



Palo Alto Police Department Case Number 19-3674
Released in Compliance of SB 1421

Redactions and Exclusions as Related to Privilege:

Penal Code 827.7(b)(5)(A) and (C)

Penal Code 832.7(b)(6)

Penal Code 13300 et seq.

Penal Code 11105 et seq.

Government Code 6253.3

Attorney-Client Privilege

Attorney Work Product Privilege, Gov. Code 6255

19-3674 Documents Withheld

CA DOJ CLETS Criminal History

CA DOJ CLETS Supervised Release File Information

CA DOJ CLETS Driver's License Information

Santa Clara County DA Discovery Request

Santa Clara County Probation Request



**PALO ALTO POLICE DEPARTMENT
MEMORANDUM**

DATE: DECEMBER 11, 2019
TO: CAPTAIN ANDREW BINDER
FROM: LIEUTENANT BEN BECCHETTI
SUBJECT: Supervisor's Use of Force #2019-11, PAPD Case 19-3674

Captain Binder,

A use of force incident occurred on July 10th, 2019 at approximately 0224 hours, at 3916 El Camino Real. Suspect attempted to walk away and physically resisted Agent DeStefano during his attempts to detain him. As a result of this incident, sustained visible injuries and complaints of pain. Suspect was transported by officers to Stanford Hospital despite being treated and released on scene by the Palo Alto Fire Department. was released pursuant a complaint to be filed due to prolonged medical treatments.

Upon review of Sergeant Green's Supervisor's Use of Force report and all associated materials, I concluded the detention and use of force used against appeared reasonable and within policy. Due to some discrepancies between the reports and the videos reviewed, I believe further investigation should be conducted regarding this incident to account for any relevant information not related to the use of force.

Ben Becchetti 4129

Lieutenant Ben Becchetti

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

INCIDENT INFORMATION

Date	7/10/19	Time	0224	Case#	19-3674	Division	Patrol
Type of Incident/Call							
N&D / Under Influence/Penal Code Resist Arrest/Battery/Peace Officer/Penal Code/Misc.							
Location	3916 El Camino Real			<input checked="" type="checkbox"/> Residence	<input type="checkbox"/> Roadway		
		<input checked="" type="checkbox"/> Business		<input type="checkbox"/> Other		Beat	4
Admin Investigation: None							

INVOLVED OFFICERS

1. Last Name		DeStefano		First Name		Thomas		ID#	6134	Unit #	5207	Unit Video			
												Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Age	32	Race	W	Gender	M	Yrs. Of Service	11	Injured:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Medical Treatment:				
Force Used (check all that apply):															
				<input checked="" type="checkbox"/> Physical Force		<input type="checkbox"/> Taser		<input type="checkbox"/> Asp		<input type="checkbox"/> Wood Baton		<input type="checkbox"/> OC			
Carotid		<input type="checkbox"/>		Firearm		<input type="checkbox"/>		Less Lethal		<input type="checkbox"/>		Other		<input type="checkbox"/>	
Describe: Approximate range to target:															
Was Weapon effective? Yes <input type="checkbox"/> No <input type="checkbox"/> (Explain in narrative)															
K-9 Bite <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Warning Given: Yes <input type="checkbox"/> No <input type="checkbox"/> (If no, describe in narrative)															
K-9 Deployed Yes <input type="checkbox"/> No <input type="checkbox"/> K-9 On Leash <input type="checkbox"/> Off Leash <input type="checkbox"/> Warning Recorded															

2. Last Name				First Name				ID #		Unit #		Unit Video			
												Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Age		Race		Gender		Yrs. Of Service		Injured:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Medical Treatment:				
Force used (check all that apply)															
				<input type="checkbox"/> Physical Force		<input type="checkbox"/> Taser		<input type="checkbox"/> Asp		<input type="checkbox"/> Wood Baton		<input type="checkbox"/> OC			
Carotid		<input type="checkbox"/>		Firearm		<input type="checkbox"/>		Less Lethal		<input type="checkbox"/>		Other		<input type="checkbox"/>	
Describe: Approx. range to target:															
Was Weapon effective? Yes <input type="checkbox"/> No <input type="checkbox"/>															
K-9 Bite <input type="checkbox"/> Dog: <input type="checkbox"/> Warning Given: Yes <input type="checkbox"/> No <input type="checkbox"/> (If no, describe in narrative)															
K-9 Deployed Yes <input type="checkbox"/> No <input type="checkbox"/> K-9 On Leash <input type="checkbox"/> Off Leash <input type="checkbox"/> Warning Recorded															

3. Last Name				First Name				ID #		Unit #		Unit Video			
												Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Age		Race		Gender		Yrs. Of Service		Injured:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Medical Treatment:				
Force used (check all that apply)															
				<input type="checkbox"/> Physical Force		<input type="checkbox"/> Taser		<input type="checkbox"/> Asp		<input type="checkbox"/> Wood Baton		<input type="checkbox"/> OC			
Carotid		<input type="checkbox"/>		Firearm		<input type="checkbox"/>		Less Lethal		<input type="checkbox"/>		Other		<input type="checkbox"/>	
Describe: Approx. range to target:															
Was Weapon effective? Yes <input type="checkbox"/> No <input type="checkbox"/>															
K-9 Bite <input type="checkbox"/> Dog: <input type="checkbox"/> Warning Given: Yes <input type="checkbox"/> No <input type="checkbox"/> (If no, describe in narrative)															
K-9 Deployed Yes <input type="checkbox"/> No <input type="checkbox"/> K-9 On Leash <input type="checkbox"/> Off Leash <input type="checkbox"/> Warning Recorded															

4. Last Name				First Name				ID #		Unit #		Unit Video			
												Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Age		Race		Gender		Yrs. Of Service		Injured:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Medical Treatment:				
Force used (check all that apply)															
				<input type="checkbox"/> Physical Force		<input type="checkbox"/> Taser		<input type="checkbox"/> Asp		<input type="checkbox"/> Wood Baton		<input type="checkbox"/> OC			
Carotid		<input type="checkbox"/>		Firearm		<input type="checkbox"/>		Less Lethal		<input type="checkbox"/>		Other		<input type="checkbox"/>	
Describe: Approx. range to target:															
Was Weapon effective? Yes <input type="checkbox"/> No <input type="checkbox"/>															
K-9 Bite <input type="checkbox"/> Dog: <input type="checkbox"/> Warning Given: Yes <input type="checkbox"/> No <input type="checkbox"/> (If no, describe in narrative)															
K-9 Deployed Yes <input type="checkbox"/> No <input type="checkbox"/> K-9 On Leash <input type="checkbox"/> Off Leash <input type="checkbox"/> Warning Recorded															

WITNESS OFFICERS

1. Last Name		First Name		ID #		Unit #	
2. Last Name		First Name		ID #		Unit #	
3. Last Name		First Name		ID #		Unit #	

WITNESSES/RP

1. Last Name		First Name		Home #		Work/Cell#	
2. Last Name		First Name		Home #		Work/Cell#	
Statement taken from #1:	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Audio Taped:	<input type="checkbox"/>	Video Taped:	<input type="checkbox"/>	Other: <input type="checkbox"/>
Statement taken from #2:	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Audio Taped:	<input type="checkbox"/>	Video Taped:	<input type="checkbox"/>	Other: <input type="checkbox"/>

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

INVOLVED SUBJECT

1. Last Name		First Name		DOB		Race	H	SSN#	
Subject's Actions:	Verbal <input checked="" type="checkbox"/>	Gestures <input type="checkbox"/>	Flight <input type="checkbox"/>	Physical <input checked="" type="checkbox"/>	Firearm <input type="checkbox"/>	Firearm Type: _____			
Other Weapon	<input type="checkbox"/>	Describe: _____							
Reason:	Scared <input type="checkbox"/>	Under the influence <input checked="" type="checkbox"/>	Mental health <input type="checkbox"/>	None given <input type="checkbox"/>					
Link to Officer:	#1 <input checked="" type="checkbox"/>	#2 <input type="checkbox"/>	#3 <input type="checkbox"/>						
Claimed Injuries:	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Visible Injuries:	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>				
Body Part(s) Affected:	Face, shoulder, hands, knees								
Describe Injures:	Facial fracture, abrasions, bruising, black eye			Photo Type:	Digital <input checked="" type="checkbox"/>	35mm <input type="checkbox"/>	Number: _____ Dispo VeriPic _____		
Treatment:	None <input type="checkbox"/>	Refused <input type="checkbox"/>	Treated/Released <input type="checkbox"/>	Hospitalized:	<input checked="" type="checkbox"/>	Fatal <input type="checkbox"/>	Other <input type="checkbox"/>		
Charges	148(a)(1) PC, 11550 HS, 243(b) PC			Booked	<input type="checkbox"/>	Complaint Pending	<input checked="" type="checkbox"/>		
Subject Interview	7/10/2019			Videotape:	BWC				

See attachment for additional involved officers, witness officers or involved subjects.

ATTACHMENTS

- Attach written reports by all involved officers and witnesses detailing the nature of the call, the circumstances requiring the use of force, and the nature and manner of force. **Attach Communications tape and CAD Reports.**
- Other Attachments (please describe): 849(b) PC Release/Detention Certificate
- Chain of Command Notified: (Date/Time): _____

SUPERVISOR REPORT:

See attached supervisor report memorandum

SUPERVISORY

POLICY REVIEW: Was detention prior to use of force within policy? Yes No
 Was use of force within policy? Yes No

It is the policy of this department that officers shall use only that amount of force that reasonably appears necessary, given the facts and circumstances perceived by the officer at the time of the event, to effectively bring an incident under control. "Reasonableness" of the force used must be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any interpretation of reasonableness must allow for the fact that police officers are often forced to make split second decisions in circumstances that are tense, uncertain and rapidly evolving about the amount of force that is necessary in a particular situation.

Given that no policy can realistically predict every possible situation an officer might encounter in the field, it is recognized that each officer must be entrusted with well-reasoned discretion in determining the appropriate use of force in each incident. While it is the ultimate objective of every law enforcement encounter to minimize injury to everyone involved, nothing in this policy requires an officer to actually sustain physical injury before applying reasonable force.

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

Supervisor	Sgt. DuJuan E. Green, #05203	W/C	LT. BEN BECCHETTI
Date:	11/20/2019	Time:	2030
Date:	12-11-19	Time:	1050
Further Inquiry Required:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Further Inquiry Required:	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

Lieutenant	Lt. Ben Becchetti, #04129	Captain	Capt. Andrew Binder, #07618
Date:		Time:	
Date:	12-17-19	Time:	
Further Inquiry Required:	Yes <input type="checkbox"/> No <input type="checkbox"/>	Further Inquiry Required:	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

Chief	Robert Jansen, #08321	P&T Lieutenant	Lt. James Reischneider, #05372
Date:	11/15/20	Time:	1420
Date:	11-15-20	Time:	1424
Further Inquiry Required:	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Further Inquiry Required:	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

PER cover memo(s)



**PALO ALTO POLICE DEPARTMENT
MEMORANDUM**

DATE: 11-20-19
TO: Lt. Ben Becchetti
FROM: Sergeant DuJuan E. Green
SUBJECT: UOF#2019-11

SYNOPSIS

On 7-10-19, at approximately 0224 hours, Agent DeStefano witnessed what he believed to be a hand-to-hand drug exchange. This occurred at 3916 El Camino Real (Happy Donuts). Agent DeStefano recognized one of the involved subjects as who has two active grants of Formal Probation, with search and seizure conditions.

When Agent DeStefano attempted to stop (detain) [redacted], he [redacted] resisted by first walking away from the officer. [redacted] further resisted by wrapping his arms around a banister and refused to relinquish control of it. In order to overcome the resistance [redacted] was exuding and to effect an arrest, Agent DeStefano "pried" [redacted] away from the banister and took him to the ground, causing injuries.

[redacted] had visible injuries including: to the right side of his face in the form of bruising, abrasions, and a micro fracture. He had abrasions on his left knee, right hand, wrist, and forearm; and also had abrasions and redness to the left side of his face. He also had abrasions to his legs. [redacted] told me that he was in a fight with an unknown suspect earlier in the evening, also at Happy Donuts. He said the suspect punched him in the face, and that his right cheek was still hurting.

PAFD personnel were called to the scene. They assessed [redacted] injuries and determined that he did not require further medical treatment or transport at that time. However, due to the nature of the injury, he was transported to the [redacted] for medical treatment, where he was subsequently admitted for observation. I attempted, but could not locate any independent witnesses or video of the incident.

SUSPECT INFORMATION / STATEMENTS

HMA, 5'10 195lbs Blk Brn
Transient

Statement of

I explained to _____ who I was and why I wanted to speak with him. I told him that I was doing a Use of Force investigation because of his visible injuries. I asked him, "Can you tell me what happened? Why did you resist arrest? How did you end up on the ground wrestling with the officer?"

_____ replied, "The injuries weren't caused because of the officer. Other than my arm; my arm feels a little bit messed up."

I asked him what happened to his nose, as there was visible blood. He said he got into a fight. When I asked who he had gotten into a fight with, he said he forgot; it was too dark. I asked him if "it occurred here, tonight," and he said, "Yeah."

_____ spontaneously told me that he "never once resisted arrest. I put my hands behind my back just like the officer told me and everything."

When I asked him if he "walked away from the officer" he said, "No way."

I told him that the officer said that he walked away over the radio. He replied, "That is unbelievable. I know for a fact I didn't."

I asked him about his hurting arm. He told me that his left arm was hurting "a lot." He told me that his shoulder was also hurting...I clarified that he was speaking about his left shoulder. He also described pain to his left wrist. When I touched it, he let out an "Owww." I had him exit the vehicle to have the handcuffs loosened.

I paraphrased _____ statement to him while asking about his injuries once again. He clarified by telling me, "I came here and someone just goes and hit me." I asked him again how did the person look? He said, "I don't remember. I'm sorry."

He told me that he was with a friend named, " [redacted] " who witnessed the guy punch him. He then said, "My cheek hurts so bad [sic]. I was definitely caught off guard."

When I tried to clarify which cheek, he said, "My right one."

I ended my interview with

INJURIES

Although Palo Alto Fire Department personnel initially responded to the scene to treat and medically clear [redacted], he was subsequently driven by officers to the [redacted] for medical treatment for injuries to his face, which sustained bruising, a blackened eye, abrasions, and orbital fractures. He complained of pain to his shoulder, and also complained of pain to his face (right cheek) from a fight earlier. I took digital photographs and subsequently downloaded them into VeriPic.

I was unable to discern from Agent DeStefano's BWC video whether or not injuries were pre-existing. Additionally, there is no other evidence showing that [redacted] was engaged in a physical confrontation at Happy Donuts.

I received copies of [redacted] medical records—via request—from [redacted] and Clinics. Of particular note, [redacted] records state that he was positive for amphetamine use when tested at the hospital.

PROPERTY DAMAGE

None.

INVOLVED OFFICERS AND ROLES

Agt. Thomas DeStefano	Involved officer; main report.
Sgt. DuJuan Green	Scene Supervisor; assisted in AIB.
Sgt. John Alaniz	Assisted at the scene.
Ofc. Ian Johnson	Assisted at the scene; bike report; assisted in AIB.
Ofc. Nick Enberg	Assisted at the scene.
Ofc. Brian Connelly	Assisted at the scene.
Ofc. Julius Lee	Assisted at the [redacted] 849(b) PC.

INVESTIGATION

I am the Patrol Sergeant for Patrol Team 5B. My scheduled work hours are from 2000 hours until 0700 hours. On July 10, 2019, I was on duty, in full uniform, and operating a marked City of Palo Alto patrol vehicle. I was one of two Supervisors on duty.

Agent Thomas DeStefano was driving north on El Camino Real crossing Ventura Avenue. He looked west—to his left—and observed a possible hand-to-hand drug deal between subjects in the Happy Donuts parking lot. Agent DeStefano drove his marked police car around and parked in the alley just north of the location and approached on foot. It is known amongst Palo Alto officers that drug sales and usage occur at this location, specifically in the parking lot and alley "behind" the business.

Agent DeStefano recognized one of the subjects as [redacted]. He knows him from prior contacts and arrests. He observed that [redacted] was wearing red clothing. When Agent DeStefano approached [redacted] on foot in an attempt to detain him, [redacted] resisted by first trying to walk away with his bicycle. He also said to Agent DeStefano, "Excuse me. Back up please," as he turned and walked in the opposite direction.

Agent DeStefano followed [redacted] and verbally commanded him to stop several times, but Arevalo did not. At one point, Agent DeStefano tells [redacted] that he is on probation and that he is detained. However, [redacted] continues to resist by walking away.

From Agent DeStefano's Body Worn Camera footage, it is clear that he is trying to effect a detention of [redacted]. At approximately 0224 hours, Agent DeStefano broadcasted over his police radio that he was 'out with a "probationer" and that he [the probationer] was walking away from him.' He did not say [redacted] name over the radio.

[redacted] failed to follow Agent DeStefano's commands to stop, walked up the step to the landing of Happy Donuts, and grabbed ahold of the outside railing. [redacted] refused to let go, while exclaiming, "Let go of me. Let go of me, no. Why am I being detained for?" [sic]

It appeared that Agent DeStefano was attempting to use twist locks and arm bar pain compliance techniques to get [redacted] to let go of the railing so that he could be detained in handcuffs. [redacted] acknowledged that he felt pain, as he said, "Oww, my arm, you're hurting me" to Agent DeStefano. Yet he still had a firm grasp of the railing.

The pain compliance techniques had no effect on [redacted] as he continued to hold the railing. You can hear [redacted] saying on video, "I'm not resisting. I don't even know what's going on," but he refuses to comply. Agent DeStefano can be heard telling [redacted], "Let go" (of the railing). [redacted] clearly replies, "No. I said, no."

When Agent DeStefano repeats, "Let go," to [redacted], he [redacted] says, "No, you let go," and continues to hold on to the railing. Agent DeStefano continues to try to get

to release the railing, and at one point can be heard saying, "Oww, oww, my chest...that hurts" while Agent DeStefano is still telling him to let go of the railing.

Agent DeStefano is able to get to break his grip of the railing, and takes him to the ground. appears to strike the landing with the right side of his face and becomes compliant.

Agent DeStefano is able to successfully apply the handcuffs to with his hands behind his back, then touches and asks, "Are you okay?" appears to reply in the affirmative.

However, continues to resist while on the ground and Agent DeStefano continues to apply pain compliance techniques in the form of a bent wrist lock. Agent DeStefano can be heard telling to, "Stop kicking me." And based on the video, it is my belief that is experiencing the application of the pain compliance technique, but for whatever reason, he is not stopping his resistance.

Upon my arrival, I observed Agent DeStefano subduing on the landing. Agent DeStefano tells him to, "Be cool," and tells him that "more police officers are coming."

Officer Enberg arrives and Agent DeStefano asks once again if he is going to "Be cool." , struggles a bit, but replies with a definitive, "Yes" when Enberg applies a pain compliance hold in the form of a bent wrist lock. I ordered that be rolled off of his stomach and into a seated position, before being moved to a PD vehicle.

is raised to his feet, walked to, and placed in the rear of a patrol vehicle.

I attempted to locate witnesses inside of Happy Donuts. However, none of the patrons or employees with whom I spoke saw anything. I assessed injuries while he was in the rear of the patrol car. I recorded it on my Body Worn Camera.

I walked to the Coin Wash and L&L Barbeque in search of witnesses. I did not locate anyone who was said to have been present when the incident occurred. I returned and re-contacted , who, at that time, had been seen by medical personnel. I interviewed him while he was seated in the back seat of the patrol car. (See section above).

Agent DeStefano manually activated his Body Worn Camera from outside of his patrol vehicle, which was parked in the alley behind Happy Donuts. Because he was some distance away, the MAV system inside of the vehicle did not activate. However, when he (Agent DeStefano) later retrieved his vehicle, the MAV did activate as designed and captured the remainder of the scene in the parking lot.

Video footage later obtained from Happy Donuts shows arriving at the establishment on a bicycle, which he parks outside. He then sits at a table inside. Sometime later, a female approaches him and begins a conversation. After a few minutes of conversing with , she leaves. Another female walks to the beverage cooler near moments later. They do not appear to converse.

After retrieving the bicycle with which he arrived, meets the two women—who are now with a male—in the parking lot of Happy Donuts. He uses a flashlight and appears to be showing them the bike for inspection. The group seems interested in the bike as they gather around to prepare to inspect it. From the way it appeared on video, I believed that was attempting to sell them the bicycle.

In the Happy Donuts video, you can see a patrol car (Agent DeStefano) slowly drive by the main entrance off of El Camino Real. The group of three (male and two females) are facing the street, thus, can see the police car, and immediately disperse into a nearby parked vehicle. (It should be noted that Agent DeStefano did not activate his emergency lights nor shine a spot-light toward the group, which would exacerbate his reasonable suspicion that criminal activity was afoot).

however, is facing away from the street and does not see the police car, and is left by his lonesome as the group scattered. From the video footage and vantage point, it is completely understandable as to why Agent DeStefano, in fact, believed he had witnessed involved in what appeared to be a hand-to-hand drug deal.

After witnessing this activity, Agent DeStefano puts himself in a position to attempt to stop the vehicle in which the three subjects entered. As evidenced by his Body Worn Camera and Mobile Audio Video system, he actually followed the vehicle long enough to complete a registration check and to look for an infraction whereby to make a pretext stop. Not having any suspicion to stop the vehicle, he returned to the Happy Donuts parking lot—where was still located—and contacted him.

ATTACHMENTS

CAD printouts of CFS

MAV recording from patrol cars 5207, 5210, 5152, 5243, 5209, and 5150.

BWC recordings from Agent DeStefano, Sgt. Green, Officer Johnson, Officer Connelly, Officer Enberg, Agent Priess, and Officer Lee

Photographs

Radio traffic Disc

Complete copy of crime report

849(b) Release/Detention Certificate

Fax request to

Medical Records from

OPINIONS AND CONCLUSIONS

Agent DeStefano was wearing a full Palo Alto police uniform and was easily recognizable as such. He gave clear commands to [redacted] to stop, even telling him, "You are on Probation; you are detained." Agent DeStefano can also be heard telling [redacted] to, "Let go" (of the railing).

Based on my reading of the aforementioned case report, observations of the Body Worn Camera video, discussions with Agent DeStefano, and personal knowledge of, and previous interaction with, Suspect [redacted], it is my opinion the amount of force which was used was justified in order for Agent DeStefano to overcome the resistance exuded by [redacted], to effect an arrest, and prevent his escape.

Agent DeStefano had a lawful means for a detention, as he observed what he believed to be a hand-to-hand drug transaction; knew that [redacted] was on Probation with two Active Grants including full search and seizure; and recognized that [redacted] exhibited several signs and symptoms of being under the influence of a CNS stimulant.

[redacted] was clearly actively resisting, by first walking away from Agent DeStefano, in an attempt to leave the scene; then by turning in the opposite direction, walking up the steps to the Happy Donuts landing, grabbing ahold of the railing and failing to let go; and finally by kicking Agent DeStefano while he was on the ground handcuffed. During the duration of the contact, [redacted] made several statements reaffirming his position of not cooperating with Agent DeStefano.

Agent DeStefano's attempts to apply pain compliance techniques and control holds had no effect on [redacted] who only complained verbally that he was in pain. However, he did not comply, and still resisted, delayed, and obstructed a peace officer (Agent DeStefano) during his investigation. This was more than likely due to [redacted] altered state from being under the influence of drugs, which was confirmed by the Santa Clara County Crime Lab to be Methamphetamine.

After viewing video footage later obtained from Happy Donuts, it is made clear to me that [redacted] was being resistive toward Agent DeStefano in his attempt to investigate his suspicion of criminal activity involving [redacted]. And although I inquired multiple times about the establishment having video, it did not manifest itself until later.

It is my opinion that the force used was within the policy guidelines of the Palo Alto Police Department Policy Section 300, Use of Force.

300.2 POLICY

It is the policy of this department that officers shall use only that amount of force that reasonably appears necessary, given the facts and circumstances perceived by the officer at the time of the event, to effectively bring an incident under control. "Reasonableness" of the force used must be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any interpretation of

reasonableness must allow for the fact that police officers are often forced to make split second decisions in circumstances that are tense, uncertain and rapidly evolving about the amount of force that is necessary in a particular situation.

Given that no policy can realistically predict every possible situation an officer might encounter in the field, it is recognized that each officer must be entrusted with well-reasoned discretion in determining the appropriate use of force in each incident. While it is the ultimate objective of every law enforcement encounter to minimize injury to everyone involved, nothing in this policy requires an officer to actually sustain physical injury before applying reasonable force.



PALO ALTO POLICE DEPARTMENT
 275 FOREST AVENUE
 PALO ALTO, CA 94301
 (650) 329-2406

Released in Compliance with SB 1421

INJURY
 BOOKING
 FIREARM
 OTHER

CASE NUMBER

19-3674

REPORT TYPE / CLASSIFICATION

N&D | UNDER INFLUENCE

TYPE OF FORCE: C HANDS/FEET B KNIFE/CUTTING INSTR.
 A FIREARM E OTHER:

OCCURRED DATE TIME DAY
 ON OR FROM 10 JUL 19 0224 WED
 TO
 REPORTED

LOCATION OF EVENT

3916 EL CAMINO REAL

Ofc. Rec-ommends

FSD/FU
 ISD/FU
 Inactive

Supervisor Review

Concur
 FSD/FU
 ISD/FU

"V" = VICTIM "R" = REPORTING PARTY "W" = WITNESS "O" = OTHER
 LAST, FIRST, MIDDLE (FIRM IF BUSINESS) STATE OF CA. RACE SEX DOB AGE HT WT

VICTIM ADVISED: SEXUAL ASSAULT VIC/WIT ASSIST DOMESTIC VIOLENCE
 ADDRESS CITY/STATE ZIP PHONE DL NUMBER STATE
 BUSINESS / SCHOOL ADDRESS CITY/STATE ZIP PHONE SSN

VICTIM INFORMATION: NON DISCLOSURE (WHERE APPLICABLE) INJURY SART BLOOD URINE PHOTOGRAPH

VICTIM # 2 LAST, FIRST, MIDDLE (FIRM IF BUSINESS) RACE SEX DOB AGE HT WT
 V AGT. DESTEFANO M

VICTIM ADVISED: SEXUAL ASSAULT VIC/WIT ASSIST DOMESTIC VIOLENCE
 ADDRESS CITY/STATE ZIP PHONE DL NUMBER STATE
 BUSINESS / SCHOOL ADDRESS CITY/STATE ZIP PHONE SSN

VICTIM INFORMATION: NON DISCLOSURE (WHERE APPLICABLE) INJURY SART BLOOD URINE PHOTOGRAPH

VICTIM VEHICLE YEAR MAKE MODEL BODY TYPE COLOR LICENSE/VIN STATE
 VICTIM #

R/O'S NAME (LAST, FIRST, MIDDLE) SAME AS VICTIM # ADDRESS CITY/STATE ZIP UNIQUE VEHICLE IDENTIFIER

VICTIM VEHICLE WAS STOLEN IMPOUNDED STORED LEFT AT SCENE RELEASED AT SCENE HELD F/PRINTS PRINTED

LOST OR STOLEN PROPERTY (NOT FOR EVIDENCE)

ITEM	QTY	BRAND	MODEL	TYPE / DESCRIPTION OF PROPERTY	SERIAL NO.	VALUE

JCR

M GANG

L PHOTOS SCENE

C LATENT PRINTS

N DRUG FIELD TEST

D PROPERTY

P EVIDENCE

R

F NEIGHBOR HOOD CHECKED

TYPE OF PREMISE: A. APARTMENT C. CONDO E. DRUG/MEDICAL F. FINANCIAL INSTITUTION H. HOTEL/MOTEL L. RELIGIOUS INSTITUTION Q. RESTAURANT/BAR R. SCHOOL

POINT OF ENTRY: A. ADJACENT BLDG B. DOOR C. WINDOW D. GARAGE DOOR/WINDOW G. ROOF DOOR/DUCT VENT/SKYLIGHT L. UNKNOWN

METHOD OF ENTRY: A. BODILY FORCE C. CHANNEL LOCK D. CUTTING TOOL E. NO FORCE/KEY G. OPEN/UNLOCKED H. PRY TOOL I. PUNCH J. SLIPLOCK

SUSPECT ACTIONS: K. WINDOW SMASH L. UNKNOWN B. ATE/DRANK ON PREMISE C. CAT BURGLAR D. COVERED HANDS E. DEFECATED F. DISABLED ALARM G. DISABLED ELECTRICITY I. DISABLED PHONE

P. RANSACKED Q. RUMMAGED R. USED MATCHES S. USED V'S PROPERTY TO TRANSPORT GOODS

DOMESTIC VIOLENCE: A. ALCOHOL/DRUGS B. CHILDREN PRESENT C. PRIOR CONTACT WITH SUSPECT

ASSOCIATED CASE NUMBERS:

OFFICER'S NAME: DESTEFANO ID NUMBER: 0634 DATE: 10 JUL 19 WATCH/DIVISION: SB/FSD SUPERVISOR REVIEW: [Signature] ID NUMBER: 05203 DATE: 7-10-19 PG 1 OF 6

PALO ALTO POLICE SUSPECT PAGE

CASE NUMBER

ORIGINAL

REPORT TYPE SUPPLEMENTAL

990 UNDER INFLUENCE

19-3674

BOOKED CITED 849(b) PC COMPLAINT REVIEW INFO ONLY AT LARGE VMC SEE JCR

S# 1 LAST, FIRST, MIDDLE RACE H M SEX M DOB AGE HT 510 WT 195 HAIR BLK EYES BRO

AKA / MONIKER RELATIONSHIP TO VICTIM INTERPRETER NEEDED: SPANISH OTHER: VIETNAMESE

ADDRESS CITY/STATE ZIP PHONE PFN

BUSINESS NAME/SCHOOL NAME AND ADDRESS CITY/STATE ZIP PHONE PHOTO ID# 2

DL NUMBER STATE SSN CITE# CEN

CLOTHING UNIQUE IDENTIFIERS (CII #)

HAIR STYLE, HAIR TYPE, FACIAL HAIR, BUILD, COMPLEXION, WEAPONS, SCARS, MARKS, TATTOOS ETC. Includes checkboxes for various physical characteristics and appearance details.

BOOKED CITED 849(b) PC COMPLAINT REVIEW INFO ONLY AT LARGE VMC SEE JCR

S# LAST, FIRST, MIDDLE RACE SEX DOB AGE HT WT HAIR EYES

AKA / MONIKER RELATIONSHIP TO VICTIM INTERPRETER NEEDED: SPANISH OTHER: VIETNAMESE

ADDRESS CITY/STATE ZIP PHONE PFN

BUSINESS NAME/SCHOOL NAME AND ADDRESS CITY/STATE ZIP PHONE PHOTO ID#

DL NUMBER STATE SSN CITE# CEN

CLOTHING UNIQUE IDENTIFIERS (CII #)

HAIR STYLE, HAIR TYPE, FACIAL HAIR, BUILD, COMPLEXION, WEAPONS, SCARS, MARKS, TATTOOS ETC. Includes checkboxes for various physical characteristics and appearance details.

SUSPECT VEHICLE YEAR MAKE MODEL BODY TYPE COLOR LICENSE/VIN STATE

ADDITIONAL IDENTIFIERS: LOWERED RAISED SPECIAL PAINT SPECIAL WHEELS SUN ROOF/TOP

RO'S NAME (LAST, FIRST, MIDDLE) SAME AS SUSPECT # ADDRESS CITY/STATE ZIP DAMAGE TO VEHICLE

SUSPECT VEHICLE WAS: STOLEN IMPOUNDED STORED LEFT AT SCENE RELEASED AT SCENE HELD F/PRINTS PRINTED

OFFICER'S NAME DE STEFANO ID NUMBER 06134 DATE 10 JUL 19 WATCH/DIVISION 5B/FSD SUPERVISOR REVIEW [Signature] ID NUMBER 05203 DATE 7-10-19 PG 2 OF 6

Palo Alto Police Department
Case #: 19-3674
Offense: N&D/Under the Influence
7/10/2019, 3916 El Camino Real 94301

Item Submission Report
Total Number of Case #: 1
Total Number of Items: 2

Item Number	Date Received	Reason Taken	Make	Model	Serial Num	Description	Owner Code	Quantity	Item Value	Stolen/Recovered?
1	7/10/2019	Evidence				(2) two vials of blood taken from [REDACTED] left arm	Suspect 1	1		No
2	7/10/2019	Evidence				black Trans Jansport backpack	Suspect 1	1		No

Released in Compliance with SB 1421

1 **Additional Face Sheet:**

- 2
- 3 Penal Code / Resist Arrest
- 4 Battery / Peace Officer
- 5 Penal Code / Misc
- 6

7 **SYNOPSIS**

8

9 Police contacted known probationer, _____ after he was observed in a possible hand to
 10 hand drug transaction. _____ displayed objective symptoms of being under the influence of a
 11 CNS stimulant. _____ was uncooperative during the detention, attempted to walk away, and
 12 resisted being handcuffed while kicking an officer. The suspect was taken to the ground and
 13 placed under arrest. The suspect is on active Santa Clara County probation for _____ and
 14 _____ with search/seizure. The suspect was transported to Stanford E.R. after he complained of
 15 pain to his head and right shoulder. The suspect was booked into the Santa Clara County Main
 16 Jail for P.C. 1203.2, H&S 11550(a), P.C. 243(b), and P.C. 148(a)(1).

17

18 **INVESTIGATION**

19

20 On 10 JUL 19, I was on patrol wearing a full uniform and driving a marked police car (#5207).
 21 At approximately 0224 hours, I was driving N/B at the 3900 block of El Camino Real when I
 22 observed a male subject wearing all red standing in the middle of the parking lot of Happy
 23 Donuts, located at 3916 El Camino Real. I recognized the male subject as _____ from
 24 prior contacts and arrests. I was aware _____ was on two active grants of Santa Clara County
 25 probation with search/seizure. I know Happy Donuts to be a location where drug sellers and
 26 users will often meet to conduct drug and narcotic transactions as it is open 24 hours – 7 days a
 27 week. I have made numerous drug possession and sales arrests at this location. I also know
 28 other PAPD officers that have made numerous drug arrests at Happy Donuts.

29

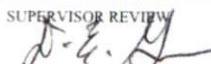
30 I observed _____ walk over to an unknown Hispanic male adult in the parking lot and quickly
 31 touch his hand. _____ quickly walked away from the unknown Hispanic male adult. The
 32 unknown Hispanic male adult walked away with two other females and drove out of the lot in a
 33 white four door sedan. Based on my training and experience, I believed that _____ had
 34 possibly been involved in a hand to hand drug transaction. I drove to the alley to the rear of
 35 Happy Donuts and parked my patrol vehicle. I exited my patrol vehicle and walked to the Happy
 36 Donuts parking lot where I observed _____ pacing through the lot.

37

38 I walked up to _____ and noticed that he appeared nervous while profusely sweating. I
 39 activated my BWC (body worn camera). I believed _____ was possibly under the influence of
 40 a controlled substance. I greeted _____ by his first name, and he looked at me blankly. I then
 41 told _____ to come here and he began to walk E/B away from me. I heard him say something
 42 similar to, "I don't have to talk to you." I then told _____ that he was on probation.
 43 changed direction and began to walk around me W/B towards the front doors of Happy Donuts.

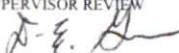
44

45 I grabbed _____ backpack to attempt to prevent him from walking away and he spun out of
 46 my grip. _____ asked if he was detained. I told _____ he was detained. I then grabbed

OFFICER'S NAME T. DeStefano	ID NUMBER 06134	DATE 10 JUL 19	SUPERVISOR REVIEW 	ID NUMBER 05203	DATE 7-10-19
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Released in Compliance with SB 1421

1 left arm. I again told he was detained. tried to pull away from me and
 2 I was able to handcuff his left wrist. then turned towards a hand rail in front of the
 3 Happy Donuts entrance and grabbed the railing with his right wrist. I attempted to pull
 4 right hand from the railing, however I was unable to do so as he flailed his upper body
 5 into me. I told several times to stop, give me his hand, and to stop resisting. I continued
 6 to try and pull. right hand from the railing, but he continued to twist and turn his upper
 7 body. was strong and had very rigid muscle tone.
 8
 9 I was able to pull from the railing with a left arm bar take down and we both went to the
 10 ground in front of the entrance to Happy Donuts. By taking to the ground it was more
 11 effective to control him and more difficult for him to use his strength to resist me.
 12 I maintained control of left hand that was handcuffed. right hand was
 13 extended and locked out in front of his body in an attempt to prevent me from handcuffing him.
 14 began kicking both his legs into my shins causing me pain. I was able to overpower
 15 right arm and place him in handcuffs. continued to thrash his body and kick
 16 me while I was on top of him. It should be noted that there were no other officers on scene and
 17 officers were responding from the Palo Alto police station (which was several miles from my
 18 location). Sgt. Alaniz requested Los Altos PD respond to assist me due to the fact that they were
 19 closer to my location.
 20
 21 Sgt. Green, and Ofc. Enberg arrived on scene and assisted me with getting to his feet.
 22 Ofc. Enberg assisted with a search incident to arrest and asked if he had a "pipe."
 23 said yes. A search of did not locate any contraband. I searched
 24 backpack incident to arrest and located a small bag of marijuana which I did not seize. Officers
 25 on scene searched the parking lot and were unable to locate any contraband.
 26
 27 had a bloody nose and abrasions on the right side of his face. PAFD responded and
 28 treated at the scene. While in the back of my patrol vehicle, I took pulse.
 29 pulse was 128 BPM at 0239 hours. I noticed displayed the following
 30 objective symptoms of being under the influence of a controlled substance: dilated pupils,
 31 white/chalky tongue, halitosis, pupils slow to react to light, rapid eyelid tremors, and profuse
 32 sweating. Based on my training (Drug Recognition Expert) and experience, I determined
 33 Arevalo was under the influence of a CNS stimulant.
 34
 35 I read the H&S 11550(a) admonition provided by the D.A.'s Office. stated he
 36 understood the admonition. I asked if he would submit to a blood test. stated
 37 that his blood would be "dirty" and he would not submit to a blood test. I explained to
 38 that he was on probation and that he would have to submit to a blood test.
 39
 40 I transported to PAPD AIB. At AIB, I took pulse at 0322 hours.
 41 nulse was 120 BPM. I checked pupils in near total darkness with a pupilometer.
 42 pupils were 8mm. pupils were slow to react to light and he displayed
 43 rebound dilation. pupils measured 6.5mm under normal room lighting.
 44

OFFICER'S NAME T. DeStefano	ID NUMBER 06134	DATE 10 JUL 19	SUPERVISOR REVIEW 	ID NUMBER 05203	DATE 7-10-19
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Released in Compliance with SB 1421

1 I read his Miranda rights via a department issued Miranda card. He stated he
 2 understood each of his rights by saying yes. I asked if he wanted to tell me what happened and
 3 he said yes. He provided the following statement:

4 **Statement of Suspect**

5
 6 I asked about our initial contact and he told me that he had the right to refuse to
 7 talk to me. I asked if he was on probation and he said, "Yea I am." I asked about the
 8 group he was with and he stated he was just "talking." then became
 9 uncooperative and stated he did not want to give a blood sample.

10
 11 Licensed phlebotomist Vasquez arrived at PAPD AIB. stated he would not provide a
 12 sample and stated that he would cause problems with the blood draw. I explained to Vasquez
 13 that he was on search and seizure probation (two active grants) and had to provide a blood
 14 sample. continued to refuse. Sgt. Green arrived in AIB and we handcuffed
 15 left and right arm to the AIB bench. No force was used on as licensed phlebotomist
 16 Vasquez took two vials of blood from right arm.

17
 18 **Evidence:**

19
 20 I booked two vials of blood taken from right arm into a PAPD temporary
 21 evidence locker.

22
 23 I placed backpack into a PAPD temporary evidence locker for safekeeping.

24
 25 Ofc. Johnson completed a bicycle report and bicycle was placed in the PAPD
 26 garage for safekeeping.

27
 28 I placed in the back of my patrol vehicle. I noticed right eye had begun to
 29 swell and was turning black. stated that he wanted to go to the hospital and complained
 30 of pain to his head. I transported to Stanford ER. At the time of this writing,
 31 had a right fractured orbital bone. The attending physician was Dr.

32
 33 At approx. 0820 hours, Ofc. J. Lee took custody of at Stanford E.R.

34
 35 **Criminal History:**

36 has extensive criminal history for

37
 38
 39
 40
 41 etc.

42
 43 **Recommendation:**

44 Investigation continuing.

N&D / UNDER THE INFLUENCE

PALO ALTO POLICE
CONTINUATION

19-3674

1 **INVESTIGATION**

2

3 At approximately 0800 hours, I responded to Stanford University Hospital located at 300 Pasteur
4 Dr to relieve Agent Destefano from his post and watch the suspect.

5

6 The suspect signed an authorization for Stanford University Hospital to disclose his entire
7 medical record to PAPD. He signed it in my presence.

8

9 Hospital staff said that the suspect may possibly have to be hospitalized for his injuries.

10

11 At approximately 1200 hours, I released the suspect from PAPD custody in accordance with PC
12 849(b).

13

14 **Recommendation**

15

16 Prosecute suspect via complaint for PC 148(a)(1), HS 11550(a), and PC 243(b).

OFFICER'S NAME J. LEE	ID NUMBER 8069	DATE 7-10-19	SUPERVISOR REVIEW <i>M. Estrada</i>	ID NUMBER 6200	DATE 7/10/19
					PAGE: 1

PALO ALTO POLICE DEPARTMENT
RELEASE/DETENTION CERTIFICATE

CEN # _____

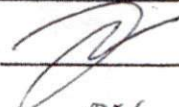
CASE # 19-3674

As required by the provisions of Penal Code Section 851.6, I hereby certify that the taking into custody of

_____ on 7-10-19 by the Palo Alto Police Department was a
(Subject's Name) (Date)
detention only, not an arrest.

_____ was released on 7-10-19 by the Palo Alto Police Department.
(Subject's Name) (Date)

Pertinent portions of Penal Code Sections 849, 849.5, and 851.6 are included below:

Officer's Signature: 
Title & ID Number: OFF J. LEE 8069

PENAL CODE SECTION 849 PROVIDES, IN PART:

- (a) When an arrest is made without a warrant by a peace officer or private person, the person arrested, if not otherwise released, shall, without unnecessary delay, be taken before the nearest or most accessible magistrate in the county in which the offense is triable, and a complaint stating the charge against the arrested person shall be laid before such magistrate.
- (b) Any peace officer may release from custody, instead of taking such person before a magistrate, any person arrested without a warrant whenever:
 - (1) He or she is satisfied that there are insufficient grounds for making a criminal complaint against the person arrested.
 - (2) The person was arrested for intoxication only, and no further proceedings are desirable.
 - (3) The person was arrested only for being under the influence of a controlled substance or drug, and such person is delivered to a facility or hospital for treatment and no further proceedings are desirable.
- (c) Any record of arrest of a person released pursuant to paragraphs (1) and (3) of subdivision (b) shall include a record of release. Thereafter, such arrest shall not be deemed an arrest, but a detention only.

PENAL CODE SECTION 849.5 PROVIDES:

In any case in which a person is arrested and released and no accusatory pleading is filed charging him with an offense, any record of arrest of the person shall include a record of release. Thereafter, the arrest shall not be deemed an arrest, but a detention only.

PENAL CODE SECTION 851.6 PROVIDES IN PART:

- (a) In any case in which a person is arrested and released pursuant to paragraph (1) or (3) of subdivision (b) of section 849, the person shall be issued a certificate, signed by the releasing officer or his superior officer, describing the action as a detention.
- (b) In any case in which a person is arrested and released and no accusatory pleading is filed charging him with an offense, the person shall be issued a certificate by the law enforcement agency which arrested him describing the action as a detention.



County of Santa Clara
Crime Laboratory
Office of the District Attorney
250 West Hedding Street
San Jose, California 95110
(408) 808-5900

Physiological Specimen Request
(Press hard and print clearly)

Subject's Name			
Requested By	DESTEFANO	Badge #	6134
Agency	PALO ALTO PD	Agency Case #	19-3674
Technologist Taking Sample	S. VASQUEZ		
Charges	HS 11550(a)	Location	PALO ALTO

You are requested to obtain a specimen of blood, urine or breath from the above named subject for the purpose of scientific analysis.

[Handwritten Signature]
(Officer's Signature)

Type of Specimen
Blood
Urine
Breath
Typing tube

Date of Sample 7/10/19 Time of Sample 3:36 am

Technologist's Case # CML
Vacutainer Lot # 8276658
Expiration Date: 2020-10-31

Observations

Eyes _____ Speech _____
Odors _____ Attitude _____

Coordination and Balance _____

General Comments _____

Ⓟ arm - Zephiran 2 gray
mixed labelled hand to officer

Technologist's Signature: *[Handwritten Signature]*

Case # 19-3674

Declaration of Person Qualified to Perform Venipuncture

I am qualified pursuant to the California Business and Professional Code section 1246, Title 17 of the California Code of Regulations, and / or the California Vehicle Code section 23158 to perform venipuncture and was so qualified when I worked as a (check all that apply):

- Clinical Laboratory Scientist
- Licensed Clinical Laboratory Technologist
- Registered Nurse
- Licensed Vocational Nurse
- Certified Phlebotomy Technician

On 7/10/19 when I took blood from a person identified to me as:

I performed the blood draw using the following procedures:

I cleansed the area to be punctured with the non-alcoholic disinfectant and the Arresting Officer witnessed my use of the non-alcoholic disinfectant with the above-name defendant.

A sterilized needle, holder and needle protector was employed to withdrawn blood from the defendant's vein. I will withdraw enough blood to fill the vacuum vial furnished by the Santa Clara Crime Laboratory. Prior to using it, I examined the vacuum vial and observed that it contained a dry white powder.

I discarded the needle, holder and disinfectant and inverted the vial 8 to 10 times to prevent the blood from clotting.

I labeled the vials of blood with the full name of the defendant, the date and time of withdrawal and place my initials on the label.

I gave the vial to the Officer who accompanied the defendant, and I observed the Officer place the vials in the envelope furnished by the Santa Clara Crime Laboratory and seal it.

The sample(s) was/were taken and handle in a medically approved manner.

I, **Suleyca Vasquez**, declare under penalty of perjury that under the laws of the State of California the foregoing is true and correct.

Dated: 7/10/19 at Palo Alto, California

Signature of Declarant: 

Original: Attach to Admin Per Se Documents & return to DMV-Driver Safety Office

Driver's license # _____ (optional)

Palo Alto Police Department Bicycle Report

Case # 19-3674

IF YOUR BIKE IS IN POLICE POSSESSION - READ BACK FOR INSTRUCTIONS

Offense / Classification	<u>PENAL CODE / RESIST ARREST</u>	Date	<u>7/10/19</u>	Time	<u>0224</u>
Location	<u>3916 EL CAMINO REAL</u>	Serial #		License #	<u>N/A</u>

(X)

<input type="checkbox"/>	Stolen	NOT in PD possession (Owner info required)
<input type="checkbox"/>	Recovered	Also check Safekeeping if not immediately returned to owner (Owner info required)
<input checked="" type="checkbox"/>	Safekeeping	Storage only - may be returned at any time (Owner info required)
<input type="checkbox"/>	Abandoned	Finder claim (circle one)? NO YES (RP info required if yes)
<input type="checkbox"/>	Under Observation	Proof of ownership needed - inform Officer Michael Kan / Evidence Room of disposition within 30 days: hold or release (Suspect info required)
<input type="checkbox"/>	Evidence	DO NOT store in garage - process and release when possible / must coordinate storage with evidence techs (Suspect info required)

Additional Information - Abandoned / Under Observation / Evidence:

Serial # clear in APS? YES NO No serial #
 License # clear in APS? YES NO No license
 Owner identified (ICIS/APS)? YES NO

Bicycle Owner Information (Stolen / Recovered / Safekeeping / Identified)

Name	Phone #	DOB
	<u>UNCOOPERATIVE</u>	
Address		

Circle one: RP (Abandoned - optional) **Suspect** (Under Observation / Evidence)

Name	Phone #	DOB
Address		

Bicycle Details

Value Determined by (circle one): **Officer** Owner

Make	Model	Color(s)	Value
<u>TREK</u>	<u>22.5</u>	<u>Black</u>	<u>\$50</u>

IN PD possession - left side AND right side photos in VeriPic - Incident #: 191910014

Stolen - describe any identifying details (lights, racks, locks, stickers, custom parts, etc.)

Officer	ID#	Watch	Date	Supervisor	ID#	Date
<u>DESTERANO</u>	<u>6134</u>	<u>5B</u>	<u>7/10/19</u>	<u>A. E. [Signature]</u>	<u>05203</u>	<u>7-16-19</u>

(Administrative use only)

Released to:	By:	Date
Owner/agent signature	ID or DOB	Date

Supplement

Released in Compliance with SB 1421

Palo Alto Police Department Bicycle Report

Case # 19-3674

IF YOUR BIKE IS IN POLICE POSSESSION - READ BACK FOR INSTRUCTIONS

Offense / Classification PENAL CODE / RESTRICTIONS	Date 7/10/19	Time 0224
Location 5916 EL CAMINO AVE	Serial #	License # N/A

(X)

Stolen	NOT in PD possession (Owner info required)
Recovered	Also check Safekeeping if not immediately returned to owner (Owner info required)
X Safekeeping	Storage only - may be returned at any time (Owner info required)
Abandoned	Finder claim (circle one)? NO YES (RP info required if yes)
Under Observation	Proof of ownership needed - inform Officer Michael Kan / Evidence Room of disposition within 30 days: hold or release (Suspect info required)
Evidence	DO NOT store in garage - process and release when possible / must coordinate storage with evidence techs (Suspect info required)

Additional Information - Abandoned / Under Observation / Evidence:

Serial # clear in APS? YES NO No serial #
 License # clear in APS? YES NO No license
 Owner identified (ICIS/APS)? YES NO

Bicycle Owner Information (Stolen / Recovered / Safekeeping / Identified)

Name	Phone # UNCOOPERATIVE	DOB
Address		

Circle one: RP (Abandoned - optional) Suspect (Under Observation / Evidence)

Name	Phone #	DOB
Address		

Bicycle Details

Value Determined by (circle one): Officer Owner

Make TREK	Model 22.5	Color(s) BLACK	Value \$50
--------------	---------------	-------------------	---------------

IN PD possession - left side AND right side photos in VeriPic - Incident #: 191910014

Stolen - describe any identifying details (lights, racks, locks, stickers, custom parts, etc.)

--

Officer DE STEFANO	ID# 6134	Watch 56	Date 7/10/19	Supervisor	ID#	Date
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(Administrative use only)

Released to:	By: J. Bianchi #1521	Date 07/11/19
Owner/agent signature	ID or DOB	Date 07/11/19

WARNING!!!

Bicycles held by the Palo Alto Police Department will be retained for at least 90 days, but there is **NO GUARANTEE** they will be held longer. **AFTER 90 DAYS**, any and all bicycles **MAY** be donated to local non-profit organizations and/or sent to auction unless we hear from you and reasonable arrangements are made to pick up the bicycle. Please read the section below applicable to your situation and follow the instructions listed.

SAFEKEEPING

To retrieve your bicycle within 30 days of the report date listed, please come to the police station lobby with your copy of this form during business hours. If you also need to retrieve additional property, you will need to make an appointment with the evidence technicians before you come in. After 30 days, you will need to contact Officer Michael Kan to arrange for bicycle pickup as it may have been moved to our off-site storage facility.

UNDER OBSERVATION

You are required to provide proof of ownership of the bicycle to the investigating officer within 30 days. The officer will make a determination regarding its release. Please follow the safekeeping instructions to retrieve the bicycle if the officer permits it to be released. If the officer will release it and you intend to pursue other legal avenues to secure it, EMAIL Officer Michael Kan for further instructions. ***If you fail to contact the investigating officer within 30 days, the bicycle will be subject to disposal within 90 days from the date of this report.***

EVIDENCE

The investigating officer will contact you if the bicycle is available for release. Otherwise the case must be adjudicated before it can be returned. You will need to contact the evidence room to retrieve it at the conclusion of the court case.

ABANDONED – FINDER'S CLAIM REQUEST

Please **EMAIL** Officer Michael Kan within 30 days to state your intention to make a finder's claim on an abandoned bicycle and provide the case number. You will receive further instructions via email. We will try to accommodate the request, but it is **NOT guaranteed**.

CONTACT INFORMATION

Palo Alto Police Department Front Desk: (650) 329-2406
Evidence Room: (650) 329-2200

Officer Michael Kan: michael.kan@cityofpaloalto.org
(650) 656-5324

White – Case record
Carbon copy 1 – Attach to bicycle
Carbon copy 2 – Receipt to Owner / RP / Suspect

REPORT TYPE / CLASSIFICATION N&D/Under Influence	SUPPLEMENTAL REPORT	PALO ALTO POLICE CONTINUATION	CASE NUMBER 19-3674
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1 **INVESTIGATION**

2

3 I assisted this investigation by obtaining surveillance footage from Happy Donuts located at
4 3916 El Camino Real regarding this incident. On 09/26/2019 at approximately 0830 hours, I
5 made contact with _____ is the husband of the store owner and
6 is the only person who knows how to use the surveillance system. I requested video footage that
7 captured the incident. _____ informed me he had the footage. _____ told me the time stamps
8 were not correct because of a system failure that occurred on July 15th, 2019. He did not know
9 what the exact real time compared to the video timestamp but believed they were approximately
10 three hours different. For instance, if the video showed a timestamp of 0800 hours then the real
11 time should be approximately 1100 hours.

12

13 **Evidence**

14


15 _____ exported surveillance footage from the incident onto two USB thumb drives for
16 me. They include internal and external camera footage. I submitted the thumb drives into
17 Evidence.

18

19 **Recommendation**

20

21 Supplement only, forward to Court Liaison Officer.

OFFICER'S NAME D. POJANAMAT	ID NUMBER 5860	DATE 09/26/2019	SUPERVISOR REVIEW 	ID NUMBER 4129	DATE 9-26-19
					PAGE: 1

Palo Alto Police Department
Case #: 19-3674
Offense: N&D/Under the Influence
7/10/2019, 3916 El Camino Real 94301

Item Submission Report
Total Number of Case #: 1
Total Number of Items: 1

Item Number	Date Received	Reason Taken	Make	Model	Serial Num	Description	Owner Code	Quantity	Item Value	Stolen/Recovered?
3	9/26/2019	Evidence				Two USB thumb drives containing internal and external surveillance footage of Happy Donuts	PAPD	2		No

REPORT TYPE / CLASSIFICATION N&D / Under Influence	SUPPLEMENTAL (CIRCLE)	PALO ALTO POLICE CONTINUATION	CASE NUMBER 19-3674
--	-----------------------	----------------------------------	-------------------------------

1 **INVESTIGATION**


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3
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18
19

As stated in my earlier report, I was aware that _____ was on Santa Clara County probation with search and seizure for _____ and _____ prior to contacting him. I knew _____ was on probation because he had been stopped several times by officers during the weeks prior to my contact and I heard PAPD communications advise that he was on formal Santa Clara County probation with search/seizure. I was also made aware of an arrest on _____ where _____ was arrested for _____ and _____ After reviewing the case, I learned that _____ was arrested after Ofc. Joy conducted a probation search.

On 3/28/19, I assisted Ofc. Connelly with a prowling case _____ . Ofc. Connelly showed me CCTV footage of the suspect and I identified the suspect as _____ Several months after assisting in this case, I conducted a _____ check on _____ and learned that he had two active grants of formal probation with search and seizure (grant dates _____)

Recommendation:

Supplemental report, forward to court liaison.

OFFICER'S NAME T. DeStefano	ID NUMBER 06134	DATE 5 NOV 19	SUPERVISOR REVIEW 	ID NUMBER 4129	DATE 11/5/19
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QC Sheet

Case Number: 19-3674

Check All Applicable Boxes:

- ORIGINAL
- SUPPLEMENT
- SUPPLEMENT TO COURT LIAISON
- WARRANT
- ACCIDENT
- FACE SHEET ONLY/LATE CASE
- WARRANT COMPLAINT REQUEST
- DAMAGE TO CITY PROPERTY

Date Received in ODE: 7/11

PRS Initials: (B)

Date If Original Sent Back to Officer: _____

PRS Initials: _____

Date Re-submitted to ODE: _____

PRS Initials: _____

Records Process	Date of Action	PRS Initials
STRIPPED		
COPY TO COURT LIAISON	7/11	(B)
SUPPLEMENT ROUTED TO CRIME ANALYST		
SCAN TO PDF & ATTACH	7/11	(B)
DATA ENTRY/RMS	7/12	(B)
CJIC UPDATED/MISDEMEANOR CITES		
COURT LIAISON REVIEW		
CLETS ENTRIES MADE-CARPOS/SVS/APS/AFS		
SWITTERS/CHP PROCESSED		
NOTICE OF STORED VEHICLE		
CLETS REVIEW		
EMAIL SENT TO OFFICER/SGT		
JCR PACKET PROCESSED/ROUTED TO ISD		
OTHER		
RECORDS AUDIT		

Notes/Comments:



QC Sheet

Case Number: 19-3674

Check All Applicable Boxes:

- ORIGINAL
- SUPPLEMENT
- SUPPLEMENT TO COURT LIAISON
- WARRANT
- ACCIDENT
- FACE SHEET ONLY/LATE CASE
- WARRANT COMPLAINT REQUEST
- DAMAGE TO CITY PROPERTY

Date Received in ODE: 7/16

PRS Initials: CR

Date If Original Sent Back to Officer: _____

PRS Initials: _____

Date Re-submitted to ODE: _____

PRS Initials: _____

Records Process	Date of Action	PRS Initials
STRIPPED		
COPY TO COURT LIAISON		
SUPPLEMENT ROUTED TO CRIME ANALYST		
SCAN TO PDF & ATTACH	7/16	CR
DATA ENTRY/RMS	7/16	CR
CJIC UPDATED/MISDEMEANOR CITES		
COURT LIAISON REVIEW		
CLETS ENTRIES MADE-CARPOS/SVS/APS/AFS		
SWITTERS/CHP PROCESSED		
NOTICE OF STORED VEHICLE		
CLETS REVIEW		
EMAIL SENT TO OFFICER/SGT		
JCR PACKET PROCESSED/ROUTED TO ISD		
OTHER		
RECORDS AUDIT		

Notes/Comments:



QC Sheet

Case Number: 19-3674

Check All Applicable Boxes:

- ORIGINAL WARRANT FACE SHEET ONLY/LATE CASE
- SUPPLEMENT ACCIDENT WARRANT COMPLAINT REQUEST
- SUPPLEMENT TO COURT LIAISON DAMAGE TO CITY PROPERTY

Date Received in ODE: 9/27 PRS Initials: Ⓟ

Date If Original Sent Back to Officer: _____ PRS Initials: _____

Date Re-submitted to ODE: _____ PRS Initials: _____

Records Process	Date of Action	PRS Initials
STRIPPED		
COPY TO COURT LIAISON x2	9/27	Ⓟ
SUPPLEMENT ROUTED TO CRIME ANALYST	9/27	Ⓟ
SCAN TO PDF & ATTACH	9/27	Ⓟ
DATA ENTRY/RMS		
CJIC UPDATED/MISDEMEANOR CITES		
COURT LIAISON REVIEW		
CLETS ENTRIES MADE-CARPOS/SVS/APS/AFS		
SWITTERS/CHP PROCESSED		
NOTICE OF STORED VEHICLE		
CLETS REVIEW		
EMAIL SENT TO OFFICER/SGT		
JCR PACKET PROCESSED/ROUTED TO ISD		
OTHER		
RECORDS AUDIT		

Notes/Comments:



QC Sheet

Case Number: 19-3674

Check All Applicable Boxes:

- ORIGINAL
- SUPPLEMENT
- SUPPLEMENT TO COURT LIAISON
- WARRANT
- ACCIDENT
- FACE SHEET ONLY/LATE CASE
- WARRANT COMPLAINT REQUEST
- DAMAGE TO CITY PROPERTY

Date Received in ODE: 11/21/19 PRS Initials: CB

Date If Original Sent Back to Officer: _____ PRS Initials: _____

Date Re-submitted to ODE: _____ PRS Initials: _____

Records Process	Date of Action	PRS Initials
STRIPPED		
COPY TO COURT LIAISON x2	11/6	Ⓟ
SUPPLEMENT ROUTED TO CRIME ANALYST	11/6	Ⓟ
SCAN TO PDF & ATTACH	11/21	CB
DATA ENTRY/RMS		
CJIC UPDATED/MISDEMEANOR CITES		
COURT LIAISON REVIEW		
CLETS ENTRIES MADE-CARPOS/SVS/APS/AFS		
SWITTERS/CHP PROCESSED		
NOTICE OF STORED VEHICLE		
CLETS REVIEW		
EMAIL SENT TO OFFICER/SGT		
JCR PACKET PROCESSED/ROUTED TO ISD		
OTHER		
RECORDS AUDIT		

Notes/Comments:
