



## CITIZENS' POLICE REVIEW BOARD

**Meeting of Thursday, May 12, 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. March 24, 2016  |              | 1 |
|       | B. April 28, 2016  |              | 2 |
| IV.   | Open Forum   | (10 minutes) |   |
| V.    | Director's Report  | (5 minutes)  | 3 |
|       | A. Announcements   |              |   |
|       | B. Pending Cases as of May 6, 2016   |              |   |
| VI.   | CPRB Special Committee Reports   | (10 minutes) |   |
|       | A. Outreach Planning   |              |   |
|       | 1. Report from the Chair   |              |   |
|       | 2. Next Meeting  |              |   |
|       | B. Transparency and Legislation  |              |   |
|       | 1. Report from Chair   |              |   |
|       | 2. Next Meeting  |              |   |
| VII.  | Sign-up Sheet for Examiners for Hearings   | (5 minutes)  | 4 |
| 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. 15-0483, Sergio Z. Lupian

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

Complainant alleged that OPD officers should not have arrested him. Complainant also alleges that an OPD officer pushed him on the chest when he was in the patrol car, causing injury to his back. The CPRB also alleges an OPD officer failed to obtain the services of a qualified interpreter when giving the Miranda warning to the Complainant.

**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 **Unfounded** to allegation #2 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 **Sustained**, to allegation #3 as the investigation did disclose sufficient evidence to determine the alleged conduct occurred. The subject officer has since that time been certified bilingual. However, it is recommended that he receive counseling and training so that he understands why it is important to provide a proper Miranda warning during an investigation.

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. 15-0559, Denis Jeffries

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

Complainant alleged that an OPD officer was harassing her by contacting her multiple times every day. Complainant alleged the reason for the contact was either "racial or sexual".

**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 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 #2 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. 15-0645, OPD OIS -Nathaniel Wilkes (decedent)

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

This investigation was initiated by the CPRB Executive Director upon notification of an officer involved shooting (OIS) from OPD IAD.

**Rationale for administrative closure** –The CPRB staff recommends administrative closure of this complaint with a finding of **Justified** as the investigation disclosed sufficient evidence to determine officers involved did the following:

- 1. MOR 314.39 Performance of Duty, OPD's DGO J-4 Pursuit Driving.
- 2. MOR 314.39 Performance of Duty, OPD's Training Bulletin III-Z, Foot Pursuits.
- 3. MOR 370.27 Use of Physical Force, OPD's DGO K-3 Use of Force and DGO K-4 Reporting and Investigating The Use of Force.

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 Chief of Police Sean Whent

- 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.