



# Incident Report

Print Date/Time: 02/06/2024 12:59  
Login ID: cob1\sesparza

Berkeley Police Department  
ORI Number: CA0010300

Incident: 2021-00013969

Incident Date/Time: 3/30/2021 1:32:15 PM  
Location: 2001 ALLSTON WAY  
BERKELEY CA 94704  
Phone Number:  
Report Required: Yes  
Prior Hazards: No  
LE Case Number: 2021-00013969

Incident Type: PCVIO  
Venue: Berkeley  
Source: Officer Initiated  
Priority: 4  
Status: COLD REPORT  
Nature of Call:

## Unit/Personnel

Unit	Personnel
103	11478-Egbert

## Person(s)

No.	Role	Name	Address	Phone	Race	Sex	DOB
-----	------	------	---------	-------	------	-----	-----

## Vehicle(s)

Role	Type	Year	Make	Model	Color	License	State
------	------	------	------	-------	-------	---------	-------

## Disposition(s)

Disposition	Count
P	1

## Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
------	------	------	------	-------	-------------	---------	----------

## CAD Narrative

03/30/2021 : 13:32:30 cob1\tshaul Narrative: C4 1019/103  
03/30/2021 : 13:32:15 cob1\tshaul Narrative: APT 324

BERKELEY POLICE DEPARTMENT  
Unlawful dissemination of this  
information is a misdemeanor.  
DO NOT DUPLICATE



**BERKELEY POLICE DEPARTMENT**  
2100 Martin Luther King, Jr. Way, Berkeley, CA 94704  
TEL: (510) 981-5900, TDD: (510) 981-5799, FAX: (510) 981-5744  
EMAIL: police@cityofberkeley.info

Case # **2021-00013969**

**CASE REPORT**

BPD-100 (rev. 03-29-2013)

**DETAILS**

OCURRED INCIDENT TYPE <b>GUN WEAPON</b>	FOLLOW UP BUREAU <b>ROBBERY</b>	CRIME SCENE PERSONNEL <input type="checkbox"/>	TECH REQ. <input type="checkbox"/>	SUSPECT <input checked="" type="checkbox"/> <b>IN CUSTODY</b>
LOCATION OF OCCURRENCE <b>2001 ALLSTON Way / 324, BERKELEY</b>	NAME OF LOCATION OF OCCURRENCE			SUSPECT <input type="checkbox"/> <b>CITE RELEASE</b>
REPORTED DATE / TIME / DAY <b>03/30/2021 13:32 TUE</b>	OCCURRED FROM DATE / TIME / DAY <b>03/30/2021 13:32 TUE</b>	OCCURRED TO DATE / TIME / DAY <b>03/30/2021 13:32 TUE</b>	D.V. <input type="checkbox"/>	HATE <input type="checkbox"/>
				SUSPECT IDENTIFIED <input type="checkbox"/> <b>COMPLAINT</b>

**OFFENSES**

SECTION	STATUTE DESCRIPTION	ATTEMPT / COMMIT	COUNTS
PC 29800 (a)	Felon or addict possess a firearm	Committed	1
PC 29180 (b)	Firearm manufactured or assembled from polymer plastic; unique serial number required	Committed	1
SECTION	STATUTE DESCRIPTION	ATTEMPT / COMMIT	COUNTS
SECTION	STATUTE DESCRIPTION	ATTEMPT / COMMIT	COUNTS

**BURGLARY INFO**

**MODUS OPERANDI**

POINT OF ENTRY	METHOD OF ENTRY	<input type="checkbox"/> ACCELERANT USED	<input type="checkbox"/> DOOR KICK	<input type="checkbox"/> MASK WORN	<input type="checkbox"/> SHAVED KEY
POINT OF EXIT	METHOD OF EXIT	<input type="checkbox"/> ALARM/DISABLED	<input type="checkbox"/> EJACULATED	<input type="checkbox"/> OPEN DOOR	<input type="checkbox"/> STEER. COL. PRY
BURGLARY TOOLS	WEAPON	<input type="checkbox"/> APPROACHED FROM FRONT	<input type="checkbox"/> FIRED WEAPON	<input type="checkbox"/> OPEN WINDOW	<input type="checkbox"/> STRUCK VICTIM
		<input type="checkbox"/> APPROACHED FROM REAR	<input type="checkbox"/> FOLLOWED VICTIM	<input type="checkbox"/> ORAL COPULATE	<input type="checkbox"/> TAKEOVER
		<input type="checkbox"/> ASKED FOR CHANGE	<input type="checkbox"/> GLASS REMOVED	<input type="checkbox"/> PHONE DISABLED	<input type="checkbox"/> TILL TAP
		<input type="checkbox"/> CLOSING/OPENING TIME	<input type="checkbox"/> LOCK CHEAT	<input type="checkbox"/> POWER DISABLED	<input type="checkbox"/> USED LOOKOUT
		<input type="checkbox"/> CONVERTIBLE SLASH	<input type="checkbox"/> LOCK PRY	<input type="checkbox"/> PRY WINDOW / DOOR	<input type="checkbox"/> USED CHEMICAL
		<input type="checkbox"/> DEFECATED	<input type="checkbox"/> LOCK PUNCH	<input type="checkbox"/> ROBBERD NEAR ATM	<input type="checkbox"/> WEAPON USED
		<input type="checkbox"/> DEMAND NOTE USED	<input type="checkbox"/> LONE CLERK	<input type="checkbox"/> SECURITY CAMERA	<input type="checkbox"/> WINDOW SMASH

**SUBJECTS**

ROLE: AR - ARRESTED, SU - SUSPECT, IP - INVOLVED PARTY, OP - OTHER PARTY, VI - VICTIM, WI - WITNESS, MP - MISSING PERSON		RACE	SEX	DOB	AGE
AR	LAST, FIRST, MIDDLE, SUFFIX (OR BUSINESS NAME) <b>Lara, Rafael, Gutierrez, Jr.</b>	H	M	09/17/1977	43
ADDRESS <b>2001 ALLSTON Way, 324, BERKELEY, CA 94704-</b>		PHONE <b>(510)615-5855</b>	LICENSE <b>B4450319</b>	STATE <b>CA</b>	PFN
BUSINESS / OTHER ADDRESS		BUSINESS / OTHER PHONE	EMAIL ADDRESS		
OP	LAST, FIRST, MIDDLE, SUFFIX (OR BUSINESS NAME) <b>GOREE, LANCE, GAYLORD</b>	O	M	10/05/1961	59
ADDRESS <b>2001 ALLSTON Way, BERKELEY, CA</b>		PHONE <b>(925)250-6652</b>	LICENSE <b>N7971019</b>	STATE <b>CA</b>	PFN
BUSINESS / OTHER ADDRESS		BUSINESS / OTHER PHONE	EMAIL ADDRESS		
OP	LAST, FIRST, MIDDLE, SUFFIX (OR BUSINESS NAME) <b>PEREZLEON, MARIA, LUISA</b>	H	F	10/23/1972	48
ADDRESS <b>2001 ALLSTON Way, BERKELEY, CA</b>		PHONE <b>(510)230-8401</b>	LICENSE <b>Y4942619</b>	STATE <b>CA</b>	PFN
BUSINESS / OTHER ADDRESS		BUSINESS / OTHER PHONE	EMAIL ADDRESS		
ROLE	LAST, FIRST, MIDDLE, SUFFIX (OR BUSINESS NAME)	RACE	SEX	DOB	AGE
ADDRESS	PHONE	LICENSE	STATE	PFN	
BUSINESS / OTHER ADDRESS	BUSINESS / OTHER PHONE	EMAIL ADDRESS			

**UNIDENTIFIED SUSPECTS**

**VEHICLES**

ROLE: S - STOLEN, R - RECOVERED, D - DAMAGED, E - EVIDENCE, SU - SUSPECT IN INVOLVED, RO - REGISTERED OWNER, O - OTHER						STYLE	VEHICLE TYPE
ROLE	PLATE	STATE	YEAR	MAKE	MODEL		
COLOR TOP	COLOR BOTTOM	VIN	DESCRIPTION				
ROLE	PLATE	STATE	YEAR	MAKE	MODEL	STYLE	VEHICLE TYPE
COLOR TOP	COLOR BOTTOM	VIN	DESCRIPTION				
REPORTING OFFICER <b>Egbert, Neil #103</b>						DATE / TIME WRITTEN <b>03/31/2021 18:17</b>	REVIEWED BY SUPERVISOR <b>Bonaventure, Chris</b>
						04/01/2021 00:10	PAGE <b>1 of 4</b>



**BERKELEY POLICE DEPARTMENT**  
2100 Martin Luther King, Jr. Way, Berkeley, CA 94704  
TEL: (510) 981-5900, TDD: (510) 981-5799, FAX: (510) 981-5744  
EMAIL: police@cityofberkeley.info

Case # **2021-00013969**

**PROPERTY / EVIDENCE**

BPD-105 (rev. 03-29-2013)

**PROPERTY / EVIDENCE**

(CODE: D - DAMAGED, DE - DESTRUCTION, E - EVIDENCE, F - FOUND, R - RECOVERED, K - SAFEKEEPING, SF - SEARCH WAR, FEL, SM - SEARCH WAR, MSD, S - STOLEN)

CODE	QUANTITY	UNIT OF MEASURE	PROPERTY TYPE	SERIAL NUMBER	VALUE
E	1	EACH	Digital Audio		

DESCRIPTION

PHONE CALL WITH PEREZLEON

CODE	QUANTITY	UNIT OF MEASURE	PROPERTY TYPE	SERIAL NUMBER	VALUE
E	1	EACH	Digital Audio		

DESCRIPTION

PHONE CALL WITH GOREE

CODE	QUANTITY	UNIT OF MEASURE	PROPERTY TYPE	SERIAL NUMBER	VALUE

DESCRIPTION

CODE	QUANTITY	UNIT OF MEASURE	PROPERTY TYPE	SERIAL NUMBER	VALUE

DESCRIPTION

CODE	QUANTITY	UNIT OF MEASURE	PROPERTY TYPE	SERIAL NUMBER	VALUE

DESCRIPTION

CODE	QUANTITY	UNIT OF MEASURE	PROPERTY TYPE	SERIAL NUMBER	VALUE

DESCRIPTION

CODE	QUANTITY	UNIT OF MEASURE	PROPERTY TYPE	SERIAL NUMBER	VALUE

DESCRIPTION

CODE	QUANTITY	UNIT OF MEASURE	PROPERTY TYPE	SERIAL NUMBER	VALUE

DESCRIPTION

CODE	QUANTITY	UNIT OF MEASURE	PROPERTY TYPE	SERIAL NUMBER	VALUE

DESCRIPTION

CODE	QUANTITY	UNIT OF MEASURE	PROPERTY TYPE	SERIAL NUMBER	VALUE

DESCRIPTION

CODE	QUANTITY	UNIT OF MEASURE	PROPERTY TYPE	SERIAL NUMBER	VALUE

DESCRIPTION

CODE	QUANTITY	UNIT OF MEASURE	PROPERTY TYPE	SERIAL NUMBER	VALUE

DESCRIPTION

CODE	QUANTITY	UNIT OF MEASURE	PROPERTY TYPE	SERIAL NUMBER	VALUE

DESCRIPTION

CODE	QUANTITY	UNIT OF MEASURE	PROPERTY TYPE	SERIAL NUMBER	VALUE

DESCRIPTION

**FIREARMS**

(CODE: D - DAMAGED, DE - DESTRUCTION, E - EVIDENCE, F - FOUND, R - RECOVERED, K - SAFEKEEPING, SF - SEARCH WAR, FEL, SM - SEARCH WAR, MSD, S - STOLEN)

CODE	MAKE / MODEL	GUN TYPE	CALIBER	FINISH	SERIAL NUMBER

CODE	MAKE / MODEL	GUN TYPE	CALIBER	FINISH	SERIAL NUMBER

CODE	MAKE / MODEL	GUN TYPE	CALIBER	FINISH	SERIAL NUMBER

CODE	MAKE / MODEL	GUN TYPE	CALIBER	FINISH	SERIAL NUMBER

REPORTING OFFICER	DATE / TIME WRITTEN	REVIEWED BY SUPERVISOR	PAGE
Egbert, Neil #103	03/31/2021 18:17	Bonaventure, Chris	2 of 4

**BERKELEY POLICE DEPARTMENT**

2100 Martin Luther King, Jr. Way, Berkeley, CA 94704

TEL: (510) 981-5900, TDD: (510) 981-5799, FAX: (510) 981-5744

EMAIL: police@cityofberkeley.info

Case # **2021-00013969****REPORT NARRATIVE**

BPD-108 (rev. 03-29-2013)

**NARRATIVE****SUMMARY:**

On 03/30/2021, I was contacted State Parole who advised me that they believed Rafael Lara (DOB: 09/17/1977, PFN: BER663) was in illegal possession of a firearm at his apartment, 2001 Allston Way #324. Lara was arrested by BPD on 03/19/2021 for PC 211, PC 594(a)(2), HS 11377(a), and PC 3056 (BPD Case #21-11143) and is currently still in custody. A records check of Lara shows him to be a convicted felon.

After speaking with Parole, I spoke with the Property Manager of Lara's building who advised that Lara had made a call, from Santa Rita Jail, to an employee at the building asking them to hide something. The employee asked Lara if he had a gun and Lara responded "I am sorry, forgive me". The Property Manager entered Lara's apartment after being notified, saw what he believed to be a firearm in plain view, and took a photograph that he sent to Parole.

Based on the information obtained, a search warrant was authored and approved. Upon execution of the search warrant, an un-serialized 9mm semiautomatic firearm was found. The firearm had an empty chamber and 4 rounds loaded into the magazine.

Lara was re-arrested at Santa Rita Jail for PC 29800(a)(1) – Felon in possession of a firearm and PC 29180(c) – Possession of an un-serialized firearm.

**INVESTIGATION:**

On 03/30/2021, I was contacted by Parole Agent Justin VanEmmerik regarding Rafael Lara (DOB: 09/17/1977, PFN: BER663). I was familiar with Lara as I had arrested him on 03/19/2021 for PC 211, PC 594(a)(2), HS 11377(a), and PC 3056 (BPD Case #21-11143). Lara is currently still in custody at Santa Rita Jail for the above case. VanEmmerik advised me that he was contacted today by Lance Goree, property manager of YMCA Residences, 2001 Allston Way, where Lara lives. Goree advised VanEmmerik that he had gone into Lara's unit and located a firearm, which he took a photograph of and sent to VanEmmerik (See Attachment A).

After speaking to VanEmmerik, I contacted Goree via telephone who provided me the following statement in summary:

*Goree advised me that Lara lives in apartment #324 by himself and has lived there since approx. January of 2020. Goree stated that on the day Lara was arrested for my previous case, he called the front desk regarding his cat, which was in his apartment. Goree stated that an employee entered Lara's residence, retrieved the cat, and called BPD whom took the cat to the Animal Shelter. Goree said that when the employee entered the apartment they noticed that there was a lot of food which had just been cooked and was out. Due to this, Goree said he had a housekeeper enter Lara's apartment on 03/22/2021 to throw away all of the food that was out. Goree then advised me that he learned yesterday that Lara had called the front desk from Santa Rita Jail and spoke to an employee "Maria". Lara told "Maria" that if she found his gun inside of his apartment to get rid of it. Goree was notified of this conversation on 03/29/2021, which prompted him to enter the apartment today. Goree said once inside the apartment he saw the firearm, in a holster, in plain view on a desk. Goree said he touched the firearm to move it to see what was under the firearm. After taking a photograph of the firearm, Goree exited the apartment and secured it. Goree advised he had no problem consenting to a DNA Buccal Swab.*

Please refer to the audio recorded conversation for further.

I contacted Maria PerezLeon via telephone and she told me the following in summary:

*PerezLeon said that Lara called the YMCA 3-4 times on either 03/14/2021 or 03/15/2021. PerezLeon said that Lara once asked her to call someone who could come move his car and then on another call asked PerezLeon if she could hide something in his apartment and PerezLeon asked Lara if he had a gun. PerezLeon said Lara responded I am sorry, forgive*

REPORTING OFFICER

Egbert, Neil #103

DATE / TIME WRITTEN

03/31/2021 18:17

REVIEWED BY SUPERVISOR

Bonaventure, Chris

04/01/2021 00:10

PAGE

3 of 4



**BERKELEY POLICE DEPARTMENT**  
2100 Martin Luther King, Jr. Way, Berkeley, CA 94704  
TEL: (510) 981-5900, TDD: (510) 981-5799, FAX: (510) 981-5744  
EMAIL: police@cityofberkeley.info

Case # **2021-00013969**

## REPORT NARRATIVE

BPD-108 (rev. 03-29-2013)

### NARRATIVE

me. PerezLeon said she told Lara she would not go into his apartment and touch/hide anything.

Please refer to the audio recorded conversation for further.

Records showed Lara to currently be on Parole for PC 212.5(c). Additionally, Lara has numerous prior felony convictions for crimes such as VC 10851(a), HS 11379(a), PC 594(a), PC 245(a)(1), and PC 211, which prohibit him from owning/possessing a firearm.

I later authored and was granted, by the Honorable Judge Gail Bereola, a search warrant for Lara's apartment.

At approx. 1604 hours, Lt. Lindenau, Sgt. Lindenau, and Det. Muniz served the search warrant. Sgt. Lindenau located numerous pieces of indicia for Lara, which he photographed, a Berkeley Fire Department ID card not belonging to Lara, and a 9mm semiautomatic handgun, which was loaded with 4 rounds and an empty chamber. The firearm appeared to be a "Ghost Gun" and had no serial numbers.

Please refer to Sgt. Lindenau's supplemental report for further.

Based on the fact that Lara is a convicted felon in possession of an un-serialized firearm, I believe him to be in violation of PC 29800 – Felon in possession of a firearm and PC 29180(c) – Possession of an un-serialized firearm.

I contacted Santa Rita Jail and had Lara re-booked for the above listed charges.

I am forwarding this case to the Deputy District Attorney and am respectfully requesting prosecution for the above listed crimes.

BERKELEY POLICE DEPARTMENT  
Unlawful dissemination of this  
information is a misdemeanor.  
DO NOT DUPLICATE

REPORTING OFFICER	DATE / TIME WRITTEN	REVIEWED BY SUPERVISOR	PAGE
Egbert, Neil #103	03/31/2021 18:17	Bonaventure, Chris	4 of 4