



**Berkeley Branch NAACP
P.O. Box 613
Berkeley, CA. 94701**

December 15, 2017

Nancy O'Malley
Alameda County District Attorney's Office
1225 Fallon St #900
Oakland, CA 94612

RE: Request for Investigation and Guidance regarding Fraudulent Personnel Actions

Dear District Attorney O'Malley Esq:

My name is Mansour Id-Deen. I am President of the Berkeley Chapter of the NAACP. Since April of 2015 my office has been investigation issue of racism, discrimination, and desperate treatment regarding the African American Employees of the Berkeley Unified School District. In addition to employment matters, many employees have opined that they are in fact being disciplined and displaced under false pretenses.

It has been conveyed to me that some Berkeley Unified School District employees have reached out to your office for relief regarding these issues. I am sad to report this issue is an epidemic that permeates not only the administration of Berkeley Unified School District but also the legal counsel as well. The issues also bring to light how funds are appropriated or misappropriated. This is extremely important as a school district is a public entity who is accountable to tax payers.

In the current matrix and system there is nothing in the Education Code that protects teachers and employees from this kind of abuse. Penal Code 134 as its stands has only been invoked in 1 case in an educational setting. (People v. Clark;1977; [72 Cal. App. 3d 82]). This goes to the fundamental issue of due process of law, and the lack of deterrents for this kind of abuse. The holding in People v Clark states the following:

"In the instant case the language of Penal Code section 134 clearly covers administrative proceedings instituted pursuant to section 24315 of the Education Code. Section 134 of the Penal Code applies to matters intended to be produced at "any trial, proceeding, or inquiry whatever, authorized by law." The Legislature in addition to providing that this section apply to full-scale trials, provides a penalty for falsely produced material at other proceedings or inquiries "authorized by law," which plainly need not be full-scale trials." (People v. Clark;1977; [72 Cal. App. 3d 82])

"[3] This statute must also be construed to effectuate the purpose of the law. (Moyer, supra, 10 Cal. 3d 222; Select Base Materials v. Board of Equal., 51 Cal. 2d 640, 645 [335 P.2d 672].)

Interpretation of the Penal Code section shows that its objective is to prevent the fraudulent introduction of material in a proceeding under the authority of law. To apply the Penal Code section to inquiry proceedings is necessitated by the purpose of discouraging introduction of this material." ((People v. Clark;1977; [72 Cal. App. 3d 82)

Article 1 section 7a of the California Constitutions stipulates that "(a) A person may not be deprived of life, liberty, or property without due process of law or denied equal protection of the laws; ...(1) except to remedy a specific violation by such party that would also constitute a violation of the Equal Protection Clause of the 14th Amendment to the United States Constitution, and (2) unless a federal court would be permitted under federal decisional law to impose that obligation or responsibility upon such party to remedy the specific violation of the Equal Protection Clause of the 14th Amendment of the United States Constitution."

Not only are teachers and employees losing their jobs under false pretenses, they are being denied their constitutional right to due process and equal protection under the law. Needless to say, there will be many more complaints to your office on this issue. The unjust and unlawful damage to employees who have lost the property interest in their jobs, is a total miscarriage of justice.

There is nothing more sacrosanct than the integrity of the public education system. An honest and just public education system tends to yield an honest and just community. I look forward to hearing from your office in an effort to resolve this important issue.

Sincerely,

A handwritten signature in blue ink, appearing to read 'ME', with a long horizontal flourish extending to the right.

Mansour Id-Deen,
Berkeley Branch of the NAACP