

**County of Santa Clara
Crime Laboratory**

Office of the District Attorney
250 West Hedding Street
San Jose, California 95110-1717
(408) 808-6900
(408) 275-6245 FAX



**PHYSICAL EVIDENCE EXAMINATION REPORT
Supplemental Report Number 1**

Agency Case Number 08-1777	Agency Palo Alto Police Department Santa Clara County District Attorney's Office	Offense 243 PC	Laboratory Number M081017
Suspect(s) JOSEPH ANTHONY CIAMPI	Incident Date 3/15/2008	Analyst C. CORPORA	
Victim(s) STATE OF CALIFORNIA	Report Date 10/8/2009	Requesting Officer SGT. P. LUM; N. NEWBOM; DDA HOWE	

EVIDENCE AND SOURCE

On June 11, 2009, N. Newbom, from the Palo Alto Police Department, submitted one tape-sealed envelope (AA113833) to Property/Evidence Technician F. Lam containing the following evidence:

- Item 1-1 one video DVD disc with a label on top identifying the disc as being related Officer Burger for PAPD case number 08-1777.
- Item 1-2 one video DVD disc with a label on top identifying the disc as being related to Officer Temores for PAPD case number 08-1777.

On July 2, 2009, L. Dillard, from the Palo Alto Police Department, submitted two tape-sealed envelopes (AA114143 and AA114144) to Property/Evidence Technician T. Roberts.

Envelope AA114143 contains the following evidence:

- Item 201 one data DVD disc with a label on top identifying the disc as being related to Officer Burger for PAPD case number 08-1777.

Envelope AA114144 contains the following evidence:

- Item 200 one data DVD disc with a label on top identifying the disc as being related to Officer Temores for PAPD case number 08-1777.

Accredited by the American Society of Crime Laboratory Directors/Laboratory Accreditation Board

Revised:

JAR 10-12-09 [Signature] 10/15/09

Page 1 of 6

[Signature]

EVIDENCE AND SOURCE (continued)

On August 18, 2009, I copied the contents of the two discs contained in the M081017 laboratory case file to the hard drive of my workstation. The two discs were produced by Supervising Criminalist J Bourke for the previous work done on this case.

REQUESTED ANALYSIS

Deputy District Attorney David Howe, from the Santa Clara County District Attorney's Office, requested that the videos contained on Items 1-1 and 1-2 be examined for any signs of tampering such as editing. The editing may have occurred around an area of time when a male subject of interest—identified in the submitted police report as Joseph Anthony Ciampi—is involved in an altercation with three Palo Alto Police Department officers—identified in the police report as Officer K. Burger, Officer M. Temores, and Agent Wagner. During the altercation which is to have taken place at approximately 1007 hours on March 15, 2008 outside a parked greenish-blue van, the two male officers—Officers Burger and Temores—are to have used their TASER™ weapons on Mr. Ciampi.

Each TASER™ had a camera mounted on the weapon called a TASER CAM™. The footage from the two TASER CAM™ recorders had previously been examined for tampering and editing by Supervising Criminalist J. Bourke under the same laboratory case number.

RESULTS AND CONCLUSIONS

Conclusions

The two submitted MPEG-2 files—*temores1777.mpg* and *burger1777.mpg*—appear to be continuous recordings of the incident involving Mr. Ciampi, Officer Burger, Officer Temores, and Agent Wagner. The submitted videos do not appear to have been tampered with or edited.

If further analysis of possible tampering or editing is needed in this case, I would recommend that the original footage be sent to an outside agency or reputable company that has experience in providing this type of examination. I can provide recommendations if necessary.

Examination

Items 1-1 and 1-2 are video DVDs that were to have been produced by converting the recordings from the two PAPD in-car camera systems (or MAVs) of Officer M. Temores and Officer K. Burger to a video DVD format. I requested that the original videos be submitted to the laboratory, before the source footage was formatted to a video DVD disc. I received Items 200 and 201 after making that request; I did not examine Items 1-1 and 1-2 for tampering or editing.

Accredited by the American Society of Crime Laboratory Directors/Laboratory Accreditation Board

Review:

Page 2 of 8

One

TRAB 10-12-09

Rev. 10/15/09

RESULTS AND CONCLUSIONS (continued)

Examination (continued)

Items 200 and 201 each contain one color 720x480-pixel interlaced MPEG-2 video file with stereo audio. Item 200 contains one file named *temores1777.mpg*; this file contains footage recorded between 10:04:27 and 10:43:25 on March 15, 2008, according to the visible time and date display. Item 201 contains one file named *burger1777.mpg*; this file contains footage recorded between 10:09:05 and 10:59:19 on March 15, 2008, according to the visible time and date display. Based on similar events recorded on the two MAV systems, the visible time on the footage from the *burger1777.mpg* appears to be approximately 50 seconds ahead of the visible time on the *temores1777.mpg*.

Neither submitted file has any human-readable header or metadata information that I was able to locate. This is common for MPEG-2 encoded video. This is also consistent with the information provided to me by Tim in Technical Support at *Kustom Signals, Inc.* He explained that their systems do not directly record metadata to the video files, any metadata information from the recordings is to be written to a separate file that is stored in a different location than the recorded video. This information is to be used primarily for searching the video files using their database software. I do not know the extent of the human-readable information that may be recorded within the metadata files; I did not obtain any metadata files associated with the two submitted video files. If further analysis of the two video files is necessary, I would recommend submitting the metadata files associated with the two submitted video files.

The file named *burger1777.mpg* is recorded from a camera that is pointed away from the incident. The officer's vehicle is parked on the driver's side of the greenish-blue van in the same direction as the van. On the *burger1777.mpg* video, a microphone is activated approximately 40 seconds from the beginning of the file, a visible "M" is burned into the video image near the visible time and date as the microphone is activated. The microphone is active between 10:09:46 and 10:48:16 according to the visible time. Although the MAV camera is blocked by the greenish-blue van and does not record any footage of the incident, a continuous flow of passing traffic can be seen at a cross street ahead of the vehicle and a cyclist is moving towards the camera during the physical altercation which can be heard on the audio. The footage from the *burger1777.mpg* appears to be continuous around the incident area and does not appear to have been edited.

Item 200 contains one file named *temores1777.mpg* from an in-car camera that is pointed towards the front of the van. This video appears to provide an almost unobstructed view of the incident with the exception being the period of time when the subject's and officers' actions are obstructed by the open van doors. Based on the footage that I viewed around the incident area, the *temores1777.mpg* file does not appear to have been edited.

Accredited by the American Society of Crime Laboratory Directors/Laboratory Accreditation Board

Review:

Page 3 of 6 *AME*

TRAP 10-12-09 *APR 10/15/09*

RESULTS AND CONCLUSIONS (continued)

Examination (continued)

The footage from *temores1777.mpg* contains stereo recorded audio but does not contain any audio from an activated microphone. This is consistent with the lack of a visible "M" burned into the video such as is visible on the *burger1777.mpg* footage. The audio that is recorded to the *temores1777.mpg* file is low-volume and appears to be random in nature. The audio is similar in pattern but does not appear to exactly match the audio that can be heard and seen (on an audio spectrogram) on the *burger1777.mpg* recorded audio in three areas: 1) on the right channel before the officer's microphone is activated, 2) on the right channel after the officer's microphone is deactivated, and 3) in the left audio channel for the duration of the recording. The lack of recorded audio from Officer Temores' microphone does not appear to be the result of any tampering of the submitted file.

In addition to the visible "M" that is present during the activation and recording of an officer's microphone, a visible "B" can be seen burned into the video image intermittently on both sets of footage before the incident while the vehicles are moving. According to both Brian Furtado, from the Palo Alto Police Department, and Tim at *Kustom Signals, Inc.*, the "B" is only recorded when the brake sensor of the in-car camera system is activated. I am noting this point to correct what I had read in a report issued by Gregg Stutchman on August 14, 2008 regarding his examination of the same MAV footage from the incident. I had obtained a copy of the Mr. Stutchman's report from Deputy District Attorney D. Howe. On page 2 of the report Mr. Stutchman writes, "[w]hen a microphone is active, a 'B' or 'M' is displayed next to the date/time stamp." He goes on to further report in a table on the same page that "[t]here is no audio, however the 'B' is shown" regarding the recorded footage from Officer Temores' vehicle. In the video that I viewed, the burned-in "B" only appears in each submitted file while the vehicle is being driven to the scene; the visibility of the "B" is consistent with areas of footage where the vehicle's brakes appear to be applied. The visible "B" does not appear to be and should not be related to the recorded audio.

I tested the continuity of each recording by combining the audio from Officer Burger's microphone and the video footage from Officer Temores' in-car camera. I used *Virtual Dub version 1.8.8* to convert the *temores1777.mpg* footage to an uncompressed 720x480-pixel AVI (Audio Video Interleave) file. I used *Adobe® Audition® version 2* to convert the audio from the right channel of the *burger1777.mpg* file to an uncompressed 48 kHz WAVE file. I imported both the converted audio and video files into *Avid® Media Composer® version 3* software to align the sources. I based my alignment of the two sources on the approximately 50-second time difference between the two sources and on the visible events that could also be heard on the audio. Although the MAV camera from Officer Temores' vehicle is not close enough to be able to view the movement of the mouths of the officers and Mr. Ciampi, I was unable to find any inconsistencies in the area of footage around the incident. After the incident and towards the end of the *temores1777.mpg* file, I was able to find an approximately 0.3 second (10 frame) time difference between the combined audio and video sources at 10:35:17 (according the time display on the *temores1777.mpg* video footage). At this time, Officer Burger appears to tap on a fence twice. When I compared the visible waveform of the audio source with the event as seen on the video, the officer appears to tap on the fence approximately 0.3 seconds before

Accredited by the American Society of Crime Laboratory Directors/Laboratory Accreditation Board

Review:

Page 4 of 8

TR93 10-1-2009

AM 10/15/09

RESULTS AND CONCLUSIONS (continued)

Examination (continued)

it can be heard on the audio track and seen on the audio waveform. Inconsistency can be expected in sources that use two different clocks for sampling the video and audio signal, and I would not expect footage from two different sources to maintain synchronization throughout the recording. I was unable to view any inconsistencies such as the one listed above around the area of interest after synchronizing the video and audio from the two MAV sources.

I viewed the video from the ASF files produced by Supervising Criminalist J. Bourke in the previous work done on this case—X002924170281080315171542.ASF and X002924630569080315170425.ASF. I was able to use *Sorenson Squeeze version 4.3* to convert the ASF files to uncompressed QuickTime™ movies and import the two converted files into *Avid® Media Composer®*. Each video contains three breaks in time of varying length when no video or audio was recorded. I inserted black filler between the breaks in each video based on the amount time that is to have passed between the gaps. I was able to align the imported footage from the two ASF files into one sequence based on the visible audio waveform from the two sources; I was unable to align the ASF files based on the time display only. After reviewing the recorded footage from the ASF sources, the video that is recorded to the files appears to be similar to the events as seen on the MAV camera. When the van doors are obstructing the view of the officers' and subject's actions on the MAV source, the ASF files have recorded footage of the subject of interest from inside the van. Although the two TASER CAM™ recordings contain gaps in time during the physical altercation; the events that were recorded by each TASER CAM™ appear to be similar to the MAV video from Officer Temores' vehicle. The TASER CAM™ recordings do not appear to contain any events that were not recorded by the two MAV sources other than displaying a different view of the events in an area of footage when the open van doors are obstructing the view of the MAV camera from Officer Temores' vehicle.

Evidence Produced

I produced three duplicate video DVD discs, volume name *M081017_01_1*, from the MAV and TASER CAM™ recordings that I reviewed. Each disc contains the combined audio and video from the MAV sources as one movie file along with an enlarged and sharpened version of the combined footage between 10:08:55 and 10:11:29 (according to the visible time on the *temores1777.mpg* file). I also placed on the video DVD the three video sequences that I produced from the two TASER CAM™ recordings—the two ASF files with black filler added and the two files aligned on-screen in the same sequence. One disc will be placed in the laboratory case file, one disc will be released to the Palo Alto Police Department, and the other disc will be released to the Santa Clara County District Attorney's Office.

I also produced one data DVD-R with a volume name of *M0801017_01_A* that contains the submitted files on items 200 and 201—*temores1777.mpg* and *burger1777.mpg*. The disc *M081017_01_A* will be placed in the laboratory case file.

Accredited by the American Society of Crime Laboratory Directors/Laboratory Accreditation Board

Review:

Page 5 of 6 *OML*

TRAP 10-12-09 *APL 10/15/09*

RESULTS AND CONCLUSIONS (continued)

Evidence Produced (continued)

It should be noted that the disc that I produced is in a video DVD format, this is a digitally compressed and processed copy of the original recordings. The video on the disc can be viewed using a standard DVD player or a computer. When viewing the video using a set-top DVD player and television monitor approximately 10% of the area around the outside of the image will be cropped unless the television monitor has an *underscan* mode and it is enabled. The cropping of the video image is common for most television sets and is not the result of any processing that I performed. When using a computer for playback, the software should not perform any cropping of the video image.

While preparing the video of the sharpened and enlarged footage from the combined MAV sources and the three sequences that I produced from the TASER CAM™ videos, I aligned and/or resized the video to be visible in the action-safe area of a television monitor. I did not perform any alignment and/or resizing of the entire combined MAV footage since this would have cropped out other areas of the video image and/or reduced the resolution.


Lastly, when viewing the video on a computer, the quality may be reduced due to the automatic de-interlacing that some playback software performs, but my experience has been that set-top DVD players and televisions display the video sequences best.

DISPOSITION OF EVIDENCE

On September 8, 2009, I released Items 1-1, 1-2, 200, and 201 along with one tape-sealed envelope (AA114326) containing one video DVD-R (M081017_01_1) to Property/Evidence Technician F. Lam for release to the PAPD.

On September 8, 2009, I released one tape-sealed envelope (AA114327) containing one video DVD-R (M081017_01_1) to Property/Evidence Technician F. Lam for release to the Santa Clara County District Attorney's Office.

Please arrange to retrieve your evidence at your earliest convenience.


Christopher M. Corpora
Criminalist

TRAP 10-12-09

Handwritten initials and date: 10/15/09