



CITIZENS' POLICE REVIEW BOARD

Meeting of Thursday, July 14, 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. June 23, 2016 | | 1 |
| IV. | Open Forum | (10 minutes) | |
| V. | Director's Report | (5 minutes) | 2 |
| | A. Announcements | | |
| | B. Pending Cases as of July 8, 2016 | | |
| VI. | CPRB Special Committee Reports | (10 minutes) | |
| | A. Outreach Planning | | |
| | 1. Report from Chair | | |
| | 2. Event Calendar | | 3 |
| | 3. Next Meeting | | |
| | B. Transparency and Legislation | | |
| | 1. Notes from Meeting with City Administrator, June 14, 2016 | | 4 |
| | 2. Report from Chair | | |
| | 3. Next Meeting | | |
| VII. | Sign-up Sheet for Examiners for Hearings | (5 minutes) | 5 |
| VIII. | Closed Session: New Business | (30 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. 15-0650, Edward Cervantes

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

Complainant alleged that OPD officers improperly removed him from his apartment, used unnecessary force by pointing firearms at him and that officers turned off their PDRD's while interviewing him.

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 allegations #2, #4 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 **No Finding** to allegation #3 as the investigation disclose sufficient evidence to determine this was a service complaint.

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. 15-0672, OIS Yonas A. Alehegne (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 **In Compliance** as the

investigation disclosed sufficient evidence to determine officers involved did the following:

1. **MOR 370.27 – Use of Physical Force.** The investigation revealed that the act or acts which provided the basis for the complaint occurred, however, the acts were justified, lawful and/or proper and not in violation under law and/or departmental policy.

The CPRB staff recommends administrative closure of this complaint with a finding of **Sustained** to allegation #2, **MOR Violation 314.39 – Performance of Duty**, as the investigation disclosed a preponderance of 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 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. 15-0784, Elmy Mohmed Abdel Kader aka Abdelkader

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

Complainant alleges that OPD officers are harassing him.

Rationale for administrative closure –The CPRB staff recommends administrative closure of this complaint with a finding of **Unfounded** to allegation #1 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 Finding/Insufficient Facts** to allegation #2 as the investigation disclosed insufficient evidence to determine that there is a conspiracy involving the Oakland Police Department against the complainant.

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. 15-0817, Kevin Ma

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

d. Action

Complainant alleged that an OPD officer made an offensive and discriminatory remark to him that scared him during a traffic stop.

Rationale for administrative closure –The CPRB staff recommends administrative closure of this complaint with a finding of **No Jurisdiction** to the allegation as the investigation disclosed sufficient evidence to determine that no Oakland Police officers were involved in this stop.

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. 15-0690, Gilberto Gonzales

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

Complainant alleged that in 2009 OPD officers took his wallet containing important documents and failed to return the items to him.

Rationale for administrative closure –The CPRB staff recommends administrative closure of this complaint with a finding of **No Jurisdiction** to allegation as the officers are no longer employed by the OPD.

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. 15-0693, Gilberto Gonzales

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

Complainant alleged that in 2010 an OPD officer arrested him, placed him in handcuffs that were too tight and threw him the rear of a patrol car causing him to strike his head and injure his back.

Rationale for administrative closure –The CPRB staff recommends administrative closure of this complaint with a finding of **No Jurisdiction** to allegation as the officer is no longer employed by the OPD.

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. 15-0711, Dottie Moore

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

Complainant alleged that OPD officers did not prepare a traffic collision report as requested. Complainant also alleged that OPD officers failed to provide their names and badge numbers as requested.

Rationale for administrative closure –The CPRB staff recommends administrative closure of this complaint with a finding of **Sustained** to allegation #1, **MOR Violation 314.39-2 – Performance of Duty**, as the investigation disclosed a preponderance of 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 for OPD Officer #1, **MOR Violation 398.77-1 – Refusal to Provide name or Serial Number**, as the investigation disclosed a preponderance of 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 #2 for OPD Officer #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. 15-0739, Russell Arias

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

Complainant alleged that in 2010 an OPD officer was "heterosexist" because complainant was not allowed into the Eastmont Substation when the building was closed to the public.

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.

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. 15-0829, Rufus Gupton

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

Complainant alleged that OPD officers used a racial slur towards him, falsely arrested him, and used unnecessary force against him.

Rationale for administrative closure –The CPRB staff recommends administrative closure of this complaint with a finding of **Unfounded** to allegations #1, #2, and #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. 15-0791, Ricky Bradford

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

Complainant alleged that an OPD officer was harassing him. Complainant also felt the harassment was racially motivated.

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. 15-0655, Shanelle Woodard

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

Complainant alleged that OPD officers used excessive force by throwing her to the ground and placing a foot on her back and neck.

Rationale for administrative closure –The CPRB staff recommends administrative closure of this complaint with a finding of **Unfounded** to allegations #1, #2, and #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. 15-0763, Lisa Moore aka Lisa Moody

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

Complainant alleged that OPD officers used excessive force and profanity towards her. Complainant also alleged that OPD officers failed to call an ambulance upon her request and an OPD officer covered his PDRD as she was being choked.

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 **Exonerated** to allegation #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. 15-0831, Kulele Owens aka Willie Owen

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

Complainant alleged that OPD officers used excessive force and unlawfully arrested him.

Rationale for administrative closure –The CPRB staff recommends administrative closure of this complaint with a finding of **Exonerated** to allegations #1 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 with a finding of **Unfounded** to allegations #2 and #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.

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.