



CITIZENS' POLICE REVIEW BOARD

Meeting of Thursday, October 13, 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.	Introduction of New Board Member	(5 minutes)	1
III.	Roll Call		
IV.	Minutes	(5 minutes)	2
	A. September 22, 2016		
V.	Open Forum	(10 minutes)	
VI.	Director's Report	(5 minutes)	3
	A. Announcements		
	B. Pending Cases as of October 7, 2016		
VII.	CPRB Special Committee Reports	(10 minutes)	
	A. Outreach Planning		
	1. Report from Chair		
	2. Event Calendar		4
	3. Next Meeting		
	B. Transparency and Legislation		
	1. Report from Chair		
	2. Next Meeting		
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. 15-0863, King James Holloway

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

Complainant alleged that an OPD officer viciously and maliciously twisted his arm/wrist during the arrest.

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 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. 15-0876, Cynthia Howard

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

Complainant alleged that OPD officers responded to her residence and mistakenly kicked in her door, left the residence unsecured which allowed items to be stolen and three homeless families to move in.

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 failed to disclose a preponderance of the evidence to either prove or disprove the allegation made in the 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. 15-0900, OPD OIS –Richard Perkins (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, and that the act or acts which provided the basis for the complaint occurred; however, the acts were justified, lawful and proper:

- 1. MOR 370.27 Use of Physical Force, Level 1
- 2. MOR 370.27 Use of Physical Force, Level 1
- 3. MOR 370.27 Use of Physical Force, Level 1
- 4. MOR 370.27 Use of Physical Force, Level 1

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. 15-0996, Gilberto Silva Medran

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

Complainant alleged that OPD officers harassed him by questioning him without reason: that officers improperly hit and tased him; and that an officer pushed his father for no reason causing him to fall back and injure himself. Complainant's mother also states that OPD officers took her 12 year old daughter into custody without reason and took her telephone which she was using to record the incident.

Rationale for administrative closure –The CPRB staff recommends administrative closure of this complaint with a finding of **Exonerated** to allegations #1, #2 and #3 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 allegations #4 and #5 as insufficient information was provided to the Citizens' Police Review Board Investigator or could be obtained by the Citizens' Police Review Board Investigator to examine this issue.

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 when they "manhandled" and threw her to the ground. Complainant alleged an OPD officer placed 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 as the investigation disclosed sufficient evidence to determine that the 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
- C. Detailed discussion regarding cases discussed with the City Administrator
- D. Discussion – Demouria Hogg settlement

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.