PALO ALTO POLICE DEPARTMENT Memorandum



To: Lieutenant Mike Denson

From: Sergeant Natasha Powers

Date: 15 March 2008

Subject: Use of Force Report

SYNOPSIS

On 03/15/2008, at approximately 1007 hours, Officer Temores and Agent Wagner responded to the 1000 block of Ramona Street on the report of a male adult sleeping in his van and that had made the reporting party and his children uncomfortable.

Upon arrival Officer Temores and Agent Wagner attempted to contact the suspect who was inside of his van. The suspect refused to come out and the officers used a ruse to get him to come out of the van. Once outside the van the suspect became verbally combative with Wagner and Temores. Officer Burger then arrived and observed the suspect and believed him to be under the influence of a controlled substance. The suspect then retreated into the van and refused the lawful order of the officers. Officers continued to negotiate with the suspect and managed to get him to come to the door opening of the van. The situation quickly escalated when the suspect attempted to flee and then assaulted one officer.

A Taser X26 was deployed; however the probes did not strike the suspect, and was thus ineffective. The suspect violently struggled with the officers striking all of them with kicks and punches as they tried to gain control of his arms. During that struggle a second Taser was used in a drive stun mode upon the suspect's leg. The suspect continued to violently struggle until he complied after being warned again that a Taser would be used upon him. Eventually the suspect complied, but not before the three officers were injured in the process of detaining him.

The suspect was transported to Stanford ER where he was treated for the abrasions and the Taser drive stun.

SUSPECT INFORMATION

Joseph Anthony Ciampi DOB: 09-24-1961 Transient – Palo Alto

INVESTIGATION:

See attached Palo Alto Police Incident Report 08-1777



The Taser probes did not strike Caimpi and, therefore he had no probe related injuries. The suspect received a drive stun to the left leg but there were no signature marks. Suspect Ciampi sustained abrasions to his left arm and both thighs.

Suspect Caimpi was transported to Stanford ER by PAFD Medics. He was treated at Stanford ER for the abrasions and Taser direct stun to his left leg.

ADMINISTRATIVE STATEMENT OF SUSPECT, Joseph Ciampi:

See supplemental report by Sgt. Honiker

OFFICERS EFFECTING THE ARREST

Agent April Wagner – W0107 – Arrest Officer Kelly Burger – B9603 – Arrest Officer Manuel Temores – T7913 - Arrest

ADDITIONAL OFFICERS AT THE SCENE

Sergeant Mike Honiker – Witness Statement (Rodger Johnson) – Admin Report Sergeant Natasha Powers – Taser evidence collection at scene Agent Alex Afanasiev: - Neighborhood check – 08-1770

INJURIES TO INVOLVED OFFICERS

Agent April Wagner: Complaint of pain to the right side of face, struck by suspect. She did not seek medical treatment.

Officer Kelly Burger: Sustained abrasions to left hand and left elbow, contusion to right elbow and both left and right knee. Wounds cleaned by EMS at scene, no further medical treatment.

Officer Manuel Temores: Cut to right middle finger, abrasions to left knee. He did not seek medical treatment.

STATEMENTS OF INVOLVED OFFICERS:

Refer to Palo Alto Police Incident Report 08-1777 (attached).

STATEMENT OF WITNESS:

No additional witnesses were located at the scene. All known witnesses have been interviewed and their statements included in incident report #08-1777

2

EVIDENCE:



Agent April Wagner accompanied Palo Alto Fire / Medics to Stanford ER.

At the scene I collected expended Taser XP Cartridge H07-629707. Additionally I collected one related probe from the fence belonging to the residence of 1057 Ramona Street, and the other probe from the side walk along that same fence line. I collected one set of related Taser wires, both still attached to the probes noted above, and several AFIDS all belonging to Taser XP Cartridge H07-629707

I documented the above items on a property sheet and placed them into PAPD evidence. This was documented in her incident report 08-1777.

Agent Afanasiev responded to the scene and took photos of the scene and the officer injuries. Additionally he responded to Stanford ER where he photographed the suspect and obtained a blood sample.

TASER INFORMATION:

Officer Burger: Taser Serial Number: X00-292463
Officer Temores: Taser Serial Number: X00-292417

XP Cartridge Number: H07-629707

Drive Stun Only

OPINIONS AND CONCLUSIONS



Officer Temores, Agent Wagner and Officer Burger responded to a call of a suspicious person who had set up camp in his vehicle and made the reporting party uncomfortable. This is the same block where there have been recent robberies, burglaries, and drug arrests.

Upon arrival Officer Temores and Agent Wagner attempted to contact the suspect who was inside of his van. The officers identified themselves as police officers and asked the suspect to come out of his van. The suspect refused to come out and the officers used a ruse to get him to come out of the van. Once outside the van the suspect became verbally combative with Wagner and Temores. Officer Burger then arrived and observed the suspect and believed him to be under the influence of a controlled substance. Officer Burger told the other officers that the suspect was possibly "550" (A term used to describe someone who is under the influence of a controlled substance.) The suspect then retreated into the van and refused the lawful order of the officers. Officers continued to negotiate with the suspect and managed to get him to come to the door opening of the van.

The suspect continued to argue with the officers and still refused to come completely out of the van. Officer Burger was forced to deploy his Taser and point it at the suspect. The suspect was warned several times and he finally was moved from the van to the fence line. The suspect then tensed his shoulders, turned and attempted to escape. Officer Burger deployed his Taser X26 and both probes missed the suspect. The situation quickly evolved when the suspect violently assaulted Officer Burger.

During that violent struggle the suspect punched Agent Wagner in the face. Officer Temores removed his Taser cartridge and attempted to drive stun the suspect to stop his violent



aggression. The suspect kicked Officer Temores in the chest and body forcing him back and thus losing the direct contact with the Taser. Officer Burger changed cartridges and pointed his Taser at the suspect. It was then that the suspect stopped resisting and was taken into custody.

Officer Burger and Officer Temores followed departmental Policy 300 and 308 and used a reasonable amount of force, the appropriate control device, and proper technique during this incident. Based upon the reports, video, and officer statements; all of the officers on scene used unwavering restraint and reasoned judgment.

ATTACHMENTS

- CD of radio traffic and call for service
- CAD print out
- Taser Video X00-292417
- Taser Video X00-292463
- Palo Alto Police Incident Report 08-1777
- Photos of suspect and officer injuries.
- MAV vehicle 5235 & 5233

Additional Information:

Upon reviewing of the MAV for vehicle 5233 I learned there was no audio file. Further I learned from Officer Temores that he needed to replace both Clear Comm DSS units because there were none in his car. Officer Temores did not know they had not yet fully charged and wore one unit upon his belt believing that it was operational. It was determined that the unit had not fully charges therefore it was not able to record the verbal interactions with the suspect.

The audio recording from MAV 5235 does accompany the video and is clear and records the verbal interactions of the involved parties.

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MASTER TAPE REQUEST FORM

PALO ALTO POLICE COMMUNICATIONS

REQUEST A COPY OF	CHANNEL:				
AND/OR TELEPHONE AT	(PHONE #)				
ON	(DATE) 3.15.08				
FROM	(TIMES) 09 50 TO 1100				
FOR THE PURPOSE OF	,				
TYPE OF EVENT/CASE					
LOCATION OF INCIDENT	Lincoln Remona				
	REQUESTOR INFORMATION				
NAME	· BADGE#				
RANK OR TITLE	·				
DIVISION PHONE EXT:					
ITEM(S) REQUESTED	CASSETTE TAPE: RADIO TRAFFIC: CSF:				
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saving tives every day

Weapon Summary

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53
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11/6/2007 4:07:43 PM
3/15/2008 11:19:31 AM
11/6/2007 3:31:03 PM
3/15/2008 11:18:51 AM

Firings

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91	3/15/2008 5:04:55 PM	3/15/2008 10:04:55 AM	00:00:02	23 °C	72*

Time Changes

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1	6/27/2007 6:50:58 PM	6/27/2007 11:50:58 AM	FROM
2	6/27/2007 6:50:58 PM	6/27/2007 11:50:58 AM	то

Videos

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V06-015542	3/15/2008 5:04:25 PM	3/15/2008 10:04:25 AM	00:00:37



saving lives every day

Weapon Summary

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36	3/15/2008 5:16:08 PM	3/15/2008 10:16:08 AM	00:00:05	22 °C	731

Time Changes

Sequence.	GMT Time	Local Time h	Type
1	6/27/2007 8:08:30 PM	6/27/2007 1:08:30 PM	FROM
2	6/27/2007 8:08:30 PM	6/27/2007 1:08:30 PM	TO
1	2/27/2008 8:08:30 PM	2/27/2008 12:08:30 PM	FROM
2	1/8/2008 11:54:28 PM	1/8/2008 3:54:28 PM	TO

Videos

TASER CAM Serial		Incident Start Time (Local)	Durab#on :
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V06-015530	3/15/2008 5:15:42 PM	3/15/2008 10:15:42 AM	00:00:33
V06-015530	3/15/2008 6:39:07 PM	3/15/2008 11:39:07 AM	00:00:02

PALO ALTO POLICE DEPARTMENT MEMORANDUM

TO:

Chief Lynne Johnson

FROM:

Dennis Burns

DATE:

7 April 08

SUBJECT:

Use of Force, 08-1777

Attached is a Use of Force Investigation in reference to an incident that occurred on March 15, 2008. I have reviewed the MAV and TASER CAM Video from the incident as well as the Police Report and Use of Force Investigation. In this incident, Officers (Temores, Burger and Wagner) contacted the suspect after he was called in by a resident. During the contact Officers believed the suspect to be under the influence of a narcotic. The TASER was used only after the officers were assaulted by the suspect. The suspect was taken into custody and received superficial injuries. The DA has filed 69 PC (Felony) and 148 PC.

Officers Temores and Burger and Agent Wagner sustained minor injuries from fighting with Suspect Ciampi.

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PALO ALTO POLICE DEPARTMENT



Memorandum

March 15, 2008

TO:

Sgt. Powers

FROM:

Sgt. Mike Honiker

SUBJECT:

DR # 08-1777 (Admin. Interview)

CC

Lt. Denson

On 3-15-08, at approximately 1019 hours, I arrived at the scene of Joseph Ciampi's arrest. At that time the scene had been secured, Ciampi was in handcuffs and sitting on the sidewalk. I noted that the three officers involved in the arrest were checking themselves for injuries and had blood from Ciampi on their hands and other parts of body. Ciampi had fresh scrapes on his arms and face. He was also argumentative with all the officers and me as he sat on the ground. After checking for serious injuries of both the officers and Ciampi (and finding none), I looked for witnesses to the arrest.

Approximately 25 feet east of the arrest, I met with a bicyclist that had been watching the officers as I arrived. I obtained the following information:

Witness-

Johnson, Rodger DOB 11-14-1948

- (H) 1363 San Domar Drive, Mt. View Ca. 94043
- (H) 650-969-1624

Johnson stated that he was riding his bike s/b through the alleyway that exits into Lincoln Avenue. At that time he heard the officers yelling for a person to stop resisting and to stay down, "Just like on Cops". He looked over and witnessed the three officers wrestling with a male subject. He heard that subject yelling out, "Don't tase me". He stated that he never saw the suspect punch or strike the officers and further described Ciampi's actions as "Defensive Activity". He also added that he did not see any of the officers strike Ciampi with fists or weapons.

Ciampi was transported directly from the scene of the arrest to Stanford Hospital by Palo Alto Paramedics. I met with him there to obtain an Administrative Interview. At approximately 1049 hours, I conducted a recorded interview with Ciampi.

Ciampi was handcuffed to a hospital bed at the time. He advised me that he was sleeping in his van when officers knocked on his van and requested that he speak to them. He refused to do so at the time because he felt he wasn't doing anything wrong and he wanted them to leave him alone. He stated that he knew what was going to happen (they would check his identification, find there was nothing wrong and leave), so he didn't feel he needed to talk to them. He then heard the officers advise that they were going to tow his van. He didn't want that to happen and didn't think they could, so he exited to confront them. Once outside the van, he was advised that they weren't going to tow the van they just wanted to talk to him. Ciampi advised that he was frustrated over years of being contacted for the same reason and felt that all the police should know him and is reasons for being where he was.

As he was outside, he heard Officer Burger advised that he was under arrest for "5150" (Officer Burger was advising the other officers that Ciampi may be "..550"). Ciampi stated to me, that couldn't be arrested because he "can't sleep indoors at night". At that time Ciampi admits that he went back into his van, against officers' orders, to retrieve his phone and shoes. He was planning on calling his attorney to advise that he was being arrested. The officers started to command him to exit the van and point their tasers at him. He stated that he exited the van because he didn't want to be tased and then was forced against a fence as he exited. He admits that the officers were ordering him to put his hands behind his back, and that he told them that he wanted to make his phone call first. He said that he then turned around and that's when he was tased. He later clarified that the first taser attempt failed because it missed him. That was followed by the officers "rushing" him and that was when the wrestling began (in order to avoid being tased). He finally stopped when he was tased in the leg. He did not remember striking any of the officers.

Ciampi continued to maintain his opinion that the police should have known that he was not involved in any illegal activity and that he had no obligation to contact the police and cooperate in their investigation of suspicious circumstances as reported to the police by citizens.

The interview was concluded at 1102 hours.

PALO ALTO POLICE DEPARTMENT SUPERVISOR'S REPORT ON USE OF FORCE

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PALO ALTO POLICE DEPARTMENT SUPERVISOR'S REPORT ON USE OF FORCE

IN LVED SUBJECT				
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Claimed Injuries: Yes 💥	No 製 Visible Injurie	s: Yes 🎇 No		
Body Part(s) Affected: right and le	eft arm, right and left thigh, lo	wer right eyes abbrasions		
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Describe Injures:		Numbe		
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See attachment for additional invo	olved officers, witness office	ers or involved subject:	5.	
ATTACHMENTS				
Attach written reports by all involv	ed officers and witnesses det	ailing the nature of the ca	ill, the circumstance:	s requiring
the use of force, and the nature a		ommunications tape ar	d CAD Reports.	*
Other Attachments (please descri	be): MAV of 5233 & 5235			
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SUPERVISOR REPORT:			•	
See attached				
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SUPERVISORY				
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PALO ALTO POLICE DEPARTMENT SUPERVISOR'S REPORT ON USE OF FORCE

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Further Inquiry Required: Yes 图象	No 📳	Further Inquiry Red	quired: Yes	No 🕍
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Captain:		Chief:	Som	
Date: ਤ/ਵੀ/੦ੳ Time:	1800	Date:	417100	Time: 12:30
Further Inquiry Required: Yes 個	No 🔀	Further Inquiry Rec	quired: Yes	□ No 🕦

On 10/1/2008 I removed the two Taser videos from this Use of Force Investigation to send to the FBI for their Investigation of this incident. Prior to removing these from the file, I met with Sgt. Powers to request a copy of the Taser Videos. Sgt. Powers told me her computer had been seized and sent to the Crime Lab at the request of the D.A's office. At this time we do not know when the computer will be returned. Lynn Dillard confirmed that there is still a copy of the taser video in the Evidence room.

Doug Keith

Lieutenant

Personnel and Training

Keith, Doug



From:

Johnson, Lynne

Sent:

Tuesday, September 23, 2008 11:01 AM

To:

Keith, Doug

Subject: FW: Campi complaint

Doug, please send a copy of the report, and all the videos on the Ciampi case to Agent Kobzanets. Thanks

Lynne Johnson

Police Chief
Palo Alto Police Department
275 Forest Avenue
Palo Alto, CA 94301
(650) 329-2115
lynne.johnson@cityofpaloalto.org

From: Kobzanets, Aleksandr [mailto:Aleksandr.Kobzanets@ic.fbi.gov]

Sent: Monday, September 22, 2008 5:01 PM

To: Johnson, Lynne

Subject: RE: Campi complaint



Chief Johnson,

Please mail the materials to my office at 1919 S. Bascom Avenue, Suite 400, Campbell, CA 95008.

Thank you for your help,

Alex

Alex Kobzanets Special Agent

FBI, San Francisco

tel:

408-558-1056

Cell:

408-590-4138

Fax:

408-558-1096

From: Johnson, Lynne [mailto:Lynne.Johnson@CityofPaloAlto.org]

Sent: Monday, September 22, 2008 9:55 AM

To: Kobzanets, Aleksandr **Subject:** RE: Campi complaint

I will have the report and videos sent to you. What address should I send them to?

Lynne Johnson

Police Chief

Palo Alto Police Department

275 Forest Avenue

Palo Alto, CA 94301

(650) 329-2115

lynne.johnson@cityofpaloalto.org



From: Kobzanets, Aleksandr [mailto:Aleksandr.Kobzanets@ic.fbi.gov]

Sent: Thursday, September 18, 2008 5:10 PM

To: Johnson, Lynne

Subject: Campi complaint

Chief Johnson,

My supervisor Tamara Neiman informed me today that I should contact you directly regarding this matter. I would like to receive copies of all videos and police reports of the incident involving J. Ciampi on 03/15/2008.

Thank you very much for your assistance in this matter, Alex

Alex Kobzanets Special Agent FBI, San Francisco tel: 408-558-1056 Cell: 408-590-4138

Fax: 408-558-1096

