



CITIZENS' POLICE REVIEW BOARD

Meeting of Thursday, January 14, 2016 - 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 – December 10, 2015	1
IV. Open Forum	(10 minutes)
V. Director's Report A. Announcements B. Pending Cases as of January 7, 2016	(5 minutes) 2
VI. Comments from the Chair	(5 minutes) 3
VII. Comments from the Vice-Chair	(5 minutes) 4
VIII. CPRB Special Committee Reports A. Outreach Planning 1. Comments from the Chair 2. Next Meeting B. Transparency and Legislation 1. General Updates 2. Next Meeting	(10 minutes)
IX. Discussion – Recognition for past Board Members (Commissioner L. Brisco) A. Discussion B. Public Comment	(15 minutes) 5
X. Closed Session: New Business A. Cases Proposed for Administrative Closure / Pursuant to Ordinance No. 12454 C.M.S. section 6, paragraph G subsection 9, hearing would	(90 minutes)

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. 15-0140. Andre Tatum

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

Complainants allege that an OPD officer used excessive force by striking him in the back of his head with a closed fist.

Rationale for administrative closure – The CPRB staff recommends administrative closure of this complaint with a finding of **Unfounded** to the allegation as the investigation revealed that the act or acts complained of 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. 15-0125, Deandre Currington and Kristy Zhang

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

Complainants alleged that an OPD officer improperly used force against them, improperly handcuffed them, was rude and cursed at them, as well as was threatening and intimidating towards them.

Rationale for administrative closure – The CPRB staff recommends administrative closure of this complaint with a finding of **Unfounded** to allegations #1, and #6 as the investigation revealed that the act or acts complained of did not occur.

The CPRB staff recommends administrative closure of this complaint with a finding of **Exonerated** to allegations #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.

The CPRB staff recommends administrative closure of this complaint with a finding of **Sustained** to allegation #3 as the investigation disclosed sufficient evidence to determine that some of the alleged conduct did occur and was in violation of law and/or Oakland Police Department rules, regulations, or policies, specifically MOR 314.07 – Conduct Towards Others – Demeanor.

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. 15-0173, David Ortiz-Tabullo, Rita Cardenas, Hermalinda Nuño, and two minors

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

Complainant alleged that OPD officers along with Alameda County Sheriffs' Office conducted an improper search of their home, destroyed their property during the search, were rude to them, discriminated against them because they are Hispanic, improperly handcuffed and searched them, interrogated them, lied to them, pointed guns at them and failed to show them a copy of the search warrant.

Rationale for administrative closure –The CPRB staff recommends administrative closure of this complaint with a finding of **Unfounded** to allegations #1 -#9, and #11 as the investigation revealed that the act or acts complained of did not occur.

The CPRB staff recommends administrative closure of this complaint with a finding of **No Duty** to allegations #10 as the law of California does not require law enforcement/police to show a search warrant to the Complainants.

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. 15-0259, John Anderson

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

Complainant alleged that an OPD officer threatened an acquaintance of his by leaving a threatening voice mail recording for the acquaintance.

Rationale for administrative closure –The CPRB staff recommends administrative closure of this complaint with a finding of **No MOR Violation** to the allegation.

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. 15-0109, Jerry Mean

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

Complainant alleged that OPD officers deployed their Electronic Control Weapons (tasers) and a firearm while taking the complainant into custody. The purpose of this investigation is to evaluate the use of force and determine if the appropriate level of force was used in this incident.

Rationale for administrative closure –The CPRB staff recommends administrative closure of this complaint with a finding of **Exonerated** to each use of force as described in allegations #1 – #6, 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.

B. Pending Cases for Administrative Hearing Discussion

C. Response from City Administrator – Case #14-1024

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