



## **CITIZENS' POLICE REVIEW BOARD**

**Meeting of Thursday, May 26, 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.  | New/Reappointed Board Members  |              |   |
| IV.   | Minutes  | (5 minutes)  |   |
|       | A. May 12, 2016  |              | 1 |
| V.    | Open Forum   | (10 minutes) |   |
| VI.   | Director's Report  | (5 minutes)  | 2 |
|       | A. Announcements   |              |   |
|       | B. Pending Cases as of May 20, 2016                                    |              |   |
| VII.  | CPRB Special Committee Reports   | (10 minutes) |   |
|       | A. Outreach Planning   |              |   |
|       | 1. Report from the Chair   |              |   |
|       | 2. Event Calendar  |              | 3 |
|       | 3. Next Meeting  |              |   |
|       | B. Transparency and Legislation  |              |   |
|       | 1. Report from Chair   |              |   |
|       | 2. Next Meeting  |              |   |
| VIII. | Action – CPRB Bylaws Follow-up<br>(Executive Director Anthony Finnell) | (30 minutes) | 4 |
|       | A. Discussion  |              |   |
|       | B. Public Comment  |              |   |
|       | C. Action  |              |   |
| IX.   | Sign-up Sheet for Examiners for Hearings                               | (5 minutes)  | 5 |
| X.    | Closed Session: New Business   | (45 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. 15-0436, OIS – Demouria Hogg (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 370.27 Use of Physical Force, Level 1.
- 2. MOR 370.27 Use of Physical Force, Level 3.

The CPRB staff recommends administrative closure of this complaint with a finding of **Exonerated** to allegations #3 and #4 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. 15-0462, Timothy Aaron Ellerby

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

Complainant alleged that OPD officers used improper force on him; that they failed to allow him to give a statement; that they did not properly strap him into a seat belt for transport; that they improperly transported him to jail with two

officers against who he had a complaint; and that an officer failed to explain the rules regarding DUI testing to him. The CPRB investigator also added an allegation regarding the categorization of the use of force on Complainant and subsequent force investigation by the supervisor.

**Rationale for administrative closure** –The CPRB staff recommends administrative closure of this complaint with a finding of **Unfounded** to allegations #1, #2, and #5 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 **Not Sustained** to allegations #3, #4\*\* and #8 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 with a finding of **No MOR Violation** to allegations #6 and #7.

The CPRB staff recommends administrative closure of this complaint with a finding of **Sustained**, to allegation #9 as the investigation did disclose sufficient evidence to determine the alleged conduct occurred. Recommended discipline is Counseling/Training.

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.

\*\*Do Not Concur Memo attached for allegation #4.

Case No. 15-0536, Lacresha Smith

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

The Complainant alleged that OPD officers twisted her arms behind her back and handcuffed her; that officers did not loosen the handcuffs upon her request causing injury to her wrist. Complainant also alleges an inappropriate search of her person was performed.

**Rationale for administrative closure** –The CPRB staff recommends administrative closure of this complaint with a finding of **Unfounded** to

allegations #1, #2, #3 and #5 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 **Not Sustained** to allegation #4 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. 15-0554, Anthony Burrel

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

The Complainant alleged that an OPD officer used excessive force by grabbing him and handcuffing him too tightly. Complainant also alleges an unlawful detention and search of his person.

**Rationale for administrative closure** –The CPRB staff recommends administrative closure of this complaint with a finding of **Not Sustained** to allegations #1, #2, #3, and #5 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 with a finding of **Exonerated** to allegation #4 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 #6 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. 15-0596, Andryia Shackelford aka Jamelah Barron

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

d. Action

The Complainant was upset because OPD Criminal Investigations Division did not release her telephone upon her request. Complainant also alleges that OPD officers released her information as an informant.

**Rationale for administrative closure** –The CPRB staff recommends administrative closure of this complaint with a finding of **Service Complaint** to allegation #1.

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. 15-0623, Donald Mann

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

The Complainant alleges the traffic stop was racially motivated. Complainant also alleged the officer was rude because the officer told him to step back.

**Rationale for administrative closure** –The CPRB staff recommends administrative closure of this complaint with a finding of **Unfounded** to allegations #1 and #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. 15-0905, Linda Davis, Derrica Brown, John Powell, Rodney Latin

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

Each complainant alleges several things. The complaints include various performance of duty, conduct toward others, and use of force allegations. They allege that the officers were rude, used profanity, conducted illegal searches, damaged property, excessive force, denial of medical care and failed to activate their PDRD's.

**Rationale for administrative closure** –The CPRB staff recommends administrative closure of this complaint with a finding of **Exonerated** to allegations #1, #2, #10 and #15 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 allegations #3, #4, #6, #7, #8, #12, #13 and #14 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 **Not Sustained** to allegation #5 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 with a finding of **No Finding** to allegations #9 and #11 as the complainants did not participate with the investigation, and as such this investigator did not have sufficient information to investigate the allegations.

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**

- XI. Open Session  
Disclosure of non-confidential closed session matters (5 minutes)
- XII. 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.