

CITY OF PINOLE
POLICE DEPARTMENT
NOTICE TO APPEAR

Misdemeanor
 Traffic Non-Traffic

64124843 4

DATE OF VIOLATION 01/17/2007		TIME 2:47 AM		DAY OF WEEK S M T W T F S		CASE NO. P07-1361	
NAME (FIRST, MIDDLE, LAST) EDUARDO PEREZ							
ADDRESS [REDACTED]							
CITY RICHMOND		STATE CA		ZIP CODE 94801			
DRIVER LIC. NO. X5431580		STATE CA		CLASS -		AGE 24	
SEX M		HAIR BRN		EYES BRN		HEIGHT 506	
WEIGHT 150		HAIR H					
VEH. LIC. NO. (3-DIGIT) [REDACTED]							
YEAR OF VEH. 1991		MAKE Ford		MODEL EXPL		BODY STYLE SVU	
COLOR BLK		STATE CA					
EVIDENCE OF FINANCIAL RESPONSIBILITY NONE							
REGISTERED OWNER OR LESSEE JOSE MARTINEZ							
ADDRESS [REDACTED]							
CITY RICHMOND		STATE CA		ZIP CODE 94806			
CORRECTABLE VIOLATION (VEH CODE, § 40610) <input type="checkbox"/> BOOKING REQUIRED (See Reverse) MISDEMEANOR OR							
YES NO OFFENSE SECTION DESCRIPTION OF VIOLATION INSCRIPTION (CIRCLE)							
<input checked="" type="checkbox"/> § 25901(A) CVC - UNL. GEN. SED. M 1							
<input checked="" type="checkbox"/> § 16028(A) CVC - PROOF LIAB M 1							
<input checked="" type="checkbox"/> § 22107 CVC - UNSAFE TURN M 1							
<input type="checkbox"/> <input type="checkbox"/> M 1							
SPEED APPROX. 10		PM/MAX SPD 5		VEH LMT 0		RADAR LASER	
PASSENGERS N		F		A			
LOCATION OF VIOLATION(S) AT FERNANDEZ AV @ SPA							
COMMENTS 24600 CVC							
<input type="checkbox"/> ACCIDENT <input type="checkbox"/> S							
<input type="checkbox"/> Violations not committed in my presence, declared on information and belief. I declare under penalty under the laws of the state of California the foregoing is true and correct.							
ARRESTING OR CIFYING OFFICER 01/17/07		SERIAL NUMBER		DAYS OFF		VACATION	
DATE		NAME OF ARRESTING OFFICER		S M T W T F S		TO	
WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW.							
<input checked="" type="checkbox"/> SIGNATURE							
WHERE: ON OR BEFORE THIS DATE: 01/17/07 TIME: 3:00 PM <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM							
WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE.							
WHERE: BEFORE A MAGISTRATE OR SUPERIOR COURT JUDGE OF THE SUPERIOR COURT, RICHMOND, 180-37TH STREET, RICHMOND, CA 94805 (510) 374-3171							
<input type="checkbox"/> TO BE NOTIFIED							
<input type="checkbox"/> YOU MAY ARRANGE WITH THE CLERK TO APPEAR AT A NIGHT SESSION OF THE COURT							
Judicial Council of California Form Rev. 09-20-05 (Veh. Code, §§ 40500(b), 40513(b), 40522, 40508; Pen Code § 853.9)							
SEE REVERSE TR-130							

Pinole Police Department Memorandum

Date: 1/17/07
To: Chief Rose
From: Officer [REDACTED]
Subject: Contact with Mayor Maria Alegria

Chief Rose,

On 1/17/2007 At 2057 Hrs, I responded to Fernandez Ave adjacent the Pear Street Bistro on a cover request from Ofc. [REDACTED] who had conducted a traffic enforcement stop there.

Upon my arrival about a minute later, I saw Ofc. [REDACTED] in a discussion with Mayor Alegria at the driver's door of the violators' vehicle. I was concerned because they were both in the street. I could not hear what they were discussing at this point.

I motioned for Ofc. [REDACTED] to bring Mayor Alegria back to my car, which he did.

Mayor Alegria appeared to be drunk by the mannerisms I saw. I know she drinks frequently at the Pear Street Bistro. I could smell the odor of an alcoholic beverage on her breath, she occasionally would slur her speech and her eyes were red and glassy in appearance.

Mayor Alegria began Berating Ofc. [REDACTED] in an angry tone. She accused him of doing "Selective Enforcement", which I took to mean he stopped the Hispanic Male driver only based on his race. Ofc. [REDACTED] was listening intently to Mayor Alegria as she rambled on about how this could affect the Depts. Appropriation of funding for new officers and equipment.

I knew that this was becoming an ugly contact, so I radioed for Sgt. [REDACTED] to respond since Mayor Alegria was intentionally interfering with Ofc. [REDACTED]'s stop.

Ofc. [REDACTED] told Mayor Alegria in a very calm and professional manner why he had stopped the driver. That the driver had committed a minor traffic violation, was going to be cited for the violation and for being an unlicensed driver. Mayor Alegria said she understood this.

At this point, Sgt. [REDACTED] had arrived so I cleared to handle details. From my perspective, Mayor Alegria was out of line, should have not interfered with Ofc. [REDACTED] stop and was attempting to use her Political position to sway Ofc. [REDACTED] from giving the driver a citation.

Ofc. [REDACTED]
[REDACTED]



CITY OF PINOLE

Police Department

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Memorandum

From: [REDACTED] Sergeant
Sent: Wednesday, January 17, 2007
To: Jim Rose, Chief of Police

Subject: Maria L. Alegria

On 01/17/07, at about 2047 hours, Officer [REDACTED] made a traffic enforcement stop on a vehicle at Fernandez Ave near the Pear Street Bistro. The driver of the vehicle was found to be unlicensed. Officer [REDACTED] advised he would be code 4 writing a traffic citation. After a few minutes into the car stop Officer [REDACTED] requested a second unit for cover. Officer [REDACTED] answered up and responded to his location.

At about 2059 hours, Officer [REDACTED] requested I respond to Fernandez Ave at San Pablo Ave. He advised me on channel six that they were having an issue with a Pinole City Council member. I arrived on scene and observed that Officer [REDACTED] was talking with Maria Alegria. Officer [REDACTED] told me he was going to clear and he left. I interrupted Maria and told Officer [REDACTED] to finish his traffic citation.

I said hello to Maria and I asked her how I could help her. She asked me if Officer [REDACTED] had to arrest the subject who he had stopped. I saw that Maria's eyes were blood shot and watery. I could also smell the odor of an Alcoholic beverage on her breath and body. Maria explained that the driver of the car was a Pear Street Bistro employee.

I knew from Officer [REDACTED] earlier radio traffic that the driver of the vehicle he stopped was unlicensed. I explained to Maria that the driver of the vehicle was unlicensed and the Officer would only be issuing the driver a traffic citation.

Maria told me that she felt there were better things for Officer [REDACTED] to be doing than stopping the unlicensed driver. I explained to her that driving with out a license is a Misdemeanor and if the driver became involved in a traffic accident it could become a more serious issue.

Maria told me that our Officers need some sensitivity training, because she was speaking Spanish to Officer [REDACTED] and he could not understand her. When she made this statement I noticed that her speech was slightly slurred. I told her that the Officer does not speak Spanish. Maria than interrupted me and explained that she was the new Mayor. I congratulated her. She than told me that she would be meeting with you and she needed to decide how the two million dollars was going to be spent. She expressed that she did not feel the money would be put to good use if our Officers were not properly trained in sensitivity. I told her that was true and I asked her if Officer [REDACTED] was insensitive to her. She told me she did not appreciate him not knowing who she was and not understanding her Spanish.

Observing that Maria appeared intoxicated and wanting to avoid an argument, I told her that the subject would be getting a citation and she did not need to concern herself about him going to jail.

I told her that I would see her at the Crab Feed and I gestured for her to go back to the Pear Street Bistro bar. Maria than walked to the front of the Patrol car, where Officer [REDACTED] was writing his ticket. I heard her tell him, "So now you know who I am."

I contacted the driver of the vehicle. He immediately apologized for being unlicensed and told me he would get his license as soon as he could. I told him he would be getting a ticket, but we would not tow his car. He thanked me and I walked back to Officer [REDACTED] location.

I saw that Maria was still talking to him and I over heard her describing her personal vehicle to him. I interrupted her and told her it was good to see her, but the Officer needed to finish his traffic stop. She said ok and slowly walked back into the bar.

After speaking to Officer [REDACTED] and getting all the details of the incident, I felt that Maria Alegria's actions were extremely inappropriate for an elected official. I had Officer [REDACTED] and Officer [REDACTED] both write Memos to you concerning this incident. (See Attached Memos and Detail Call For Service Report)

[REDACTED]
Sergeant
Pinole Police Department

I was patrolling the area of Perimeter
and the road northbound on Perimeter Ave
approaching the parking lot entrance for the rear area of the Post Street Bistro,
when a black 1990's model Ford Explorer pulled into the parking lot causing
me to brake in order to avoid a potential traffic collision. This was a clear
violation of 23107 CVC.

The legal definition of 23107 CVC states: "No person shall turn a vehicle from a
direct course or move right or left upon a roadway until such movement can be
made with reasonable safety, and then only after the giving of an appropriate
signal in the manner provided in this chapter or the manner any other vehicle may
be affected by the movement."

I initiated a traffic enforcement stop on the vehicle at the intersection of
Perimeter Ave at San Pablo Ave. Upon contacting the driver, he identified
himself as Roberto Perez with a birth date of 08/21/1981.

I informed Perez the reason for the traffic stop and told him to produce his
driver's license, proof of insurance, and registration for the vehicle. Perez told
me he did not have a driver's license and said he was just leaving work at the
Post Street Bistro. Perez told me he was a server at the restaurant.

I told Perez it was illegal to operate a motor vehicle on the public roadway
without a valid driver's license. Perez acknowledged that he understood and
apologized for not having his license. I asked Perez for his name and date of
birth and he provided the information upon request. I requested dispatch
conduct a driver's license/wants check on Perez in order to determine the status
of his license. Dispatch returned information indicating Perez was unlicensed
and issued an Arrester through the DMV. I asked Perez to stand by as I

Pinole Police Department

Memorandum

Date: 01/17/2007
To: Chief Rose
From: Ofc. [REDACTED]
Subject: CASE P07-1361 Contact with Mayor Maria L. Alegria

Chief Rose:

On 01/17/2007 at approximately 2047hrs I was patrolling the area of Fernandez Ave near the Mechanics Bank. I was traveling northbound on Fernandez Ave approaching the parking lot entrance for the rear area of the Pear Street Bistro, when a black 1990's model Ford Explorer pulled directly into my path causing me to brake in order to avoid a sideswipe traffic collision. This was a clear violation of 22107CVC.

The legal definition of 22107CVC states: No person shall turn a vehicle from a direct course or move right or left upon a roadway until such movement can be made with reasonable safety and then only after the giving of an appropriate signal in the manner provided in this chapter in the event any other vehicle may be affected by the movement.

I initiated a traffic enforcement stop on the vehicle at the intersection of Fernandez Ave at San Pablo Ave. Upon contacting the driver, he identified himself as Eduardo Perez with a birth date of 08/21/1981.

I informed Perez the reason for the traffic stop and told him to produce his driver's license, proof of insurance, and registration for the vehicle. Perez told me he did not have a driver's license and said he was just leaving work at the Pear Street Bistro. Perez told me he was a server at the restaurant.

I told Perez it was illegal to operate a motor vehicle on the public roadway without a valid driver's license. Perez acknowledged that he understood and apologized for not having his license. I asked Perez for his name and date of birth and he provided the information upon request. I requested dispatch conduct a driver's license/wants check on Perez in order to determine the status of his license. Dispatch returned information indicating Perez was unlicensed and issued an X number through the DMV. I asked Perez to stand by as I

returned to my patrol vehicle in order to write a misdemeanor traffic/notice to appear citation for driving without a valid license, no proof of financial liability, and making an unsafe turning movement.

As I returned to my vehicle, I sat down in the driver's seat and took my cite book from my patrol bag. I opened the cite book and as I did I looked up to check the vehicle I had stopped (a periodic precautionary measure) and noticed a female subject standing next to the driver's window speaking with Perez. I recognized this to be a textbook Officer safety concern.

I leaned out my door and said in a clear and concise, non-aggressive manner, "Ma'am, please step over to the sidewalk." The female looked at me and ignored my request and continued speaking to Perez. I again leaned out, thinking perhaps she could not hear me and stated in a louder, still non-aggressive voice, "Ma'am please step away from the vehicle." Again my request was met with ignorance.

At this point I did not know who she was or why she was interfering with a lawful police action, but I felt it was a safety concern.

I approached the vehicle and again stated, "Ma'am, move away from the vehicle and go to the sidewalk." She, once again ignored my request.

I told her to back away from the vehicle and go to the sidewalk. She began speaking Spanish and mentioned "nombre." I know this to mean *name* in Spanish and I said, "Do you speak English?" She looked at me with a quizzical facial expression and again said something in Spanish and "nombre."

I told her I would be happy to give her my "nombre" just as soon as I was finished with Perez. I attempted to try and explain to her that she was causing an interference in my police action and she needed to move to the sidewalk away from Perez' vehicle.

The unidentified female then stated in clear English without a Spanish accent, "I want your name and Badge number." I said, "You speak English?" and she said, "Yes." I asked her why then did she begin our conversation speaking Spanish asking for my "nombre?" She again said, "I want your business card and your name and badge number."

I had no idea how or why this was developing in this manner, but I felt an additional unit was necessary. I keyed up and said, "8Z3 start me a unit." As I said this on my radio she said, "Yeah, get another unit over here!" At this point she was becoming a hazard to my enforcement stop and directing my attention

away from my primary duty with Perez, demanding I give her my information. She was not complying with my simple request to move away from the vehicle.

I told her to go over to the sidewalk and I would be with her in a moment and I would be happy to discuss this further and she said, "Do you know who I am?" I told her I did not, and at this point it was irrelevant because she was deterring me from my primary duty and interfering with a lawful order by a peace officer.

As I was speaking to the female I noticed a distinct odor of an alcoholic beverage on her breath. Her eyes were bloodshot and watery and she was slightly slurring her words. I presumed she was a patron of the Pear Street Bistro and probably knew Perez. I asked her if she was Perez' mother and she said, "No, I'm your Mayor!"

8z1 (Ofc [REDACTED] came on scene and requested 8W1 SGT [REDACTED] respond.

At this point I now knew who she was and I asked her to please walk back to my patrol vehicle so we could discuss this further. I told her that during vehicle enforcement stops a major component of Officer safety is not allowing anyone to approach or exit the vehicle. I told her she could be handing the driver a gun for all I know. Mayor Alegria told me she was tired of the "selected enforcement we do" and that we (Police Officers) needed "sensitivity training." She appeared to be highly agitated as well as intoxicated. She also told me "This could have a negative affect on our department funding and the allotment of resources." I refused to allow myself to be taken in a direction that was not consistent with the point I was trying to make so I did not respond to that comment. At no time during our entire contact did I use inappropriate language, act unprofessionally or act unlawfully under the color of authority.

I told her my name and informed her I had stopped Perez for a blatant vehicle code violation and I do not promote or condone "selective" enforcement. I told her I really don't even know what that statement is supposed to mean or what she was inferring. She told me we needed to focus on "real criminals." I told her she was obviously and intentionally interfering with my duties and I did not appreciate it.

I told her Perez was operating a motor vehicle upon a public roadway without insurance and without a valid drivers license. I told her if Perez was involved in a motor vehicle collision and injured someone, he would not be able to provide adequate financial responsibility. I told her that it was a misdemeanor crime in the state of California to drive without a valid license and technically I could tow his vehicle and take him to jail until I could verify his identity. I told her I was not going to do that, but that it was not appropriate for her to interfere with my

police work. I also told her that by her interfering with my traffic stop, she put us both at risk. I attempted to educate her on basic Officer safety while also trying to calm her down.

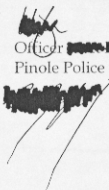
At this point Sgt [REDACTED] came on scene and instructed me to continue with my stop and he spoke to Mayor Alegria.

While I was writing the citation, Mayor Alegria approached my patrol vehicle from the drivers side, apparently after she had spoken to Sgt [REDACTED] and apologized for her role in this incident and said that "She's knows my family and knows they have a long standing relationship within this community." She also said, "now we've met and you know who I am." She said, "I drive a mustang with a sticker in the back window." I gave Mayor Alegria my business card and shook hands with her. Mayor Alegria returned to the Pear Street Bistro with no further contact.

I cited Perez for the violations he had committed and cleared the detail. I spoke with Sgt [REDACTED] and he informed me I was to create this memo.

The Mayor's behavior was unprofessional and unprovoked. At no time did I solicit her opinion regarding my traffic stop nor was she ever invited to become involved in the police action.

I take personal offense at anyone inferring any type of racism or profiling in how I conduct myself while acting in a position of authority for the City of Pinole. I would venture to say the Mayor's behavior is borderline insubordinate to the people of this community and should be evaluated by the City Council due to her defamatory comments, accusations, and statements regarding appropriation of taxpayer funds, as well as her obvious level of public intoxication and the disgrace that brings upon the City as a whole.


Officer [REDACTED]
Pinole Police Department.
[REDACTED]