

OPD POLICE REPORT

Victim
Witness

Oakland Police Department
455 - 7th Street
Oakland, CA 94607

RD #

02-43848

TIME 11351.5 H/S	INCIDENT NO. 1616	V1	VICTIM LAST, First, Mid. [] Business Name
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ADDITIONAL PERSONS	CLASS: V W R/P	LINKED TO: V R/P W S
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CLASS W	LINKED TO S	LAST, First, Mid [] Business Name	SEX	RACE	D.O.B.	AGE
HOME ADDRESS		CITY	ZIP		HOME PHONE	
BUSINESS ADDRESS / SCHOOL		CITY [] OAKLAND	ZIP		WORK PHONE	
OCCUPATION			WORKING HOURS			D.L. NUMBER / STATE
VICTIM ACTIVITY: (Check All That Apply) [] AT HOME [] ON STREET [] IN HOSPITAL [] WALKING [] DRIVING [] AT SCHOOL [] SHOPPING CNTR [] AT WORK [] ON VACATION [] IN JAIL [] JOGGING [] SLEEPING [] AT PARK						

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HOME ADDRESS		CITY	ZIP		HOME PHONE	
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REPORTED BY A. Mc FARLAND	SERIAL # 8113P	WATCH CMT	DISTRICT 1	SUPERVISOR SGT. MESTAS	SERIAL #	PAGE 3 OF 11
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OPD POLICE REPORT

Victim
Witness

Oakland Police Department
455 - 7th Street
Oakland, CA 94607

RD #

02-43848

CRIME 11351.5 H/S	INCIDENT NO. 1616	V1	VICTIM LAST, First, Mid. [] Business Name
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ADDITIONAL PERSONS	CLASS: V W R/P	LINKED TO: V R/P W S
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REPORTED BY A. McFARLAND	SERIAL # 8113P	WATCH CRT	DISTRICT 1	SUPERVISOR SGT. MESTAS	SERIAL #	PAGE 4 OF 11
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O P D

POLICE REPORT

SUSPECT REPORT

Oakland Police Department
455 - 7th Street
Oakland, CA 94607

RD #

02-43848

CRIME <i>11351.5 H/S</i>	INCIDENT NO. <i>1616</i>	V1	VICTIM LAST, First, Mid.
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SUSPECT		Number <i>1</i>	LAST, First, Mid. <i>AXA: SMITH, MICHAEL / COLE, MICHAEL</i>		RELATIONSHIP TO VICTIM		INCUSTODY THIS OFFENSE <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
SEX <i>M</i>	RACE <i>B</i>	D.O.B. [REDACTED]	AGE <i>31</i>	HEIGHT <i>5-08</i>	WEIGHT <i>150</i>	HAIR <i>BLK</i>	EYES <i>BRN</i>	CITE #
HOME ADDRESS [REDACTED]		CITY <input type="checkbox"/> OAKLAND		ZIP		APT. NO.		HOME /MSG. PHONE
WORK ADDRESS (Name of Business) (School)		CITY <input type="checkbox"/> OAKLAND		ZIP		OCCUPATION		WORK PHONE

ADMONISHMENT: ADMONISHED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	REFUSED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	STATEMENT <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> PROBATION COUNTY _____ Officer _____
BY: (OFFICER/DATE/TIME) <i>A. McFARLANE / 7 MAY 02 / 1630</i>			<input type="checkbox"/> PAROLE AGENT _____ <input type="checkbox"/> PAL

DESCRIPTION PROVIDE BY <i>8313P</i>		CLOTHING, SCARS, MARKS, TATOOS, WORDS USED <i>WHT T-SAT, BLU T-SAT ON WAIST, BLU JEANS, BLK SHOES ON 4/SHOES</i>	
HAIR LENGTH <input type="checkbox"/> SHORT <input checked="" type="checkbox"/> MED. (HALF EAR) <input type="checkbox"/> LONG (COVER EAR) <input type="checkbox"/> COLLAR <input type="checkbox"/> SHOULDER <input type="checkbox"/> BALD/SHAVED <input type="checkbox"/> RECEDING	HAIR STYLE <input type="checkbox"/> NATURAL / AFRO <input checked="" type="checkbox"/> BRAIDED <input type="checkbox"/> CREWCUT <input type="checkbox"/> CURLY <input type="checkbox"/> BONYTAIL <input type="checkbox"/> PUNK <input type="checkbox"/> CONSERVATIVE	FACIAL HAIR <input type="checkbox"/> NONE <input type="checkbox"/> BEARD <input type="checkbox"/> MUSTACHE <input type="checkbox"/> BEARD & MUSTACHE <input checked="" type="checkbox"/> GOATEE <input type="checkbox"/> SIDEBURNS	COMPLEXION <input type="checkbox"/> LIGHT <input checked="" type="checkbox"/> MEDIUM <input type="checkbox"/> DARK <input type="checkbox"/> ERECKLED <input type="checkbox"/> ACNE <input type="checkbox"/> ROCKMARK <input type="checkbox"/> BUDDY

OTHER DISTINCTIVE FEATURES <input type="checkbox"/> GOLD TOOTH <input type="checkbox"/> MISSING TEETH <input type="checkbox"/> SILVER TOOTH		<input type="checkbox"/> BODY ODOR TYPE _____	WEAPON USED CAL. _____ BARREL _____	<input type="checkbox"/> REVOLVER <input type="checkbox"/> SEMI-AUTO PISTOL <input type="checkbox"/> SHOTGUN <input type="checkbox"/> RIFLE	<input type="checkbox"/> SAWED OFF <input type="checkbox"/> NICKEL <input type="checkbox"/> BLUED
<input type="checkbox"/> GLASSES <input type="checkbox"/> MISSING LIMBS		<input type="checkbox"/> BLUDGEON / CLUB	<input type="checkbox"/> HANDS / FEET	<input type="checkbox"/> ROCK / BRICK	<input type="checkbox"/> CUT / STAB <input type="checkbox"/> VEHICLE

SUSPECT		Number <i>2</i>	LAST, First, Mid. <i>GUARD, ROBERT</i>		RELATIONSHIP TO VICTIM		INCUSTODY THIS OFFENSE <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
SEX <i>M</i>	RACE <i>W</i>	D.O.B. [REDACTED]	AGE <i>43</i>	HEIGHT <i>5-11</i>	WEIGHT <i>215</i>	HAIR <i>BRN</i>	EYES <i>BRN</i>	CITE #
HOME ADDRESS [REDACTED]		CITY <input type="checkbox"/> OAKLAND		ZIP		APT. NO.		HOME /MSG. PHONE
WORK ADDRESS (Name of Business) (School)		CITY <input type="checkbox"/> OAKLAND		ZIP		OCCUPATION		WORK PHONE

ADMONISHMENT: ADMONISHED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	REFUSED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	STATEMENT <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> PROBATION COUNTY _____ Officer _____
BY: (OFFICER/DATE/TIME) <i>S. NOWAK 8118P / 7 MAY 02 / 1700</i>			<input type="checkbox"/> PAROLE AGENT _____ <input type="checkbox"/> PAL

DESCRIPTION PROVIDE BY <i>8313P</i>		CLOTHING, SCARS, MARKS, TATOOS, WORDS USED <i>BLU T-SAT, GRY SWEATS, WHT T-SHIRT</i>	
HAIR LENGTH <input type="checkbox"/> SHORT <input checked="" type="checkbox"/> MED. (HALF EAR) <input type="checkbox"/> LONG (COVER EAR) <input type="checkbox"/> COLLAR <input type="checkbox"/> SHOULDER <input type="checkbox"/> BALD/SHAVED <input type="checkbox"/> RECEDING	HAIR STYLE <input type="checkbox"/> NATURAL / AFRO <input type="checkbox"/> BRAIDED <input type="checkbox"/> CREWCUT <input type="checkbox"/> CURLY <input type="checkbox"/> BONYTAIL <input checked="" type="checkbox"/> PUNK <input type="checkbox"/> CONSERVATIVE	FACIAL HAIR <input type="checkbox"/> NONE <input type="checkbox"/> BEARD <input type="checkbox"/> MUSTACHE <input type="checkbox"/> BEARD & MUSTACHE <input checked="" type="checkbox"/> GOATEE <input type="checkbox"/> SIDEBURNS	COMPLEXION <input type="checkbox"/> LIGHT <input checked="" type="checkbox"/> MEDIUM <input type="checkbox"/> DARK <input type="checkbox"/> ERECKLED <input type="checkbox"/> ACNE <input type="checkbox"/> ROCKMARK <input type="checkbox"/> BUDDY

OTHER DISTINCTIVE FEATURES <input type="checkbox"/> GOLD TOOTH <input type="checkbox"/> MISSING TEETH <input type="checkbox"/> SILVER TOOTH		<input type="checkbox"/> BODY ODOR TYPE _____	WEAPON USED CAL. _____ BARREL _____	<input type="checkbox"/> REVOLVER <input type="checkbox"/> SEMI-AUTO PISTOL <input type="checkbox"/> SHOTGUN <input type="checkbox"/> RIFLE	<input type="checkbox"/> SAWED OFF <input type="checkbox"/> NICKEL <input type="checkbox"/> BLUED
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SUSPECT VEHICLE		VEHICLE WAS <input type="checkbox"/> SECURED AT SCENE <input type="checkbox"/> RELEASED TO OWNER		<input type="checkbox"/> IOW (#) _____	DAMAGE DETAILS, UNIQUE FEATURES		OTHER DESCRIPTION	
OWNER		ADDRESS		CITY <input type="checkbox"/> OAKLAND		ZIP		PHONE
LIC./STATE/OR PLATE COLORS	YEAR	MAKE	MODEL	STYLE	EXTERIOR COLOR	CONDITION <input type="checkbox"/> CLEAN <input type="checkbox"/> NEW <input type="checkbox"/> DIRTY <input type="checkbox"/> POOR	INTERIOR COLOR	INTERIOR <input type="checkbox"/> CLEAN <input type="checkbox"/> ODOR <input type="checkbox"/> DIRTY
TIRES <input type="checkbox"/> STOCK <input type="checkbox"/> WIDE <input type="checkbox"/> SMALL	RIMS <input type="checkbox"/> STOCK <input type="checkbox"/> CHROME <input type="checkbox"/> MAGS <input type="checkbox"/> SPOKE	LEVEL <input type="checkbox"/> STOCK <input type="checkbox"/> LOWERED <input type="checkbox"/> RAISED	ROOF <input type="checkbox"/> VINYL <input type="checkbox"/> LANDAU <input type="checkbox"/> CONV	WINDOWS <input type="checkbox"/> TINTED <input type="checkbox"/> BROKEN	SEATS <input type="checkbox"/> VINYL <input type="checkbox"/> BENCH <input type="checkbox"/> CLOTH <input type="checkbox"/> BUCKET	TRANSMISSION <input type="checkbox"/> AUTOMATIC <input type="checkbox"/> MANUAL		

REPORTED BY <i>A. McFARLANE 8313P</i>	SERIAL #	WATCH <i>3rd</i>	DISTRICT <i>1</i>	SUPERVISOR <i>SGT. MESTAS</i>	SERIAL #	PAGE <i>2</i> OF _____
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OPD

ADDITIONAL INFORMATION REPORT

OAKLAND POLICE DEPARTMENT
455 - 7th Street
Oakland, CA 94607

RD #

02-43848

CRIME	[] SUPPLEMENTAL	INCIDENT #	V1	VICTIM LAST, First, Mid.
SUSPECT LAST, First, Mid.	INCIDENT LOCATION	DATE OF THIS REPORT	ORIGINAL DATE REPORTED	
11351.51115	1616	7 MAY 02		
SMITH, MICHAEL	2900 BUI UNION			

ITEM #	QNTY	PROPERTY (and/or NARRATIVE)	SERIAL #	VALUE
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Add'l Officers:

B. Garbutt 7873P	T. Sanchez 7426P
R. Flecklin 7702P	J. Mangini 8177P
Sgt. Aguirre 7132P	D. Sue 7348P

Add'l Charges:

#1	243(b) PC	assault on police ofc
#2	148 PC	resist/delay police ofc
#3	1203.2(a) PC	prob viol
#4	3056 PC	parole viol
#5	11353.6(b) H/S	sale of narc w/in 1000ft of school zone

Evidence:

Item #1 (16) pieces of an off wht, rock like substance (susp rock cocaine) (Approx 40 oz). Each contained in a clear plastic twist w/a knot on top. All pieces were contained in a larger clear plastic sandwich bag w/ a knot on top. I recovered from the L/front pants pocket of Cole, packaged it and turned it into the OPD crim section.

Item #2 US Currency, nine hundred thirty nine dollars and zero cents, 2x50 31x20 2x10 26x5 69x1 = \$939.00 I recovered from Cole's left and right front pant pockets and right rear pant pocket. I turned it into the OPD prop section.

Item #3 (1) t-sht, blu, "westside hustlers, Oakland, CA", 2XL. I recovered from the waist of Cole and turned it into the OPD prop section.

Item #4 (1) camera, disposable, Kodak, 35mm, ylw box type, 27 exposure, 5 pictures remaining. I recovered from Girard and turned it into the OPD prop section.

Item #5 (8) polaroid photos of Cole and the scene of the incident. Taken by Sgt. Mestas and turned in by me to the OPD prop sec.

REPORTED BY	SERIAL #	WATCH	DISTRICT	SUPERVISOR	SERIAL #	PAGE	OF
A. MCFARLANE	8313P	CRT	1	SGT. F. MESTAS		5	11

OPD ADDITIONAL INFORMATION REPORT

OAKLAND POLICE DEPARTMENT
455 - 7th Street
Oakland, CA 94607

RD #

02-43848

CRIME <i>11351.5-1113</i>	[] SUPPLEMENTAL	INCIDENT # <i>1616</i>	V1	VICTIM LAST, First, Mid.
SUSPECT LAST, First, Mid. <i>SMITH, MICHAEL</i>	INCIDENT LOCATION <i>2900BLK UNION</i>	DATE OF THIS REPORT <i>7 MAY 02</i>	ORIGINAL DATE REPORTED	

ITEM #	QNTY.	PROPERTY (and/or NARRATIVE) ITEM TYPE, BRAND, MODEL #, SIZE, COLOR, MARKS, ETC.	SERIAL #	VALUE
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Summary:

On 7May02 at 1512hrs, Ofc S. Nowak 8118P and I were working as OPD CRT-1 unit 20A11. We were both dressed in full police uniform and Ofc Nowak was driving our semi-marked police veh# 1139.

While traveling S/B in the 3100blk of Peralta st we obs a group of 4-5 MB's standing on the S/E corner of 30th and Union streets. As we stopped at the corner of 30th st and Peralta st, the MB's appeared to obs our police presence and quickly walked away from the corner. All but one of the MB's walked E/B on 30th st. The one MB (later Id'ed as Cole, Michael MB [REDACTED] wearing a wht t-sht and blu jeans walked S/B in the 2900blk of Union st out of our view. We then proceeded E/B 30th st and S/B Union st where we stopped our veh. The area of 30th st and Union st is an area known for the sales of narcotics. Myself and other officers have made numerous arrests in this area for the sales of narcotics and weapons violations. It is not uncommon for suspected narcotics dealers to run from the police on a daily basis at this location. We were responding to the daily complaints of narcotics activity and letters to the patrol division about narcotics problems at this location.

I exited our veh and approached two FB's who were seated IFO [REDACTED]. I asked them if they had seen anyone matching the description of Cole walk past their location. They stated "no". I also asked another group of male and female blacks who were standing on the porch of a house just south of [REDACTED] if they had seen anything. They also stated "no".

I then decided to take a quick look down the walkway located on the south side of [REDACTED]. As I came to a corner in the walkway I slowly looked around the corner to my right and I obs Cole standing straight up against the wall attempting to conceal himself. I asked him what he was doing? Cole then became hostile and shoved me hard in the chest w/both hands. I was then off balance and Cole began to flee E/B on the walkway. I was able to grab a hold of his t-sht as he ran off and it began to tear. Every time I grabbed the shirt it continued to tear. I told Cole to stop resisting but he refused to comply. I was finally able to get a hold of Cole as we neared the street. As we reached the center of the street Ofc Nowak obs me struggling w/Cole. At this point I was able to tackle Cole to the ground. He began to yell, "get the fuck off me!!". I continued to instruct him to stop resisting but he continued to kick and throw his elbows in an effort to escape. At this point I delivered two palm strikes to the face of Cole in an effort to distract him. This was ineffective and Cole continued to kick and fight. Ofc Nowak then arrived and

REPORTED BY <i>A. McFARLANE</i>	SERIAL # <i>8313P</i>	WATCH <i>CRT</i>	DISTRICT <i>1</i>	SUPERVISOR <i>SGT. F. MESTAS</i>	SERIAL #	PAGE <i>6</i> OF <i>11</i>
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O P D **ADDITIONAL INFORMATION REPORT**

OAKLAND POLICE DEPARTMENT
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RD #

02-43848

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11351.5415		1816			
SUSPECT	LAST, First, Mid.	INCIDENT LOCATION	DATE OF THIS REPORT	ORIGINAL DATE REPORTED	
SMITH, MICHAEL		9900BUK UNION	7 MAY 02		

ITEM #	QNTY	PROPERTY (and/or NARRATIVE)	SERIAL #	VALUE
		delivered three closed fist strikes to Cole's midsection at which point we were able to take him into custody. Cole was bleeding from his nose and he had also defecated on himself during the struggle.		
		Ofc Nowak then escorted Cole to our patrol veh to further inv the situation and I walked back over to [REDACTED] As I was walking back towards [REDACTED] st I obs Cole fleeing handcuffed and on foot N/B Union st and then E/B on 30 th st. Cole was able to flee from Ofc Nowak when Ofc Nowak briefly let go of Cole to put latex gloves on for protection from the blood and feces. We gave chase and Cole was running at a full sprint. As Cole looked back over his shoulder at me he struck the open car door of a veh (CA vin # 1FABP40A0JF191766 88 Ford mus 2d gry) which was parked on the south curb of 30 th st facing E/B. This was a jarring collision and Cole was thrown head over heels landing on his face and shoulders. I then reached Cole and kneeled in his back to keep him from continuing to flee. Cole was lying on the sidewalk with his head in the gutter. At this point he appeared to be unconscious and Ofc Nowak and myself released Cole. He was bleeding from his entire face at this point. I rolled Cole onto his L/shoulder to allow him better respiration. I then radioed for a code 3 medical.		
		At this point a very large crowd was gathering around Ofc Nowak and myself. I immediately radioed for additional cover units. Add'l units arrived on scene and assisted us in controlling the growing and unruly crowd.		
		Cole appeared to regain consciousness within a few seconds. While searching Cole I/A I recovered a large amount of susp rock cocaine (evid #1) from his L/f pants pocket. I also recovered large amounts of cash in small denominations (evid #2) from his left and right front pant pockets and his right rear pants pocket. Cole also had a blu t-shirt (evid #4) wrapped around his waist. The shirt had "Westside Hustlers" written on it, with numerous names printed on the back. I recovered all the evidence and turned it into the OPD prop section. I turned the susp narcotics into the OPD criminalistics section.		
		Due to the fact that the susp rock cocaine was packaged for individual sale and he had a large amount of currency in small denominations on his person, Cole was arrested for possession for sale of narcotics. Cole was also arrested less than 100ft from a children's recreation center.		
		While attempting to place Cole into the rear of a patrol veh Cole spit blood and saliva in Ofc Nowak's face. He also spit on Ofc Nowak's L/shoulder. Ofc Nowak was forced to control Cole's head by grabbing his braids.		

REPORTED BY	SERIAL #	WATCH	DISTRICT	SUPERVISOR	SERIAL #	PAGE	OF
A. McFARLANE	8313P	CRT	1	SGT MESTAS		7	11

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CRIME 11351.5 H/S	[] SUPPLEMENTAL	INCIDENT # 1616	V1	VICTIM LAST, First, Mid.
SUSPECT LAST, First, Mid. SMITH, MICHAEL	INCIDENT LOCATION 30th ST / UNION ST		DATE OF THIS REPORT 7 MAY 02	ORIGINAL DATE REPORTED

ITEM #	QNTY	PROPERTY (and/or NARRATIVE) ITEM TYPE, BRAND, MODEL #, SIZE, COLOR, MARKS, ETC	SERIAL #	VALUE
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AT APPROX 1700hrs I WAS STANDING IN THE ER ADMITTING AREA OF ACH HOSPITAL. S, (SMITH, MICHAEL MB [REDACTED]) WAS SEATED BEHIND ME IN A WHEEL CHAIR WAITING FOR A NURSE TO ATTEND TO HIM. AT THIS POINT A MW (LATER ID'ed VERBALLY AS GIRARD, ROBERT [REDACTED]) RAN INTO THE ADMITTING AREA PAST THE SECURITY GUARD AND TO WITHIN TWO FEET OF SMITH. AS GIRARD WAS APPROACHING SMITH HE STATED, "HEY MICHAEL?" I THEN OBS A BRIGHT FLASH WHICH TURNED OUT TO BE FROM A DISPOSABLE CAMERA (EVIO #4) WHICH GIRARD WAS HOLDING. I THEN APPROACHED GIRARD FROM BEHIND AND STATED, "EXCUSE ME." AT THIS POINT I REACHED OUT W/ MY L/HAND TO GIRARD'S ATTENTION. GIRARD THEN SPUN QUICKLY TO HIS LEFT STRIKING ME IN THE CHEST W/ HIS L/HAND WHICH WAS HOLDING THE CAMERA. I GRABBED GIRARD'S L/ARM AND THE CAMERA W/ BOTH HANDS. GIRARD THEN RIPPED HIS L/ARM AWAY FROM ME, LEAVING ME W/ THE CAMERA. HE THEN RAN AWAY FROM ME AND ALSO RAN PAST OFC NOWAK WHO WAS STANDING NEXT TO THE ADMITTING WINDOW. OFC NOWAK THEN PURSUED GIRARD TO THE ENTRANCE DOUBLE DOORS AND WAS ABLE TO GRAB HIS SHIRT TAIL. OFC NOWAK STATED, "STOP!" BUT WAS UNABLE TO CONTROL GIRARD BY HIS SHIRT TAIL AND GIRARD CONTINUED TO FLEE. OFC NOWAK THEN PUSHED GIRARD FROM BEHIND AND HE THEN FELL ON HIS HANDS AND HIS CHEST. AS OFC NOWAK AND I STOOD OVER GIRARD I STATED, "PUT YOUR HANDS BEHIND YOUR BACK!" GIRARD COMPLIED AND OFC NOWAK

REPORTED BY A. McFARLANE 8313P	SERIAL # 8313P	WATCH 3rd	DISTRICT 1	SUPERVISOR SGT MESTAS	SERIAL #	PAGE 9 OF 11
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 455 - 7th Street
 Oakland, CA 94607

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02-43848

CRIME 11351.5 H/S	[] SUPPLEMENTAL	INCIDENT # 1616	V1	VICTIM LAST, First, Mid.
SUSPECT LAST, First, Mid. SMITH, MICHAEL	INCIDENT LOCATION 30th ST / UNION ST	DATE OF THIS REPORT 7 MAY 02	ORIGINAL DATE REPORTED	

ITEM #	QNTY	PROPERTY (and/or NARRATIVE) ITEM TYPE, BRAND, MODEL #, SIZE, COLOR, MARKS, ETC.	SERIAL #	VALUE
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MOVED IN AND HANDCUFFED GIRARD. THERE WAS NO FURTHER STRUGGLE AT THAT POINT.

GIRARD WAS ARRESTED FOR ASSAULT ON A POLICE OFFICER, TRESPASSING AND RESISTING/DELAYING A POLICE OFFICER. THE ENTRANCE GIRARD ENTERED THE HOSPITAL THROUGH IS CLEARLY MARKED BY THREE SIGNS WHICH STATE THAT THE ENTRANCE IS A RESTRICTED AREA AND LIMITED TO AUTHORIZED PERSONNEL ONLY. THEY ALSO STATE THAT VIOLATORS WILL BE PROSECUTED. TECH C. MIDDLETON 4194 P RESPONDED AND PHOTOGRAPHED THE SIGNS AS WELL AS THE SCUFF MARKS ON MY BOOTS.

TECH VIGLIENZONE 7204 P RESPONDED TO THE ACH PARKING LOT FOR PHOTOS OF GIRARD, OFC NOWAK AND MYSELF. HE THEN PROCEEDED INSIDE ACH WHERE HE PHOTOGRAPHED SMITH.

OFC NOWAK ADMONISHED GIRARD WHO REFUSED TO GIVE A STATEMENT SAYING "NO SIR."

GIRARD THEN BEGAN TO COMPLAIN OF PAIN TO HIS R/SHOULDER AND L/KNEE. GIRARD WAS THEN TAKEN INSIDE ACH WHERE HE WAS ADMITTED FOR TREATMENT. DURING OUR WAIT FOR HIS TREATMENT GIRARD BEGAN TO MOVE HIS R/ARM AND SHOULDER IN CIRCLES AND STATED THAT IT WAS FEELING "A LOT BETTER." HE THEN TOLD DR. BARRON THAT HE DIDN'T NEED ANY TREATMENT AND THAT HIS ARM AND SHOULDER "FELT A LOT BETTER." GIRARD THEN SIGNED HIS REFUSAL OF MEDICAL ATTENTION AND I TRANSPORTED HIM TO OPD JAIL.

WHILE SITTING w/ GIRARD HE STATED THAT HE CAME TO THE HOSPITAL TO TAKE PICTURES FOR [REDACTED]. HE STATED THAT HE WAS NOTIFIED THROUGH "CERTAIN CHANNELS" THAT

REPORTED BY A. McFARLANE	SERIAL # 8313P	WATCH 3rd	DISTRICT 1	SUPERVISOR SGT. MESTAS	SERIAL #	PAGE 10 OF 11
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ADDITIONAL INFORMATION REPORT

OAKLAND POLICE DEPARTMENT
455 - 7th Street
Oakland, CA 94607

RD #

02-43848

CRIME 11351.5 H/S	[] SUPPLEMENTAL	INCIDENT # 1614	V1	VICTIM LAST, First, Mid.
SUSPECT LAST, First, Mid. COLE, MICHAEL	INCIDENT LOCATION 30 th ST & UNION ST.	DATE OF THIS REPORT 7 MAY 02	ORIGINAL DATE REPORTED 7 MAY 02	

ITEM #	QNTY	PROPERTY (and/or NARRATIVE) ITEM TYPE BRAND MODEL # SIZE COLOR MARKS, ETC.	SERIAL #	VALUE
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SUMMARY:

TODAY I RESPONDED TO 30th ST & UNION REGARDING AN INCIDENT THAT HAD OCCURRED THERE W/ A CRT UNIT. UPON MY ARRIVAL, I CONTACT 3 PERSONS WHO WAS WILLING TO SPEAK TO ME. TWO PERSONS GAVE ME THEIR NAMES & ADVISED ME OF WHAT THEY SAW. THE 3rd PERSON WAS WILLING TO SPEAK TO ME, BUT WOULD NOT GIVE ME ANY PERSONAL INFORMATION. HE DID STATE THAT HE CALLED "911" AND ADVISED THAT A SUPERVISOR WAS NEEDED AT THE SCENE. HE WAS A LIGHT COMPLEXIONED MALE OR MH, APPROX. 6-1, 140 LBS, SHORT HAIR, WEARING A WHITE T-SHIRT & BLUE JEANS.

HE STATED THE FOLLOWING: HE WAS AT THE S/E CORNER OF 30 ST & UNION. HE SAW THE UNMARKED VEH. PULL UP TO THE LOCATION ON UNION ST, SOUTH OF 30 ST. HE SAW THE ASIAN OFFICER CHASE A MIB BETWEEN THE TWO HOUSES ([REDACTED] UNION ST.) HE SAW THE ASIAN OFFICER ATTEMPT TO APPREHEND THE SUSPECT BUT HE COULDN'T GET CONTROL. HE SAW THE ASIAN OFFICER GET THE SUSPECT ON THE STREET, FACE DOWN. THE ASIAN OFFICER THEN HAD ONE ARM BEHIND THE SUSPECT'S BACK W/ HIS KNEE BEHIND HIS HEAD/NECK. THE "WHITE OFFICER" GRABBED THE OTHER ARM AND HAD IT PINNED DOWN. THE ASIAN OFFICER THEN PROCEEDED TO "PUNCH THE SUSP" NUMEROUS TIMES WHILE THE GUY WAS ON THE GROUND.

HE SAW THE "WHITE OFFICER" WALK TO HIS POLICE VEH WHEN THE GUY SUDDENLY GOT UP AND RAN N/B ON UNION STREET WHERE ADDITIONAL UNITS WERE

REPORTED BY D. SUE 7348	SERIAL # 2	WATCH 1	DISTRICT 42	SUPERVISOR Poulson	SERIAL #	PAGE 1 OF 3
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OPD **ADDITIONAL INFORMATION REPORT**

OAKLAND POLICE DEPARTMENT
 455 - 7th Street
 Oakland, CA 94607

RD #

02-43848

CRIME 11351.5 H/S	[] SUPPLEMENTAL	INCIDENT # 11616	V1	VICTIM LAST, First, Mid.
SUSPECT LAST, First, Mid. COLE, MICHAEL	INCIDENT LOCATION 30 th ST. @ UNION ST.	DATE OF THIS REPORT 7 May 02	ORIGINAL DATE REPORTED 7 May 02	

ITEM #	QNTY	PROPERTY (and/or NARRATIVE) ITEM TYPE, BRAND, MODEL #, SIZE, COLOR, MARKS, ETC.	SERIAL #	VALUE
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SUMMARY - CONT.

THROW TO ASSIST W/ "SECURE" HIM BY HANDCUFFING HIM
 WHILE ATT. TO WATCH THE CROWD. HE FURTHER
 STATES THAT THE CROWD WAS HOSTILE & ANGRY. HE
 SAID THE OFFICERS HAD TO DO WHAT THEY DID
 THE 2ND TIME THEY GRABBED HIM, BUT NOT WITH
 THE "ARMED OFFICER" WAS PUNISHING HIM WHILE HE
 WAS ON THE GROUND.

HE REFUSES TO GIVE ANY INFORMATION & WOULD
 NOT GIVE ME A STATEMENT.

THE OTHER 2 PERSON I SPoke TO WERE:

1) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

2) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

THEY WOULD NOT GIVE ME A WRITTEN STATEMENT
 BUT ADVISED ME OF THE FOLLOWING:

[REDACTED] SAID THAT SHE WAS IN THE KITCHEN
 WHEN SHE HEARD A COMMOTION OUTSIDE ON UNION ST.
 SHE LOOKED OUT OF HER WINDOW & SAW A MB ON THE

REPORTED BY D. Sore 7348	SERIAL #	WATCH 2	DISTRICT 1	SUPERVISOR C. E. Poulson	SERIAL #	PAGE 2 OF 3
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O P D **ADDITIONAL INFORMATION REPORT**

OAKLAND POLICE DEPARTMENT
 455 - 7th Street
 Oakland, CA 94607

RD #

02-43848

CRIME 11351.5 H ₅	[] SUPPLEMENTAL	INCIDENT # 1616	V1	VICTIM LAST, First, Mid.
SUSPECT COLE, MICHAEL	INCIDENT LOCATION 30 th ST. @ UNION ST.	DATE OF THIS REPORT 7 May 02	ORIGINAL DATE REPORTED 7 May 02	

ITEM #	QNTY.	PROPERTY (and/or NARRATIVE) ITEM TYPE, BRAND, MODEL #, SIZE, COLOR, MARKS, ETC.	SERIAL #	VALUE
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SUMMARY CONT'D
 STREET, FACE DOWN. SHE SAID SHE SAW A MALE ARAB
 USING ONLY HIS FISTS, HIT THE MR 4 to 5 TIMES
 WHILE HE WAS ON THE GROUND. [REDACTED] SAID THE
 "WHITE OFFICER" WAS JUST STANDING THERE. SHE
 TURNED HER ATTENTION AWAY FOR A FEW SECONDS AND RETURNS
 HER ATTENTION TO THE OFFICERS. SHE SAW THE SUSP
 SUDDENLY GET UP AND TRIED TO RUN AWAY TOWARDS
 30th ST. SHE SAID SHE DID NOT SEE THE "ARAB"
 OFFICER HIT THE SUSP W/ ANY OBJECT, NOR DID SHE
 SEE HIM KICK OR USE HIS FEET. SHE THINKS THE SUSP
 WAS HANDCUFFED BUT DID NOT ACTUALLY SEE THE HANDCUFFS.
 [REDACTED] SAID THAT SHE WAS ACROSS THE STREET
 FROM [REDACTED] UNION ST. [REDACTED] SAID THE "WHITE
 OFFICER" GOT OUT OF THE POLICE CAR & APPROXIMATED THE
 SUSP WHO WAS STANDING IN THE ALLEY WAY BET. THE
 HOUSES. HE SAW THAT THE WHITE OFFICER THREW THE
 SUSP INTO THE CYCLOPS FENCE, GRABBED HIM & THREW HIM
 ONTO THE GROUND. THE ARAB OFFICER GOT OUT & STARTED
 PUNISHING THE SUSP WITH HIS FISTS. HE THEN STARTED
 STOMPING ON HIM W/ HIS FEET, WHILE THE GUY WAS
 DOWN. SHE SAID THE GUY GOT UP AND HE RAN. HE
 WAS CAUGHT AND WAS "BEAT DOWN" BY OTHER OFFICERS
 WHO ARRIVED.

REPORTED BY D. [REDACTED] 7548	SERIAL #	WATCH 2	DISTRICT 1	SUPERVISOR LT. E. [REDACTED]	SERIAL #	PAGE 3 OF 3
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OPD ADDITIONAL INFORMATION REPORT

OAKLAND POLICE DEPARTMENT
455 - 7th Street
Oakland, CA 94607

RD #

02-43848

CRIME 11351.5 H/S	() SUPPLEMENTAL	INCIDENT # 1616 1618	V1	VICTIM LAST, First, Mid.
SUSPECT LAST, First, Mid. COLE, MICHAEL	INCIDENT LOCATION 30 th ST / Union	DATE OF THIS REPORT 07may02	ORIGINAL DATE REPORTED	

ITEM #	QNTY.	PROPERTY (and/or NARRATIVE) ITEM TYPE, BRAND, MODEL #, SIZE, COLOR, MARKS, ETC	SERIAL #	VALUE
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I

Summary.

On 07May02 I was assigned to Dist 2 2L22 driving marked patrol veh #1237 and wearing standard OPD uniform. I was at 55th ST & Telegraph when I heard via OPD radio unit 20LPI asking for the air, the officers sounded like they were in a struggle, at 30th ST & Union ST. I requested cover units respond code 3 and I drove to the scene.

On arrival at the scene I observed approx twelve police officers in the process of dispersing and a large hostile crowd 30-40 people. 20A11 (OFF Nowalk / OFF McFarlane) and the suspect had relocated due to the crowd.

Several citizens informed me that they thought excessive force had been used. I directed officers to canvas the crowd for witnesses and to obtain statements.

Statements taken from [REDACTED] - [REDACTED] - [REDACTED] - ad [REDACTED].

Witness [REDACTED] claims to have seen everything - uncooperative, refused a statement.

Witness [REDACTED] uncooperative, claims to have seen nothing.

I contacted OPD radio and directed OFF D. Sue (2L71) to contact original R/P's. I requested a pinger be fax'd to patrol. Sgt F. Mestas advised of incident / Responded to scene. Watch Commander LT Gibson notified.

REPORTED BY Sgt J Aguirre	SERIAL # 7132	WATCH 2	DISTRICT 2	SUPERVISOR LT GREEN	SERIAL #	PAGE 1 OF 1
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OPD

ADDITIONAL INFORMATION REPORT

OAKLAND POLICE DEPARTMENT
455 - 7th Street
Oakland, CA 94607

RD #

02-43848

CRIME 11351.5 #/S	SUPPLEMENTAL	INCIDENT # V1	VICTIM LAST, First, Mid. STATE
SUSPECT LAST, First, Mid. SMITH, MICHAEL	INCIDENT LOCATION [REDACTED] UNION ST	DATE OF THIS REPORT 5/7/02	ORIGINAL DATE REPORTED 5/7/02

ITEM	QNTY	PROPERTY (and/or NARRATIVE) ITEM TYPE, BRAND, MODEL #, SIZE, COLOR, MARKS, ETC	SERIAL #	VALUE
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Evidence:

1.) Eight (08) Polaroid photos of Smith/Cole and of the arrest scene, taken by me and delivered to Property Section.

Supplemental Information:

On today's date I was working unit 20L71, supervising the Area 1 CRT. I responded to the scene of an arrest at 30th and Union Streets. This location has been targeted for narcotics enforcement due to the high volume of narcotics trafficking that is conducted at several residences near this corner. I spoke with District Sergeants J. Aguirre, 7132P, and D. Sue, 7348P, who were already on the scene. I gathered the statements and supplemental reports that had been written regarding the arrest of Michael Smith, aka Michael Cole, (dob's: [REDACTED] and [REDACTED]).

I requested a technician to this location and to the Highland Hospital location, where Smith was awaiting medical treatment. Due to the high number of priority Technician assignments still standing, there were no Technicians available to respond. I took photos with a Polaroid camera of the scene and of Smith/Cole (E1).

A technician responded later to the Hospital (T. Viglienze) and obtained photos of Smith/Cole.

Reported By F. MESTAS	Serial No. 7130P	Watch CRT	Area 1	Supervisor C. VIERA	Serial No.	Page 3 of
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STATEMENT
Oakland Police Department

536-200-1 (6/93)

Page 1 of 1

2. Report No.

02-43848

1. Complainant

Offense/Crime

3. Name of Person Giving Statement

Sex/Race/DOB

☐ Complainant

☒ Suspect

☐ Driver

☐ Reporting Person

☐ Witness

4. Residence Address

City/Zip

Phone

5. Employment (Name, Address, Phone, Occupation, Work Hours, Days Off) or Supplemental Information if Unemployed or Transient

6. Statement Taken By

Serial No.

Date

Time Started - Completed

7. Location Where Statement Taken

Names, Addresses of Persons Present During Statement

FOR VEHICLE COLLISIONS ONLY

8. License No.

State

Veh. Yr.

Make

Model

Type

Color(s)

Driver License No.

State

9. Registered Owner

Address

City/Zip

Residence/Business Phone

ADMONITION: You have the right to remain silent. Anything you say can be used against you in a court of law. You have the right to talk to a lawyer and have him present with you while you are being questioned. If you cannot afford a lawyer, one will be appointed to represent you before any questioning if you wish one.

Subject's Initials

WAIVER: Do you understand each of these rights I have explained to you?

Having these rights in mind, do you wish to talk to us now?

YES SIR

NO SIR

Statement:

REFUSED

Signature of Person Giving Statement

Date

STATEMENT
Oakland Police Department

536-200-1 (6/93)

Page 1 of 3

2. Report No.

02-43848

1. Complainant

Offense/Crime

11301.5 H/s

3. Name of Person Giving Statement

Sex/Race/DOB

☐ Complainant

☐ Suspect

☐ Driver

☐ Reporting Person

☒ Witness

4. Residence Address

City/Zip

Phone

5. Employment (Name, Address, Phone, Occupation, Work Hours, Days Off) or Supplemental Information if Unemployed or Transient

6. Statement Taken By

Serial No.

Date

Time Started - Completed

7. Location Where Statement Taken

Names, Addresses of Persons Present During Statement

Scene

NONE

FOR VEHICLE COLLISIONS ONLY

8. License No.

State

Veh. Yr.

Make

Model

Type

Color(s)

Driver License No.

State

9. Registered Owner

Address

City/Zip

Residence/Business Phone

ADMONITION: You have the right to remain silent. Anything you say can be used against you in a court of law. You have the right to talk to a lawyer and have him present with you while you are being questioned. If you cannot afford a lawyer, one will be appointed to represent you before any questioning if you wish one.

Subject's Initials

WAIVER: Do you understand each of these rights I have explained to you?

Having these rights in mind, do you wish to talk to us now?

Statement

My name is [redacted] and I lived at [redacted]. Today at about 3:15p.m. I was visiting my friend who lives near 30th St and Union St. A black police car came down 30th St. from Peralta St. They turned right down Union St. from 30th St. [redacted] Michael Cole was standing between [redacted] Union St. and the yellow house to the right of it. The police car stopped and two police officers got out. I don't know their names. They walked up to Mike and grabbed him by the arms. Mike said "What did I do?" They then put handcuffs on him. They started [redacted]

Signature of Person Giving Statement

Date

03-07-02

STATEMENT CONTINUATION
Oakland Police Department

536-200-2 (6/93)

Page

of

2. Report No.

02-43848

1. Complainant

Offense/Crime

11351.5 H14

3. Name of Person Giving Statement

Sex/Race/DOB

☐ Complainant☐ Suspect☐ Driver

Reporting Person

☒ Witness

STATEMENT

to walk him to the police car. When they almost got to the street they stopped and the heavy set officer started punching Mike in the face. They were all on the ground and they started to search him. They pulled a lot of money out of his pants pocket. They then stood him up and Mike broke free and started running down 30th St. from Union St. A grey Ford Mustang was parked at the corner on the 30th St. side with the passenger door open. Mike ran into the door and slipped over it, hitting his head on the sidewalk. His head was bleeding bad from falling and he was dazed. The two officers came over and the heavy set officer kicked him in the head. The people started coming out of their house and other police started coming. While Mike was sitting on the ground the heavy set officer searched Mike again and said

Signature of Person Giving Statement

Date

05-07-02

STATEMENT CONTINUATION
Oakland Police Department

536-200-2 (6/93)

Page 3 of 3

2. Report No.

02-43848

1. Complainant

Offense/Crime

11351.5 H/L

3. Name of Person Giving Statement

Sex/Race/DOB

☐ Complainant

☐ Suspect

☐ Driver

Reporting Person

☒ Witness

STATEMENT

Oh he's a drug dealer. Look
we found. Oh we got some crack.
Then the heavy set officer grabbed
Mike by the hair and dragged
him to a ~~the~~ police car. This is
a true statement.

Signature of Person Giving Statement

Date

05-07-02

STATEMENT
Oakland Police Department

536-200-1 (6/93)

Page 1 of 2

2. Report No.

02-43848

1. Complainant		Offense/Crime 11351.5 H/S		2. Report No. 02-43848	
3. Name of Person Giving Statement		Sex/Race/DOB	<input type="checkbox"/> Complainant <input type="checkbox"/> Suspect <input type="checkbox"/> Driver <input type="checkbox"/> Reporting Person <input checked="" type="checkbox"/> Witness		
4. Residence Address		City/Zip	Phone		
5. Employment (Name, Address, Phone, Occupation, Work Hours, Days Off) or Supplemental Information if Unemployed or Transient NONE					
6. Statement Taken By R.J. Flecklin		Serial No. 7702P	Date 7 MAY 02	Time Started - Completed 1538 1610	
7. Location Where Statement Taken 30 El. Union		Names, Addresses of Persons Present During Statement			

FOR VEHICLE COLLISIONS ONLY

8. License No.	State	Veh. Yr.	Make	Model	Type	Color(s)	Driver License No.	State
9. Registered Owner		Address		City/Zip		Residence/Business Phone		

ADMONITION: You have the right to remain silent. Anything you say can be used against you in a court of law. You have the right to talk to a lawyer and have him present with you while you are being questioned. If you cannot afford a lawyer, one will be appointed to represent you before any questioning if you wish one.

Subject's Initials

WAIVER: Do you understand each of these rights I have explained to you?

Having these rights in mind, do you wish to talk to us now?

Statement:

MY NAME IS [REDACTED] AND I LIVE AT [REDACTED]

TODAY A LITTLE BIT AFTER 3:00PM I WAS SITTING ON THE FRONT STAIRS OF [REDACTED] I SAW A PERSON I KNOW AS MIKE RUNNING FROM ACROSS THE STREET FROM THE APARTMENT COMPLEX TOWARDS ME I ASKED MIKE "WHY ARE YOU RUNNING" AND HE SAID THE POLICE WERE CHASING HIM. MIKE WAS RUNNING TOWARDS THE BACK OF THE HOUSE AND I TOLD MIKE THAT I HAD A DOG BACK THERE JUST THEN I SAW THE UNMARKED POLICE CAR COME AROUND THE CORNER. THE POLICE CAR PULLED UP AND THE OFFICER IN THE PASSENGER SEAT GOT OUT. I TOLD HIM THAT I HAD A DOG BACK THERE AND HE SAID "I KNOW". THAT OFFICER WENT TO THE SIDE OF THE HOUSE AND HE FOUND MIKE. THE OFFICER HAD A HOLD OF MIKE'S T-SHIRT BUT MIKE WAS TRYING TO RUN AWAY. MIKE AND THE OFFICER STARTED STRUGGLING IT WAS PRETTY VIOLENT MIKE DID NOT WANT

Signature of Person Giving Statement

Date

5-6-02

STATEMENT CONTINUATION
Oakland Police Department

536-200-2 (6/93)

Page 2 of 2

2. Report No. 02-43848

1. Complainant

Offense/Crime

11351.5 H/s

3. Name of Person Giving Statement

Sex/Race/DOB

☐ Complainant

☐ Suspect

☐ Driver

☐ Reporting Person

☒ Witness

STATEMENT:

TO BE ARRESTED. MIKE AND THE OFFICER
STRUGGLED ALL THE WAY TO THE STREET AND THEY
BOTH WOUND UP ON THE FLOOR. THAT OFFICER
WAS ABLE TO GET MIKE HANDCUFFED AND HE
CALLED TO HIS PARTNER "NOVACK" WHO CAME OVER.
NOVACK SNATCHED HIM UP FROM THE STREET AND
MIKE TOOK OFF RUNNING AWAY FROM THEM. THE
FIRST OFFICER WHO STRUGGLED WITH MIKE AND
HANDCUFFED HIM, CHASED AFTER MIKE AND HE
CAUGHT MIKE IN FRONT OF THE DRIVEWAY TO
THE APARTMENT COMPLEX ACROSS THE STREET. THAT
OFFICER TACKLED MIKE TO THE GROUND. THAT OFFICER
WAS DOING HIS JOB. THE WHOLE TIME HE WAS DOING
WHAT HE NEEDED TO DO. BUT NOVACK CAME OVER
AND DROVE HIS KNEE INTO MIKE'S FACE AND
THAT WAS NOT CALLED FOR. ALSO NOVACK STRAPPED
MIKE AROUND HIS NECK WHEN HE WAS TRYING
TO PUT HIM INTO THE POLICE CAR. ALSO I
WANT TO ADD THAT WHEN NOVACK CAME
OVER THE FIRST TIME WHEN HIS PARTNER NOBBLED
HIM OVER. NOVACK PUNCHED MIKE AT LEAST 6 TIMES
IN HIS RIBS AND STOMACH. AND HE KICKED HIM
THREE TIMES BEFORE HE SNATCHED HIM UP. AGAIN
I GOT NO PROBLEMS WITH THIS FIRST OFFICER BUT
NOVACK USED EXCESSIVE FORCE HE DID NOT HAVE TO
DO ALL THAT.

Signature of Person Giving Statement

Date

5-6-02

STATEMENT

Oakland Police Department

536-200-1 (6/93)

Page 1 of 22. Report No. 02-43848

1. Complainant		Offense/Crime		2. Report No. <u>02-43848</u>	
3. Name of Person Giving Statement		Sex/Race/DOB	<input type="checkbox"/> Complainant	<input type="checkbox"/> Suspect	<input type="checkbox"/> Driver
			<input type="checkbox"/> Reporting Person	<input checked="" type="checkbox"/> Witness	
4. Residence Address		City/Zip	Phone ()		
5. Employment (Name, Address, Phone, Occupation, Work Hours, Days Off) or Supplemental Information if Unemployed or Transient					
6. Statement Taken By		Serial No.	Date	Time Started - Completed	
<u>B. GARBLITT</u>		<u>7823P</u>	<u>7 MAY 02</u>	<u>1555 - 1630</u>	
7. Location Where Statement Taken		Names, Addresses of Persons Present During Statement			
<u>SCENE</u>					

FOR VEHICLE COLLISIONS ONLY

8. License No.	State	Veh. Yr.	Make	Model	Type	Color(s)	Driver License No.	State
9. Registered Owner		Address		City/Zip		Residence/Business Phone ()		

ADMONITION: You have the right to remain silent. Anything you say can be used against you in a court of law. You have the right to talk to a lawyer and have him present with you while you are being questioned. If you cannot afford a lawyer, one will be appointed to represent you before any questioning if you wish one.

Subject's Initials

WAIVER: Do you understand each of these rights I have explained to you?

Having these rights in mind, do you wish to talk to us now?

Statement:

TODAY AT ABOUT 3:00 PM, I WAS AT [REDACTED] VISITING [REDACTED]. I HAD JUST PULLED UP IN MY CAR. I SAW AN ALL BLACK POLICE CAR DRIVE ON 30TH ST FROM PERALTA TO UNION ST. THE CAR MADE A RIGHT TURN TO GO ON TO UNION ST. I RAN TO THE CORNER OF 30TH ST AND UNION ST. TO SEE WHAT WAS GOING ON. WHEN I GOT TO THE CORNER, I SAW A MAN ON THE GROUND ON HIS SIDE. HE WAS HANDCUFFED. THERE WAS A WHITE OFFICER CROUCHED OVER HIM. THE OFFICER WAS PUNCHING HIM IN HIS FACE. HE MAY HAVE HIT HIM ABOUT 10 TIMES OR SO. THE OTHER OFFICER WHO HAD BEEN DRIVING WAS STANDING IN THE OPEN DRIVER'S SIDE DOOR. THE HANDCUFFED MAN GOT UP AND RAN FROM THE OFFICER. HE RAN ABOUT 50 FEET TO THE 30TH STREET SIDE OF THE BUILDING ON THE CORNER.

Signature

Date

STATEMENT CONTINUATION
Oakland Police Department

536-200-2 (6/93)

Page 2 of 2

2. Report No. 02-43848

1. Complainant	Offense/Crime		
3. Name of Person Giving Statement	Sex/Race/DOB	<input type="checkbox"/> Complainant	<input type="checkbox"/> Suspect
		<input type="checkbox"/> Reporting Person	<input checked="" type="checkbox"/> Witness

STATEMENT:

THERE WAS A FORD MUSTANG PARKED ON THE STREET IN FRONT OF THE BUILDING. THE PASSENGER DOOR WAS OPEN. THE MAN RAN TOWARD THE CAR. I COULD SEE BLOOD ON HIS FACE BUT I COULDN'T TELL WHERE IT WAS COMING FROM. THE MAN BUMPED INTO CAR DOOR AND FELL. THE FIRST WHITE OFFICER WHO WAS PUNCHING HIM RAN AFTER THE MAN. THE MAN WAS STILL ON THE GROUND. THE OFFICER RAN AROUND THE CAR AND JUMP ON THE MAN WITH HIS KNEE. HE THE OFFICER STOPPED TO SEE IF THE MAN WAS GOING TO GET UP AGAIN. THEN HE TRIED TO PICK THE MAN UP, BUT HE WASN'T MOVING. THE OTHER OFFICER CAME AROUND. HE SEARCHED THE MAN'S POCKETS. HE PULLED OUT SOME MONEY AND A PLASTIC BAG. OTHER OFFICERS WERE ALREADY ARRIVING, AND SOME OFFICERS WERE ALREADY OUT OF THEIR CARS. I DO NOT KNOW THE MAN, BUT I WOULD RECOGNIZE HIM IF I SEE HIM AGAIN. I DON'T KNOW EITHER OF THE OFFICERS, BUT I CAN RECOGNIZE THEM IF I SEE THEM AGAIN. I DO REMEMBER THE WHITE OFFICER HAD AN "A" IN HIS NAME. AFTER THAT, EVERYTHING WAS JUST IN CHAOS WITH EVERYONE YELLING. I SPOKE WITH OFFICERS AND WAITED TO PROVIDE A STATEMENT.

Signature of Person Giving Statement

Date

STATEMENT
Oakland Police Department

536-200-1 (6/93)

Page ____ of ____

2. Report No.

02-43848

1. Complainant		Offense/Crime		2. Report No.	
3. Name of Person Giving Statement		Sex/Race/DOB	<input type="checkbox"/> Complainant <input type="checkbox"/> Suspect <input type="checkbox"/> Driver <input type="checkbox"/> Reporting Person <input checked="" type="checkbox"/> Witness		
4. Residence Address		City/Zip	Phone		
5. Employment (Name, Address, Phone, Occupation, Work Hours, Days Off) or Supplemental Information if Unemployed or Transient					
6. Statement Taken By		Serial No.	Date	Time Started - Completed	
T. SUTHER		7426P	7 MAY 92	11:30-1600	
7. Location Where Statement Taken		Names, Addresses of Persons Present During Statement			
SCENE					

FOR VEHICLE COLLISIONS ONLY

8. License No.	State	Veh. Yr.	Make	Model	Type	Color(s)	Driver License No.	State
9. Registered Owner		Address		City/Zip		Residence/Business Phone		
						()		

ADMONITION: You have the right to remain silent. Anything you say can be used against you in a court of law. You have the right to talk to a lawyer and have him present with you while you are being questioned. If you cannot afford a lawyer, one will be appointed to represent you before any questioning if you wish one.

Subject's Initials

WAIVER: Do you understand each of these rights I have explained to you?

Having these rights in mind, do you wish to talk to us now?

Statement:	TODAY BETWEEN ABOUT 3:00-3:15 PM I WAS SITTING IN A CHAIR IN FRONT OF [REDACTED] VISITING [REDACTED] A NEIGHBORHOOD MAN WE CALL "LITTLE MIKE" CAME OVER AND SPOKE TO US. HE WAS STANDING BY WHERE WE WERE. JUST THEN TASK FORCE DROVE UP IN ONE CAR, A BLACK ONE. THERE WAS A WHITE OFFICER DRIVING AND AN ASIAN OFFICER IN THE PASSENGER SIDE. HIS NAME IS NOWAK. THE WHITE OFFICER GOT LITTLE MIKE FROM BETWEEN THE HOUSE I WAS AT AND THE ONE NEXT DOOR. HE WAS HANDCUFFED. IT LOOKED LIKE LITTLE MIKE STUMBLED, MAYBE GETTING HIS FEET CAUGHT UP WITH THE OFFICER. LITTLE MIKE FELL AND THE OFFICER FELL ON TOP OF HIM. WHILE MIKE WAS DOWN, THE WHITE OFFICER SEARCHED HIS POCKETS. MIKE WAS JUST LYING THERE BEING SEARCHED WHEN THE [REDACTED] ASIAN OFFICER GOT OUT OF THE CAR AND JUST STARTED KICKING MIKE FOR NO REASON. HE PUNCHED HIM IN THE FACE 4, 5 OR MORE TIMES UNTIL MIKE STARTED BLEEDING. THE WHITE OFFICER WAS TRYING TO PICK UP MIKE, AND THE ASIAN OFFICER PULLED HIM UP BY HIS DREADLOCKS. THE ASIAN OFFICER PUNCHED MIKE AGAIN
Signature of Person Giving Statement	
[REDACTED]	
Date	

STATEMENT CONTINUATION
Oakland Police Department

536-200-2 (6/93)

Page ____ of ____

2. Report No.

02-43848

1. Complainant

1

Offense/Crime

3. Name of Person Giving Statement

Sex/Race/DOB

☐ Complainant

☐ Suspect

☐ Driver

☐ Reporting Person

☒ Witness

STATEMENT:

IN THE FACE, ALL THIN WHILE HE WAS HANDCUFFED,
MIKE RAN TOWARD 30TH ST, BUT THEY GOT HIM RIGHT
ACROSS THE STREET. THE WHITE OFFICER HAD NOT DONE
ANYTHING TO MIKE. ~~WHEN~~ THEY GOT ACROSS THE STREET, AND
WHEN MIKE FELL AGAIN THE ASIAN OFFICER STOMPED HIM
ON HIS HEAD AND THEN KICKED HIM SOME MORE. MIKE'S
HEAD BUSTED OPEN BECAUSE OF THIS. THE ASIAN OFFICER
AGAIN PICKED HIM UP BY HIS DEERLOCKS, ~~DRAGGED~~ ~~MIKE~~
CHOKED HIM AND PUSHED HIM INTO A POLICE CAR.
OTHER OFFICERS CAME UP LATER. THE WHITE OFFICER
NEVER DID ANYTHING TO MIKE. I CAN RECOGNIZE THE
ASIAN OFFICER, NOWAY, IF I SEE HIM AGAIN. THIS IS
A TRUE STATEMENT X ~~MIKE~~

Signature of Person Giving Statement

Date

STATEMENT
Oakland Police Department

536-200-1 (6/93)

Page 1 of 2

2. Report No. **02-43848**

1. Complainant		Offense/Crime <u>11351.5 H/C</u>	
3. Name of Person Giving Statement [REDACTED]		Sex/Race/DOB [REDACTED]	<input type="checkbox"/> Complainant <input type="checkbox"/> Reporting Person <input type="checkbox"/> Suspect <input checked="" type="checkbox"/> Witness <input type="checkbox"/> Driver
4. Residence Address		City/Zip	Phone ()
5. Employment (Name, Address, Phone, Occupation, Work Hours, Days Off) or Supplemental Information if Unemployed or Transient [REDACTED]			
6. Statement Taken By <u>F. Mestas</u>		Serial No. <u>7130P</u>	Date <u>5/7/02</u> Time Started - Completed <u>1840-1955</u>
7. Location Where Statement Taken <u>ACT E/R</u>		Names, Addresses of Persons Present During Statement [REDACTED]	

FOR VEHICLE COLLISIONS ONLY

8. License No.	State	Veh. Yr.	Make	Model	Type	Color(s)	Driver License No.	State
9. Registered Owner		Address		City/Zip		Residence/Business Phone ()		

ADMONITION: You have the right to remain silent. Anything you say can be used against you in a court of law. You have the right to talk to a lawyer and have him present with you while you are being questioned. If you cannot afford a lawyer, one will be appointed to represent you before any questioning if you wish one.

Subject's Initials

WAIVER: Do you understand each of these rights I have explained to you?

Having these rights in mind, do you wish to talk to us now?

Statement:

I was working at Highland Hospital E/R. I work for ABC Security and I have a patch on my uniform for private security. On May 7, 2002, around 5:00 P.M., I was on my 15 minute break. I saw and heard my senior security officer, [REDACTED], talking with a white man with a pony tail. He wanted to see a man in the E/R who he said was beaten by the police. He said the guy in custody was a friend of his. [REDACTED] talked to the police, then told the man with the pony tail that he could not go into the E/R. The man left and stood near the security gate. I don't know how he got through the gate. I was back on my post when the man ran into E/R admitting [REDACTED]

Signature of Person Giving Statement

Date

5-7-02

STATEMENT CONTINUATION
Oakland Police Department

536-200-2 (6/93)

Page 2 of 2

2. Report No.

02-43848

1. Complainant

Offense/Crime

11351.5 HS

3. Name of Person Giving Statement

Sex/Race/DOB

☐ Complainant

☐ Suspect

☐ Driver

☐ Reporting Person

☐ Witness

STATEMENT:

and started taking pictures. I was seated about six feet in the main door, by the E/R door corridor. The police chase the man back out, the man fell outside while running. Then the police caught him and handcuffed him. Actually, they brought him back in, then took him out, then brought him in for treatment. This is a true statement.

Signature of Person Giving Statement

Date

5-7-02

STATEMENT
Oakland Police Department

536-200-1 (6/93)

Page 1 of 2

2. Report No.

02-43848

1. Complainant		Offense/Crime		2. Report No.	
3. Name of Person Giving Statement		Sex/Race/DOB		<input type="checkbox"/> Complainant <input type="checkbox"/> Suspect <input type="checkbox"/> Driver <input type="checkbox"/> Reporting Person <input checked="" type="checkbox"/> Witness	
4. Residence Address		City/Zip		Phone	
5. Employment (Name, Address, Phone, Occupation, Work Hours, Days Off) or Supplemental Information if Unemployed or Transient					
6. Statement Taken By		Serial No.		Date	
F. MESTAS 7130P				5/7/02	
7. Location Where Statement Taken		Names, Addresses of Persons Present During Statement			
ACT E/R					

FOR VEHICLE COLLISIONS ONLY

8. License No.	State	Veh. Yr.	Make	Model	Type	Color(s)	Driver License No.	State
9. Registered Owner		Address		City/Zip		Residence/Business Phone		

ADMONITION: You have the right to remain silent. Anything you say can be used against you in a court of law. You have the right to talk to a lawyer and have him present with you while you are being questioned. If you cannot afford a lawyer, one will be appointed to represent you before any questioning if you wish one.

Subject's Initials

WAIVER: Do you understand each of these rights I have explained to you?

Having these rights in mind, do you wish to talk to us now?

Statement:	Signature of Person Giving Statement	Date
I was working at Highland Hospital E/R. I'm a security officer with ABC Security. At about 3:00 P.M., May 7, 2002, I was at work and wearing my uniform and I was carrying a walkie-talkie. A white adult man, with long hair in a pony-tail, approached me in the E/R waiting room. He asked to get in to take some pictures of a man who was beaten by the police. I went into the security area of the E/R admitting area. I asked the officer with a prisoner if the man could take his pictures. The officer said no, and said they already had pictures of the prisoner. I told the white man what the police said, and his response was "Well, he came in"		

STATEMENT CONTINUATION
Oakland Police Department

536-200-2 (6/93)

Page 2 of 2

2. Report No.

02-43848

1. Complainant

Offense/Crime

11351.5 H/S

3. Name of Person Giving Statement

Sex/Race/DOB

☐ Complainant

☐ Suspect

☐ Driver

☐ Reporting Person

☒ Witness

STATEMENT:

through there. He has to leave." I look
that to mean he would wait until
the police left with the prisoner and
take their picture as they left. There
was a clerk working triage with me who
heard all of this, but she won't give me
her name. The man who the police have
in handcuffs is the same man who I
told to stay out. Sergeant Mestas told me
the clerk's name is [REDACTED]

Signature

Date

CONSOLIDATED ARREST REPORT

536-252 (1/00)

Oakland Police Department

1. DEFENDANT'S TRUE NAME (Leave Blank)				ARREST NO. 13691				BOOKING AGENCY 00109				REPORT NO. 02-43848																			
2. DEFENDANT'S NAME GIRARD, ROBERT								PEN				CRIME REPT. DETAILED TO 14				CP BEAT 1616				INCIDENT NO.											
3. AKA or NICKNAME								DATE/TIME ARRESTED 7 MAY 02 / 1700								VEHICLE INFORMATION								JAIL USE ONLY							
4. DOB 4/14/58		POB FL		HEIGHT 5-11		WEIGHT 215		HAIR BRN		EYES BRN		RACE W		SEX M		AGE 43		LICENSE NO.				STATE YEAR									
5. SALIENT CHARACTERISTICS								CLOTHING BLU T-SHIRT, GRAY SWEATERS, WHITE T-SHOES								YEAR				MAKE				MODEL				COLOR			
6. DEFENDANT'S RESIDENCE ADDRESS																CITY				TELEPHONE				TOWED TO				TOW TAG			
7. DEFENDANT'S BUSINESS ADDRESS																SCHOOL				TELEPHONE				HOLD FOR							
8. DRIVER'S LICENSE NO.				SOCIAL SECURITY NO.				OCCUPATION				CIT NO. 76PT				FBI NO. 07 MAY 02															
9. LOCATION OF ARREST ACH HOSPITAL																SUPERVISOR				CASH AT BOOKING 0				ID CONFIRMED BY 39866							
10. ARRESTING OFFICER A. McFARLANE 8313P								ARRESTING OFFICER S. NOWAK								CITATION NO.															
11. TRANSPORTING OFFICER A. McFARLANE 8313P								TRANSPORTING OFFICER								COURT															
12. CODE SEC 602(L) PC		M/F M		COURT 1		CC 1		WARRANT NO.		CEN 225/344		PIN NO.		BAIL 1500		COURT DATE/TIME															
243(B) PC		M				1								2500																	
148 PC		M				1								2500																	
IN-CUSTODY ARRESTS																															
CODE SEC		M/F		COURT		CC		WARRANT NO.		CEN		PIN NO.		BAIL		DATE/TIME ARRESTED															
																ARRESTING OFFICER				SERIAL NO.											
																TOTAL BAIL															
I HEREBY ARREST THE ABOVE DEFENDANT ON THE CHARGE INDICATED AND REQUEST A PEACE OFFICER TAKE HIM INTO CUSTODY. I WILL APPEAR TO SIGN A COMPLAINT AGAINST THE PERSON I HAVE ARRESTED (see reverse side for instructions).																															
13. SIGNATURE OF ARRESTING CITIZEN								ARRESTING CITIZEN'S RES. ADDRESS								CITY/ZIP				RES. PHONE											
14. ARRESTING CITIZEN'S NAME								[REDACTED]								[REDACTED]				BUS. PHONE											
15. COMPLAINANT'S NAME								[REDACTED]								[REDACTED]				ABC PREMISE INVOLVED											
16. CO-DEFENDANT								SEX-RACE								IT				SEX-RACE-AGE											
17. <input type="checkbox"/> USED A FIREARM OR DEADLY WEAPON								<input type="checkbox"/> CAUSED GREAT BODILY HARM								<input type="checkbox"/> ACTED IN CONCEPT (261, 286, 288a PC)								GLARY CLASSIFICATION							
18. Instructions:																															
<ul style="list-style-type: none"> List charges by name and code section. Enter names and charges of other arrested persons who are not codefendants. If completing an offense or continuation report, DO NOT start narrative on this form. If suspect is arrested WITHOUT A WARRANT for an offense which occurred in another jurisdiction, identify agency, investigator's name, and report number. 												<ul style="list-style-type: none"> Indicate if suspect is on parole or probation. Complete probable cause narrative. Describe known medical problems. Document admonishment of arrested person. Enter "En Route (agency)" if appropriate. Enter reason for physical arrest (misdemeanor only). 																			
<p>TRESPASSING 602 L PC ; ASSAULT ON POLICE OFFICER 243(B) PC ; RESIST/DELAY POLICE OFC ; ADMONISHED - REF "NO SIR" - NO STATEMENT</p> <p>* SUSP RAN INTO ELR ADMITTING AREA PART SECURITY GUARD AND POINTED SIGNS. WHEN APPROACHED WHILE TAKING PHOTOGRAPHS SUSP STRUCK R/O W/ L/HAND AND CAMERA. SUSP THEN FLED ON FOOT AND WAS TAKEN I/C SHORTLY AFTER. SUSP THEN TAKEN TO OPD JAIL.</p>																															

EXTRA COPIES TO:

TYPE OF REPORT MADE:

☒ OFFENSE

☐ ADDITIONAL INFO/SUPPLEMENTAL

☐ NONE

CONSOLIDATED ARREST REPORT

536-252 (1/00)

Oakland Police Department

1. DEFENDANT'S TRUE NAME (Leave Blank) JOESON, MICHAEL				ARREST NO. 13713				BOOKING AGENCY 00109				REPORT NO. 02-43848			
2. DEFENDANT'S NAME COLE, MICHAEL				PF#				CRIME REPT. DETAILED TO				CP BEAT			
3. AKA OR NICKNAME SMITH, MICHAEL				DATE/TIME ARRESTED 7/15/02 / 1512				VEHICLE INFORMATION				JAIL USE ONLY			
4. DOB 9-22-69		POB CA		HEIGHT 5'8"		WEIGHT 155		HAIR BUL		EYES BRN		RACE B		SEX M	
5. SALIENT CHARACTERISTICS				CLOTHING WHITE T-SHIRT BLUE JEANS				YEAR				MAKE			
6. DEFENDANT'S RESIDENCE ADDRESS				CITY				TELEPHONE				TOWED TO			
7. DEFENDANT'S BUSINESS ADDRESS				SCHOOL				TELEPHONE				HOLD FOR			
8. DRIVER'S LICENSE NO.				SOCIAL SECURITY NO.				OCCUPATION				CIT. NO.			
9. LOCATION OF ARREST 2901 BLK UNION				SUPERVISOR SOT. MESTAS				FBI NO.				CASH AT BOOKING 426			
10. ARRESTING OFFICER A. MCFARLAN				SERIAL NO. 8313P				ARRESTING OFFICER S. NOLAN				SERIAL NO. 818P			
11. TRANSPORTING OFFICER				SERIAL NO.				TRANSPORTING OFFICER				SERIAL NO.			
12. CODE SEC 11351.5415		M/F F		COURT 2		CC 2		WARRANT NO. 2251405		CEN 7189903		PIN NO. 201		BAIL 2500	
1203.249PC		F		1		(2) PIS		7189903		610		CITATION NO.		COURT	
308 PC		F		5		P82045		2251406		0		COURT DATE/TIME		COURT	
243(B) PC		M		1						31R		2500		IN-CUSTODY ARRESTS	
CODE SEC 14899 PC		M/F M		COURT 1		CC 1		WARRANT NO.		CEN		PIN NO.		BAIL	
														DATE/TIME ARRESTED	
														ARRESTING OFFICER	
														SERIAL NO.	
														TOTAL BAIL	
I HEREBY ARREST THE ABOVE DEFENDANT ON THE CHARGE INDICATED AND REQUEST A PEACE OFFICER TAKE HIM INTO CUSTODY. I WILL APPEAR TO SIGN A COMPLAINT AGAINST THE PERSON I HAVE ARRESTED (see reverse side for instructions).															
13. SIGNATURE OF ARRESTING CITIZEN				ARRESTING CITIZEN'S RES. ADDRESS				CITY/ZIP				RES. PHONE			
14. ARRESTING CITIZEN'S NAME				CITY/ZIP				BUS. PHONE				ABC PREMISE INVOLVED			
15. COMPLAINANT'S NAME				CITY/ZIP				DEFENDANT				SEX—RACE—AGE			
16. CO-DEFENDANT				SEX				BURGLARY CLASSIFICATION							
17. <input type="checkbox"/> USED A FIREARM OR DEADLY WEAPON				<input type="checkbox"/> ARMED WITH A FIREARM				<input type="checkbox"/> ACTED IN CONCEPT (261, 286, 288a PC)							
18. INSTRUCTIONS:				<ul style="list-style-type: none"> List charges by name and code section. Enter names and charges of other arrested persons who are not codefendants. If completing an offense or continuation report, DO NOT start narrative on this form. If suspect is arrested WITHOUT A WARRANT for an offense which occurred in another jurisdiction, identify agency, investigator's name, and report number. 				<ul style="list-style-type: none"> Indicate if suspect is on parole or probation. Complete probable cause narrative. Describe known medical problems. Document admonishment of arrested person. Enter "En Route (agency)" if appropriate. Enter reason for physical arrest (misdemeanor only). 							

EXTRA COPIES TO:

POSS. OF CRACK COCAINE FOR SALE 11351.5415, PROBATION VIOLATION 1203.249PC
 WARRANT DETO, BATTERED ON AN OFFICER 243(B)PC, RESISTING ARREST 14899PC
 * R/O OBS SUSP WALK AWAY FROM HIGH MARIJ AREA ONCE HE OBS R/O: R/O WALKED DOWN
 THE SIDE OF A YARD TO INV. R/O OBS SUSP HIDING AT WHICH POINT SUSP SHOVED R/O IN
 CHEST W/ BOTH HANDS. A LONG STRUGGLE ENSUED AND SUSP WAS TAKEN I/C. SUSP THEN
 FLED AGAIN FROM R/O AND WAS REAIN TAKEN I/C. R/O REC'D SUSP ROCK COCAINE PIECES
 FROM S, ALONG W/ LARGE AMT OF CASH SUSP LIED ABOUT HIS NAME. SUSP LATER
 FOUND TO BE ON PROB AND WAS PAL. SUSP ALSO SPIT ON R/O DURING THE ARREST.

TYPE OF REPORT MADE:

☒ OFFENSE

☐ ADDITIONAL INFO/SUPPLEMENTAL

☐ NONE