



CITIZENS' POLICE REVIEW BOARD

Meeting of Thursday, November 12, 2015 - 6:15 P.M.

**City Council Chambers, Third Floor
ONE FRANK H. OGAWA PLAZA, OAKLAND, CALIFORNIA
(510) 238-3159**

Attachments

- | | | | |
|-------|---|--------------|---|
| I. | Call to Order | | |
| II. | Roll Call | | |
| III. | Minutes | | |
| | A. October 22, 2015 | | 1 |
| IV. | Open Forum | (10 minutes) | |
| V. | Director's Report | (5 minutes) | 2 |
| | A. Announcements | | |
| | B. Pending Cases as of November 5, 2015 | | |
| VI. | Presentation – Oakland Police Department Communications (20 minutes)
(OPD Communications Supervisor Regina Harris) | | |
| VII. | Agenda | | |
| VIII. | Closed Session: New Business | (90 minutes) | |
| | A. Cases Proposed for Administrative Closure / Pursuant to Ordinance
No. 12454 C.M.S. section 6, paragraph G subsection 9, hearing would
not facilitate the fact-finding process and that no good cause is shown for
further action. | | |

1. Based on the findings of the investigation

Case No. 14-0028, Jacob Crawford and David Morse

- a. Complainant's Comment
- b. Staff Report
- c. Discussion
- d. Action

Complainants allege that OPD officers issued them traffic citations for running a red light for the purpose of harassing them for participating in political demonstrations and determining their identities; that the Complainants did not run a red light and therefore should not have been issued citations; and that the citations were issued by officers who did not directly witness them allegedly run a red light, but who relied on the basis of statements by another officer.

Rationale for administrative closure – The CPRB staff recommends administrative closure of this complaint with a finding of **No Finding** to the allegation. An allegation that constitutional rights of protestors and journalists may be being violated by Oakland Police Department as a whole by allegedly selectively enforcing traffic laws is understood to be a very serious one. However, upon careful review and consideration, it is felt that this allegation of a department policy aimed at political demonstrators by selective enforcement of traffic laws calls for a legal opinion which the Courts must decide brought by the affected parties. Any pursuit or demonstration made in this matter by the CPRB would otherwise put the CPRB in a private prosecutorial or judicial position. In this case, Complainants did file suit and then reached a financial settlement without taking the case through the court system to determine these issues. It is felt that it was not an appropriate role for the CPRB to move forward where Complainants left off in pursuit of these issues, after Complainants' unknown reasons to stop pursuing this allegation in their civil lawsuit.

Case No. 14-0366, Warren A. Aviles

- a. Complainant's Comment
- b. Staff Report
- c. Discussion
- d. Action

Complainant alleged that the OPD officers illegally entered onto his girlfriend's property and arrested him. This bifurcated case was originally brought to the CPRB with a recommended administrative closure as to the subject officers except for one subject officer on April 9, 2015. The case was tolled based two grounds; Government Code section 3304(d)(5) and 3304(d)(7).

Rationale for administrative closure – The CPRB staff recommends administrative closure of this complaint with a finding of **No Jurisdiction** to allegations #3, and #5- #8 as the subject officer is no longer a City of Oakland Police Officer.

Case No. 14-0854, Scott Olsen and Rubi Ruelas

- a. Complainant's Comment
- b. Staff Report
- c. Discussion
- d. Action

Complainant Scott Olsen alleged that his friend Complainant Rubi Ruelas, was falsely detained and arrested for interfering with the subject officer's traffic stop investigation.

Rationale for administrative closure – The CPRB staff recommends administrative closure of this complaint with a finding of **Exonerated** to allegation as the investigation revealed that the act or acts which provided the basis for the complaint occurred; however, the acts were justified, lawful and proper.

Case No. 14-1003, Emanuel Davis

- a. Complainant's Comment
- b. Staff Report
- c. Discussion
- d. Action

Complainant alleged that the OPD officers arrested the wrong person for battery of his fiancée. Complainant alleged that OPD officers opened his car door illegally, pulled him out of the car, and slammed him to the ground. Complainant stated the officers never allowed him to tell his side of the story. Complainant stated the handcuffs were put on too tight and the police laughed at him and wrote a false report about the incident.

Rationale for administrative closure – The CPRB staff recommends administrative closure of this complaint with a finding of **Exonerated** to allegations #1, #2, #4, and #5 as the investigation revealed that the act or acts which provided the basis for the complaint occurred; however, the acts were justified, lawful and proper.

Rationale for administrative closure – The CPRB staff recommends administrative closure of this complaint with a finding of **Unfounded** to allegations # 3 and #6 as the investigation disclosed sufficient evidence to determine that the alleged conduct did not occur.

Case No. 15-0142, Taurus Johnson

- a. Complainant's Comment
- b. Staff Report

- c. Discussion
- d. Action

Complainant alleged that the OPD officers “hit him upside the head” and “they got a little abusive”.

Rationale for administrative closure – The CPRB staff recommends administrative closure of this complaint with a finding of **Unfounded** to the allegation as the investigation disclosed sufficient evidence to determine that the alleged conduct did not occur.

- B. Evidentiary Hearing, CPRB Case #14-1024, Complainant Kendall Anderson
Report of Investigation
 - 1. Public Comment Prior to the Commencement of the Hearing
 - 2. Closed Hearing
 - 3. Closed Session Deliberations

C. Pending Cases for Administrative Hearing Discussion

- XII. Open Session
Disclosure of non-confidential closed session matters (5 minutes)
- XIII. Adjournment

NOTE: Meetings of the Citizens’ Police Review Board are accessible. Individuals requesting alternate format materials and/or auxiliary aids and services must do so no later than five working days before the scheduled meeting date, otherwise it may not be possible to arrange a specific accommodation. Such requests should be addressed to the Citizens’ Police Review Board, 250 Frank H. Ogawa Plaza, 6th Floor, Suite 6302, Oakland, CA 94612, or by telephone by calling (510) 238-3159 ; TTY/TDD (238-2007).

Because some persons are sensitive to certain chemicals, persons attending this meeting are requested to refrain from wearing scented products.

CPRB MISSION STATEMENT

The Citizens’ Police Review Board strives to provide the community with a public forum to voice its concerns on policy matters and individual cases alleging police misconduct, through a mechanism of independent, impartial, fair, and transparent civilian oversight.