



CITIZENS' POLICE REVIEW BOARD

Meeting of Thursday, March 10, 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 25, 2016	1
IV. Open Forum	(10 minutes)
V. Director's Report	(5 minutes) 2
A. Announcements	
B. Pending Cases as of March 4, 2016	
VI. Presentation – Reading Partners, San Francisco Bay Area (Jennifer Mao, Associate Director of Community Engagement)	(15 minutes)
VII. CPRB Special Committee Reports	(10 minutes)
A. Outreach Planning	
1. Report/Presentation from the Chair	
2. Next Meeting	
B. Transparency and Legislation	
1. General Updates	
2. Next Meeting	
VIII. Sign-up Sheet for Examiners for Hearings	(5 minutes) 3
IX. Action – CPRB Name Change (Commissioner Almaz Yihdego)	(10 minutes)
A. Discussion	
B. Public Comments	
C. Action	

- X. Discussion – Scope of work for Independent Board Counsel (10 minutes)
(Executive Director Anthony Finnell)
 - A. Discussion
 - B. Public Comments

- XI. Action – CPRB 2015 Annual Report (10 minutes) 4
(Executive Director Anthony Finnell)
 - A. Discussion
 - B. Public Comments
 - C. Action

- XII. Action – Policy Recommendation (10 minutes) 5
(Policy Analyst Marti Paschal)
 - A. Discussion
 - B. Public Comments
 - C. Action

- XIII. Discussion – Recognizing Board Members (10 minutes)
(Executive Director Anthony Finnell)

- XIV. 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. 15-0183, Keith Davis
 - a. Complainant’s Comment
 - b. Staff Report
 - c. Discussion
 - d. Action

Complainant alleged that he was racially profiled during a traffic stop.

Rationale for administrative closure – The CPRB staff recommends administrative closure of this complaint with a finding of **Unfounded** to the allegations 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. 15-0214, Chad Kemp and Ruby Ruelas

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

Complainants alleged that OPD officers unlawfully detained and searched them.

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 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 #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 with a finding of **No MOR Violation** to allegation #4.

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. 15-0234, Braun Dexter

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

Complainant alleged that an unknown OPD officer pointed a firearm at his three year old daughter.

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 he alleged conduct did not occur.

Case No. 15-0271, Alisio Williams

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

Complainant alleged that OPD officers lied by using a ruse to conduct a parole compliance check on her son and pointed a gun at his head while checking him out as a robbery suspect.

Rationale for administrative closure –The CPRB staff recommends administrative closure of this complaint with a finding of **No Finding** to the allegation #1 as there is **No MOR Violation**.

The CPRB staff recommends administrative closure of this complaint with a finding of **No Finding** to the allegation #2 as the complainant did not articulate specific facts so that this allegation could be investigated.

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. 15-0275, Natisha Bershell

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

Complainant alleged that an OPD officer was rude to her and racially profiled her.

Rationale for administrative closure –The CPRB staff recommends administrative closure of this complaint with a finding of **Unfounded** to allegations #1, #2, 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 #3, #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 and not violations under law and/or departmental policy.

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. 15-0294, Anthony Bryant

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

Complainant alleged that OPD officers entered a locked gate in front of his home without permission from any of the residents in the house. Complainant also alleged that an OPD officer attempted to "act tough" by issuing commands such as "Come outside" and "Open the door" to the complainant and his son.

Rationale for administrative closure –The CPRB staff recommends administrative closure of this complaint with a finding of **Exonerated** to 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 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 **No Finding** to allegation #2 as the allegation does not rise to the level of an MOR Violation.

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. 15-0323, Dante J. Cano

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

This complaint was generated by Exec. Dir. Finnell, based on information provided by IAD and from a media report.

Rationale for administrative closure –The CPRB staff recommends administrative closure of this complaint with a finding of **Unfounded** to the allegations 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. 15-0330, Edward Cervantes

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

This complaint was generated by Exec. Dir. Finnell, based on information provided by IAD.

Rationale for administrative closure –The CPRB staff recommends administrative closure of this complaint with a finding of **Exonerated** to allegations #1, #2 and #3 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 allegations #4, #5, 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 **No MOR Violation** to allegations #7.

Case No. 15-0237, Charles Jolivet

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

The Complainant alleged excessive force was used by OPD officers as they arrested his son.

Rationale for administrative closure –The CPRB staff recommends administrative closure of this complaint with a finding of **Not Sustained** to

allegation #1 as the investigation did not disclose sufficient evidence to determine whether the alleged conduct occurred.

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

B. Pending Cases for Administrative Hearing Discussion

- XV. Open Session
Disclosure of non-confidential closed session matters (5 minutes)
- XVI. 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.