



CITIZENS' POLICE REVIEW BOARD

Meeting of Thursday, April 28, 2016 - 6:15 P.M.

Council Chamber, Third Floor

ONE FRANK H. OGAWA PLAZA, OAKLAND, CALIFORNIA

(510) 238-3159

Attachments

- | | | | |
|-------|--|--------------|---|
| I. | Call to Order | | |
| II. | Roll Call | | |
| III. | Minutes | (5 minutes) | |
| | A. April 14, 2016 | | 1 |
| IV. | Open Forum | (10 minutes) | |
| V. | Director's Report | (5 minutes) | 2 |
| | A. Announcements | | |
| | B. Pending Cases as of April 22, 2016 | | |
| VI. | CPRB Special Committee Reports | (10 minutes) | |
| | A. Outreach Planning | | |
| | 1. Report from the Chair | | |
| | 2. Next Meeting | | |
| | B. Transparency and Legislation | | |
| | 1. Nomination of New Members | | |
| | 2. Vote for new members | | |
| | 3. Next Meeting | | |
| VII. | Sign-up Sheet for Examiners for Hearings | (5 minutes) | 3 |
| VIII. | Closed Session: New Business | (60 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. 14-0256, Aramiya Burrell

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

Complainant alleged that an OPD officer used a Taser on him for too long causing injuries and that an OPD officer removed the Taser probes from his hands resulting in injury.

Rationale for administrative closure –The CPRB staff recommends administrative closure of this complaint with a finding of **Exonerated** to allegation #10 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 with a finding of **Not Sustained** to allegation #11 as the investigation did not disclose sufficient evidence to determine whether 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. 15-0149, Rafael Valdez

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

Complainant alleged OPD officers took money from him when he was arrested and the money was not returned to him upon his release from custody.

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 did not disclose sufficient evidence to determine whether 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. 15-0446, Kenneth Ray Winston

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

Complainant alleged that an OPD officer used unnecessary force on him while being arrested, he was wrongfully arrested and that an officer failed to provide him with his badge number upon request.

Rationale for administrative closure –The CPRB staff recommends administrative closure of this complaint with a finding of **Not Sustained** to allegations #1 and #2 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 **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.

Case No. 15-0447, Anthony Miller

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

Complainant alleged that an OPD officer drove in a reckless manner while transporting the complainant. The complainant alleged this resulted in to injuries to the complainant's head.

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.

Case No. 15-0448, Leo Bryant

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

d. Action

Complainant alleged an OPD officer used a baton and struck complainant about the head and chest. The complainant also alleges the use of excessive force by the OPD and false arrest.

Rationale for administrative closure –The CPRB staff recommends administrative closure of this complaint with a finding of **No Jurisdiction** to allegation #2 as the investigation revealed that the subject officer is not employed as a sworn officer with the OPD.

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 and not violations under law and/or departmental policy.

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.

Case No. 15-0750, Brittany Flentroy

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

This complaint originated as a result of an arrest by an OPD sworn member.

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 **Sustained**, to allegation #2.

Case No. 15-0806, Carina Ortiz

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

Complainant alleged that an OPD officer groped her breasts and vagina for sexual purposes.

Rationale for administrative closure –The CPRB staff recommends administrative closure of this complaint with a finding of **No Finding** to allegation as the complainant has refused to cooperate with the investigation by the CPRB.

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. 15-0859, Norberto Hernandez

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

Complainant alleged that an OPD officer engaged in racial profiling when he was stopped.

Rationale for administrative closure –The CPRB staff recommends administrative closure of this complaint with a finding of **No Finding** to allegation as the complainant has refused to cooperate with the investigation by the CPRB.

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

- IX. Open Session
Disclosure of non-confidential closed session matters (5 minutes)
- X. 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.