

Incident Report

OAKLAND POLICE DEPARTMENT
455 7TH STREET
OAKLAND, CALIFORNIA 94607
(510) 238-3021

Incident Number: 18-049060

Incident Summary

Incident Type: OTHER	Report Type: INCIDENT REPORT
Inc Occurred Address: [REDACTED] 34TH ST, OAKLAND, CALIFORNIA 94608	Sector/Beat: CCD3/07X
Inc Occurred Start: 09/27/2018 10:00	Inc Occurred End: 09/27/2018 10:10
Bias Motivation:	Gang Related: N
Contact Nature: NO	Report Taken: 09/27/2018 11:50
Reporting Officer: NGUYEN, TRUMAN	Substance: U
Case Status:	Reported Date/Time: 09/27/2018 11:50
Disposition:	Primary Assigned Officer:
	Disposition Date:

Offenses

Statute Code: PC166.4 Enhancers:
Statute Desc: CONTEMPT OF COURT:DISOBEY COURT ORDER/PROCESS (AMENDED)
Counts: 1 Statute Severity: Misdemeanor

Persons Involved

Person#: 0001
Event Association: SUSPECT
Name: BROOKS, MARCUS DIMITRIUS

Age: 47 - 47

Address: [REDACTED]

Sector/Beat: CCD3/07X

Characteristics

Characteristic Type:	Further Defined By:	Description:
HAIR LENGTH	BALD/SHAVED	
FACIAL HAIR	UNSHAVEN	
COMPLEXION	DARK	
APPEARANCE	CASUAL	
DEMEANOR	CALM	
DEMEANOR	POLITE	
DEMEANOR	PROFESSIONAL	
CLOTHING		BLACK LONG SLEEVE SWEAT SHIRT, BLACK SWEAT PANTS, BLUE NIKE SHC

Person#: 0003
Event Association: CONTACT
Name: [REDACTED]

Age: 54 - 54

Address: [REDACTED]

Sector/Beat: CCD3/07X

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Persons Involved

Person#: N
Event Association: VICTIM
Name: GRAVES, MALCOLM X

Age: 48 - 48

Address: [REDACTED]

Sector/Beat: CCD3/07X

Vehicles Involved

Vehicle#: 0001
Event Assoc: OBSERVED
Vehicle Type: A
VIN: TRUDD38J781023176
Style: 2-DOOR
Status Dt/Tm:
NCIC Date:
NCIC#:

Year: 2008
License#: TTTTANK
Prim Color: BLACK
Status Value:

Vehicle Status:
Make: AUDI
State: CA
Sec Color: BLACK
Recovered Date:
NCIC Reported By:
NCIC Cancelled:

Model: 2000 TT-COUPE
Expires On: 03/2019
Ter Color:
Recovered Value:

Registered Owner Name: [REDACTED]

Address: [REDACTED]

Phone#:

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Modus Operandi

Against Persons:
Against Property:
Occupied:
General Premise 1:
General Premise 2:
Specific Premise:
Surrounding Area 1:
Surrounding Area 2:
Surrounding Area 3:
Relationship to Suspect 1:
Relationship to Suspect 2:
Weapon Type 1:
Automatic:
Weapon Type 2:
Automatic:
Weapon Type 3:
Automatic:

Crime Against Property

of Premises Entered:
Entry Point:
Exit Point:
Entry Loc 1:
Exit Loc 1:
Entry Loc 2:
Exit Loc 2:
Entry Method 1:
Exit Method 1:
Entry Method 2:
Exit Method 2:
Entry Tool 1:
Exit Tool 1:
Entry Tool 2:
Exit Tool 2:
Vehicle Entry:
Safe Entry:

Suspect Action 1:
Suspect Action 2:
Suspect Action 3:
Suspect Action 4:
Suspect Action 5:
Additional Factor 1:
Additional Factor 2:
Additional Factor 3:
Additional Factor 4:
Additional Factor 5:
Security Type:
Victim Location:
Electronic Locks:
Video Surveillance:
Maid:
Inspectress:

Crime Against Persons

Pre-Incident Contact 1:
Pre-Incident Contact 2:
Pre-Incident Contact 3:
Victim Condition 1:
Victim Condition 2:
Victim Condition 3:
Victim Condition 4:
Victim Condition 5:
Suspect Solicited 1:
Suspect Solicited 2:
Suspect Pretended to Be:

Suspect Action 1:
Suspect Action 2:
Suspect Action 3:
Suspect Action 4:
Suspect Action 5:
Sex Crime 1:
Sex Crime 2:
Sex Crime 3:
Sex Crime 4:
Sex Crime 5:
Vehicle Involvement 1:
Vehicle Involvement 2:

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Narratives

ENTERED DATE/TIME: 9/27/2018 11:50:00
SUBJECT: SYNOPSIS
AUTHOR: NGUYEN, TRUMAN

166.4 PC - Disobey court order - IC

ENTERED DATE/TIME: 9/27/2018 11:50:00
SUBJECT: FBR NARRATIVE
AUTHOR: NGUYEN, TRUMAN

INC : LOP180927000385 TIME: 1012 TYPE: 166
ADDR: [REDACTED] 34TH ST
BLD : APT :
LOC :
ZONE: 07X STAT: A
XST1: 3401 LOUISE ST MAP : 649-1E
XST2: 3401 HELEN ST MCIR:
CNAM: MALCOME GRAVES
LOP180927000385 *** Audit Trail ***
PHN: [REDACTED]
P UN: OP/1J07 RPT#: 049060

18/09/27 10:12:25 - Incident Initiated By: OP/C75

18/09/27 10:12:25 - *** Comments ***

962 - SUSP/[REDACTED] /MARCUS DEMETRIUS BROOKS - MB 47 6' 180 - ALL BLK

CLOTHING. ARMED W/ ROCKS IN HIS HANDS. JUST HIT RP'S VEH A W/ HOSE

18/09/27 10:13:03 - SUSP ARMED W/ 5" ROCKS IN LEFT HAND

18/09/27 10:13:52 - RP NOW SAYING HES JUST MOVING THE ROCKS - NOT USING THEM AS WEAPONS.

18/09/27 10:13:59 - NO KNOWN [REDACTED]

18/09/27 10:14:56 - UTL TRO

18/09/27 10:46:19 - Stat OP/1J07 ER Loc: [REDACTED] 34TH ST

18/09/27 10:46:19 - Primary unit To: OP/1J07

18/09/27 10:46:47 - Stat OP/1L05 ER Loc: [REDACTED] 34TH ST

18/09/27 10:51:44 - DUPCALL: OAKLAND

18/09/27 10:51:44 - TYPE: CONTACT COMP: N FAS: N SS:

18/09/27 10:51:44 - PRI: SRC: 0 MC: DISPO:

18/09/27 10:52:03 - Stat OP/1J07 OS Loc: [REDACTED] 34TH ST

18/09/27 10:52:52 - ANOTHER CALL ADVD UNIT PULLING UP

18/09/27 11:39:09 - Stat OP/1L05 OS Loc: [REDACTED] 34TH ST

18/09/27 11:39:20 - Report Num: Fmt-05 LOP180927049060 - ADDED TO EVENT By: OP/1J07

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18/09/27 12:11:11 - 1J07 PTY IC FRM 1400 BLK OF 34TH ST TO NCJ MI/85984.9
18/09/27 12:11:13 - Disposition CHANGED To: PT
18/09/27 12:11:16 - Stat OP/1J07 EJ Loc: [REDACTED] 34TH ST
18/09/27 12:19:58 - 1J07 ENDING MI AT NCJ 85987.3
18/09/27 12:20:02 - Stat OP/1J07 AJ Loc: [REDACTED] 34TH ST

Summary:

On 27 Sep 18 at about 1050 hours, I was working OPD patrol unit 1J07 with Ofc. R. Moore 8051. We were wearing full police wool uniforms. I was driving marked patrol vehicle 1444. At that time we responded to the above call. Cover Ofc. R. Kirkland 8347 responded as well.

Upon arrival, we contacted, Brooks, Marcus (S1), who was spray painting rocks IFO [REDACTED] S1 advised that he believed he was going to jail and that he had a restraining order.

S1 directed us to his neighbor's residence [REDACTED], where the RP lived. Ofc. Kirkland and myself made contact with the RP, Graves, Malcolm (V1) and his spouse, [REDACTED] (OP1), who advised us that they had an active restraining order against S1. OP1, handed me the restraining order.

The restraining order stated that S1 must not Harass, Annoy, or Molest V1 or OP1. V1 said that S1 violated his restraining order by hitting the hood of his 08, Audi, TT, 2D, Blk in color (Veh1) with a water hose. V1 directed me to Veh1 and I observed marks on the hood of Veh1 consistent with a wet hose making contact with a dusty hood. There was no apparent damage. V1 stated that S1 did not talk to him during the incident.

V1 and S1's garage were separated by a few feet in a adjoined building. V1 along with S1 stated he was lawfully able to use his water hose which was connected to V1's residence.

I went back to my vehicle and found the following restraining order:

[REDACTED]

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Ofc. Moore confirmed the restraining order via CRIMS. The restraining order stated that S1 could lawfully use any of the communal facilities.

S1 stated that he did not intentionally hit V1's car with the water hose. S1 said that V1's garage door closed on top of his water hose and he had to pull it out. S1 had a video that showed him making a motion with the hose, apparently when the hose made contact with the car. The camera on his residence appeared to show him facing the building's driveway, as well as V1's car.

The footage showed V1 backing his car over where S1's water hose would have been. As V1 waited in front of his driveway, S1 pulled his water hose and it made contact with the hood of V1's car. V1 got out his car, got back in, and drove back into the garage.

I could not determine S1's intentions when pulled the water hose onto Veh1's hood.

V1 wanted S1 arrested. I advised V1 he would have to sign the citizen's arrest form. V1 said that he would sign the form.

I accepted V1's arrest, put S1 in handcuffs, searched S1, and placed him in the back of my patrol car.

Ofc. Kirkland had V1 sign the citizen's arrest form and took a written statement from V1. V1 stated the following in his written statement.

At about 1005 hours, V1 was getting ready to leave to work in Veh1. V1 backed out of his garage onto his driveway and waited for his garage door to close.

V1 stated as he was in his driveway, S1 swung and hit Veh1 on two separate occasions. V1 got out of Veh1 and told S1 "Don't touch my car." S1 stood in his driveway with a smirk on his face.

V1 went back into his house and called the police.

Officer Kirkland used his PDRD to document the marks on the vehicle's hood.

I transported S1 to North County Jail.

It appeared on 27 Sep 18, V1 was in Veh1 in his driveway waiting for the garage door to close. S1 was watering his driveway and hit Veh1's hood with his water hose. V1 has an active restraining order against S1 which states

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S1 is not allowed to harass V1.

My PDRD was activated.

I handcuffed and searched S1.

I did not use or witness any uses of force.

V1 was provided an OPD Resource and Marsy's card.

There are no known witnesses.

S1 and V1 both had video surveillance of the driveway area.
