



CITIZENS' POLICE REVIEW BOARD

Meeting of Thursday, February 25, 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 – February 11, 2016	1
IV. Open Forum	(10 minutes)
V. Sign-up Sheet for Examiners for Hearings	(5 minutes) 2
VI. Closed Session: New Business	(90 minutes)
<p>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.</p>	

1. Based on the findings of the investigation

Case No. 15-0192, Rihan Boot

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

Complainant alleged that an OPD officer filed a restraining order against her after she inquired about filing a complaint against the OPD officer. Complainant also alleges that another OPD officer informed the original officer that the complainant was inquiring about filing a complaint against him.

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. 15-0236, Carroll Jones

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

Complainants alleged that OPD officer assaulted her and violated her rights.

Rationale for administrative closure – The CPRB staff recommends administrative closure of this complaint with a finding of **Exonerated** to allegation #1 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 **Unfounded** to allegation #2 as the investigation revealed that the act or acts which provided the basis for the complaint 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. 15-0247, Jesus Lopez

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

Complainant alleged that an OPD officer used excessive force by shooting and injuring complainant's dog and subsequently laughed and made fun of complainant after the incident.

Rationale for administrative closure –The CPRB staff recommends administrative closure of this complaint with a finding of **Exonerated** to allegation #1 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 allegations #2 and #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 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. 15-0260 Faheem Hamed

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

Complainant alleged that OPD officers pointed their firearms at his ten year daughter and her seven year old friend. Complainant also alleged that an OPD officer made a mockery of his sexual orientation, falsely arrested him, and was disrespectful.

Rationale for administrative closure –The CPRB staff recommends administrative closure of this complaint with a finding of **No Finding** to allegations #1, #3, #4, and #5 as the investigation revealed that the complainant failed to articulate an act that if true, would rise to the level of a Manual of Rules violation.

The CPRB staff recommends administrative closure of this complaint with a finding of **No Finding** to allegation #2 as the investigation determined that the complaint is service related in nature.

The CPRB staff recommends administrative closure of this complaint with a finding of **Unfounded** to allegations #6, #7, and #10 as the investigation revealed that the act or acts which provided the basis for the complaint did not occur.

The CPRB staff recommends administrative closure of this complaint with a finding of **Exonerated** to allegations #8 and #9 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. 15-0261, Ava R. Whitmeyer Robinson a/k/a
Whitmeyer Nelson

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

Complainant alleged that OPD officers improperly issued her a citation because she is a Black woman and the other party is a White male.

Rationale for administrative closure –The CPRB staff recommends administrative closure of this complaint with a finding of **Exonerated** to allegation #1, 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 **Unfounded** to allegation #2 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. B. Evidentiary Hearing, CPRB Case #15-0248, Complainant Kyle Robinson
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

VII. Open Session

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

VIII. 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.