



# CITIZENS' POLICE REVIEW BOARD

## Meeting of Thursday, January 28, 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 – January 14, 2016 1
- IV. Open Forum (10 minutes)
- V. 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. 15-0119. Carolyn Fields

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

Complainant alleged that an OPD officer pushed her against the police car and applied handcuffs too tightly to her wrists.

**Rationale for administrative closure** – The CPRB staff recommends administrative closure of this complaint with a finding of **Unfounded** to allegation #1 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 **Not Sustained** to allegation #2 as the investigation failed to disclose a preponderance of the evidence to either prove or disprove the allegation made in the complaint.

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. 15-0147, Marcus Braud

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

Complainant alleged that an OPD officer racially profiled him; that he was illegally handcuffed; and that he was illegally searched.

**Rationale for administrative closure** – The CPRB staff recommends administrative closure of this complaint with a finding of **Unfounded** to allegation #1 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 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 **Not Sustained** to allegation #3 as the investigation failed to disclose a preponderance of the evidence to either prove or disprove the allegation made in the complaint.

The CPRB staff recommends administrative closure of this complaint with a finding of **Sustained** to allegation #4 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 314.29 – Unintentional/Improper Search, Seizure or Arrest.

The CPRB staff recommends administrative closure of this complaint with a finding of **Sustained** to allegation #5 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 285.14 – Supervisors – Authority and Responsibilities – Supervision.

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. 15-0161, James Berk

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

Complainant alleged that OPD officers used excessive force on him.

**Rationale for administrative closure** –The CPRB staff recommends administrative closure of this complaint with a finding of **Not Sustained** to the allegation as the investigation failed to disclose a preponderance of the evidence to either prove or disprove the allegation made in the complaint.

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. 15-0191, Laura Zelko

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

Complainant alleged that an OPD officer removed her hijab, over her protestations, in public. Complainant also alleged that she asked for a female officer to conduct a pat search of her instead of a male officer but her request was ignored.

**Rationale for administrative closure** –The CPRB staff recommends administrative closure of this complaint with a finding of **No Finding** to allegation #1 as it does not rise to the level of a Manual of Rules violation.

The CPRB staff recommends administrative closure of this complaint with a finding of **Exonerated** to the act or acts described in allegation #2, 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. 15-0115, Markey Williams

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

Complainant alleged that an OPD officer used excessive force against him during his arrest.

**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.

B. Evidentiary Hearing, CPRB Case #15-0221, Brandon Jones

- a. Public Comment Prior to the Commencement of the Closed Hearing
- b. Closed Hearing
- c. Closed Session Deliberations

C. Pending Cases for Administrative Hearing Discussion

VI. Open Session

Disclosure of non-confidential closed session matters (5 minutes)

VII. 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.