[ms-0398.012.011.007]

SAN DIEGO POLICE DEPARTMENT

OFFICER'S REPORT

DATE (occurr.): February 13, 1973

TIME (occurr.): 1100 hours

LOCATION: 604 O'Meara Street

SUBJECT: Complaint of the Use of Excessive Force

"CONFIDENTIAL -- THIS REPORT IS FOR THE EXCLUSIVE USE OF THE CHIEF OF POLICE AND/OR THE CITY ATTORNEY."

COMPLAINANTS: PERRY, Elliot (20)
aka GRIMES, Elliot

PERRY, Linda (22)
aka CHARLES, Linda
aka GRIMES, Linda
604 O'Meara
263-4722

WITNESSES: PERRY, Cathy
604 O'Meara

PERRY, Robert
604 O'Meara

OFFICERS: R. J. JACKSON #1056
W. D. KITTS #881
J. T. SHELLABARGER #1018

COUNTY ANIMAL REGULATION OFFICER: P. COPLIN K-44 (447-4518)

On February 27, 1973, Councilman Leon Williams made a complaint to the Chief of Police in behalf of the Perrys regarding excessive force, the use of mace, and why four police officers were dispatched to the Perry residence.

SUMMARY: County Animal Regulations during the first part of February 1973 received information that the Mayor's Office and the newspaper's "Action Line" column had received several citizens' complaints regarding dogs running loose in the area of O'Meara Street.

Animal Regulations Officer P. Coplin was assigned to patrol this particular area and on February 13, 1973 about 1100 hours, Coplin observed a stray dog which he followed to 604 O'Meara Street. In front of this

Reporting Officer _____ Badge _____ Division _____

Date of this report _____ Time _____

PD-153A (7-72)

SAN DIEGO POLICE DEPARTMENT

OFFICER'S REPORT

DATE (occurr.):

TIME (occurr.):

LOCATION:

SUBJECT:

address he was informed by several male and female young adults that if he attempted to retrieve the dog he would be harmed. Coplin immediately radioed for police assistance. Three officers, R. Jackson, W. D. Kitts, and J. T. Shellabarger arrived and they were advised of the incident.

An attempt was made to have the owner of the dog, Elliot Perry, 20 years, to release the dog to the Animal Regulations man. Mr. Perry refused striking Officer Kitts in the chest with his forearm and then fleeing into the residence. Officer Shellabarger grabbed Elliot Perry's arm but had to release his hold when Linda Perry slammed the screen door on him. All the officers entered the residence and Officer Kitts advised Elliot Perry that he was under arrest.

Linda Perry attempted to scratch and hit Officer Shellabarger. During the scuffle she ripped his tie from his shirt. Officer Kitts placed her under arrest and she fled to the kitchen area where she was apprehended by Officer Jackson and returned to the front room. She again became very aggressive and Officer Kitts fell to the floor with her. While on the floor Kitts tried to handcuff her while Officer Jackson held her ankles. She attempted to pull over a 75-gallon fish tank on Officer Kitts spilling some of the water out of the tank. Kitts, fearing that she would tip over the fish tank, gave her a short burst of mace with his free arm. His other arm was being pulled on by an unknown female. The mace hit Linda Perry on the right side of the face and hair but it did not seem to have any effect on her so Kitts subdued her with standard police sleeper hold.

In the meantime, Elliot Perry was holding off Officer Shellabarger and P. Coplin with his snarling, snapping German Shepard. They finally convinced Elliot Perry that he should give up. Perry removed his dog from the residence and placed it in a holding compartment on the animal regulations truck. Enroute to jail Perry was very passive and offered no resistance. He was arrested for 148 P.C. and 242 P.C. He is to appear in court on March 20, 1973 regarding these charges.

When Linda Perry was removed from her residence to the police car, she yelled profanities causing the neighbors to come out of their residences. At the police station Linda Perry complained that she couldn't breathe and was gasping for air. She told Officer Kitts that she was having an asthma attack. Her condition at the police patio was witnessed by

Reporting Officer _____ Badge _____ Division _____

Date of this report _____ Time _____

SAN DIEGO POLICE DEPARTMENT

OFFICER'S REPORT

DATE (occurr.):

TIME (occurr.):

LOCATION:

SUBJECT:

Policewomen Judy James, Linda Simmons, and Officer Lyle Edwards. She was transported to University County Hospital and Officer Kitts advised a nurse that Miss Perry had been maced. The nurse stated that she would take care of it.

A notify warrant was requested for Linda Perry for 148 P.C., 415 P.C., and 44.0330 - M.C. (Dog at large).

The Perry family was contacted on or about February 26, 1973 and they refused to be interviewed by the police.

On February 27, 1973 the City Manager's Office contacted Councilman Leon Williams' office and the Perrys consented to be interviewed as long as it wasn't at their residence or at the police department. An interview was scheduled for 1300 hours on February 28, 1973 at the ninth floor of the City Concourse but Mr. Elliot Perry didn't arrive because of car trouble and another meeting was scheduled for 1330 hours March 1, 1973.

Elliot and Linda Perry arrived along with their young sister, Cathy. Shortly thereafter Robert Perry, (18) arrived. Robert and Cathy were witnesses to the arrest of Linda and Elliot Perry. Others present at the scheduled interview were Mr. George Story, Citizen's Assistance, Mr. John Lockwood, Assistant City Manager, Lt. Robert Williams, and myself. Mr. Lockwood was unable to stay for the interview and left shortly after the introduction of everyone present.

At first the Perrys refused to be interviewed unless they were represented by Mrs. Leon Williams, wife of Councilman Williams. Mrs. Williams arrived and after a fifteen minute private conference with Elliot Perry he decided to tell his story without Mrs. Williams presence. Each of the Perrys told their story and basically it was similar to the police officers' stories. The discrepancies noted were that Mr. Elliot Perry stated that he didn't remember striking the officer, then he changed his story stating that he did not hit anyone.

Linda Perry denies attacking a police officer and claims she was doing nothing except talking when the officer grabbed her and threw her down. The officers state that mace was only used once by Officer Kitts. The Perrys said mace was used on Linda three times.

Reporting Officer _____ Badge _____ Division _____

Date of this report _____ Time _____

SAN DIEGO POLICE DEPARTMENT

OFFICER'S REPORT

DATE (occurr.):

TIME (occurr.):

LOCATION:

SUBJECT:

Miss Perry said she suffered a damaged kidney, multiple bruises and strains and a burned mouth from the mace. She refuses to discuss her treatment by the hospital and will not release her hospital records to me. The force used by the officers on Miss Perry appears to have been justified to effect the arrest.

CONCLUSION: The complaint of excessive force is not sustained. The force used by the officers was necessary due to Miss Perry's violent resistance, and was not excessive. The two officers were attempting to bring Miss Perry under control and in doing so mace was used, a standard police sleeper hold and some pulling to break her release on the legs of a 75-gallon fish tank. When Miss Perry was brought under control no additional force was used. Miss Perry refuses to release any medical information to us regarding her alleged injuries. There was a question as to why three police officers were sent on a dog call. The reason for this was that the animal regulations officer had been threatened by a group of persons and he informed the first officer at the scene that additional help should be summoned. This was proper and necessary as it appeared a confrontation was pending. Mr. Elliot Perry is scheduled for court on March 30, 1973 to answer to charges of interferring with an officer's duties and battery.

Miss Linda Perry has been issued a notify warrant for interferring with an officer's duties, disturbing the peace, and having a dog run at large. The Perrys were advised of the results of the investigation and they were not satisfied.

RECOMMENDATION: It is recommended that the city review their ordinance on dogs running at large in the city. The city ordinance should be amended to give the animal regulations officers authority to issue citations to the owners of loose dogs. This authority is authorized in the County of San Diego but not the city.

Reporting Officer _____ Badge _____ Division _____

Date of this report _____ Time _____

SAN DIEGO POLICE DEPARTMENT

OFFICER'S REPORT

who was this written, why not on the original statement

DATE (occurr.):

TIME (occurr.):

LOCATION:

SUBJECT:

Animal Regulations Officer P. Coplin and Police Officers R. Jackson, W. D. Kitts, and J. T. Shellabarger were interviewed separately regarding this incident. All of the officers gave basically the same version of their contact with the complainants, Elliot and Linda Perry.

During the first week in February, 1973, County Animal Regulations received information that several citizens had called the Mayor's Office and the newspaper's "Action Line" column regarding dogs running loose in the area of O'Meara Street.

On February 13, 1973, Animal Regulations Officer P. Coplin was specifically assigned to patrol the area of O'Meara Street for any stray dogs. On February 13, 1973 at approximately 1107 hours, he observed a loose dog at the corner of Goetschel and Amesbury Streets. Coplin called the dog and a man, later identified as Elliot Perry, who was standing in front of 604 O'Meara Street, also called the dog and cursed at the officer. The Animal Regulations Officer, P. Coplin, pursued the dog and it ran into the backyard at 604 O'Meara. When Coplin approached the Perry residence, he was cursed at by four or five persons who told him that if he tried to get the dog they would harm him. He radioed his office for police assistance. Before the arrival of police officers, a car with three males stopped and went up to the door at 604 O'Meara.

Officers R. J. JACKSON and W. D. KITTS arrived and Coplin informed them that they probably would need some additional help because the number of persons that he observed in the immediate vicinity. Officer Jackson radioed for another unit to cover the address. Officers W. D. Kitts, R. Jackson, and P. Coplin went to the front porch at 604 O'Meara Street and contacted Mr. Elliot Perry. Perry cursed them and said no one was going to get his dog. They attempted to reason with him but he continued to shout profanities. Finally they convinced Perry to have someone bring the dog to the front door to see if the Animal Regulations Officer could identify it. An unidentified girl brought the dog to the door and it was identified as the dog that Coplin pursued. The third police officer, Shellabarger, arrived and he told three males that were standing by the front door to leave since they were not involved. The males complied.

Reporting Officer _____ Badge _____ Division _____

Date of this report _____ Time _____

SAN DIEGO POLICE DEPARTMENT

OFFICER'S REPORT

DATE (occurr.):

TIME (occurr.):

LOCATION:

SUBJECT:

Officer Kitts was standing on the porch one step below Elliot Perry and he asked Perry, "Why don't you just let the man take the dog, you can get him out in about one-half an hour". Perry then struck Officer Kitts in the chest with his forearm knocking Kitts backward. Officer Shellabarger seeing this grabbed Perry by the arm. Perry fled into the house dragging Shellabarger with him causing him to lose his grip. Linda Perry then grabbed Shellabarger by the throat and attempted to choke him. She pulled on his tie but it was a breakaway type and she fell down.

Officer Jackson and Kitts entered the residence to help Officer Shellabarger. Officer Kitts advised Linda Perry that she was under arrest and she attempted to flee into the kitchen. Officer Jackson caught her and brought her back into the front room. She continued to be very aggressive and Officer Kitts attempted to restrain her. During the struggle, they both fell to the floor. Jackson grabbed Linda's ankles while Kitts attempted to handcuff her. Kitts had one hand free because some unknown female was pulling on his other arm. Linda Perry grabbed the legs of a 75-gallon fish tank and attempted to tip it over. At this time Kitts decided to mace her before she pulled the tank over on top of him. He gave her a short burst of mace using his free arm but it had no effect on her. He then applied a standard sleeper hold, subuding her.

When Officers Kitts and Jackson removed Linda from the house, she shouted profanities so loud that the neighbors came out of their residences to see what was happening. Back inside the house, Shellabarger and Coplin were attempting to get Elliot Perry to release his dog. The dog growled and snapped at the officers. Animal Regulations Officer Coplin went to his truck and obtained a noose attached to a pole. He returned to the residence and told Elliot Perry to give up the dog or he was going to take it with the noose. Mr. Perry gave up and took his dog outside and placed it in a holding compartment on the Animal Regulations truck. He was then transported to the County Jail. Enroute to the County Jail, Mr. Perry was passive. He was charged with interferring with an officer's duties and battery.

Officer Jackson left 604 O'Meara with Linda Perry and he met Officer Kitts about two blocks from the residence and transferred Miss Perry to Officer Kitts' vehicle. Miss Perry was still belligerent and continued to curse the officers. Officer Kitts said enroute to the station Linda

Reporting Officer _____ Badge _____ Division _____

Date of this report _____ Time _____

PD-153A (7-72)

SAN DIEGO POLICE DEPARTMENT

OFFICER'S REPORT

DATE (occurr.):

TIME (occurr.):

LOCATION:

SUBJECT:

Perry cursed him most of the way. She then shut up and wouldn't say anything. At the station she told Kitts that she thought she was going to have an asthma attack. She started to gag, spit, and cough. Officer Kitts thought she was putting on an act, but he went ahead and had her sniff an ammonia capsule so she could breathe. Officer Kitts walked over to the police car that contained Elliot Perry and asked Elliot if his sister had asthma attacks. Elliot's reply was, "What's asthma"?

Because of her loud gagging, two policewomen, Linda Simmons, Judy Jones, and Officer Lyle Edwards stopped by the police vehicle. The two women were going to attempt to help Linda Perry but Officer Kitts decided to take her immeidately to the hospital. She was transported to University County Hospital and Officer Kitts notified two nurses that Miss Perry had been maced earlier. They told him that they would take care of it.

A notify warrant was requested for Miss Perry charging her with interferring (148 P.C.) disturbing the peace (415 P.C.) and dog-at-large (44.0330 M.C.).

On February 26, 1973 Linda Perry was contacted by telephone about being interviewed regarding her arrest on February 13, 1973. She refused to be interviewed by any police officer. Through the efforts of the City Manager's Office, Councilman Leon Williams contacted the Perry family and on February 28, 1973, Mr. Elliot Perry and Linda Perry consented to be interviewed but not at their house or at the police station. Arrangements were made through Councilman William's office to conduct the interview on the ninth floor of the City Concourse at 1300 hours on February 28, 1973.

Mr. Elliot Perry failed to arrive for the interview but he telephoned advising the City Manager's Office that his vehicle was inoperative. He requested that he be transported to the concourse by someone other than the police. His request was denied by Mr. John Lockwood, Assistant to the City Manager, and another meeting was scheduled at the same location for 1330 hours, March 1, 1973.

On March 1, 1973 at 1330 hours, Mr. Elliot Perry, Linda Perry, Robert Perry, and Cathy Perry arrived for the interview. Also present were Mr. George Story, Lt. R. Williams, Mr. John Lockwood, who was present for a few minutes, and myself.

Reporting Officer _____ Badge _____ Division _____

Date of this report _____ Time _____

SAN DIEGO POLICE DEPARTMENT

OFFICER'S REPORT

DATE (occurr.):

TIME (occurr.):

LOCATION:

SUBJECT:

At first Elliot and Linda Perry refused to be interviewed because they were not being represented by Mrs. Leon Williams. Robert and Cathy were present because they said they were witnesses during the arrests.

Mrs. Williams arrived and after conversing with Mr. Elliot Perry for twenty minutes, he consented to be interviewed without Mrs. Williams presence. Elliot started his story but he was interrupted by the rest of the family and it was decided that Cathy Perry tell her story first. Cathy said she was about two blocks away from home when she observed an animal regulations truck. The driver was following a dog that appeared to be her dog. When she arrived home she asked her brother, Robert, if their dog was in the garage. Robert checked and the dog was missing. Cathy said she saw her dog run up and lie down at the edge of her yard. The dog catcher got out of his truck and approached the dog but the dog ran in back of her house. The dog catcher returned to his truck and picked up his microphone. In about thirty minutes, one policeman arrived then another one and then another one. They spoke with the dog catcher and walked up to her front door and talked to Elliot, Robert, Linda, and three other males. He said the officers asked for identification but she doesn't know what happened then because she was in the house. Elliot Perry interrupted saying that he was standing outside. The police approached the three "dudes" by the front porch and told them they wanted some identification and for them to get off the property. The three "dudes" left and stood by their car. The officers asked Elliot for identification. He told them he didn't have any because it was in the house. He was told he better go in and get some because he was to be wanted in court. They then asked his name and how old he was. He told them and they remarked, "O.k., that's one".

One of the officers asked him to bring the dog to the door. He told Robert to go in the house and get the dog. Robert brought the dog to the window and then he brought him to the screen door, because the view through the window wasn't good enough. He told the officers, "Look, I'm getting tired of this shit, I'm going in the house".

One of the officers told him to stand back off of the porch. He told Robert and Linda to go into the house. One of the officers grabbed the screen and Linda was pulling the screen closed. One of the officers grabbed at Linda and Elliot started to go in the house. An officer grabbed him behind the neck and he squatted down and slipped out of his

Reporting Officer _____ Badge _____ Division _____

Date of this report _____ Time _____

SAN DIEGO POLICE DEPARTMENT

OFFICER'S REPORT

DATE (occurr.):

TIME (occurr.):

LOCATION:

SUBJECT:

hold and walked into the house. He then got the dog. The two officers were still tusseling and grabbing onto Linda spraying mace in her face from the front room all the way into the kitchen. Robert was yelling at them asking what was wrong. Elliot said he was yelling at them. The officers then told him that he was under arrest. He said he was only standing in the hallway with the dog. The dog was barking at another police officer and the dog catcher. The dog catcher went out and got a loop and tried to put it on the dog. A police officer took out his billy club and raised it up above his head. Elliot asked, "What are you going to do with that, man?" The officer replied, "I'm going to beat your dog's brains out and then I'm going to take you to jail." Elliot said, "There is no need for all that, I'll go". Elliot further related that he walked out of the house and put his dog in the dog catcher's truck and then went and sat in the back seat of the police car. He'was not handcuffed until he was on Kirtright street. The officer stopped and took him out of the car and put handcuffs on him. Elliot said he didn't remember striking an officer with his forearm. He stated that he was standing off of the porch when all the officers were pulling on the screen door.

Robert Perry spoke next saying that his sister called him outside to see if that was their dog that was being caught by the dog catcher. Before he ran outside he went and got the dog's license and papers to show that the dog had his shots. He then shouted down the street to the dog catcher and told him that he had these items in his hands. Robert said he called his dog up the hill and then the dog catcher came up and sat in front of their house. Robert said he was standing on the corner thinking the man was mad because he had called his dog. He said the dog doesn't usually get out but it must have gotten out when his mother went to work.

He and several others were standing out front when one police officer arrived. The officer got out and talked to the dog catcher and then got back in his car and called another police officer.

Reporting Officer _____ Badge _____ Division _____

Date of this report _____ Time _____

SAN DIEGO POLICE DEPARTMENT

OFFICER'S REPORT

DATE (occurr.):

TIME (occurr.):

LOCATION:

SUBJECT:

The officers managed to get Linda out of the house and as Robert was picking up their hats and handing them to the officers, they were telling him to get out the way or they'd arrest him.

The dog catcher went back in the house after going to the truck for a noose. Robert, Elliot, and Cathy were in the house. Elliot had the dog and Robert said he stayed in the front room. Elliot told the officers he would take the dog outside. After the incident was over, Robert asked the short police officer, Kitts, for his badge number. Kitts told him not to worry about that because he was busy.

Robert Perry also added that the officers used foul language during the entire inicdent. The undersigned commented that everyone was probably using foul language. He agreed but thought the officers were above that when on duty.

The next interview was with Linda Perry. Linda said the officers used foul language from the time they stepped through the front door. She stated that at no time did Elliot strike any police officer because he stepped out of the way when she closed the screen door. Robert tried to lock the door but the police officers smashed it and barged in. Linda then returned to the dining room and one of them knocked her into a china cabinet. She said she managed to get back out of the way and he knocked her back on the couch. One of them grabbed her leg, and twisted it while the other grabbed her arm and they dragged her into the living room. She kicked and got away and ran back into the dining room where she was in before. One of them grabbed her leg, twisted it, and the other grabbed her arm and pulled her back into the living room. The officers then dragged her to the doorway and she caught hold of the aquarium. One officer was holding her arm up around her back and another officer was twisting her leg. She said one was kicking her on the back and choking her at the same time. She asked the officers why they were going through all of this for a dog. She said she was not going to be dragged out of her mother's house like that when she hadn't done anything but talk to them. They told her to shut up and didn't tell her she was under arrest, only that she was going to jail.

Reporting Officer _____ Badge _____ Division _____

Date of this report _____ Time _____

SAN DIEGO POLICE DEPARTMENT

OFFICER'S REPORT

DATE (occurr.):

TIME (occurr.):

LOCATION:

SUBJECT:

Two more police officers arrived and they all walked up to the front porch. Robert, Elliot, and Linda went out on the porch and tried to talk to the officers. The officers asked for identification but no one had any at the time. The dog catcher told the officers that Robert was the one that called the dog up the hill. The officer asked if he had any identification because he looked young enough to be in school. Robert told the officer that he didn't have to have any identification and he shouldn't be in school because he is out of school and is eighteen years old. The officer started toward him and his brother, Elliot, told him and his sister to go in the house. He went in the house and Elliot stood out front talking to the officers. Linda was trying to shut the door and Robert tried to lock it. An officer pulled on the door knob and another grabbed the screen door by the bottom, bending it.

The officers went in the house and everyone was still trying to talk to them. Robert said the short-blond officer had his mace out. Cathy asked the officer, "Why do you have that out, you don't need that." Robert told her that the officers were going to spray the mace in the dog's face. The officer said, "This isn't for the dog, it's for him". The blond officer then told Robert's sister, Linda, to shut up. She continued to talk back to him and Robert said he was also talking back to the officers. The officer grabbed Linda by the neck and some how she turned and got out of it. The officer was choking her because Robert said he could tell by the look on her face. He said the officer pulled out his mace again and started spraying her with it because she wouldn't stay still. The undersigned asked if they were on the floor when this happened. He said, "no, we were not". After that his sister had her head down so the officer couldn't spray her in the face. She tried to bend down and get away but the officer grabbed her around the waist causing her to hit her head on the China cabinet, falling to the floor. One officer had her by an arm and another started dragging her out by the feet. She grabbed hold of a 75-gallon fish aquarium because it was so heavy.

The short officer then sprayed her with his mace and hit her in the back with his knee so she would let go of the aquarium. Robert said the officer sprayed mace at Linda in the kitchen, front room and when she was down on the floor.

Reporting Officer _____ Badge _____ Division _____

Date of this report _____ Time _____

SAN DIEGO POLICE DEPARTMENT

OFFICER'S REPORT

DATE (occurr.):

TIME (occurr.):

LOCATION:

SUBJECT:

Linda said when the officers were choking and kicking her, the little short officer, Kitts, came around in front of her and tried to mace her but the mace splattered on the floor in front of her. Another officer pulled her neck up and maced her in the face, mouth and eyes. When the mace started burning she let loose of the aquarium leg. The officers then lifted her to her feet and choked her all the way to the police car, handcuffing her and throwing her in the back seat.

Linda said the police drove her about two blocks away from the house and transferred her to another vehicle. Elliot Perry confirmed this because he was present in another police unit that also stopped at this location. Linda said the police officer with black hair said, "What are we going do to with her?" The other officer said, "Let's take her to the park." She stated that enroute to the police station she was gagging and throwing up., The officer told her that she was faking.

She said the officer didn't offer her anything to help her breathing, contrary to Kitts statement that he used an ammonia capsule on her. Elliot Perry spoke up saying the officer told a sergeant at the station that she was faking.

Linda said when she arrived at the police station she was still gagging and choking and throwing up. He said to her, "Do you want me to take the handcuffs off?" He snatched her out of the car and put her back in. She said she continued to throw up in the police car and outside of it. The officer told her he was going to take her to the bathroom so she could wash out her mouth. She said she complained about the mace to the officer and he told her to roll down the window and stick her head out and the air would clear it. She commented also that she did tell the officer that she had asthma. Prior to this she said she hadn't complained to anyone about any pains. She said that since it didn't do any good to take her to the bathroom a policewoman said to a policeman, "I think you had better take her to the hospital". A police captain came outside and said, "You had better take her to the hospital".

Reporting Officer _____ Badge _____ Division _____

Date of this report _____ Time _____

SAN DIEGO POLICE DEPARTMENT

OFFICER'S REPORT

DATE (occurr.):

TIME (occurr.):

LOCATION:

SUBJECT:

On the way to the hospital the officer told her that if it was up to him she would go to jail. The officer said since the captain said to take her to the hospital he would, but that was the only reason. Linda said the officer further stated that as soon as they got through at the hospital he was taking her right to jail.

This statement by Linda is false because it was the officer's decision to take her to the hospital and he advised the patrol captain that he was taking her to the hospital. how do you k

At the hospital the officer went and got a doctor and a nurse. Before they arrived at the police car, Linda said the officer told her that after they were through with her, she was going to clean all this "shit" up, referring to'the saliva she had spit up. She said the doctor and nurse took her into the hospital in a wheelchair and gave her something and washed her face. She said she was treated for bruises, damage to her kidney, burns inside her mouth and her throat, strained muscles, bruises to her stomach, chest area and arms. She was also x-rayed.

The undersigned asked her if the x-ray revealed any broken bones or anything like that. She stated, "We're not going to go into that".

Linda said she was in the hospital for two days. She stated she goes to the doctor once a week for "the damage the police did to her".

Mr. George Story asked if anyone in this matter was represented by attorneys. Mr. Elliot Perry informed him that he would have any attorney before he went to court on March 20, 1973.

Linda Perry said that she wasn't arrested. I informed her that a notify warrant was issued and she should be getting a notice in the mail.

Reporting Officer _____ Badge _____ Division _____

Date of this report _____ Time _____

SAN DIEGO POLICE DEPARTMENT

OFFICER'S REPORT

DATE (occurr.):

TIME (occurr.):

LOCATION:

SUBJECT:

On February 26, 1973 at 1330 hours, I interviewed Captain O'Brien regarding what he had observed in the police patio on February 13, 1973 around 1200 hours. He said he observed a patrol unit parked over near traffic records and he heard someone in the rear seat gagging. The officer of the car started to drive off but he stopped and shouted to the Captain saying, "I'm going to take this girl to the hospital; she looks pretty bad. Captain O'Brien replied, "O.k.", thinking that it was a drug case.

What about helping her

On February 26, 1973 about 1335 hours, I interviewed Policewomen Simmons and James regarding an incident that occurred on February 13, 1973 at 1200 hours. They said they were walking by a police car parked in the patio when they heard someone gagging. They looked in the car and observed what they thought was a man gagging and gasping for air. Sgt. Frank Dibb shouted at them to see if they could assist the person. The patrol officer, W. D. Kitts, opened the rear door for them and then shut it immediately telling them that he was going to transport her to the hospital.

Officer Lyle Edwards said he was with James and Simmons when they walked past the police car. He observed the person in the back seat gagging and spitting. The patrol officer, W. D. Kitts, opened the back door, then shut it saying, "The hell with it, I'm going to take her to the hospital." Edwards said he continued walking and the patrol unit left immediately.

"CONFIDENTIAL -- THIS REPORT IS FOR THE EXCLUSIVE USE OF THE CHIEF OF POLICE AND/OR THE CITY ATTORNEY."

What about the women, who gave the order for the women to take care of her

Reporting Officer Sgt. R. F. EVANS Badge #79 Division INTERNAL INVESTIGATIONS

Date of this report March 6, 1973 Time

PD-153A (7-72)