



CITIZENS' POLICE REVIEW BOARD

Meeting of Thursday, December 10, 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 – November 12, 2015	1
November 18, 2015	2
IV. Open Forum	(10 minutes)
V. Director's Report	(5 minutes) 3
A. Announcements	
B. Pending Cases as of December 5, 2015	
VI. Strategic Plan Report	(5 minutes) 4
VII. CPRB Special Committee Reports	(10 minutes) 5
A. Outreach Planning	
1. General Updates	
2. Next Meeting	
B. Transparency and Legislation	
1. General Updates	
2. Next Meeting	
VIII. Action – Bylaws – Article XI, Section 4	(30 minutes) 6
A. Discussion	
B. Public Comment	
C. Action	
IX. Discussion – Recognition for past Board Members	(15 minutes) 7
(Commissioner L. Brisco)	
A. Discussion	
B. Public Comment	

- X. Discussion – CPRB Name Change (10 minutes)
(Commissioner A. Yihdego)
 - A. Discussion
 - B. Public Comment

- XI. Discussion – Board Membership/Attendance (10 minutes)
(Commissioner T. Cameron)
 - A. Discussion
 - B. Public Comment

- XII. 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.

The CPRB staff recommends administrative closure of this complaint on the basis a hearing would not facilitate the fact-finding process and that no good cause has been shown for further action.

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.

The CPRB staff recommends administrative closure of this complaint on the basis a hearing would not facilitate the fact-finding process and that no good cause has been shown for further action.

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.

The CPRB staff recommends administrative closure of this complaint on the basis a hearing would not facilitate the fact-finding process and that no good cause has been shown for further action.

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.

The CPRB staff recommends administrative closure of this complaint on the basis a hearing would not facilitate the fact-finding process and that no good cause has been shown for further action.

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.

The CPRB staff recommends administrative closure of this complaint on the basis a hearing would not facilitate the fact-finding process and that no good cause has been shown for further action.

Case No. 15-0135, Gina Granum

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

Complainant alleged that the OPD officers hit her on the head, unbuttoned her pants, was unlawfully searched, and inappropriately searched by an officer.

Rationale for administrative closure – The CPRB staff recommends administrative closure of this complaint with a finding of **Unfounded** to allegations #1, #2, and #5 as the investigation disclosed sufficient evidence to determine that the alleged conduct did not occur.

Rationale for administrative closure – The CPRB staff recommends administrative closure of this complaint with a finding of **Exonerated** to allegations #3 and #4 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.

The CPRB staff recommends administrative closure of this complaint on the basis a hearing would not facilitate the fact-finding process and that no good cause has been shown for further action.

Case No. 15-0231, Aminah Adcock

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

Complainant alleged that her son was unlawfully arrested and her residence was illegally searched as a result of a search warrant. Complainant also alleged that her residence was damaged during the search and that she and her son had to sit outside in the cold because an officer would not allow her to retrieve a jacket from the house.

Rationale for administrative closure – The CPRB staff recommends administrative closure of this complaint with a finding of **Exonerated** to allegations #1, #2, 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 **No Manual of Rules Violation** to allegations #3 and #5 as the investigation revealed that the act or acts which provided the basis for the complaint did not rise to the level of a Manual of Rules Violation.

Rationale for administrative closure – The CPRB staff recommends administrative closure of this complaint with a finding of **No Jurisdiction** to allegation #4 as the investigation revealed that the act or acts which provided the basis for the complaint occurred; however, they were caused by an officer from another agency.

The CPRB staff recommends administrative closure of this complaint on the basis a hearing would not facilitate the fact-finding process and that no good cause has been shown for further action.

Case No. 14-0996, Terrance McNaulty

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

Complainant alleged that OPD officers were condescending while they belittled and attempted to intimidate him. Complainant also alleges that an OPD officer was untruthful regarding the status of a case where the complainant was a victim.

Rationale for administrative closure – The CPRB staff recommends administrative closure of this complaint with a finding of **Not Sustained** to the allegations as the investigation did not disclose sufficient evidence to determine whether or not the alleged conduct occurred.

The CPRB staff recommends administrative closure of this complaint on the basis a hearing would not facilitate the fact-finding process and that no good cause has been shown for further action.

Case No. 15-0031, Dawn Davis

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

Complainant alleged that OPD officers 'kidnapped' her daughter with force; that officers threw her daughter in the police car, and held guns to her head; that an officer failed to take a police report regarding the alleged kidnapping; that officers failed to take her complaint; and that OPD officers have threatened to kill all the members of her family.

Rationale for administrative closure – The CPRB staff recommends administrative closure of this complaint with a finding of **Exonerated** to allegations #1 and #2 as the investigation disclosed sufficient evidence to determine that officers did not kidnap Complainant's daughter, but did take her into custody and that she was informed of the reasons, and that the conduct was justified under the law and/or OPD policy.

The CPRB staff recommends administrative closure of this complaint with a finding of **Not Sustained** to allegation #3 as the investigation did not disclose sufficient evidence to determine whether or not the alleged conduct occurred.

The CPRB staff recommends administrative closure of this complaint with a finding of **No Finding** to allegations #4 and #7 as insufficient information was provided to the Citizens' Police Review Board Investigator or could be obtained by the Citizens' Police Review Board Investigator to examine this issue.

The CPRB staff recommends administrative closure of this complaint with a finding of **Unfounded** to allegations #5 and #6 as the investigation disclosed sufficient evidence to determine that the alleged conduct did not occur.

The CPRB staff recommends administrative closure of this complaint on the basis a hearing would not facilitate the fact-finding process and that no good cause has been shown for further action.

Case No. 15-0032, Dawn Davis

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

Complainant alleged that OPD officers improperly searched her home and that they threatened to kill all the members of her family. The Complainant also alleged OPD officers improperly detained her and her family, filmed her young daughters in their panties, and touched their buttocks, damaged her home and refused to provide their names to her.

Rationale for administrative closure – The CPRB staff recommends administrative closure of this complaint with a finding of **Exonerated** to allegations #1 and #8 as the investigation disclosed sufficient evidence to determine that the act or acts which provided the basis for the complaint occurred, however, the acts were justified, lawful and/or proper and not violations under law and/or departmental policy.

The CPRB staff recommends administrative closure of this complaint with a finding of **No Finding** to allegations #3, #4, #5, #6, #9, #10 and #11 as insufficient information was provided to the Citizens' Police Review Board Investigator or could be obtained by the Citizens' Police Review Board Investigator to examine this issue.

The CPRB staff recommends administrative closure of this complaint with a finding of **Unfounded** to allegations #2 and #7 as the investigation disclosed sufficient evidence to determine that the alleged conduct did not occur.

The CPRB staff recommends administrative closure of this complaint on the basis a hearing would not facilitate the fact-finding process and that no good cause has been shown for further action.

Case No. 14-1028, Barbara Katayama

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

Complainant alleges that she was falsely arrested by OPD officers, that she was injured because the handcuffs were too tight, and that she was arrested because she is black.

Rationale for administrative closure – The CPRB staff recommends administrative closure of this complaint with a finding of **Exonerated** to allegation #1 and as the investigation disclosed sufficient evidence to determine that the act or acts which provided the basis for the complaint occurred, however, the acts were justified, lawful and/or proper and not violations under law and/or departmental policy.

The CPRB staff recommends administrative closure of this complaint with a finding of **Not Sustained** to allegation #2 as the investigation did not disclose sufficient evidence to determine whether or not the alleged conduct occurred.

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

The CPRB staff recommends administrative closure of this complaint on the basis a hearing would not facilitate the fact-finding process and that no good cause has been shown for further action.

B. Pending Cases for Administrative Hearing Discussion

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