



CITY OF OAKLAND  
**newsrelease**  
Office of the City Attorney

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**FOR IMMEDIATE RELEASE**

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## **Oakland sues 24-year-old Elk Grove man for vandalism during “Occupy Oakland” demonstration**

OAKLAND, CA – Today City Attorney Barbara Parker announced the filing of a complaint for damages against an Elk Grove man who was arrested during a wave of vandalism and destruction associated with a November 2, 2011 Occupy Oakland demonstration.

Oakland police arrested Cesar Aguirre (DOB 11/5/87) after officers witnessed him smashing the windows of a public building in City Hall plaza with a metal chair in the early morning hours of November 3. Oakland’s Neighborhood Law Corps – the community law unit in the City Attorney’s Office – filed the lawsuit against Aguirre to recover damages last week.

On a number of occasions in recent years, peaceful protests in Oakland have been marred by small groups of people who use the crowd as cover to vandalize public buildings, trash businesses, set fires and lash out in other destructive ways.

“The City of Oakland is not a wealthy municipal government,” Parker said. “Not only does this behavior show profound disrespect for local businesses and residents who suffer when the City has to expend scarce resources to repair vandalized property, it shows real disdain for our city’s long tradition of peaceful protest and dissent, and undermines the legitimate goal of addressing economic injustice.”

As evidence becomes available, the City Attorney’s Office will continue to review other vandalism cases related to Occupy Oakland demonstrations, and will file more lawsuits to recover damages from individuals in actionable cases. The goals of these actions are twofold: (1) To assure that taxpayers do not have to shoulder replacement and repair costs for vandalism, and (2) To deter wanton destructive acts during future protests by holding individuals accountable for their behavior.

The lawsuit filed February 27 against Aguirre (Superior Court Case #RG12618915) states that at about 1 a.m. on November 3, Aguirre walked from the center of City Hall plaza to the front of the Internal Affairs and Recruiting office carrying a red, metal folding chair. Aguirre swung the chair several times, breaking the windows, and then repeatedly swung the chair into the glass door of the building, smashing the glass and hitting the board behind the glass door. He then put down the chair and rammed his body against the board several times, attempting to gain entry to the building.

The complaint seeks \$6,654.63 in damages to cover the cost of repairs, plus other costs to the City to secure the building. Because Aguirre damaged the public’s property intentionally and with malice, the City also is entitled to punitive damages under the law.

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