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Palo Alto Police Department Policy Violation

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Gennaco, Michael J.
To Tony Ciampi

8/05/08
Reply

Mr. Ciampi:

My answer stands. Considering the current criminal proceedings against you, the best recourse is for you and your attorney to work within those proceedings to attempt to get the information to which you believe you are entitled. I have every confidence in the District Attorney and supervising judge to give your "discovery" issues the attention that they are due and provide whatever relief, if any, is appropriate. To do otherwise, would be to potentially compromise those extant proceedings; a course of action that is not consistent with "best practices". We will revisit this issue once the current proceedings are behind you and not until then.

Michael Gennaco



POLICE AUDITOR'S FINAL REPORT

Presented to the Honorable City Council
City of Palo Alto
April 13, 2009

Prepared by Michael Gennaco
& Robert Miller

OIR Group
323-890-5425
www.laoir.com

Taser Use of Force #2 – Incident 08-1777

Responding to a resident's complaint, three officers went to check on a parked van in which someone appeared to be living. The occupant of the van would not open a door or window to talk to the officers so one of the officers pretended to call for a tow truck. This ruse worked and the man in the van came out for a few seconds then ran back into the van. He did not shut the door however and continued to converse with the

handcuffing. The suspect and the officers sustained minor cuts and scrapes.

The documentation of the incident was thorough. The Taser-cam video, MAV videos and audio tapes were personally reviewed by the IPA and **comported with the account of the incident documented in the written reports.** This Taser application appeared to comply with Department policy. As a result of this incident, the District

Arrestee's Complaint. During the pendency of the criminal case, the man from the van complained that the PAPD officers had used the Taser on him in violation of the PAPD policy on Taser use and that the video evidence from the case had been tampered with. The auditor viewed these as significant issues independent of the criminal case and evaluated them in light of all of the evidence relating to the arrest. At this juncture, we continue to conclude that the use of the Taser by both officers complied with the Department's Taser policy. Each time a Taser was used, whether in projectile mode or drive stun mode, the suspect appeared to meet or surpass the "active resistance" threshold. The complainant's concern about videotape tampering concerned "gaps" present in the Taser video tapes. **We consulted independent experts as well as Department experts and their conclusion is not that the Taser tapes had been tampered with but that the "gaps" in the tape were consistent with the activation and deactivation of the Taser during normal use or while switching modes.** Furthermore, there was little relevant information lost, as other continuous videotape retrieved from the in-car video recordings recorded the same actions.

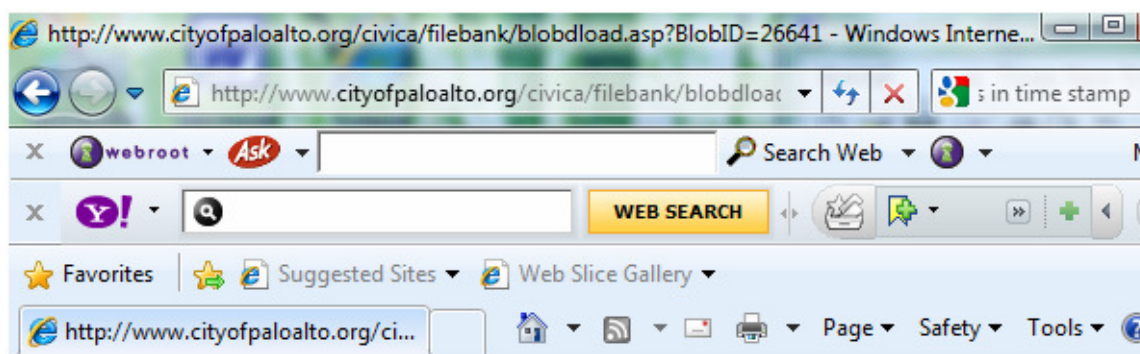
Finally, after reviewing the tapes, we pointed out that one of the officers needlessly used foul language toward the suspect. The Chief of Police agreed with this observation and directed the officer's supervisors to counsel him regarding the discourtesy issue.

We are aware that there is potential civil litigation regarding this event brought by the man who was Tasered. We will follow that litigation to learn whether additional information produced during that litigation should cause us to revisit our conclusions regarding this incident.

V. Conclusion

20

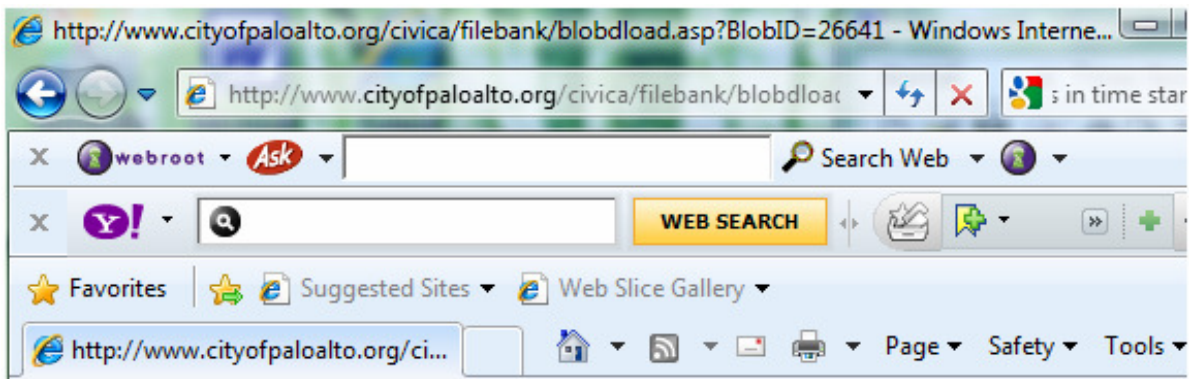
The Palo Alto Police Department has undergone a significant transition over the past year, including the recent retirement of the Chief of Police. We take this opportunity to note that Chief Johnson always worked with the Auditor in a spirit of mutual respect. Civilian oversight with full access is still an unsettling novelty for many law enforcement executives, but Chief Johnson accepted the IPA with an attitude of progress and always provided us with the access, dialogue, and receptivity that we required to fulfill our mandate from the City. We have continued to build off of that initial relationship with Department leaders during this current transitional phase.



POLICE AUDITOR'S FINAL REPORT - 2010

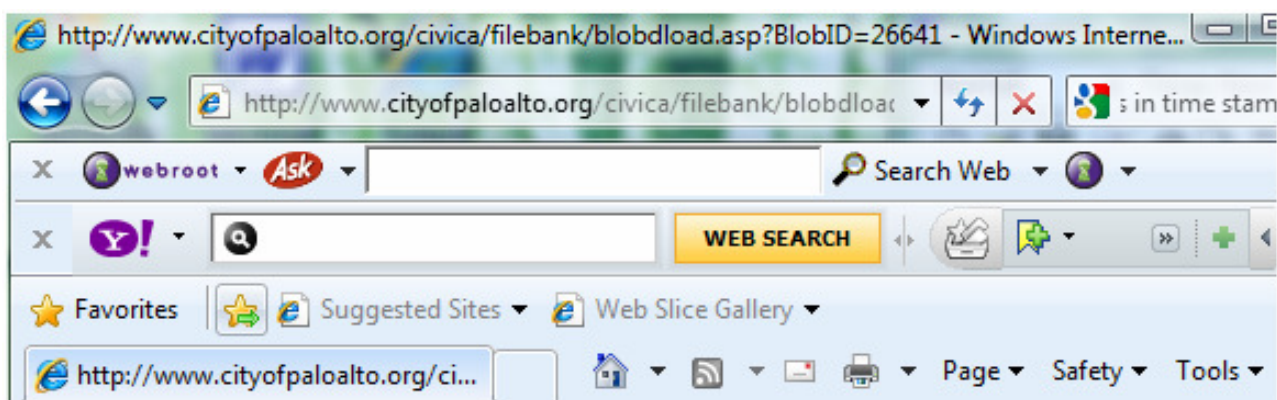
Presented to the Honorable City Council
City of Palo Alto
March 7, 2010

Prepared by Michael Gennaco
& Robert Miller
OIR Group
www.oirgroup.com



Taser Use of Force 2010-002

Officers responding to a car burglary call saw the suspect leave the burglarized vehicle and run into back yards. They attempted to contain the area and pursue the suspect for almost an hour, eventually deploying a police K-9. The suspect jumped from a roof, fell through a plastic carport and began to run from the K-9 handler despite warnings that the K-9 would be sent after him. The K-9 was released and caught up to the suspect in a small fenced in area filled with vegetation and detritus, biting him on the arm. The suspect fought with the dog, hitting him and choking him. The handler officer punched the suspect twice in the face and kned him in the head once in order to protect the K-9 and subdue the suspect. By this time, other officers were at the scene ordering the suspect to stop resisting and trying to get a grip on him within the tight confines of the fenced in area. After the dog disengaged from the suspect, the K-9 handler set the dog upon the suspect two more times to assist the effort to handcuff him. The suspect did not respond to the officers' orders and seemed oblivious to the pain from the dog biting him. He was sweating profusely, slippery and struggling vigorously with three officers and a sergeant for an unusually long time – an estimated seven minutes -- before officers successfully handcuffed the suspect. During this time, the sergeant fired Taser darts at the suspect's back but the Taser appeared to have no electrical power and no effect. Then a supervising officer fired her Taser at the suspect's chest and cycled it for 10 seconds. This had a minimal effect so she tried to disable the suspect more effectively by applying the Taser device in drive stun mode directly to his upper back. This did not work, but the officers were eventually able to handcuff the suspect and pull him out of the fenced in area. At that point, the suspect showed signs of breathing distress and appeared to have seizures. He was placed on his side as a precaution by the supervising officer who monitored him until paramedics arrived. When paramedics got there, the supervising officer told them that the suspect might be under the influence of a controlled substance,

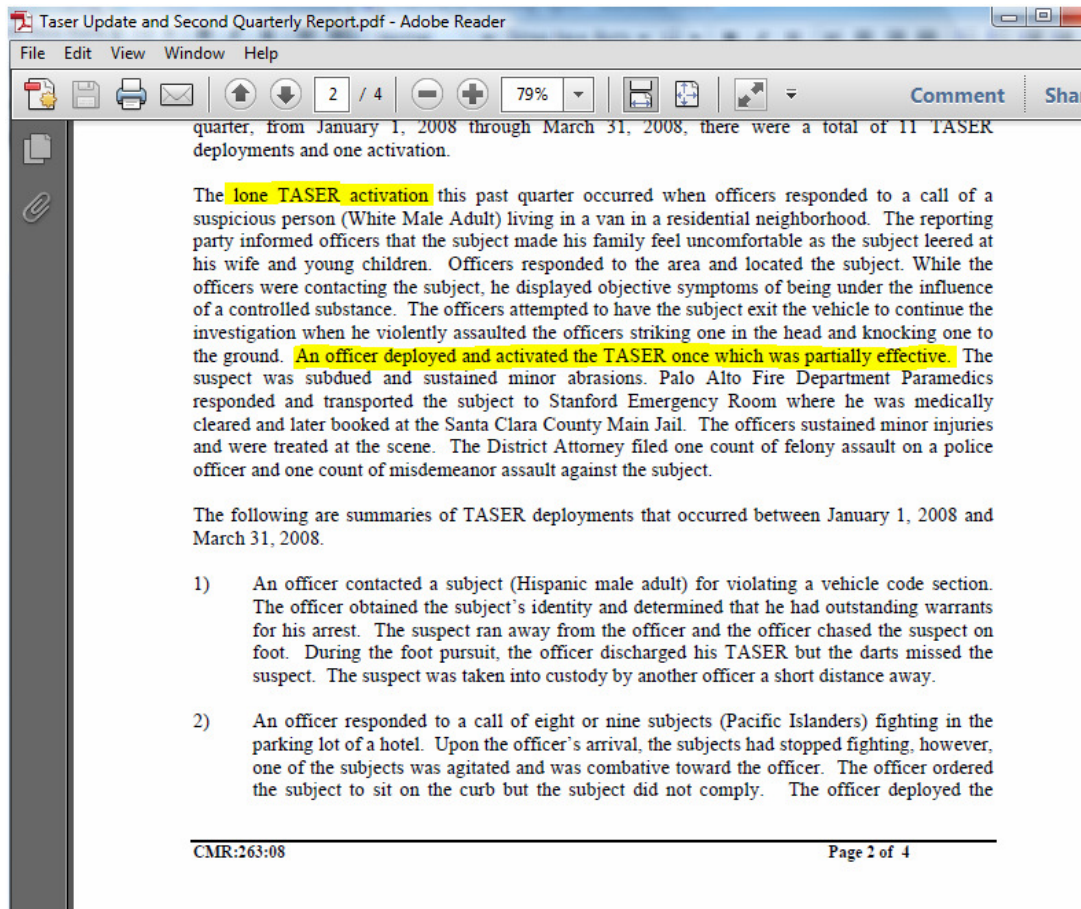
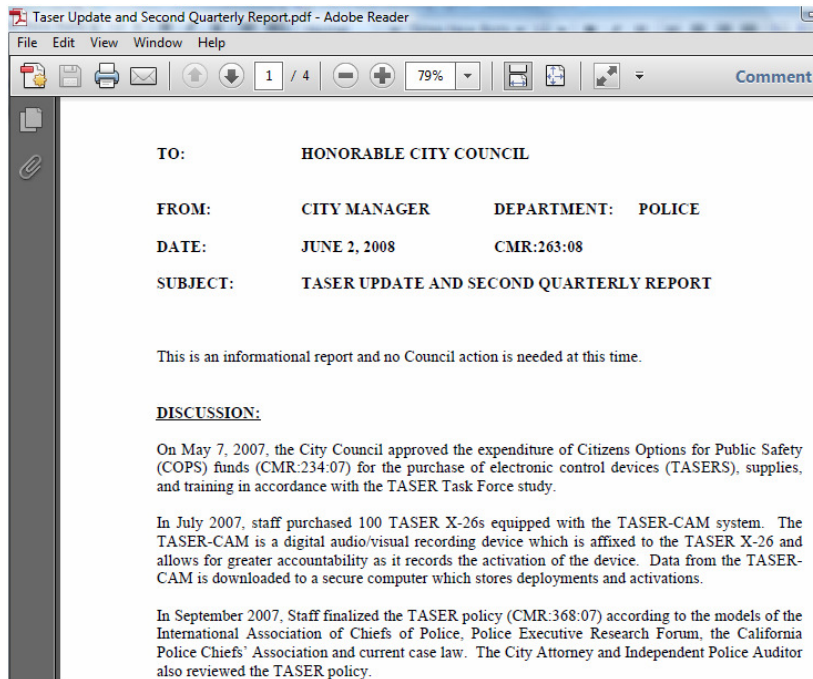


seizures. He was placed on his side as a precaution by the supervising officer who monitored him until paramedics arrived. When paramedics got there, the supervising officer told them that the suspect might be under the influence of a controlled substance, had been having seizures, and had been Tased by two different Tasers.

This incident was well documented by participating PAPD personnel. Their individual reports display an appropriate level of detail about the step-by-step actions taken by the report writer as well as his or her observations of the actions of other

4

officers. They also document the evidence gathering process well, an often-neglected aspect of Taser use in other jurisdictions. One officer even had the presence of mind to use his Taser camera to document part of the struggle even though he chose not to activate the Taser as a weapon. Potential shortcomings in the report are not related to the Tasers but to the K-9. The handler's report does not sufficiently explain his reasons for re-deploying the dog on the suspect who was trapped in a confined space. The incident does raise the Taser-related issue of equipment maintenance and quality control. One of the two Tasers deployed did not seem to work at all. After the incident, there were problems downloading the data and getting an accurate time stamp on it. The Department has acknowledged these issues from previous Taser uses and we will continue to monitor its efforts to perfect maintenance and infrastructure for this weapon.





Council, City

CITY OF PALO ALTO, CA
CITY CLERK'S OFFICE

From: Joseph Shakes [joshakes@sbccg.org]
 Sent: Wednesday, June 04, 2008 12:17 PM
 To: Johnson, Lynne
 Cc: Council, City; Benest, Frank; Morariu, Kelly
 Subject: Re: Videos

08 JUN -5 AM 11:42
 RECEIVED
 CITY MANAGER'S OFFICE

Thank you for your response, Chief Johnson – The account of the incident that I heard differs from yours but I appreciate that all the recorded material has now been released to the District Attorney's office.

Sincerely,
 Joe Shakes

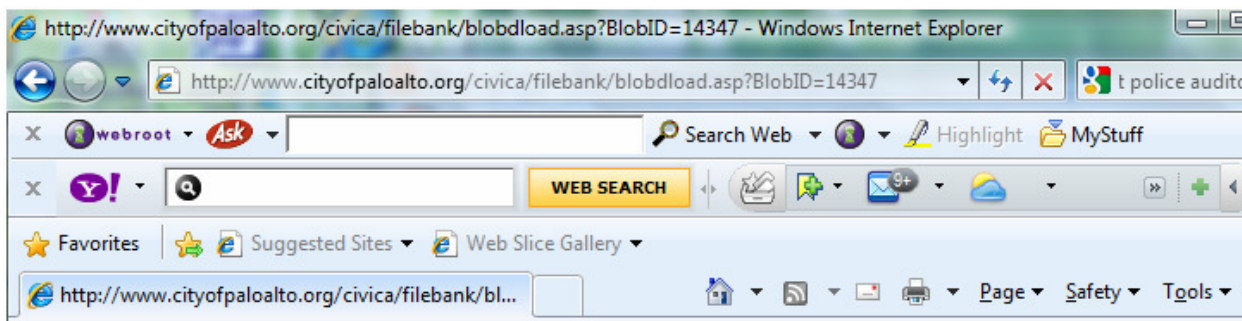
On Jun 2, 2008, at 2:48 PM, Johnson, Lynne wrote:

Mr. Shakes,

When our officers made contact with Mr. Campi he was very uncooperative, threatening and actually assaulted two officers. Two tasers were activated because the first time, the probes did not strike him and as a result were ineffective. The second time the a taser was used in the drive stun mode on the his leg. The tasers were not aimed his face at any time. The tasers were activated in accordance with our policy after the officers were assaulted. He punched one officer in the face and kicked another officer in the chest. The Police Auditor has reviewed all the information as well and agrees that the use of the tasers was justified and according to policy. There are a total of 4 videos associated with the incident- two from the tasers and two from the car cameras (MAV). I have personally reviewed all four. The DA's office must release the videos via the discovery process to the defense attorney because charges have been filed. The DA requested the two MAV videos and they were provided to them in the early part of May. They have not been altered in any fashion. Originally, the DA filed misdemeanor charges but also added a felony charge after reviewing the videos. On one of the MAV videos, there is audio only as the car/camera were not in a position to capture the incident as it took place on the other side of the Mr. Campi's van. On the other MAV video, there was a malfunction of the microphone so was there is only video. We confirmed it was not a case of the officer not turning on the system as the video was very clear. The DA just requested the two taser videos today when we contacted them to see if they wanted those as well as they had not asked for copies previously. They will receive those first thing tomorrow morning.

Lynne Johnson

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



TO: HONORABLE CITY COUNCIL

FROM: CITY MANAGER

DEPARTMENT: POLICE

DATE: DECEMBER 15, 2008

CMR:474:08

SUBJECT: Discussion of Police Department Action Plan for Outreach to Diverse Communities

EXECUTIVE SUMMARY

This report provides a detailed action plan developed by the Police Chief and command staff to improve relations between the Police Department and members of diverse communities. This plan was prepared after meetings with representatives of the faith community, Stanford African-American students, the Executive Director of the San Jose NAACP, and other members of the community. The plan calls for the Police Department to make enhancements to various facets of police training, enhance communications through various community meetings, the formation of a Chief's Advisory Committee, and work with the Independent Police Auditor to review current policies and procedures and to make adjustments as necessary.

U.S. Department of Justice Mediation Program: The Police Department will explore enlisting the services of the **United States Department of Justice** (US DOJ) Community Relations Service and the Santa Clara County Office of Human Relations (SSCOHR) to engage with the community in Palo Alto and throughout the Peninsula in order to **develop trust** and to create meaningful dialogue on **matters of race** and **police practice**. Meetings will be facilitated by **personnel from US DOJ** and SSCOHR and would include community members and police personnel. Meetings will focus on specific issues associated with race relations and include breakout groups that will develop strategies for improvement.

Briefing Training: The Police Department will implement a state-of-the-art Daily Training regimen that will focus on Constitutional issues, case law decisions and Department policy. This program will ensure that all patrol personnel will receive a new block of training each day that they are assigned to work. This training will include a lecture, examples and a test ensuring that the officers understand the curriculum. Records of subjects and test results will be maintained in the Personnel and Training Division Training Management System computer.

Field Training Officer Training: The Police Department will enhance training in the Field Training Officer Program (FTO), in-house training for dispatchers and officers, in the area of

Continued Professional Training: Each year the Police Department puts on approximately 55 hours of training for their personnel. The Police Department will enhance in-service training for sworn, dispatchers, and records personnel on topics that include Constitutional issues, cultural issues and unconscious biases. This training will be presented by both Department personnel and external subject matter experts.

Independent Police Auditor: Command staff will work closely with the Independent Police Auditor to review current practices, policies and procedures to ensure that the Department is in compliance and also to determine if any policies should be updated or otherwise modified. Command staff will work with the Independent Auditor to ensure that they have access to all necessary material and understand Department protocols so that they can provide the Council an accurate evaluation of current systems. Upon completion of the Auditor's report, command staff will review and implement recommended improvements.

The Independent Auditor will also review and analyze the demographic data collection process and the data that has been compiled. Additional efforts will be made to obtain analysis of the data by external experts in demographic data collection.

CITY OF PALO ALTO CONTRACT NO.: C10133537

**AGREEMENT BETWEEN THE CITY OF PALO ALTO AND
MICHAEL GENNACO AND ROBERT MILLER
FOR PROFESSIONAL SERVICES
INDEPENDENT POLICE AUDITOR**

This AGREEMENT is entered into on this 3rd day of August, 2009, by and between the CITY OF PALO ALTO, a California chartered municipal corporation ("CITY"), and **MICHAEL GENNACO AND ROBERT MILLER**, located at 4900 S.Eastern Avenue, Suite 204, Commerce, CA ("CONSULTANT").

RECITALS

The following recitals are a substantive portion of this Agreement.

A. CITY intends to contract for independent Police audit services ("Project") and desires to engage a consultant to provide said services in connection with the Project ("Services").

SECTION 13. PROJECT MANAGEMENT. CONSULTANT will assign Michael Gennaco as the Project Manager to have supervisory responsibility for the performance, progress, and execution of the Services to represent CONSULTANT during the day-to-day work on the Project. If circumstances cause the substitution of the project director, project coordinator, or any other key personnel for any reason, the appointment of a substitute project director and the assignment of any key new or replacement personnel will be subject to the prior written approval of the CITY's project manager. CONSULTANT, at CITY's request, shall promptly remove personnel who CITY finds do not perform the Services in an acceptable manner, are uncooperative, or present a threat to the adequate or timely completion of the Project or a threat to the safety of persons or property.

The City's project manager is Interim Police Chief Dennis Burns, Police Department, 275 Forest Avenue, Palo Alto, CA 94303, Telephone: 650-329-2103. The project manager will be CONSULTANT's point of contact with respect to performance, progress and execution of the Services. The CITY may designate an alternate project manager from time to time.

IN WITNESS WHEREOF, the parties hereto have by their duly authorized representatives executed this Agreement on the date first above written.

CITY OF ALTO


Purchasing Manager

8/18/09

By: 

Name: MICHAEL G. VNAW

Title:

APPROVED AS TO FORM:


Senior Asst. City Attorney

deputy

By: 

Name: Robert Miller

Title:

Attachments:

EXHIBIT "A":	SCOPE OF WORK
EXHIBIT "B":	COMPENSATION
EXHIBIT "C":	INSURANCE REQUIREMENTS

Professional Services
Rev. January 2009

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TO: HONORABLE CITY COUNCIL

FROM: CITY MANAGER DEPARTMENT: POLICE

DATE: SEPTEMBER 10, 2007 CMR: 357:07

SUBJECT: TRANSMITTAL OF POLICE AUDITOR ANNUAL REPORT

RECOMMENDATIONS

Staff is transmitting the attached final report provided by the Police Auditor for Council acceptance.

DISCUSSION

On March 13, 2006, the City Council voted to institute a one-year trial period for a contract Police Auditor. After a Request for Proposal process, the Council selected Michael J. Gennaco and Robert Miller of the OIR Group. The Council approved the agreement with OIR on August 7, 2006, and as part of the agreement, Council requested the Auditor to provide a final report summarizing its findings and reporting on each investigation and disposition. Attached is a copy of the Auditor's final report.

Police staff has found the Auditor to be knowledgeable, accessible, objective, and very easy to work with. Staff has agreed with all of the suggestions made by the Auditor.

Sheryl Contois - Phoenix, Arizona Area profiles | LinkedIn - Windows Internet Explorer

http://us.linkedin.com/pub/dir/Sheryl/Contois/us-620-Phoenix,-Arizona-Area

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Sheryl Contois
Senior Principal Consultant at SRA Touchstone Consulting Group
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Current: Senior Principal Consultant at SRA Touchstone Consulting Group, Managing Partner at SAC Consulting Group, LLC

Past: Business Development Manager at Kustom Signals, Director, Technical Services at Palo Alto Police Department, Vice Chair at Silicon Valley Regiona...

Sheryl Contois
Business Development Manager at Kustom Signals, Inc.
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Current: Business Development Manager at Kustom Signals, Inc.