



**CITIZENS' POLICE REVIEW BOARD**  
**Meeting of Thursday, June 9, 2016 - 6:15 P.M.**  
Council Chamber, Third Floor  
**ONE FRANK H. OGAWA PLAZA, OAKLAND, CALIFORNIA**  
**(510) 238-3159**

	<b>Attachments</b>	
I. Call to Order		
II. Roll Call		
III. Minutes	(5 minutes)	
A. May 12, 2016		1
B. May 26, 2016		2
IV. Open Forum	(10 minutes)	
V. Director's Report	(5 minutes)	3
A. Announcements		
B. Pending Cases as of June 3, 2016		
VI. CPRB Special Committee Reports	(10 minutes)	
A. Outreach Planning		
1. Selection of Committee Chair		
2. Event Calendar		4
3. Next Meeting		
B. Transparency and Legislation		
1. Report from Chair		
2. Next Meeting		
VII. Sign-up Sheet for Examiners for Hearings	(5 minutes)	5
VIII. 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. 15-0128, OIS – Corey Pollard (person shot), Rita Wiltz, Angel Wiltz

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

Complainants alleged that an OPD officer used excessive force in shooting Complainant Pollard. Complainants also alleged that OPD officers should have allowed them to see Complainant Pollard at the hospital instead of transporting them to the Homicide Division for an interview immediately following 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 and not violations under law and/or departmental policy.

The CPRB staff recommends administrative closure of this complaint with a finding of **No Finding** to allegation #2 as the investigation revealed that the act or acts which provided the basis for the complaint do not rise to the level of a Manual of Rules 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. 15-0325, Meegan Sheehan

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

Complainant alleged that an OPD officer improperly grabbed her arm at the Santa Rita County Jail Intake Facility on March 17, 2014.

**Rationale for administrative closure** –The CPRB staff recommends administrative closure of this complaint with a finding of **Exonerated** to the allegation 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. 15-0561, Marisol Martinez, Jerson Diaz aka Gerson Diaz Gramajo aka Diazgramajo

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

The Complainants alleged that OPD officers failed to take any action against the man who ran into their parked car, and that one of the officers was racist for not arresting the man.

**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 **Not Sustained** to allegation #2 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. 15-0633, James Wesley Ball

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

The Complainant alleged that an OPD officer was rude and hostile.

**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 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. 15-0665, Brandon Jones

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

The Complainant approached an OPD officer who was conducting a robbery investigation on the street and told the officer that he was prejudice.

**Rationale for administrative closure** –The CPRB staff recommends administrative closure of this complaint with a finding of **No Finding** to the allegation as the investigation revealed that the act or acts which provided the basis for the complaint do not rise to the level of a Manual of Rules 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. 15-0712, Rica La

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

The Complainant alleges her contacts with an OPD officer are “becoming harassment”.

**Rationale for administrative closure** –The CPRB staff recommends administrative closure of this complaint with a finding of **No Finding** to the allegation as the complainant has failed to articulate any specific facts to show that OPD officers have been involved in the alleged Manual of Rules 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. 15-0680, Johnny Mai, Jonathan Vargasmadero

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

It is alleged from social media postings than an OPD officer spat a sunflower seed at a citizen, striking the citizen. It is also alleged from social media postings that the OPD officer was rude and unprofessional during the traffic stop. It is alleged from CPRB's investigation that an OPD officer witnessed another OPD officer committing misconduct and did not report it.

**Rationale for administrative closure** –The CPRB staff recommends administrative closure of this complaint with a finding of **Sustained** to allegation #1, **MOR Violation 314.03-2 – General Conduct**, as the investigation disclosed sufficient evidence to determine that the alleged conduct did occur and was in violation of law and/or Oakland Police Department rules, regulations or policies.

The CPRB staff recommends administrative closure of this complaint with a finding of **Sustained** to allegation #2, **MOR Violation 314.07-2 – Conduct Toward Others – Demeanor**, as the investigation disclosed sufficient evidence to determine that the alleged conduct did occur and was in violation of law and/or Oakland Police Department rules, regulations or policies.

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.

**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.