Printed by: osj4542

Printed date/time: 7/13/18 12:21

Incident Report

Page 1 of 4

OAKLAND POLICE DEPARTMENT

455 7TH STREET

OAKLAND, CALIFORNIA 94607

(510) 238-3021

Incident Number: 17-054783

Incident Summary

Incident Type: DOMESTIC VIOLENCE

INCIDENT REPORT Report Type:

Inc Occurred Address: 65TH AV, OAKLAND, CALIFORNIA 94605

Sector/Beat: CCD6/29X

Inc Occurred Start: 10/18/2017 18:58

Inc Occurred End: 10/18/2017 18:58

Report Taken: Substance: U

Bias Motivation:

Gang Related: N

Reported Date/Time:

10/18/2017 20:44

Contact Nature:

Reporting Officer: CROSS, WENDY

Primary Assigned Officer:

BADDIE, MELISSA

Disposition Date: 10/24/2017 11:20

Offenses

Statute Code: PC243 (E)(1)

Enhancers: DOM

Statute Desc: BATTERY:SPOUSE/EX SPOUSE/DATE/ETC

Case Status: COMPLAINT REFU! Disposition: CLOSED BY ARREST - ADULT

Counts: 1

Statute Severity: Misdemeanor

Persons Involved

Person#: 0001

Event Association: VICTIM

Name:

Address:

Age: 20 - 20

Sector/Beat: CCD6/29X

Person#: 0002

Event Association: SUSPECT

Name: CERVANTESHIGAREDA, JOSE DEJESUS

Age: 20 - 20

Address:

Sector/Beat: CCD7/33X

Incident Report

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OAKLAND POLICE DEPARTMENT

455 7TH STREET

OAKLAND, CALIFORNIA 94607

(510) 238-3021

Incident Number: 17-054783

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:

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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:

vicum 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 3:

Sex Crime 5:

Vehicle Involvement 1:

Vehicle Involvement 2:

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Incident Report

Page 3 of 4

OAKLAND POLICE DEPARTMENT

455 7TH STREET

OAKLAND, CALIFORNIA 94607

(510) 238-3021

Incident Number: 17-054783

|--|

ENTERED DATE/TIME: 10/18/2017 20:44:00

SUBJECT: SYNOPSIS

AUTHOR: CROSS, WENDY

domestic battery--I/C

ENTERED DATE/TIME: 10/18/2017 20:44:00

SUBJECT: FBR NARRATIVE AUTHOR: CROSS, WENDY

Nature of Relationship:

Victim Relocated to an Alternate Shelter:

,

Dates of Previous Incidents (Month/Year):

Total Reported Incidents:

Restraining Order in Effect:

Domestic Violence Resource Card Given:

te de la companya de

If misdemeanor case, was the victim advised of citizen's arrest procedures?

If the victim refuses to prosecute, list reasons:

Victim advised to notify the investigator of any address or phone number changes:

Summary:

On 18 Oct 17, at about 1922hrs, I was working as 2L33, wearing full Police uniform and driving marked patrol vehicle #1446. Radio put out a call of a domestic battery that had just occurred at 65th Ave. I responded. Ofc. J. Wingate 9686 responded to assist.

Upon our arrival, I contacted the victim who appeared to be upset and was crying. She said that she and the suspect are suspect are suspect and have a suspect are suspect had come home angry for an unknown reason. He had knocked on the door of the house and got angry when she didn't come right away to open it. She said that he came in and started throwing things

Incident Report

Printed date/time: 7/13/18 12:21

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

Incident Number: 17-054783

around and cussing at her. He took the state of and said that he was going to leave. The victim went out to her car and as she was sitting in the driver's seat, the suspect opened her door and punched her in the stomach and pulled her hair. She said that she then called OPD. She said that this was not the first time that there had been physical violence between them but it was the first time that she had called the Police. She stated that she did not want to press charges against him and did not want him to go to jail. She refused to provide a written statement but requested an Emergency Protective Order against the suspect. This exchange was captured on my PDRD.

I did not observe any signs of physical injury to the victim and she refused medical attention.

No technician was called due to there being no signs of injury to the victim.

The suspect was still on scene and placed under arrest for violation of Domestic Battery 243(e)(1)pc.

I called the on call Judge and spoke with Commissioner Clay, who issued an Emergency Protective Order against the suspect.

I advised the suspect of the parameters of the order and provided him his copy.

I advised the victim of the parameters of the order and provided her with a copy.

I provided the victim with a report number, Marsy's Law information and a Domestic Violence Resource Card.

I admonished the suspect and he provided a written statement. He stated that he had come home angry tonight because he had been at work all day and had not had any breaks or been able to eat anything. He said it made him angry when he discovered that the front door was locked and he couldn't get in. The victim opened the door and the suspect walked in to the house and said, "You stupid bitch, you really gonna do this?" He got into the shower and when he got out, he said that the victim told him that she was going to go to Walmart. He said that he had told her that his leg was stuck to the tire. He said that he had called the victim's friend because he just wanted to see him that he said that he information.

The suspect was transported to Santa Rita Jail without incident.

My PDRD was activated.

I did not use force or observe any force used.

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Defendant's True Name JOSE DEJESUS CERVANTES									1 1001111			7-054	-054783				
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See statement form for citizen signature and details

PERSON(S) TO BE PROTECTED (Insert names of all persons to be projected by this grater): PERSON TO BE RESTRAINED (name):		711 2107(110111 01()	The state of the s	HAE OUDER (CEE	10)
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PRINT NAME OF LAW ENFORCEMENT OFFICER) PROTECTIVE ORDER (Sec reverse for Important notices)			·		
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Is given temporary care and control of the following minor children of the parties (names and ages): 11. Reasonable grounds for the issuance of this order exist and an emergency protective order is necessary to prevent the occurrence or recurrence of domestic violence, child abuse, child abduction, elder or dependent adult abuse, or stalking (including workplace violence or civil harassment). 12. THIS EMERGENCY PROTECTIVE ORDER WILL EXPIRE AT 5:00 P.M. ON: 13. To protected person: If you need protection for a longer period of time, you must request restraining orders at (court name and address): 14. Person served (name): 15. I personally delivered copies to the person served as follows: 16. At the time of service I was at least 18 years of age and not a party to this cause. 17. My name, address, and telephone number are (this does not have to be server's home telephone number or address): 18. Address: 19. Oct 75. Time: 2000 IV.S. 19. I am a California sheriff or marshal. 19. Oct 75. SSH O	(address):	stay away at least	OO vards from		
minor children of the parties (names and ages): 11. Reasonable grounds for the issuance of this order exist and an emergency protective order is necessary to prevent the occurrence or recurrence of domestic violence, child abuse, child abduction, elder or dependent adult abuse, or stalking (including workplace violence or civil harassment). 12. THIS EMERGENCY PROTECTIVE ORDER WILL EXPIRE AT 5:00 P.M. ON: 13. To protected person: If you need protection for a longer period of time, you must request restraining orders at (court name and address): 14. Person served (name): 15. I personally delivered copies to the person served as follows: 16. At the time of service I was at least 18 years of age and not a party to this cause. 17. My name, address, and telephone number are (this does not have to be server's home telephone number or address): 18. OCCURRENCY PROTECTIVE ORDER (CLETS) 19. Family Code, § 6200 et Penancient 19. OCCURRENCY PROTECTIVE ORDER (CLETS) 19. Family Code, § 6200 et Penancient 19. OCCURRENCY PROTECTIVE ORDER (CLETS) 19. Family Code, § 6200 et Penancient 19. OCCURRENCY PROTECTIVE ORDER (CLETS) 19. Family Code, § 6200 et Penancient 19. OCCURRENCY PROTECTIVE ORDER (CLETS)	10. (Name):			ilven temnorani cara i	and control of the following
or recurrence or coivel harassment). 12. THIS EMERGENCY PROTECTIVE ORDER WILL EXPIRE AT 5:00 P.M. ON: 13. To protected person: If you need protection for a longer period of time, you must request restraining orders at (court name and address): 14. Person served (name): 15. I personally delivered copies to the person served as follows: Address: 16. At the time of service I was at least 18 years of age and not a party to this cause. 17. My name, address, and telephone number are (this does not have to be server's home telephone number or address): 18. At the time of perjury under the laws of the State of California that the foregoing is true and correct. 19. At the time of perjury under the laws of the State of California that the foregoing is true and correct. 19. At the time and the person served of the server is called the foregoing is true and correct. 19. At the time of service I was at least 18 years of age and not a party to this cause. 19. At the time of service I was at least 18 years of age and not a party to this cause. 19. At the time of service I was at least 18 years of age and not a party to this cause. 19. At the time of service I was at least 18 years of age and not a party to this cause. 19. At the time of service I was at least 18 years of age and not a party to this cause. 19. At the time of service I was at least 18 years of age and not a party to this cause. 19. At the time of service I was at least 18 years of age and not a party to this cause. 19. At the time of service I was at least 18 years of age and not a party to this cause. 19. At the time of service I was at least 18 years of age and not a party to this cause. 19. At the time of service I was at least 18 years of age and not a party to this cause. 19. At the time of service I was at least 18 years of age and not a party to this cause. 19. At the time of service I was at least 18 years of age and not a party to this cause. 19. At the time of the town		ne parties (names and ages):	Divert te riporary care a	08 - Control of the following
or recurrence or coivel harassment). 12. THIS EMERGENCY PROTECTIVE ORDER WILL EXPIRE AT 5:00 P.M. ON: 13. To protected person: If you need protection for a longer period of time, you must request restraining orders at (court name and address): 14. Person served (name): 15. I personally delivered copies to the person served as follows: Address: 16. At the time of service I was at least 18 years of age and not a party to this cause. 17. My name, address, and telephone number are (this does not have to be server's home telephone number or address): 18. At the time of perjury under the laws of the State of California that the foregoing is true and correct. 19. At the time of perjury under the laws of the State of California that the foregoing is true and correct. 19. At the time and the person served of the server is called the foregoing is true and correct. 19. At the time of service I was at least 18 years of age and not a party to this cause. 19. At the time of service I was at least 18 years of age and not a party to this cause. 19. At the time of service I was at least 18 years of age and not a party to this cause. 19. At the time of service I was at least 18 years of age and not a party to this cause. 19. At the time of service I was at least 18 years of age and not a party to this cause. 19. At the time of service I was at least 18 years of age and not a party to this cause. 19. At the time of service I was at least 18 years of age and not a party to this cause. 19. At the time of service I was at least 18 years of age and not a party to this cause. 19. At the time of service I was at least 18 years of age and not a party to this cause. 19. At the time of service I was at least 18 years of age and not a party to this cause. 19. At the time of service I was at least 18 years of age and not a party to this cause. 19. At the time of service I was at least 18 years of age and not a party to this cause. 19. At the time of the town					.=-
13. To protected person: If you need protection for a longer period of time, you must request restraining orders at (court name and address): 14. Person served (name): 15. I personally delivered copies to the person served as follows: 16. At the time of service I was at least 18 years of age and not a party to this cause. 17. My name, address, and telephone number are (this does not have to be server's home telephone number or address): 18. Declar under penalty of perjury under the laws of the State of California that the foregoing is true and correct. 19. Calendar Day, whichever is earlier: 19. Calendar Day, whichever is earlier: 19. Calendar Day, whichever is earlier: 20. NOT COUNT DAY THE ORDER IS GRANTED 19. Calendar Day, whichever is earlier: 20. NOT COUNT DAY THE ORDER IS GRANTED 20. Calendar Day, whichever is earlier: 20. NOT COUNT DAY THE ORDER IS GRANTED 20. Calendar Day, whichever is earlier: 20. NOT COUNT DAY THE ORDER IS GRANTED 20. Calendar Day, whichever is earlier: 20. NOT COUNT DAY THE ORDER IS GRANTED 20. Calendar Day, whichever is earlier: 21. Calendar Day, whichever is earlier: 21. Calendar Day, whichever is earlier: 22. Calendar Day, whichever is earlier: 23. Calendar Day, whichever is earlier: 24. Calendar Day, whichever is earlier: 25. Calendar Day, whichever is earlier: 26. Calendar Day, whichever is earlier: 26. Calendar Day, whichever is earlier: 26. Calend	or recurrence or domest	ic violence, child abuse, chi	exist and an emergency pro id abduction, elder or depe	otective order is neces endent adult abuse, or	ssary to prevent the occurrence stalking (including workplace
request restraining orders at (court name and address): CALENDAR DAY, WHICHEVER IS EARLIER; DO NOT COUNT DAY THE ORDER IS GRANTED CALENDAR DAY, WHICHEVER IS EARLIER; DO NOT COUNT DAY THE ORDER IS GRANTED PROOF OF SERVICE 14. Person served (name): Date: Description: Date: ate: Date: Date: Date: Date: Date: Date: Date: Date: Date: Date:					25,2017
14. Person served (name): 15. I personally delivered copies to the person served as follows: 16. At the time of service I was at least 18 years of age and not a party to this cause. 17. My name, address, and telephone number are (this does not have to be server's home telephone number or address): 18. Oct 7 19. Oct 8 19. Oct 7 19. O	13. To protected person: I request restraining orde	f you need protection for a l rs at (court name and addre	onger period of time, you ress):	CALENDA	R DAY, WHICHEVER IS EARLIER:
14. Person served (name): 15. I personally delivered copies to the person served as follows: 15. I personally delivered copies to the person served as follows: 16. At the time of service I was at least 18 years of age and not a party to this cause. 17. My name, address, and telephone number are (this does not have to be server's home telephone number or address): 18. Oct 15 18. Oct 15 19. Oct			PROOF OF SERVICE		
Address: 6. At the time of service I was at least 18 years of age and not a party to this cause. 7. My name, address, and telephone number are (this does not have to be server's home telephone number or address): declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Oate: (IYPE OR PRINT NAME OF SERVER) Form Adopted for Mandatory Use Judicial Council of California EMERGENCY PROTECTIVE ORDER (CLETS) (Comestic Violence, Child Abuse, Elder or Dependent Penal Code, § 646			rven-les	30cH3	Time: Pombis
declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Oate: INDEED REPORT NAME OF SERVER) Form Adopted for Mandatory Use Judicial Council of California EMERGENCY PROTECTIVE ORDER (CLETS) (Commerced of Server) Family Code, § 8200 et a Penal Code, § 646 (Domestic Violence, Child Abuse, Elder or Dependent Penal Code, § 646	Address:	· · · · · · · · · · · · · · · · · · ·			
Date: 180c+17	17. My name, address, and	telephone number are (this	does not have to be serve	r's home telephone n	umber or address):
180c+17 (IYPE OR PRINT NAME OF SERVER) Form Adopted for Mandatory Use Judicial Council of California EMERGENCY PROTECTIVE ORDER (CLETS) (SIGNATURE OF SERVER) Family Code, § 6046 (Domestic Violence, Child Abuse, Elder of Dependent Penal Code, § 646		erjury under the laws of the	State of California that the	foregoing is true and	correct.
Form Adopted for Mandatory Use Judicial Couloid of California EMERGENCY PROTECTIVE ORDER (CLETS) Family Code, § 6200 et a Penal Code, § 646 (Domestic Violence, Child Abuse, Elder or Dependent Penal Code, § 646	Date: 180ch	17	>	w. Cro	834L
rom Adopted for Mandatory Use Judicial Council of California EMERGENCY PROTECTIVE ORDER (CLETS) Family Code, § 6200 et a EPO-001 (Rev. January 1, 2004) Format Code, § 646					(SIGNATURE OF SERVER)
	Judicial Council of California EPO-001 (Rev. January 1, 2004)	(Domestic Viole	ence. Child Abuse. Elder	or Dependent	Family Code, § 6200 et se Penal Code, § 646.

Adult Abuse, or Stalking (Workplace Violence, Civil Harassment))

STATEMENT Oakland Police D	Department 536-2	200-1 (4/13) Page	of 2. Rep	ort No.		
1. Complainant		Offense/Crime		-05478	2	
3. Name of Person Giv	ring Statement	Sex/Race/DC	-JU/PC	Complainant	Suspect	☐ Driver
4. Residence Address		mH		Reporting Person	☐ Witness	
4. Residefice Address	₫ ðai	land	City/Zip		Phone	, , ,
5Employment (Name	, Address, Phone, Occup	ation, Work Hours, Days Off) or	Supplemental Information	n if Unemployed or	Transient	
6. Statement Taken By			Serial Ņo.	Date	Time Started	- Completed
7, Location Where Stat	W. Cross	8346		1800417	2036-	2042
Par	trol vehi	'de Names, A	Addresses of Persons Pre	sent During Statemo	ent	·
		FOR VEHICLE COL				
8. License No.	State	Veh Yr. Make Model	Type Color(s	b) Drivers Lie	cense No.	State
9. Registered Owner		Address	City/Zip		Residence/Bus	iness Phone
ADMONITION:	You have the right to	o remain silent. Anything you nd have him present with you	say can be used agai	nst you in a court	of law. You hav	e the right
	one will be appointed	d to represent you before an	y questioning if you wi	sh one.		•
WAIVER:	Do you understand	each of these rights I have ex	xplained to you?	1es	Subjec	t's Initials
					-	
CITIZEN'S ARREST			DOB			·
	into custody. I will ap	bove-named defendant on the pear when notified to sign a	ne charge indicated an complaint against the	d request that a P person I have arre	eace Officer tal ested.	te him/her
	X		•			
Statement						
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