDACTED] from the SFGH. This incident was not reflected in his SFGH records.

06/14/01 Received a letter stamped "Legal process" from complainant [REDACTED]. Showed it to and discuss the matter with J. Fields. She took the letter for processing through the SFPD Legal.

07/02/01 Checked the complainant's jail status. It showed that [REDACTED] had been transferred to the CDC last month.

09/12/01 Checked the complainant's CDC status. According to CDC records, he had been release from San Quentin on parole into Region 3 (LA) on [REDACTED].

10/1/01 Checked work status of the officers involved in the complainant's arrest. HRMS showed them available for OCC questioning within this month. Drafted MRFs and mailed them to Officers Timothy Paine # 763, Luis DeJesus # 247, James Aherne # 1095 and Timothy Fowlie # 150. Their responses are due by October 22, 2001 (for Officer Paine - October 30, 2001).

10/22/01 Received and reviewed the responses from Officers Aherne, Fowlie and DeJesus. The officers denied the complainant's allegations of excessive force: striking him with baton or flashlight and/or kicking him. According to the officers, there were no witnesses to the complainant's arrest. The crowd began to gather afterwards.

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY

OCC CASE #: 168-01
INV. Sergei Litvinov
NAME: [REDACTED]
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DATE & ACTIVITY	(DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)
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10/29/01 Received and reviewed MRF from Officer Paine. The officer denied the complainant's allegation of excessive force. Paine stated that a contact between his flashlight the complainant "may have occurred" when the officer tackled [REDACTED]. The officer denied kicking the complainant. Paine stated that the area was quiet and void of people. [REDACTED] screaming caused numerous people to come outside. Paine asked whether anyone wanted to provide a statement, but no one came forward. According to the officer, the events of this incidents of this incident were described accurately in the related report and the charges that were filed against the complainant were justified.

10/29/01 Reviewed case evidence.

All involved officers denied the alleged misconduct. There were no identifiable witnesses to this incident. No further investigative efforts in connection with this complaint appear warranted. The available evidence is clearly insufficient for a definitive resolution of the complainant's allegations and can support only a "Not Sustained" findings re:

- UF/excessive force - against Officers Aherne, Paine, Fowlie & DeJesus;

- [REDACTED]

- [REDACTED]

- [REDACTED]

10/29/01 Corrected the 293 form with the names of Officers Fowlie and DeJesus and forwarded a copy of update to the admin staff. Drafted a CSR and forwarded the case to the supervisor for closure review.

10-30-01 - off. Paine's MRF, IR + VOF log are all inconsistent re: VOF. The log states there was strike by fist on other object. The MRF states that he doesn't know "... may have occurred ..." and the IR is devoid of any mention of

COMPLAINT WORK SUMMARY

OCC #

168-01

NAME

INV.

LITVINOV

PAGE #

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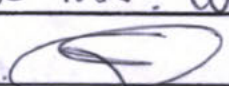
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DATE

ACTIVITY

10.30.01 (cont) a strike. In addition, when asked if he caused injury, [redacted] said "I caused all injuries to myself", but then says he did not know when or how the injuries occurred.

Additionally, ~~read~~ medical record from 9.29.2000 states: "Pt also seen @ MCH prior to ~~arrest~~ arrest (see intake 8.22.00)." This indicates there is some record from that date.

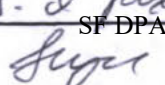
Submit a request directly to SFCH. Call them via to send request to determine where his records are located. Although it may not result in a change of findings, there are some inconsistencies in the off's statements & records which need to be obtained. I think int's. would be more productive. File returned. 

10/30/01 Received the case for review.

Called SFCH Medical records Dep. (415/206-8622) & left a message for Custodian of Records Dir. Repoz.

Called Jail Medical Records @ 415/553-1582 & left a message for Shirley (supervisor)

10/31/01 Rebecca from the SFCH records called me back.

I spoke w/ her regarding SFCH records for comp. usage. Rebecca said that she would check their files & call me back w/ results. I faxed release request by comp. to SFCH records. 

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY

OCC CASE #: 168-01
INV. Sergei Litvinov
NAME: [REDACTED]
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10/31/01 [REDACTED] (medical records supervisor) from Jail Medical returned my call and I spoke with her about medical records for complainant [REDACTED]. I provided [REDACTED] with additional information for [REDACTED] (SF number, date/time of his arrest) and she promised to check for his full jail medical records.

10/31/01 [REDACTED] from the SFGH called and said that they could not locate any records matching search criteria of [REDACTED] and/or John Doe for August 20th, 21st, 22nd, or 23rd of 2000. I asked [REDACTED] to fax me the results of her search.

11/02/01 Received a Certificate of No Records for [REDACTED] via fax from the SFGH. Called Jail Medical and left a message for [REDACTED]

11/07/01 Called and spoke with [REDACTED] @ Jail Medical. She said that they could not locate any intake triage records on 8/21 or 8/22, 2001, for complainant [REDACTED] under his name/SF number or under a "John Doe" moniker.

11/08/01 Checked work status of the officers involved in this incident. All four appeared available for OCC questioning in the next two weeks. Mailed NTA to Officers Timothy Paine # 763, Luis DeJesus # 247, Timothy Fowlie # 150 and James Aherne # 1095. Their interview were scheduled on Wednesday, November 21, 2001, @ 20:00 hrs, 20:30 hrs, 21:00 hrs and 21:30 hrs, respectively.

11/21/01 Received a fax from Lieutenant Feeney (Co C) indicating that Officer Paine would "not be able to make interview [REDACTED]". I called Co "C" and spoke with Lieutenant Feeney (around 8 p.m.). He said that, last week, upon coming back to work from his vacation in Peru, Officer Paine was not served with NTA for several days [REDACTED]. Tonight, Lt. Feeney came across this NTA and spoke with Paine and Steve Johnson. Johnson told Feeney that the officer could not go to the OCC interview because he had not been properly notified of this appointment.



OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY

OCC CASE #: 168-01
INV. Sergei Litvinov
NAME: [REDACTED]
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DATE & ACTIVITY	(DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)
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11/21/01 Taped interview with Officer Luis DeJesus # 247. This officer stated concerning the complainant's allegations:

1-4/UF/excessive force during the arrest (Paine, Aherne, DeJesus & Fowlie). DeJesus did not have anything in his hands (neither baton or a flashlight) when he came to assist Officers Paine and Aherne. DeJesus did not have any independent recollection as to whether the other officers had any objects in their hands at the time of the struggle with complainant [REDACTED]. DeJesus did "not have any idea" whether or when Officer Paine's flashlight connected with the complainant's head. According to DeJesus, he and his partner (Fowlie) left the scene "almost immediately" after complainant [REDACTED] was placed in handcuffs. DeJesus did not recall what Officers Aherne and Paine were doing at that time and/or what officers took control of the complainant. DeJesus did not see any blood, injuries and/or scratches on the complainant at the time.

[REDACTED]

[REDACTED]

11/21/01 Taped interview with Officer Timothy Fowlie # 150. This officer stated concerning the complainant's allegations:

1-4/UF/excessive force during the arrest (Paine, Aherne, DeJesus & Fowlie). According to Fowlie, his partner (DeJesus) was the first to

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY

OCC CASE #: 168-01
INV. Sergei Litvinov
NAME: [REDACTED]
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11/21/01 (taped interview with Officer Fowlie)

jump out of their vehicle and run to assist Officers Aherne and Paine. Fowlie was the driver and he had to pause to lock up the car. Fowlie did not recall whether he and/or his partner had anything in their hands at the time. He did not see his partner tackle the complainant. Fowlie did not recall specifically what each officer did during the complainant's arrest. Fowlie did not see any flashlight in Officer Paine's hands. Fowlie left the scene (went back to the patrol car) as soon as the complainant was handcuffed. According to Fowlie, complainant [REDACTED] was lying on the ground face down at the time. Fowlie did not recall what officer(s) took control of the complainant after he was handcuffed. Fowlie did not recall the complainant "having any injuries" during this incident.

[REDACTED]

[REDACTED]

1-4/UF/excessive force during the arrest (Paine, Aherne, DeJesus & Fowlie). Aherne and complainant [REDACTED] were "knocked over" when

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY

OCC CASE #: 168-01
INV. Sergei Litvinov
NAMES: [REDACTED]
PAGE # 10 of [REDACTED]

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DATE & ACTIVITY	(DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)
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11/21/01 (taped interview with Officer Aherne)

Officer Paine tackled the complainant ("we all fell to the fence and then to the ground"). Aherne did not see anything in Officer Paine's hands at the time. Only later, when he reviewed the IR, Aherne learned that Paine had a flashlight in his hands. According to Aherne, it took "a minute or so" to handcuff the complainant once Officers Fowlie and DeJesus came to assist the first two officers. Aherne did not see any objects in these officers' hands. Aherne did not recall when he again saw and recovered his baton. Once the complainant was handcuffed, Aherne stood up, got his breath and searched [REDACTED] for ID and weapons. "At some point," they "sat him up" and Aherne realized that he himself was injured. He did not recall where Officers Fowlie and DeJesus were at that time. Aherne did not examine the complainant's injuries because he was injured himself. Aherne did not know how/when he sustained his injuries. The officer recalled seeing "rocks and broken glass" in the area of the struggle with the complainant.

[REDACTED]

[REDACTED]

[REDACTED]

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY

OCC CASE #: 168-01
INV. Sergei Litvinov
NAME: [REDACTED]
PAGE # 11 of

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DATE & ACTIVITY	(DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)
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11/27/01 Received a memorandum (mistakenly forwarded to the SFPD MCD) from Lieutenant John Feeney to Captain Jackson concerning Officer Paine's NTA for November 21st appointment. The lieutenant wrote that Officer Paine was not timely served with the NTA and he did not attend his scheduled OCC interview because of [REDACTED]

11/28/01 Checked HRMS and RMS databases to verify information in Lt. Feeney's memo. HRMS showed that Officer Paine was SP on 11/13 and 11/14. However, the officer was working on 11/15 and on 11/16. Contrary to the information from the lieutenant's memo, Paine was also working on the day of his scheduled OCC appointment (11/21). HRMS for Lieutenant Feeney showed that he was working on 11/13 and 11/14 but was off on 11/15 and on 11/16.

12/05/01 Mailed a new NTA to Officer Timothy Paine. The interview was scheduled on Monday, December 17, 2001, @ 17:30 hrs.

12/17/01 Taped interview with Officer Timothy Paine # 763. He stated regarding the complainant's allegations:

1-4/UF/excessive force during the arrest (Paine, Aherne, DeJesus & Fowlie) According to Paine, Officer Aherne started the foot pursuit of complainant [REDACTED] and Paine followed his partner. It took "one or two minutes" for the second unit (DeJesus and Fowlie) to join them. Paine did not see whether Fowlie and/or DeJesus had batons or flashlights in their hands. Paine denied that Aherne, Fowlie or DeJesus struck/hit complainant [REDACTED] with batons and/or flashlights at any time. Officer Paine reiterated his statement from the MRF regarding his flashlight's "contact" with the complainant's head and stated that the contact might have been "accidental" but not a "deliberate" one. Paine denied deliberately striking and/or hitting complainant Vargas with the flashlight during this incident. According to Paine, 6 or 8 other officers responded to the scene and took control of complainant [REDACTED] (Paine did not recall the names). Some officer "sat [REDACTED] upright

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY

OCC CASE #: 168-01
INV. Sergei Litvinov
NAME: [REDACTED]
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DATE & ACTIVITY	(DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)
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12/17/01 (taped interview with Officer Paine)

against the fence." Meanwhile, Paine was talking to these officers about "securing the area," talking with the sergeant (Buono), "washing hands," asking the complainant about his ID. Paine did not recall where his partner (Aherne) and Officers DeJesus and Fowlie were at the time and what they were doing. Paine did know when/how complainant Vargas and Officer Aherne were injured. According to Paine, "all injuries (to Aherne & to himself) were caused by [REDACTED] actions." Paine did not know why Sergeant Craig checked specific box ("strike by fist or object") on the "Use of Force" log concerning this incident.

[REDACTED]

[REDACTED]

12/31/01 Reviewed the case evidence:

Additional investigative efforts concerning this case did not clarify the circumstances of the complainant's arrest and the available evidence still appears insufficient for a definitive resolution on any of the complainant's allegations. I recommend concluding OCC investigation at this time with the findings proposed previously (CWS page 5). Discussed the issue of NTA for Officer Paine. Concluded: the evidence merits a "blue folder" report.

Sergei

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY

OCC CASE #: 168-01
INV. Sergei Litvinov
NAME: [REDACTED]
PAGE # 13 of

=====

DATE & ACTIVITY	(DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)
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12/31/01	Prepared NTA report. Updated CSR and forwarded the case to the supervisor for closure review. <i>Sign</i>
----------	---

12-31-01-	Concur + submitted up FTC draft. Upon reading FTC draft, this might not be a total disregard of policy. Submitted. <i>(Signature)</i>
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12/31/01	Case approved for closure. - <i>DLN</i>
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IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF POLICE ACCOUNTABILITY

CASE NUMBER: 168-01

INTERVIEW OF: OFFICER AHERN

INTERVIEWED BY: OCC INVESTIGATOR

DATED: NOVEMBER 21, 2001

1 **Q: OCC INVESTIGATOR**

2 **A: OFFICER AHERNE**

3 **SS: SERGEANT SORGIE**

4
5 **Q:** This is OCC Investigator, this work?

6 **A:** Yeah.

7 **Q:** OCC Investigator Sergei (Litvinov). I'm conducting interview concerning OCC case
8 168-01. The interview is taking place at the OCC. Today is Wednesday, November 21st, 2001.
9 The time now is approximately 25 minutes after 9 PM. The member being interviewed is
10 Officer James Ahern. Correct me, don't hesitate.

11 **A:** That's correct.

12 **Q:** Okay, star number 1095 and he's being represented by Sergeant Sorgie.

13 **SS:** Sergeant Dean Sorgie, star 2245.

14 **Q:** Officer Ahern, have you received and read complaint from [REDACTED] concerning his
15 arrest on August 21st, 2000?

16 **A:** Yes, I have.

17 **Q:** Okay and have you read General Order 2.08?

18 **A:** Yes, I have.

19 **Q:** Have you read rule 21 of General Order 2.01?

20 **A:** Yes, I have.

21 **Q:** Have you read section 1A of General Order 2.04?

22 **A:** Yes, I have.

23 **Q:** Okay. Do you understand these orders?

24 **A:** Yes, I do.

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

1 A: Yes, I am.

2 Q: Thank you. Do you recall the incident?

3 SS: I have a quick question for this. Members response form was already sent out to the
4 officer.

5 Q: Yes.

6 SS: And he completed that, correct?

7 Q: Yes.

8 SS: And you got the answers to that?

9 Q: Yes.

10 SS: Okay, what, what's the reason for an additional interview then at this time? Are there
11 new questions?

12 Q: Absolutely.

13 SS: Okay.

14 Q: That's what I'm going to ask. Do you recall the incident?

15 A: Yes, I do.

16 Q: Okay. If you have your, do you have your member response form in front of you?
17 Would you like to have it answering my questions?

18 A: Yes, got everything right here.

19 Q: Okay. Feel free to look and consult and use it. You were the first to get into contact,
20 physical contact with the complainant on the night of his arrest and you tackled him. Did the
21 complainant fall to the ground after your tackle?

22 A: Did he fall to the ground? We, when I tackled him, I was still holding onto him so we
23 both fell to the ground.

24 Q: Okay so he did?

25 A: Yeah.

1 Q: Did he fall face down or backwards?

2 A: You know I don't know if he fell face down or backwards. Yeah, I don't know. I tackled
3 him from, from the back or side so I don't know which way he fell.

4 Q: At some point the complainant was able to stand up and at the time he was holding your
5 baton.

6 A: Yeah, he – yes, he did.

7 Q: Okay. And by your response and incident report it is clear that your partner, Officer
8 Paine tackled the complainant the second time. Is that correct? Did you observe that tackle?

9 A: I was, yeah, I did.

10 Q: Okay. Was the complainant standing at the time Officer Paine tackled him or was he not?
11 How would you describe his position?

12 A: He was, I wouldn't say he was completely standing upright, he was maybe hunched over.

13 Q: Did the complainant fall to the ground after he was tackled by Officer Paine?

14 A: We were all knocked into a fence and then onto the ground again.

15 Q: Okay. Was Officer Paine, did Officer Paine have anything in his, in his hands when,
16 while he was tackling Complainant [REDACTED]?

17 A: I didn't specifically see Officer Paine with anything in his hand but after I viewed the
18 police report, Officer Paine stated he had his flashlight in his hand.

19 Q: So it is correct you don't have any independent recollection of seeing anything in his
20 hands?

21 A: No.

22 Q: Okay. Do you have any independent recollection of Officer Paine hitting Complainant
23 [REDACTED] with the flashlight?

24 A: No.
25

1 Q: Do you have any independent recollection of Officer Paine's flashlight making contact of
2 any kind with the head of the complainant?

3 A: No.

4 Q: At some point, Officer Fowlie and Officer DeJesus joined the scene and the complainant
5 was handcuffed. Do you have any recollection of the time estimate? How long did it take to
6 handcuff the complainant with the assistance of the other two officers?

7 A: Granted this was fifteen months ago, from the time I gave chase to him to the time he was
8 cuffed, is that what you're asking me or are you asking me-

9 Q: Yeah, from the time you, when you tackled him to the ground and -

10 SS: Can you restate the question, please?

11 Q: Okay. Do you have any independent recollection of how long did it take you, your
12 partner and two assisting officers to handcuff the complainant and if you can narrow it down
13 from the time you tackled him?

14 A: You know I -- it'd have to be an estimation. I'd say, it's hard for me to estimate. It would
15 be somewhere in the neighborhood of a minute to, to two minutes or three minutes. It's hard in a
16 struggle like that, time seems to last, you know last forever. So it might have only been 45
17 seconds. You know or it could've been three minutes. It's hard to say.

18 Q: Okay. When Officer Fowlie and Officer DeJesus responded to the scene, did you see
19 anything in the hands of those officers?

20 A: No.

21 Q: In your response you wrote that you assisted, you assisted by pinning, oh you were trying
22 to pin [REDACTED] kicking legs to the ground by kneeling on his legs. Where did you have your
23 baton at the time?
24
25

1 A: I don't, I don't recall. I mean I'm not sure if it was knocked loose from the second tackle
2 with Officer Paine or if it was, you know or if I had it in my, if I was holding it, it would've been
3 in my right hand. I don't recall.

4 Q: What did you do after the complainant was handcuffed?

5 A: I caught my breath from the struggle.

6 SS: At what point, I mean what do you mean what did he do?

7 Q: What did he do immediately after the complainant was handcuffed?

8 A: Took a deep breath.

9 Q: Okay, you answered that. What else did you do?

10 A: Eventually searched the complainant for I.D. and any weapons.

11 Q: Was the complainant still on the ground or did you stand him up when you were
12 searching him for I.D. and weapons?

13 A: I don't exactly recall. I know at one point we sat him up.

14 Q: I understand you sustained some injury.

15 A: Yes.

16 Q: As a result of this incident?

17 A: Yes, I did.

18 Q: When you did first notice that you had a-

19 A: The injury?

20 Q: The injury, yes.

21 A: I guess after the adrenaline from the struggle wore off and after everyone had everything
22 had calmed down, I realized I was bleeding from my elbow. There still might be a mark on my
23 arm, I'm not sure. The mark lasted for about six, eight months. Yeah, it's roughly right, right
24 there. Slightly discolored.

25 Q: Uh-huh.

1 SS: it's on your left elbow.

2 A: Yeah. And then I had mark, like on my palm was you know like road rash, like pebbles
3 and stuff like that.

4 Q: Uh-huh. Do you know when you got your elbow?

5 A: You know I'm not sure if it was from the initial tackle and contact with the ground or
6 when the second tackle by Officer Paine knocking us back on the ground, so I don't know when
7 I sustained the-

8 Q: I don't recall, there is no barbed wire on that fence, is it?

9 A: You mean on the top of the fence?

10 Q: Oh on the top, yes. I didn't see. Do you remember seeing any barbed wire at the body of
11 the fence or anywhere other than the top?

12 A: I remember seeing the rocks and glass on the ground and I remember seeing exposed
13 points from the fence. Specifically barbed wire, I don't specifically recall any barbed wire. But I
14 wasn't, I wasn't looking at the fence at that point.

15 Q: What was the lighting condition in the area at the time?

16 A: I don't know. I guess there would be a streetlight somewhere around there, but I don't, I
17 can't, I can't recall if it was, I wouldn't say it was poorly lit.

18 Q: You were able to clearly see the faces, the complainant's face, your partner's face?

19 A: Yeah.

20 Q: What is your recollection, do you remember if Officer Fowlie and Officer DeJesus stay at
21 the scene or they immediately left the scene after the complainant was handcuffed?

22 A: I don't recall.

23 Q: Did any sergeant respond to the scene?

24 A: I believe Sergeant Bono responded to the scene but I'm not, I'm not a hundred percent
25 sure.

1 Q: Do you recall talking to Sergeant Bono or any sergeant, responding sergeant, concerning
2 what transpired, had transpired about the arrest?

3 A: I don't recall talking to specifically but at that point the adrenaline had worn off and I
4 was more concerned about my injury.

5 Q: Okay. At some point the ambulance came to the scene.

6 A: Right.

7 Q: And my understanding is that it took a while before the ambulance arrived. Is it your
8 recollection?

9 A: That's my recollection, yes.

10 Q: Okay, how long did it take approximately to the best of your memory?

11 A: Like I said it happened fifteen months ago, but it did seem to be an extended period of
12 time for the ambulance to respond. So-

13 SS: Well I mean you can contact the ambulance records. I mean they would have that on file
14 and give an exact time.

15 Q: Thank you, Sergeant.

16 A: To my recollection, it would be over five minutes and any, maybe 10 to 15 minutes.

17 Q: Okay.

18 A: It might be longer. I mean like I said 15 months ago.

19 Q: Okay, did you see what kind of injuries the complainant had at the time?

20 A: You know I didn't really examine the complainant for injuries once I realized I was
21 injured.

22 Q: Okay. The arriving ambulance you and the complainant to SFGH, is that correct
23 consistent with your recollection?

24 A: Correct.

25 Q: And you and the complainant were treated at SFGH.

1 A: Correct.

2 Q: Okay. Did you hear what Complainant [REDACTED] was complaining about in terms of his
3 injuries? What kind of injuries he was saying that he had?

4 A: I believe he said he had a broken ribs.

5 Q: Anything else do you recall?

6 A: That's, that's mainly what I remember.

7 SS: I want to clarify, that's what he claimed his injuries were, right?

8 A: Correct.

9 SS: Okay.

10 A: He was, he was, that's what he-

11 SS: You don't know what he was diagnosed though do you?

12 A: No, I have idea what they treated him for at San Francisco General.

13 Q: But did you hear him saying that he had broken ribs and you don't recall him saying any
14 other medical you know condition or any other kind of injuries?

15 A: No, just by reviewing the police report, that's my, but no independent recollection.

16 Q: Okay. Complainant [REDACTED] claims that he sustained a deep cut to his head and contusion
17 on the back of his head. Do you have any idea how he might have sustained that injury during
18 the arrest?

19 A: Well just like I sustained my cut to my arm, it could've been sustained from the initial
20 tackle to the second tackle to, to the struggle on the ground. So specifically no, I don't know how
21 he sustained any of the injuries. It was from the, it was, you know from the beginning to the end,
22 I mean from his resisting.

23 Q: The report indicates that there was a large crowd, large crowd gathering at the scene of
24 the arrest. When was the first time that you observed or noticed that some onlookers are
25 coming?

1 A: When I noticed was I guess after I realized that I was injured and the ambulance was
2 called for, I realized there was people starting to come out.

3 Q: Okay and correct me if I'm wrong. That's why you wrote this answer to my question
4 were there any other witnesses. You said, there were no witnesses to [REDACTED]' arrest'?

5 A: Right.

6 Q: The initial chase, if I understand correctly, was taking place inside that housing project,
7 basically went in circle and did you see any people on the street? Did you see any people outside
8 the project at the time of the chase?

9 A: No, not that I can recollect or even from the police report doesn't mention anything so.

10 Q: Did you hear the complainant asking you or any other officer to take statements or names
11 from possible witnesses to the people, names of the people who were gathering around? Did you
12 hear him asking you or your partner or any other officer to do so?

13 A: I don't specifically remember if he asked me or my partner. I do remember him asking,
14 he was saying something to the effect of what's your star number and as far as like me recalling,
15 I'd have to review the, the police report. I mean I don't recall.

16 Q: No, no. That's not exactly what I asked. Let me rephrase. Do you recall the complainant
17 asking you or your partner or any other officer at the scene to take statements or names of
18 possible witnesses, people who were gathering around?

19 A: I do remember him asking but I'm not sure, like I said by this time I was injured. And he
20 was, he was complaining about his broken ribs and there was officers responding to the scene to
21 take pictures of my injuries. So as far as him asking me, I don't remember. I was kind of
22 concerned about my injuries. But I do remember him asking. I'm not sure if he asked Officer
23 Paine or another officer nearby. But I do remember him asking.

24 Q: To take the names?

25 A: Take the names, yes.

1 Q: Do you know if any officer indeed took any names or any statements?

2 A: Not as far as I know, no.

3 Q: Did you hear any officer asking the crowd “would you like to provide a statement, what’s
4 your name” or anything to make any attempt at least to solicit this witness information, identify
5 information?

6 A: No, I didn’t hear anything like that.

7 Q: How far the crowd was from the scene, from the complainant’s arrest, from the scene of
8 the complainant’s arrest?

9 A: To the best of my recollection when people started to come out, the closest they would’ve
10 got was maybe 50 yards, 25, 50 yards.

11 Q: Was the complainant wearing glasses at the time of his arrest?

12 A: I don’t know.

13 Q: Do you recall at what point the complainant was identified?

14 A: You mean as [REDACTED]?

15 Q: Yes.

16 A: No, as far as I know we didn’t have him identified.

17 Q: So he was booked as John Doe?

18 A: As far as I can recall, yeah.

19 Q: You didn’t take him to CJ 9, you didn’t book him?

20 A: No.

21 Q: Then who booked him?

22 A: I’d have to look at the police report.

23 Q: Oh if you don’t-

24 A: Yeah, I don’t recall.

25 Q: Okay. After you were treated at SFGH, you came back to the station?

1 A: Correct.

2 Q: And did you work that night? I mean did you continue your, your watch or you, you
3 went home or what?

4 A: Yeah, as far as I recall it was the end of-

5 Q: It was the end of your shift?

6 A: Yeah, end of my shift so after booking in some evidence, I think I went home.

7 Q: Okay. Before you went home, did you talk to any sergeant at the station?

8 A: I-

9 Q: Concerning this incident?

10 A: I believe I did talk to a sergeant regarding my injuries and-

11 Q: Okay and who was that sergeant?

12 A: I'm not sure if it was-

13 Q: Was it Sergeant Craig?

14 A: It might have been Sergeant Craig, or it might've been Sergeant Bono. I'm not sure
15 which Sergeant it was.

16 Q: Were you present by any chance when Sergeant Craig made an entry in the use of force
17 log concerning this incident?

18 A: I, I don't recall. It says it was done in a police report, so she would've had to question us
19 regarding the use of force.

20 Q: Okay. So were by any chance present when she actually wrote, made this entry?

21 A: I don't recall being there when she wrote it in, no.

22 Q: Okay. Were you present when sergeant was talking to your partner, Officer Paine?

23 A: No, I mean I don't know. I probably was.

24 Q: Do you recall that conversation?

25 A: No, I don't, I don't recall that conversation.

1 Q: Okay. Do you know that the entry in the use of force log was made concerning this
2 incident? Oh it is indicated in the incident report. Do you know what kind of an entry was made?
3 Did you see it? Do you have any knowledge of it?

4 A: Do I, I don't recall what was put in the use of force log, no.

5 Q: Okay. Here is a copy of the use of force log for your station and the reason I'm,
6 concerning this incident. The top one. Can you tell me based on what information this box was
7 checked: strike by fist or object?

8 A: I don't, I don't know why that box was checked. It was, I don't know who's writing it is,
9 but I assume that it was entered in by Sergeant Craig.

10 Q: By your recollection during this incident as an obvious incident, was complainant struck
11 by a fist or an object at any point?

12 A: From my recollection, no.

13 Q: I don't have any more questions. If you want to make a statement concerning this
14 incident, you can do so.

15 A: I have no statement.

16 Q: Would you like to make any statement, comment, question?

17 SS: This arrest occurred on 8/21/00. Is there any reason why he waited until March 1st of
18 2001?

19 Q: I'm afraid I cannot answer your question.

20 S: Okay. Like the officer has been stating, it's been over 15 months since this thing
21 happened. I mean this is an incredibly long time to wait to have all this stuff you know to be
22 remembered and investigated I mean. That's the only thing I could point out is just.

23 Q: Anything else?

24 SS: That's it.
25

1 Q: Are you aware of any other evidence or witnesses who, that might be relevant,
2 instrumental, helpful in this case?

3 A: Just like the sergeant said about the medics responding to the scene time, questions like
4 that but that's it.

5 Q: Okay. At this point we'll conclude -

6 END OF INTERVIEW
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IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF POLICE ACCOUNTABILITY

CASE NUMBER: 168-01

INTERVIEW OF: OFFICER DEJESUS

INTERVIEWED BY: OCC INVESTIGATOR

DATED: NOVEMBER 21, 2001

1 **Q: OCC INVESTIGATOR**

2 **A: OFFICER DEJESUS**

3 **SR: SEAN RYAN**

4
5
6 Q: This is OCC Investigator (Sergei Litvinov) conducting interview concerning OCC case
7 168-01. The interview is taking place at the OCC. Today is Wednesday, November 21st, 2001.
8 The time now is approximately 30 minutes after 8 PM. The member being interviewed is
9 Officer DeJesus.

10 A: Yes.

11 Q: Did I pronounce the name correctly?

12 A: Yes.

13 Q: Star number 247. And he's being represented, can you please state your name and star
14 number?

15 SR: Sean Ryan, star number 1756.

16 Q: Officer DeJesus, have you received and read a complaint from [REDACTED] concerning
17 his arrest on August 21st, 2000?

18 A: Yes.

19 Q: Okay. Have you read General Order 2.08?

20 A: Yes.

21 Q: Have you read rule 21 of General Order 2.01?

22 A: Yes.

23 Q: Have you read section 1A of General Order 2.04?

24 A: Yes

1 Q: You understand these orders?

2 A: Uh-huh, yes.

3 Q: You are prepared to be interviewed at this time?

4 A: Yes.

5 Q: Thank you. Do you recall the incident?

6 A: Yes.

7 Q: Okay. On the night of that incident, you were working with Officer?

8 A: Fowlie.

9 Q: Fowlie. At the time you, you started to assist Officer Paine and Aherney.

10 A: Ahern.

11 Q: Ahern. Okay. And can you tell me when you came to scene, [REDACTED] arrest, was
12 the complainant standing or was he on the ground at that time?

13 A: Officer Ahern was on the ground. The defendant was above him holding his baton.

14 Q: With both hands as you showed?

15 A: I don't recall if it was both hands or one hand.

16 Q: And when you approached two officers and the complainant, did you have anything in
17 your hands?

18 A: No.

19 Q: Who was the first in your unit to approach the group, you or your partner Officer Fowlie?

20 A: I believe I was, but we were right next to each other.

21 Q: Did Officer Fowlie have anything in his hands at the time?

22 A: I have no idea.

23 Q: And when you see, when you saw the complainant standing and grabbing at the baton,
24 where was Officer Paine?

25 A: Going towards them.

1 Q: Did Paine have anything in his hands?

2 A: Maybe his flashlight.

3 Q: Did you see Officer Paine tackle Complainant [REDACTED]?

4 A: What I saw was basically -

5 Q: Do you mind speaking up just a little bit?

6 A: He basically, the two of them were there and he barged into the two of them. That's how
7 I could explain it.

8 Q: I'm sorry. Can you, can you say it again?

9 A: The two people were there on the ground and he went on top of both of them trying to
10 push, I would assume the suspect who is above Officer Ahern over off to the side.

11 Q: Okay, if I understood you correctly. Officer Paine tackled the complainant slightly to the
12 side away from Officer Ahern?

13 SR: He didn't say tackled. He said that it was his impression that he pushed.

14 A: It could be a tackle, it could, I don't care how you call it. You know he just went right
15 over there to both of them and-

16 Q: Okay. Did the complainant went to the ground?

17 A: They all three went that way a little bit.

18 Q: And what did you do?

19 A: When I got there, I tried to control his upper body. He was faced down, knelt.

20 Q: Who was face down? You mean the complainant?

21 A: The suspect.

22 Q: Okay.

23 A: Complainant. Whatever. Tried to force his upper body down by applying all my body
24 weight to his upper shoulder area to keep him from getting up.

1 Q: After you and your partner joined, two prior officers to subdue the complainant, did the
2 complainant stand up at any point? Was he able to stand up at any point after you and your
3 partner joined the attempt to subdue him?

4 A: Was he able to stand?

5 Q: Yes. No, did he stand up at any point? Did he make an attempt to stand up again?

6 A: I don't, I don't understand.

7 Q: Okay.

8 A: After it was all over and he was in custody?

9 Q: No, no, no. I'm trying to, I'm trying to determine that after you joined that, you and your
10 partner joined the struggle and you attempted to subdue the complainant holding his upper body
11 and his head, was he able to stand up or break away from any of you?

12 A: He was trying to get away. He was-

13 Q: Was he able -

14 A: Pushing. No, not, I forced him downward.

15 Q: So after you and your partner joined the struggle, the complainant wasn't able to get up
16 on his feet by himself?

17 A: And get away?

18 Q: And get away?

19 A: No, no.

20 Q: After the complainant was handcuffed, I understand by the incident report and your
21 member response form there was some wait for an ambulance. Is that right?

22 A: I left after he was handcuffed. We got in our radio car and left.

23 Q: Okay. And where did you leave your radio car, how far from the scene?

24 A: There's a gate. I don't know if you've been there or not but there was a gate and our car
25 was on the other side of the gate.

1 Q: How close to the scene? 10 feet? 100 yards?

2 A: I don't know. I could guess at 30 yards, our radio car from right there.

3 Q: And what did Officer Fowlie do after the complainant was handcuffed?

4 A: What did Officer Fowlie do?

5 Q: Uh-huh.

6 A: We left together.

7 Q: Okay, you said you went back to the radio car. Did Officer Fowlie-

8 A: Officer Fowlie and I both left.

9 Q: Left the scene?

10 A: Yes.

11 Q: How soon after the complainant was handcuffed did you and Officer Fowlie leave the
12 scene, leave the scene?

13 A: Almost immediately.

14 Q: Who transported the complainant to, okay strike that. So understand you correctly that
15 you were not present at the time when the ambulance came to the scene?

16 A: Not that I'm aware of, no.

17 Q: Did you notice any crowd gathering in the area?

18 A: I don't know if you, kind of like it always is when we chase somebody inside the Double
19 Rock area.

20 Q: Uh-huh.

21 A: It's not a very friendly, they don't really like police there. It's -

22 Q: Okay so they-

23 A: They all come out and yell at you and-

24 SR: Crowds develop spontaneously.
25

1 Q: Okay. To the best of your memory when did you first notice that some onlookers are
2 coming to the scene?

3 A: When we were going to our car.

4 Q: Yes, you mean you.

5 A: Me and Officer Fowlie were going to our car, the crowd was, there was a crowd in the
6 projects.

7 Q: Okay.

8 A: Fitzgerald goes straight and then stops. And along Fitzgerald on the north side of the
9 street there is housing dwellings and then along Griffith, I believe it is, there is housing dwellings
10 in there. That's where they were.

11 Q: Okay. To the best of your memory how close that crowd was, or those onlookers were
12 from the place where the complainant was?

13 A: If I guessed where my radio car was to the incident, maybe 30 yards, I would say that my
14 car was at the gate of where Griffith is. There is a gate there that separates so you can't drive in
15 there. The street is 40 feet wide, it's probably 20 feet in. So 40, 20 plus another 20, 80 feet. 40
16 yards, probably from my radio car they were another 50 feet from my radio car, if that makes any
17 sense.

18 Q: The report indicates, incident report in connection with his arrest indicates that, that the
19 crowd was hostile, and they were yelling at the police officers like you. What were they yelling,
20 what they were screaming?

21 A: The same thing they always scream, nothing else really stands out in my mind.

22 Q: Okay.

23 SR: If I could just add that it's not uncommon particularly in the Double Rock projects for
24 spontaneous crowds to form which are very hostile. And it's not uncommon for members of the
25 crowd to attempt to lynch persons, suspects who have been taken into custody police, by the

1 police -- attempt to take them away from officers. And normally when this happens for the
2 suspect's safety and the safety of the officers, it's pretty much a tactical retreat out of there once
3 the job is done. We have, we have to leave to let the area cool down for all parties involved for
4 their safety.

5 Q: Okay, thank you. Did you ask any, anyone from that crowd, any onlooker for a
6 statement, a witness statement?

7 A: No, I did not.

8 Q: Why?

9 A: That crowd is not friendly with us, they don't like us. I, I've had my windows smashed,
10 my vehicle beaten. I've had prisoners attempt to be lynched. I've had very bad things happen
11 inside of those small beginning of riots.

12 SR: The crowd that develops is a hostile one to, to even approach any individual in that crowd
13 would be putting yourself and your wellbeing in serious jeopardy when it's under those
14 circumstances.

15 Q: Do you recall if Complainant [REDACTED] was wearing glasses at the time of his arrest?

16 A: No, I don't. I don't, I don't know if he was or not.

17 Q: After the complainant was handcuffed, did you hear him say anything concerning
18 injuries, complaining of any injuries, or asking for medical attention of any kind?

19 A: No. I didn't.

20 Q: You said that you were holding down while attempting to take him into custody, you
21 were holding his upper body and his head. Did you observe any injuries at that time?

22 A: No. All I was focusing on was getting him into custody. I didn't notice any injuries.

23 Q: Did you see any blood, scratches?

24 A: No. There was, we were in it, I don't know how to explain it. Nothing jumps out at me.
25

1 Q: Okay. At the very beginning as soon as you responded to the scene you said (inaudible)
2 officer Paine was pushing Complainant [REDACTED] to the side away from Officer-

3 A: Ahern.

4 Q: Ahern. So you observed that.

5 SR: Wait a minute.

6 Q: Okay.

7 SR: That was asked and answered.

8 Q: Yeah, that's what I -

9 SR: So.

10 Q: Yes. Did I understand you correctly? He stated that, I think.

11 SR: Yeah and it was asked and answered and I'm just trying to get what the point is?

12 Q: I'm just trying to, I'm just trying to drink his memory or to, to go back to that particular-

13 SR: Okay.

14 Q: Moment of time.

15 SR: Okay,

16 Q: And that you recall that Officer Paine at the time had a flashlight in his hand?

17 A: (Uh-huh).

18 Q: Okay. What did Officer Paine do with his flashlight after the complainant was
19 handcuffed?

20 A: I have no idea.

21 Q: Okay. While you were subduing the complainant, did you strike him with your fist at any
22 point?

23 A: No.

24 Q: Did any other involved officer strike Complainant [REDACTED] with a fist at any point?

25 A: Not that I know of.

1 Q: In your MRF to the question concerning injury, you have it in front of you, yes?

2 A: Yes.

3 Q: Specifically question number seven. I believe that the suspect caused his own injuries.

4 The question was did you cause any injuries sustained by Complainant [REDACTED] during the arrest.

5 So did you or did you not?

6 A: No.

7 Q: The complainant sustained a cut to his head, contusion to his head and that was medical.

8 Do you have any idea how he might have sustained that particular injury during his arrest?

9 A: Like I wrote in number seven, I believe somehow he caused it during his resistance when
10 taken into custody. I don't know.

11 Q: What specific actions of the complainant did you observe that might have been an
12 explanation of that particular injury?

13 A: I have no idea.

14 Q: Did you see Officer Paine's flashlight at any point connect with the complainant's head?

15 A: No.

16 Q: Did you see any sergeant at the scene of the complainant's arrest?

17 A: I don't recall any sergeant when I was there. I don't know.

18 Q: Did any sergeant talk to you in connection with the complainant's arrest at the station or
19 later on during the night?

20 A: Not that I'm aware of.

21 Q: Did you talk to Sergeant Craig considering this incident on the night of the incident?

22 A: I have no idea.

23 Q: Wait a second, you don't remember, or you have no idea whether you talked to the
24 sergeant concerning this incident?

1 A: I have no idea whether I talked to her or not. She was a sergeant there. She's there, I
2 don't know.

3 Q: Okay. Before you left the scene of the complainant's arrest, besides Officer Paine and
4 Officer Ahern, was there any other member present?

5 A: Police department.

6 Q: Huh?

7 A: I don't recall who was there then or not.

8 Q: Did you sustain any injuries as a result of this arrest?

9 A: No.

10 Q: You said that you did not ask any onlooker for a statement. Did you hear any other
11 officer at the scene ask any of the onlookers, anyone from the crowd for a statement, name?

12 A: No.

13 Q: What was the lighting condition in the area at the time of this incident? Where was the
14 closest streetlight?

15 A: I don't know.

16 Q: Was it light, was it dark? Were you able to see the faces?

17 A: I don't know what the lighting was. Was I able to see whose faces?

18 Q: Officers, complainant.

19 A: Yeah.

20 Q: What about the closest streetlamp?

21 A: I have no idea where the closest streetlamp would've been.

22 Q: Okay, I don't have any more questions. If you want to make a statement, you can do so.

23 A: I have nothing.

24 Q: Okay.

25 SR: Just a, if I could, have you ever been in a riotous situation?

1 Q: I'm sorry, I cannot answer your questions.

2 SR: Okay, let's go back to you, you asked him if there was any, if he had spoken to a sergeant
3 regarding this incident. I'm sure whoever prepared the police report at some point spoke to a
4 sergeant if there was a use of force issue or if there was use of force used. But as he explained his
5 only part in that was applying pressure to the suspect to try to control him which wouldn't be a
6 use of force. Therefore it wouldn't, he would not have to report that to a sergeant, just to make
7 sure that's clear.

8 Q: Okay, I appreciate it. Do you want to, do you want to make any other statement, any
9 other comment, anything?

10 A: No.

11 Q: Okay. Are you aware of any evidence or witnesses that might be relevant for this case?

12 A: No.

13 Q: Okay, I appreciate your time. I will complete the interview at about 8, 9 PM.

14 END OF INTERVIEW
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1 CERTIFICATE OF TRANSCRIPTION OF TAPE RECORDINGS

2 --oOo--

3 I, the undersigned, hereby certify as follows:

4 That the foregoing transcript, page 1 through and including 13, 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 7th day of August
14 2019.

15
16 /s/ Kathy Kay
17 KATHY KAY
18 By Electronic Mail
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IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF POLICE ACCOUNTABILITY

CASE NUMBER: 168-01

INTERVIEW OF: OFFICER FOWLIE

INTERVIEWED BY: OCC INVESTIGATOR

DATED: NOVEMBER 21, 2001

1 **Q: OCC INVESTIGATOR**

2 **A: OFFICER FOWLIE**

3 **SR: OFFICER SEAN RYAN**

4
5
6 Q: This is OCC Investigator (Sergei Litvinov) conducting, I'm conducting interview
7 concerning OCC case 168-01. And the interview is taking place at the OCC. Today is
8 Wednesday, November 21st, 2001. The time now is approximately 9 PM. The member being
9 interviewed is Officer Fowlie. His star number is 150 and he's being represented by Officer
10 Ryan.

11 SR: Sean Ryan, star number 1756.

12 Q: Okay. Officer Fowlie, have you received a complaint from [REDACTED] concerning his
13 arrest on August 21st, 2000?

14 A: Yes.

15 Q: Okay have you read General Order 2.08?

16 A: Yes, I have.

17 Q: Have you read section 1A of General Order 2.04?

18 A: Yes.

19 Q: Rule 21 of General Order 2.01?

20 A: Yes.

21 Q: Do you understand these orders?

22 A: Yes, I do.

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

24 A: Yes.

25 Q: Thank you. Do you remember the incident?

1 A: Yes.

2 Q: Okay, good. I understand that you and your partner, Officer DeJesus, were not the first to
3 get into contact with the complainant and you assisted Officer Paine and Hurley. What did you
4 observe when you and your partner approached the scene of the complainant's arrest?

5 A: Initially?

6 Q: Yes.

7 A: Actually when we initially were at the, got involved in the whole incident, the, I observed
8 a car fleeing from another police.

9 Q: So you, you joined in pursuit?

10 A: Correct.

11 Q: Okay. Okay. So did you observe the initial contact of Officer Herme, Ahern, Paine with
12 the complainant [REDACTED] when he attempted to run away from them?

13 A: I saw him run from the car, yes.

14 Q: Okay. So you and your partner pretty much seconds away from them. Is that right?

15 A: Yes, probably seconds.

16 Q: Did you see the initial tackle when Officer Ahern attempted to tackle complainant to the
17 ground?

18 A: No.

19 Q: Okay. Now tell me what did you observe when you approached the scene of the
20 complainant's arrest?

21 A: Officer Ahern and I believe what was that name? Paine.

22 Q: Paine.

23 A: They were all rolling around on the ground.

24 Q: Okay. All three of them?

25 A: I believe so.

1 Q: Okay. And who was the first from your unit to approach the first three persons, two
2 officers and the complainant on the ground, you or your partner?

3 A: I don't know for sure, but it was probably Officer DeJesus because I had to stay and lock,
4 secure the car before we left.

5 Q: Uh-huh. And what did you do when you approached the scene?

6 A: Assisted in subduing the complainant.

7 Q: Okay and what specifically?

8 A: Basically I believe he was just flailing, flailing around on the ground so we tried pure
9 body weight and mass with the three or four of us that were there, restrain him until he would be
10 placed in handcuffs.

11 Q: Uh-huh. You wrote in your memory response form that you used bent wrist control to
12 help cuff, handcuffing techniques and that's all you did?

13 A: Yes.

14 Q: Okay. And what did your partner do?

15 A: I don't know what he did.

16 Q: Did you see what he was doing?

17 A: No

18 Q: And what was Officer Paine doing?

19 A: I can't recall what the other officers were doing. I was paying attention to what I was
20 doing.

21 Q: When you took your baton with you from the car when you approached the scene?

22 A: I don't recall.

23 Q: Did any other officer have a baton with him at the time the, of the complainant's arrest?

24 A: I don't recall if they did or not.

25 Q: Okay. Did you have anything in your hands when you approached the scene?

1 A: Not that I remember. Normally if it's night if I get out of the car, I'll have my flashlight
2 with me. But I don't recall if I did it that time.

3 Q: What was the lighting, the lighting condition in the area at the time?

4 A: It was dark but there was streetlights.

5 Q: And where was the closest, do you remember?

6 A: I don't, I couldn't say.

7 Q: Were you able to see the faces, were you able to tell who the was the officer, who was the
8 suspect?

9 A: Yes.

10 Q: In your presence, did any officer tackle complainant to the ground?

11 A: I didn't see the initial tackle. I didn't so it wasn't-

12 Q: I didn't ask about initial, subsequent. Did you see any tackle?

13 A: No, I did not.

14 Q: So your attempt to assist were pretty much consisted of attempting to control the
15 complainant's arms?

16 A: Correct.

17 Q: Was the complainant facing the ground or with his face up at that time?

18 A: I think he was face down as far as I can remember.

19 Q: I understand it was over a year.

20 A: It's been a while.

21 SR: It was over a year ago. Over a year.

22 Q: And how to the best of your memory, how long did it take for all four of you to subdue
23 and handcuff the complainant?

24 A: It's hard to judge because a lot of the time in these situations it seems like things are,
25 things are going fast, but I really have no idea.

1 Q: Okay. But at some point you handcuffed the complainant?

2 A: Correct.

3 Q: Did you handcuff him?

4 A: Not that I recall. I may have. If I did, I don't recall.

5 Q: Okay. And what did you do after the complainant was handcuffed?

6 A: I believe, well I don't remember. I'm sure at some point he was placed in a radio car and
7 we left. But as far as that, that's, I can't remember exactly.

8 Q: That's exactly what I'm asking you. Do you remember what you were doing after the
9 complainant was handcuffed?

10 A: No.

11 Q: To the best of your recollection, how long did you stay at the scene after the complainant
12 was placed in handcuffs?

13 A: I really don't have a time frame, but we did try to get out of there as fast as possible.

14 Q: Okay. Do you know if any ambulance responded to the scene?

15 A: I don't recall.

16 Q: I believe you read the incident report in connection with this incident. In preparation for
17 this interview?

18 A: No. I read it prior to the response. I didn't read it today, no.

19 Q: Okay. Okay so do you recall, or you don't recall any ambulance at the scene at any
20 point?

21 A: I don't recall.

22 Q: How would you describe the complainant's demeanor after he was handcuffed?

23 A: I didn't have too much contact with him afterwards so I couldn't tell you.

24 Q: Okay. Did you hear, did you see? I'm not asking if you talked to him, but did you see
25 him, did you hear what he was saying if anything?

1 A: Once he was placed in handcuffs, I had to take my attention away from him because in
2 that area there is often a lot of people will start throwing rocks or vandalizing the police cars that
3 we've left behind. So I had to kind of like turn around and watch them and forget about what's
4 going on with the prisoner once he's under control.

5 Q: Understandable. What did you first notice that there was some people, that there was
6 some crowd gathering?

7 A: Right when we pulled in, when we were, before we even exited the vehicle.

8 Q: Uh-huh.

9 A: We joined the pursuit. Apparently they had been around the projects once or twice
10 already. So there is people on the sides of the street cheering.

11 Q: And I'm talking about the pursuit, obviously it was light and siren?

12 A: Yes.

13 Q: Okay. So did I understand you correctly that you first noticed the crowd when you just
14 pulled-

15 A: Soon at the, in the housing projects where this took place, it's a gated housing project.

16 Q: Yes.

17 A: So once they got inside the complex and he couldn't get out. So he made several loops
18 around the housing project before we were able to come in the gate and join in the pursuit. So by
19 the time we joined there was already probably hundreds of people, spectators.

20 Q: Okay. Your report indicates that a large crowd started gathering.

21 A: Uh-huh.

22 Q: And do you recall a crowd at the scene?

23 A: Yes.

24 Q: Okay. And how big was the crowd?
25

1 A: Like I said, when we first, there was, on a regular basis there is a lot of people outside on
2 the street in that particular area. But when there is something like a pursuit or something like
3 that, it draws more people out. So I would say a hundred plus people.

4 Q: Do you recall seeing a hundred plus people in the area of the time of the complainant's
5 arrest or you just saying by your experience? Do you recall seeing a hundred people plus?

6 A: From the entrance of the Double Rock housing project to the dead end of Fitzgerald, I
7 remember seeing over a hundred people.

8 Q: Okay. Any attempts to damage the vehicle to, to -- any attempts to risk the arrestee or the
9 suspect?

10 A: No.

11 Q: No. Do you recall anything, nothing stood out from your memory?

12 A: Just a lot of people yelling and screaming.

13 Q: Okay. What were they yelling?

14 A: Their typical things you know "fuck the police" and stuff like that.

15 Q: Okay. Did you make an attempt to establish who saw the complainant's arrest, who might
16 have been, might be a witness to that incident? Did you ask for anyone, anyone's statement?

17 A: No.

18 Q: Did you hear the complainant asking the officers, involved officers to take statements
19 from the witnesses, from the people who were observing this incident?

20 A: I didn't hear the complainant say anything.

21 Q: And why didn't you take any statements from the witnesses?

22 A: I believe that if we had stayed any longer than we did, we probably would've started
23 taking rocks and bottles.

24 Q: So that's the reason why you didn't.

25 A: For safety.

1 Q: Okay.

2 A: No one came forth with any willing to make any statements other than “fuck the police.”

3 Q: Okay. Do you recall any sergeant responding to the scene?

4 A: I don’t recall.

5 Q: Do you recall talking to any supervisory officer concerning this incident later that night?

6 A: No.

7 Q: Did you strike Complainant [REDACTED] with your fist at any time during this arrest?

8 A: No.

9 Q: In your response you indicated on question seven if you have, do you have it?

10 A: I don’t have the-

11 Q: Okay. I asked you about injury, if you caused any of the injuries sustained by the
12 complainant and you wrote “I aided in handcuffing [REDACTED] while he was on the ground which
13 was covered with glass and debris. I believe the injuries he sustained were caused from his own
14 resistance and rubbing against the ground.” That’s what you wrote. Do you know what kind of
15 injuries he sustained?

16 A: I believe he had a laceration to the face or the head. I don’t recall where exactly it was.

17 Q: Uh-huh.

18 A: And when I read the complaint, I think it said he had cuts and bruises on his knees and
19 stuff.

20 Q: I believe there was an officer on site. Why don’t we break for a quick second and they
21 will go and open the door to let him in. The time now is approximately 15 minutes after 9 and
22 we’ll be back in a minute.

23 Q: Okay we are back on tape; the time now is about 18 minutes after 9 PM and it is
24 interview with Officer Fowlie concerning the case 168-01. Okay, we were talking about the
25

1 complainant's injuries. So do you recall, well let's make it clear. Do you recall the injuries of
2 the complainant while you became aware, aware of them while reading the complaint?

3 A: Well, when I read the complaint I was aware of where he, the complainant's injuries
4 were.

5 Q: But do you remember the complainant having injuries?

6 A: No. I don't remember.

7 Q: Did you see a flashlight in the hands of Officer Paine at the time of this incident?

8 A: Not that I remember.

9 Q: Did you see Officer Paine hitting Complainant [REDACTED] with the flashlight at any time?

10 A: No.

11 Q: Did you see Officer Paine's flashlight connect with the complainant's head in any
12 manner during this incident?

13 A: I don't recall Officer Paine having a flashlight.

14 Q: Okay. Did you sustain any injuries as a result of this arrest?

15 A: No.

16 Q: Okay. I don't have any more questions. If you would like to make a statement
17 concerning this incident or concerning this interview, please do so.

18 A: I have nothing else.

19 Q: Okay, would you like to make a comment, question?

20 SR: Nothing else.

21 Q: Okay, we will complete the interview. The time now is about 20 minutes after 9 PM.

22 END OF INTERVIEW
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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 11, 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 7th day of August
14 2019.

15
16 /s/ Kathy Kay
17 KATHY KAY
18 By Electronic Mail
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IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF POLICE ACCOUNTABILITY

CASE NUMBER: 168-01

INTERVIEW OF: OFFICER PAINE

INTERVIEWED BY: OCC INVESTIGATOR

DATED: DECEMBER 17, 2001

1 **Q: OCC INVESTIGATOR**

2 **A: OFFICER PAINE**

3 **SD: SERGEANT DEMPSEY**

4
5 **Q:** This is OCC Investigator (Sergei Litvinov) conducting the interview concerning OCC
6 168-01. The interview is taking place at the OCC. Today is Monday, December 17th, 2001.
7 The time now is approximately 45 minutes after 5 PM. Member being interviewed is Officer
8 Timothy Paine. Did I pronounce your name correctly?

9 **A:** Correct.

10 **Q:** Star number 763 and he is being represented by Sergeant Dempsey, star number.

11 **SD:** 1087.

12 **Q:** Officer Paine, have you received and read a complaint from [REDACTED] concerning his
13 arrest last year?

14 **A:** Yes, I have.

15 **Q:** And have you read General Order 2.08?

16 **A:** Yes sir.

17 **Q:** Have you read rule 21 on General Order 2.01?

18 **A:** Yes.

19 **Q:** Have you read section 1A of General Order 2.04?

20 **SD:** It's that in front of him?

21 **Q:** Pardon me?

22 **SD:** Aren't they supposed to have it in front of them?

23 **Q:** Oh yeah, sure, absolutely. I thought, we have this, yeah, I'm sorry.

24 **D:** No, that's okay.

25 **Q:** He can just take, take your time.

1 A: Prior, prior visits I have read them.

2 Q: Well, you're not supposed to say that. It's your confidential record how many times you
3 have been here.

4 A: Too many.

5 Q: It's up to you. Take your time.

6 A: I read it.

7 Q: Okay. So have you read section 1A of General Order 2.04?

8 A: Yes, I have.

9 Q: Okay. You understand these orders?

10 A: Yes, I do.

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

12 A: Yes, I am.

13 Q: Thank you. Do you recall the incident?

14 A: Yes, I do.

15 Q: Okay, On that-

16 SD: Hold on.

17 Q: On the night of the incident you were working with Officer Ahern. Is that correct?

18 A: Correct.

19 Q: Okay and do you recall who was driving or who was the passenger in your vehicle?

20 A: I was driving, Officer Ahern was the passenger.

21 Q: Okay. Do you recall who started the foot pursuit of complainant [REDACTED]? You or Officer
22 Ahern first.

23 A: Well [REDACTED]-

24 SD: Pursued?

25 Q: Foot pursuit?

1 A: Oh on foot okay.

2 A: [REDACTED] actually did. He ran. Officer Ahern ran after him.

3 Q: Okay.

4 A: Since I was driving the car, it took me more time to exit the vehicle.

5 Q: And who was the first to get into contact with Complainant [REDACTED]?

6 A: Officer Ahern-

7 Q: You?

8 A: Officer Ahern.

9 Q: After Officer Ahern got into contact, physical contact with Complainant [REDACTED].

10 A: Uh-huh.

11 Q: Starting from that point on, how long did it take for the second unit to come to the scene

12 of the complainant's arrest? Approximately to the best of your memory.

13 A: Between Officer Ahern's contact?

14 Q: Correct.

15 A: And the second unit to show up?

16 Q: Correct.

17 A: One to two minutes.

18 Q: And talking about the second unit, it was Officer Fowlie and Officer DeJesus. Is that

19 correct?

20 A: Correct.

21 Q: When Officer Ahern exited the patrol vehicle, did he have anything in his hands?

22 A: Yes.

23 Q: What did he have?

24 A: His baton.

25 Q: Your response indicates that you also had a baton at the time you-

1 A: I didn't.

2 Q: Pardon me?

3 A: No, it didn't.

4 Q: Okay. Did you have a baton when you exited the patrol vehicle?

5 A: No.

6 Q: Did you see if Officer Fowlie had a baton when he arrived at the scene?

7 A: No, I did not.

8 Q: He did not, or you did not-

9 A: I did not see it.

10 Q: Okay. What about Officer DeJesus, did you see?

11 A: I didn't, I did not see. Meaning I didn't see if they had it or not.

12 Q: That's what I meant, and I got it. What was the light condition at the time you and

13 Officer Ahern got into contact with Complainant [REDACTED]?

14 A: You mean when we were fighting?

15 Q: That's correct.

16 A: There were streetlights overhead.

17 Q: Do you recall how close the closest was?

18 A: No.

19 Q: How would you estimate light conditions?

20 A: Fairly well-lit being that it was night.

21 Q: Did you have a flashlight at the time you contacted the complainant?

22 A: Yes, I did.

23 Q: Okay, what about Officer Fowlie and Officer DeJesus, do you know, or did you see if

24 they had flashlights in their hands?

25 A: I have no idea. You said in their hands?

1 Q: Yes.

2 A: No, they didn't have anything in their hands.

3 Q: How come the complainant was twice into police custody it took some time for a, for an
4 ambulance to arrive. Is that correct?

5 A: Correct.

6 Q: Okay and how long to the best of your estimate?

7 A: My guess would be anywhere from 10 to 15 minutes.

8 Q: What were you doing during that time while waiting for the ambulance?

9 A: A number of things. Talking to other officers about securing our vehicle, about securing
10 the stolen vehicle that Mr. [REDACTED] was in, talking to the sergeant at the scene. At one point, I
11 think I washed, I had a cut on my hand. I washed that out. I also asked some people that came
12 out if anybody wanted to provide a statement or be a witness.

13 SD: And I would like to answer for a second. I know you're trying to answer the questions as
14 best as you can at this time. It's been over a year since this occurred, but I'd like to make sure
15 that you understand when you wrote your police report from the time it took for an ambulance,
16 do you recall what you wrote in your police report as far as how long it took?

17 A: No, I do not.

18 SD: And this is written at, at the time of the occurrence, within hours or so. So I think this
19 might refresh your memory a little bit.

20 A: Well, what I'm thinking here is after there was a five to 10-minute gap, the ambulance
21 hadn't arrived, he started complaining of different ailments, so I had to recontact the ambulance
22 and then it took another-

23 SD: Okay.

24 A: I think approximately five minutes before it showed up.

25 SD: But you're only, you're only guessing.

1 A: Yes.

2 SD: And this is over a year ago.

3 Q: I asked for an estimate.

4 SD: It's really hard

5 Q: You're right, absolutely. Absolutely. (inaudible) record of it already but you're going by
6 your memories. If you feel that you need to refresh your memory, use the report, please do so.

7 A: Sure.

8 Q: Okay? And who was taking care of the complainant, in whose custody was at that time?

9 A: He was, there was approximately six to eight police officers there. The complainant was
10 sat upright against the fence and a couple officers were standing with him, but I don't know who
11 it was.

12 Q: Do you recall who was the sergeant who responded to the scene?

13 A: Sergeant Bono.

14 Q: Okay. In your memory best now you mentioned that you, you'd ask some individuals
15 who were present or civilians if they had a statement or witness, something.

16 A: Correct.

17 Q: Okay, was it the first time that you asked potential witnesses to provide a statement?
18 Were you, you were looking for statements for witnesses even before, oh it's unclear, okay. You
19 indicated in your response that you indeed asked for a statement from potential witnesses.

20 A: Yes.

21 Q: Is that correct?

22 A: Yes.

23 Q: When was the first time that you noticed that there were people around?

24 A: There weren't initially. After Mr. [REDACTED] was gotten into custody and he was sitting there
25 and we were waiting for the ambulance to show up, he kept yelling at us. He was yelling that we

1 were beating him even though he was now in custody and he was left alone. He was screaming
2 for people to come out, that the police were beating him for no reason. At some point, a woman
3 came out of a window and yelled something to us. And then a few minutes later, some people
4 came out. I don't remember how many, maybe six to ten people came out of their apartments and
5 were standing across the street and had yelled some obscenities and some other things to us, the
6 police. He was demanding that the people supply statements as being witnesses to his beating. I
7 asked if anyone wanted to provide a statement. Nobody answered.

8 Q: Okay. Did you go across the street to ask them for a statement or you yelled?

9 A: I walked over towards them.

10 Q: Okay. How far from the scene of the complainant's arrest were they?

11 A: Across the street. It's just a little street so probably 25 feet, 30 feet.

12 Q: Do you recall what Officer Ahern did after the complainant was placed into custody?

13 A: No.

14 Q: And the other officer, Officer Fowlie and Officer DeJesus what were they doing?

15 A: I do not know.

16 Q: Okay. Did you hear any of these officers ask anyone for a statement, any potential
17 witnesses for a statement?

18 A: No, I don't know if anyone did or not.

19 Q: Okay. Do you know if any other officer walked across the street or yelled from across
20 the street at this group of individuals if they had any statement, if they want to provide a
21 statement or anything like that?

22 A: I don't know if they did or not. That group was only there for a minute or two.

23 Q: When you walked across the street? Did you take any contact information from this
24 group?
25

1 A: They didn't want to provide any. I asked if anyone wanted to provide information.
2 Nobody did.

3 Q: Okay.

4 A: And they left.

5 Q: Do you recall the complainant was wearing glasses at the time of his arrest?

6 A: I don't remember.

7 Q: During the struggle with Complainant [REDACTED], did you see Officer Ahern strike the
8 complainant with the baton?

9 A: No.

10 Q: Okay. Did you see Officer Fowlie or Officer DeJesus strike the complainant with a baton
11 or a flashlight?

12 A: No.

13 Q: Can you explain to me if you can take a look at your memory response form and section,
14 question number three, response to question number three, hold on, hold on, hold on, number
15 four.

16 SD: The actual question was did you hit the complainant with the baton and/or flashlight at
17 any time (inaudible).

18 Q: Uh-huh. What do you mean I don't know and for you further state that the contact may
19 occur?

20 A: Uh-huh.

21 Q: Is there a discrepancy?

22 A: No.

23 Q: How come?

24 A: Because there's not. What do you mean is there a discrepancy?

25 Q: Okay.

1 A: You asked me did I hit him.

2 Q: And you said you don't know.

3 A: I don't know. I said contact may have occurred.

4 SD: When he tackled him.

5 A: I'm holding my flashlight. [REDACTED] had, was standing over Officer Ahern, pulling Officer

6 Ahern's baton. I ran up and I had tackled [REDACTED]. I was holding a flashlight.

7 Q: Okay.

8 A: I don't, he may have got hit in the head.

9 SD: As an extension of your hand.

10 A: When he was tackled. But as, as I said he was when he was tackled by me, I was running

11 up seeing that he is pulling away Officer Ahern's baton.

12 Q: Okay.

13 A: I just jumped on him.

14 Q: Okay and under those circumstances the contact between your flashlight and the

15 complainant's head might have occurred?

16 A: Potentially, yes.

17 SD: Head? Is that, you said head.

18 Q: I said head.

19 A: Potentially.

20 SD: But it wasn't an intentional act?

21 A: No, that and he has an injury to his head, but we were able to ascertain at what point the

22 injury to his head occurred.

23 Q: Okay.

24 A: Because we had an extended fight with him.

25

1 Q: To the best of your recollection, was it or might it have been the only time that your
2 flashlight might have contacted the complainant?

3 A: My flashlight as soon as I started wrestling with him, I had to drop my flashlight. I was
4 holding nothing in my hand from the time I had tackled him thereon throughout. After he, he
5 was tackled my flashlight was dropped.

6 Q: I still would like clarify this. That potential contact that might have occurred or indeed
7 occurred, was it the only contact between your flashlight and the complainant's head during
8 throughout the whole, the whole incident?

9 A: I wasn't holding my flashlight. I had tackled him. When we went down, my flashlight
10 was dropped.

11 Q: I understand, I understand.

12 A: So I'm not holding a flashlight anymore.

13 Q: I totally understand that. It dropped on the floor whenever. What I'm trying to determine
14 is was it or might it have been the only contact between your flashlight and the complainant's
15 head throughout this whole incident?

16 A: Nobody is, nobody was holding my flashlight. It's down on the ground. So I don't, I
17 don't know how my flashlight can contact his head. Nobody is holding it. It's down on the
18 ground and we're fighting with him, so I don't, I don't understand how you're asking if my
19 flashlight could've contacted him.

20 Q: Well at what point did you pick it up?

21 A: I didn't, Well, when the incident was over, well over, in fact after he was handcuffed,
22 after other officers came by and after we started to clear out the scene, I went, got my flashlight
23 which was still down on the sidewalk. Officer, Officer Ahern's baton was down on the sidewalk.
24 So those objects were just there.
25

1 Q: Okay, from that point on, after you picked it up, after you picked up your flashlight, did
2 your flashlight under any circumstances have any contact with the complainant's head?

3 A: You had to have elaborate on that. No he was gone. He was in the ambulance and gone.

4 SD: Can I interject? If I'm not interfering with your questions but I think he's being very
5 pragmatic. He's asked, he's answering your questions, but you know I think the potential exists
6 in your mind that your flashlight is on the ground and he got taken to the ground. He may have
7 hit the flashlight as he was taken to the ground. But it was not done as a deliberate act on his
8 part but there is a potential. The way you're asking the question.

9 A: Actually, I'm getting the implication that he's, asking if he was struck in the head with
10 my flashlight after he was in custody?

11 Q: That is correct?

12 A: No.

13 SD: Okay.

14 Q: Well that's what the complainant is alleging. That's why I'm asking.

15 A: Yeah but you weren't asking it that way. If you had said was he struck in the head after
16 he was taken into custody with my flashlight or any other object, I could have said no, flat out
17 no.

18 Q: You wrote the report concerning this incident.

19 A: Correct.

20 Q: What about, what about entering the, into the use of force log? It was done by Officer, I
21 believe by Sergeant Craig and do you recall talking to Sergeant Craig concerning this incident?

22 A: Not the details, no. I mean I had talked to her, but I don't know specifically what was
23 said or how the conversations transpired.

24 Q: Okay. I have a copy of the use force of log.

25 A: Uh-huh.

1 Q: And you can take a look. It is this end.

2 A: Okay.

3 Q: And the question is the box that has been checked, the subject was struck by a fist or an
4 object.

5 A: Uh-huh.

6 Q: Neither your report nor your account of the incident indicated that the complainant was
7 struck by any object at any point.

8 A: My report goes on and elaborates that we fought with him for several minutes.

9 Q: Okay but it doesn't say anything about striking, hitting.

10 A: Okay.

11 Q: Can you explain?

12 A: No. I mean it's -

13 SD: Those are not entries made by you.

14 A: Yes.

15 SD: I don't think he can explain.

16 Q: I understand.

17 A: He, Sergeant-

18 SD: Yes, you'd have to ask Sergeant Craig what information that she based this on. He, he
19 can't answer that.

20 Q: Well my understanding is the sergeant bases the, the, the entry on the report from the
21 officers.

22 A: Yes.

23 Q: And do you recall what you told Sergeant Craig?

24 A: As I already said I don't recall the details of the conversation.

25 Q: And you cannot explain why this particular box was checked?

1 A: Potentially because we were fighting with him for several minutes so maybe I, I don't
2 know how she took that.

3 SD: Well I think the answer is in the police report and help define it. Well what are we going
4 to call a fist or any object? What do you define as an object?

5 Q: Flashlight.

6 A: A knee, a knee.

7 Q: Baton.

8 SD: Where does it say knee or any, let me-

9 Q: Sure.

10 SD: This is answering for Sergeant Craig and I can't put words into her brain.

11 Q: Okay.

12 SD: A knee may be an object to her.

13 Q: Well the potential explanations.

14 SD: But the officer does cover the use of some part of his body parts by saying that they did
15 use their knee.

16 Q: Okay.

17 A: There is another thing and at the time I, I probably told officer or Sergeant Craig this and
18 I said it from the scene, and I said it through here and now that the potential existed for my
19 flashlight to have contacted him in the head when he was tackled. I didn't deny that then; I don't
20 deny that now. He was deliberately struck in the head and that was the only time the flashlight
21 or any other object was contacting him. From that moment on, myself and Officer Ahern
22 wrestled on the ground with Mr. [REDACTED]. Two other officers joined us and wrestled on the ground
23 with him and attempted to get him into custody. We were also wrestling on a sidewalk that had
24 numerous large rocks, broken up concrete that we were on top of and there was also barbed wire
25 there. So I don't know when, where or how specifically Mr. [REDACTED] got his head injury. I'm not

1 going to deny it was from a flashlight, but I can't say yes, that's how he got it. Just as I can't say
2 at what point I received my injuries or Officer Ahern received his. We had an extended fight
3 with him so where and how I'm not going to write in the police report that he got a head injury
4 from a baton when I can't certainly say that. That's why I specifically wrote in my report that I
5 was holding my flashlight when I tackled him because the potential was there that he was hit in
6 the head with the flashlight.

7 Q: Do you recall if Officer Ahern's baton contacted the complainant's head at any point?

8 A: I didn't see the specifics of his tackle. I was looking from behind. Officer Ahern tackled
9 Mr. [REDACTED] and from then on Mr. [REDACTED] had an upper hand on Officer Ahern until I tackled
10 him. Officer Ahern's baton fell away from the scene just as my flashlight did.

11 Q: Okay. Do you know if Officer Ahern's baton had any contact with the complainant's
12 head at any point during this whole incident?

13 A: At the beginning of that I said I didn't see the front so I can't answer for that. From my
14 contact with Mr. [REDACTED] and on, Officer Ahern didn't have his baton. It was on the ground.
15 Again if, going back if you want to ask was he struck with an object after he was taken into
16 custody-

17 Q: I asked already, I asked already.

18 A: No, he was not.

19 Q: Directly and you directly answered. Okay. I don't have any more questions. If you would
20 like to make a statement, you can do so.

21 A: I want to kind of go back and elaborate on my, my ending statement from the member
22 response form. Not really elaborate but, but essentially restate that. Mr. [REDACTED] violently fought
23 with us. He caused injury to himself and the two officers. He had ample opportunity to surrender
24 both in the vehicle. He had ample opportunity to surrender when he fled on foot. He elevated the
25 situation by trying to take away a potentially deadly weapon from a police officer. Police officer

1 was on the ground. He's on top of him pulling away officer's baton. He was tackled and he
2 continued to fight. When he had the two of us were on him, he tried to get up and run. He tried
3 kicking at us and swinging at us. Two other officers had to assist us. It took four officers to get
4 him into custody. The entire time he fought with us. After he was handcuffed, he was set up
5 against a fence and an ambulance was ordered for him. All of this situation, all of this, the
6 injuries to himself as well as to the 2 officers were created by his actions. He had ample
7 opportunity to surrender and comply with police orders. He elevated the situation to a dangerous
8 situation that could've had much worse consequences taking away a potentially deadly weapon
9 from a police officer is, is a serious issue. And ultimately everyone is lucky that it ended the way
10 it did.

11 Q: Anything else?

12 A: That's it.

13 Q: Sergeant, do you want to make a comment, statement?

14 SD: Well I have a couple of questions.

15 Q: Okay.

16 SD: In the police report, getting back to the right knee part, it says that you attempted to pin
17 him down by placing my right knee in his left side back while Officer DeJesus tried to hold the
18 suspect's head down. Officer Ahern tried to control, we got three people trying to control him
19 here. Officer Ahern tried to control the suspect's kicking and flailing legs. So when you're trying
20 to get your knee on him which is probably not a very gentle motion, I'm sure and you may have
21 done a knee drop or whatever you had to do-

22 A: We were actually already down on the ground.

23 SD: Alright. So he's still fighting and you're using your knee as an offensive weapon.

24 A: Actually he was trying to get up and run and we were trying to keep him down.

25 SD: So it's an offensive weapon.

1 A: Yes.

2 SD: You're trying to counter man what he's doing, that makes it an offensive weapon.

3 A: Yep.

4 SD: Where in here would you put a knee?

5 Q: Is that a question to me and you know, Sergeant.

6 SD: It was a rhetorical question.

7 Q: Okay.

8 D: I'm not expecting-

9 END OF SIDE A

10 Q: Continuation of interview regarding Officer Paine, considering OCC case 168-01. The
11 time now for the record is about 15 minutes after 6 PM.

12 SD: Okay what I was asking and what, what I was showing the investigator as I was asking
13 that rhetorical question was use of force of log and I can down and say it says physical force,
14 strike like fist object, chemical agent, baton strike, jab, carotid, firearm. It doesn't cover other
15 physical body parts and sometimes in this job in 30 years I've kicked a number of people and
16 that's because you had to do what you got to do. So the use of force log I think reading it, the
17 only one that would cover a use of a knee as an offensive weapon to control a suspect would be
18 the use of my fist or strike by fist or object. The second thing is is in question number 4, the
19 way, the way if you went to reach for this guy and if the question read did you hit the
20 complainant with your fist at any time, how would you, I know I shouldn't have asked questions
21 that I'm not prepped to ask but with these circumstances if you didn't have your flashlight in
22 your hand and you, you, you went to grab this guy by knocking him down or whatever and your
23 hands hit his face, would you say that you hit him with your fist?

24 A: Yes.
25

1 SD: So you, I mean a fist is a closed -- See, it's a, it's a rhetorical type of question because it
2 doesn't really cover specific, the way the question is it should be written deliberately or was it an
3 accidental as part of an instrument that was in your hand already.

4 A: Yes.

5 SD: Or your intention was to, to hit with your hand or knock him with your hand and your
6 flashlight is in there. So the answer would be regarding did you hit with your fist? No because it
7 wasn't a deliberate act.

8 A: Sure.

9 SD: If you didn't have your flashlight.

10 A: It's, the word should be deliberate or contact.

11 SD: Yes. Okay so you tried to answer that not invasively.

12 A: Correct.

13 SD: But you tried to answer it -

14 A: Without defining.

15 SD: The way you interpreted the question.

16 A: Yes.

17 SD: That it wasn't a deliberate act. It may have hit but it was because it was in your hands.

18 A: Correct.

19 SD: Okay. And it was dark out there, it was midnight and there was no reason for you not to
20 have a flashlight at midnight. Part number two is reading the complaint that was written by the
21 complainant, I'd like to make a notation on the record that it appears that the complainant had the
22 benefit of reading the police report prior to writing his complaint out. And what I base it on is the
23 fact that he notes the exact same time that's in the police report at 23:54 hours. And it was
24 probably written by an attorney because it's very, very well written. For you, was this written by
25 him or by you on the cover sheet of the 293?

1 Q: I think we received it the same way but that's what it looks -

2 SD: Is that your, is this your writing or his?

3 Q: No, it may, it is mainly him that indicates that we did not write this.

4 SD: So, so up to this point, he wrote it and the reason I say it's probably written by his
5 attorney or with the advice of an attorney is because it's very well written. But if you note on the
6 front of the 293, he wrote the word double lock which is spelled double, D-O, D-O-U-B-T-L, B-
7 L-E as D-U-B-B-L-E. So think that he got some advice of counsel and some, some pretty good
8 assistance in writing this complaint. That's it.

9 Q: It is not prohibited. At this point if nobody has anything else to say, at this point we'll
10 conclude the interview. The time now is about 20 minutes after 6 PM.

11 END OF INTERVIEW
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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 20, 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 7th day of August
14 2019.

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