

December 27, 2011

Office of the Chief Trial Counsel/Intake
The State Bar of California
1149 South Hill Street
Los Angeles, California 90015-2299

My name is Joseph (Tony) Ciampi. I bring this complaint against Palo Alto Independent Police Auditor, **Attorney Michael Gennaco, Bar Number # 112969**, as a result of his actions which occurred over the course of the last three and half years in which Mr. Gennaco knowingly concealed the crimes committed by the Palo Alto Police and Palo Alto City Attorney's Office, Don Larkin. Additionally, Mr. Gennaco actually submitted a flawed and fraudulent report, **Pgs. 5-6 of Exhibit 3, pgs 2-3 of report**, to the Palo Alto City Council in order to conceal the crimes of the Palo Alto Police and therefore by way of his actions actually conspired with the Palo Alto Police and attorney Don Larkin to incriminate me of a crime by knowingly using falsified evidence, audio/video recordings and taser gun activation data, to do so.

Mr. Gennaco was first informed that Temores' MAV video had been edited on May 13, 2008 approximately two weeks after I had first viewed the video. **See Exhibit 1**. At this time I had not viewed Burger's MAV video or the Taser videos because they had not been provided. Thus my complaint was about Temores' MAV video not the Taser Videos. In Mr. Gennao's official report, **Pgs. 5-6 of Exhibit 3**, Mr. Gennaco conspicuously leaves out my complaint about the Temores' MAV video being edited and falsified.

I first learned of the watermark on the MAV videos approximately March of 2009. I emailed Mr. Gennaco on April 19, 2009 and asked him why he, like the Santa Clara District Attorney and Crime Lab, had not analyzed the watermark. Mr. Gennaco responded on April 27, 2009 by stating that he could not provide much detail regarding his review of the incident, yet Mr. Gennaco had already completed his thorough analysis using independent experts and submitted it to the City of Palo Alto on April 13, 2009. **Mr. Gennaco intentionally lied to me.** See **Pg. 2 of Exhibit 2 and Exhibit 3**. It should be noted that the Mr. Gennaco's report was submitted to Palo Alto City Manager James Keene on or before April 13, 2009 and that the Mr. Keene apparently lost the report on his desk for six months, **See Exhibit 37** and http://www.midpenmedia.org/watch/pacc_webcast/November/PACC_110209.html

On August 5, 2008 I informed Mr. Gennaco that the Palo Alto Police had violated Palo Alto Use of Force Policy 308.96 by not providing the Taser Guns Activation reports with the original police report. Mr. Gennaco refused to investigate at that time, but would look into it after current proceeding had been resolved. **See Pgs. 3-4 of Exhibit 2. Mr. Gennaco never addressed the blatant violation and left it out of his**



official report. Mr. Gennaco made a false statement and never revealed the violation committed by the Palo Alto Police.

In Mr. Gennaco's official report regarding my incident, he states the Taser had no effect on me. That is a bold face lie. Officer Burger shocked me for a minimum of 20 seconds and probably closer to 30 seconds during the incident. The video evidence clearly demonstrates that I was being shocked with electricity and Ofc. Burger himself admits that I was being shocked with electricity. In fact, Ofc. Burger himself admits to being shocked from his own taser wires, **See lines 24-28 of Pg. 18 of Exhibit 38 and Video 9 of Exhibit 98 & Exhibit 99 of my complaint against Don Larkin, Inquiry Case No. 11-36148.**

Mr. Gennaco's assertion is contradicted by the evidence, **See Exhibit s 9, 10 and 15 through 33.**

In Mr. Gennaco's March 7, 2010 report, he notes in another Taser incident that the Palo Alto Police had problems downloading the taser data and getting an accurate time stamp on it. It appears that the cover-ups continue, for the individual was subjected to two taser guns, **a violation of Palo Alto Police Use of Force Policy**, and went into seizures. **See Pgs 8-10 of Exhibit 2 and Pgs. 4-5 of Exhibit 5.**

Mr. Gennaco asserted in his official report regarding my incident that the videos comported with the account of the incident documented in the written reports. That is another false statement made by Mr. Gennaco, for Officer Wagner's statement differs significantly from that in the videos and both Officers Temores and Burger make statements during the Pre-Trial Examination that contradicts the videos and taser gun activation data. In fact based upon Ofc. Wagner's statement in the police report that I went down to the ground two separate times getting up off the ground in between and Ofc. Temores testifying under oath to the same, both Officers Wagner and Temores have essentially testified and verified that the video footage of me getting up off the ground has been removed from Temores' MAV video. **See Exhibits 12, 24, 25 & 26.** Wagner's statements are contradicted by the photographs, **Exhibit 33.** Burger's statements are contradicted by the videos, **Exhibit 29.** Temores' statements are contradicted by the Taser gun activation data reports, **Exhibits 25 through 26.** Johnson's and Burns' statements are contradicted by the taser gun activation data and the videos, **Exhibits 42-43.**

Mr. Gennaco asserted in his official report that the "gaps" in the video tape of the taser videos was the result of the officers activating and deactivating the taser guns while switching modes. First, this act of switching modes would make it impossible for officers to comply with the Use of Force Policy 308.94 which states that the audio/video function shall be activated at all times that the taser is pulled from the holster, **See Exhibits 39 and 40 and Pg. 5 of Exhibit 41.** Furthermore, Temores' own MAV video verifies that Burger's Taser Camera should be recording audio/video footage when in fact it is not according to the PAPD, **See Exhibits 6, 7 & 8.**

Mr. Gennaco obtained a contract from the City of Palo Alto to conduct investigations of the Palo Alto Police regarding their use of taser guns. A contract in which an outside auditing mechanism, Mr. Gennaco, would ensure that Palo Alto Police Officers would be held accountable should they unlawfully abuse citizens with taser guns, **Exhibits 34, 35 & 36**. By covering up Palo Alto Police Officer Kelly Burger's torture of me by using electricity from his taser gun, Mr. Gennaco misrepresented to the people and the City of Palo Alto his true intentions and actions should he ever be confronted with holding officers accountable for the unlawful use of taser guns.

Mr. Gennaco's analysis is contradicted by Temores' and Burger's MAV videos, the Taser videos, the Taser gun Activation data which has been falsified, (Exhibit 14) and the Palo Alto Use of Force Policy. Mr. Gennaco has submitted a fraudulent report to the City of Palo Alto in order to conceal the crimes of the Palo Alto Police and to wrongfully incriminate me of a crime by using falsified video and other evidence.. **See Exhibits 15 through 33 and 44**. Additionally I cite all of the evidence and exhibits submitted in Inquiry Case No. 11-36148, complaint against Palo Alto Assistant City Attorney Don Larkin.

I believe it completely improbable that the Palo Alto Police were capable of editing and tampering with the Data Ports inside the taser guns prior to Mr. Gennaco analyzing the evidence during the months of March, April and May. Given that three separate Santa Clara County Crime Lab Analysts failed to document the activation data in their official reports corroborates this assertion. As such I believe that Mr. Gennaco viewed and or knew that the activation data retained on the Data Ports completely contradicted the edited videos. Thus, there was and is no way that Mr. Gennaco does not know that the videos have been falsified. To this day, Mr. Gennaco refuses to address my complaint, my allegations and my evidence. Even if the Palo Alto Police initially duped Mr. Gennaco early on, there is no possibility that Mr. Gennaco is not currently aware of the tampering and falsification of the videos and taser guna activation data given all of the evidence I have provided to him and the City of Palo Alto. So the question is, why does Mr. Gennaco continue to conceal the tampering, suppression, destruction, editing and falsification of the evidence? The answer is Mr. Gennaco has conspired with the Palo Alto Police to incriminate me of a crime by using falsified evidence verified by his submission of a fraudulent report to the City Council of Palo Alto.

Mr. Gennaco has violated State Bar Rule 3-110 by failing to perform legal services for the public in his capacity as an Independent Police Auditor. Mr. Gennaco is paid by the citizens of Palo Alto whom he failed.

By submitting his official report, Exhibit 3, to the Palo Alto City Council and thereby making it a public document, Mr. Gennaco violated State Bar Rule 5-120 especially when he knowingly prepared the report in a false and fraudulent manner in order to conceal the Palo Alto Police Department's crimes which is a violation of State Bar Rule 5-200(A).

In preparing his false report and then submitting it to the City of Palo Alto, Mr. Gennaco violated Penal Codes 132 and 134. Mr. Gennaco's motive for preparing and submitting his false report was to cover up the crimes of the Palo Alto Police and Palo Alto Asst. City Attorney Don Larkin, a violation of Penal Code 32. Additionally, the evidence points to that Mr Gennaco had and has the motive to aid the Palo Alto Police Department's and Asst. City Attorney Don Larkin's intent to falsely incriminate me of a crime by using falsified evidence, thus, Mr. Gennaco violated Penal Code 182(a)(1)(2)(3)(5). As a result of these actions and omissions, Mr. Gennaco has violated Business and Professions Code 6068(a), 6106 and 6128(a) and therefore should be suspended from practicing law at the very least or more appropriately receive permanent disbarment for his despicable actions that are completely contrary to everything that the American Justice system is supposed to stand for.

Sincerely,

December 27, 2011

A handwritten signature in black ink that reads "Joseph Ciampi". The signature is written in a cursive style with a horizontal line underneath the name.

Joseph (Tony) Ciampi