



CITIZENS' POLICE REVIEW BOARD

Meeting of Thursday, November 10, 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	(5 minutes)	
III. Minutes	(5 minutes)	1
A. October 27, 2016		
IV. Director's Report	(5 minutes)	2
A. Announcements		
B. Pending Cases as of November 4, 2016		
V. Open Forum	(10 minutes)	
VI. CPRB Special Committee Reports	(10 minutes)	
A. Outreach Planning		
1. Report from Chair		
2. Next Meeting		
B. Transparency and Legislation		
1. Report from Chair		
2. Next Meeting		
VII. Policy Recommendation Report	(15 minutes)	3
A. Presentation – Policy Analyst Juanito Rus		
B. Discussion		
C. Public Comment		
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. 15-0989, Cameron Rose

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

Complainant alleged that an OPD officer was rude and did not want to assist him.

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 disclosed sufficient evidence to determine whether or not the alleged conduct occurred.

The CPRB staff recommends administrative closure of this complaint with a finding of **Service Complaint** to allegation #2 as the investigation disclosed sufficient evidence to determine the alleged conduct was service related.

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. 15-0990, Ollie Elbert Syon

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

Complainant alleged that OPD officers were rude to him, rough and used unnecessary force. Complainant also alleged that the handcuffs were too tight, that he was treated improperly because he is Black, that the officers failed to properly communicate with him because he is deaf and that the pat search of his person was improper.

Rationale for administrative closure –The CPRB staff recommends administrative closure of this complaint with a finding of **Not Sustained** to allegations #1, #2, #4, #6, and #7 as the investigation did not disclosed 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 #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 **Unfounded** to allegation #5 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.

Case No. 15-0975, David Brown

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

Complainant alleged that an OPD officer wrote an inaccurate traffic collision report and was biased in favor of the other party involved in the collision because the officer and the other party were both Hispanic.

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 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. 15-0954, Olga Palafox-Cortez

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

Complainant alleged that OPD officers attempted to gain entry to her home. Complainant also alleged that an OPD officer committed a battery against her, by grabbing her and knocking her to the ground. Several other allegations were discovered during the course of the investigation to include OPD officers being under the influence of alcohol and in possession of a firearm, driving a motor vehicle while under the influence of alcohol, being intoxicated in a public place, and accessing an OPD database to use privileged information for personal gain/benefit. Additional allegations include OPD officers conducting themselves

in a way that would bring disrepute to the Department and impair its effective operation, discussing the investigation with one another after being ordered not to do so by the Internal Affairs Division, and brandishing a firearm.

Rationale for administrative closure –The CPRB staff recommends administrative closure of this complaint with a finding of **Sustained** to allegations #1, #2, #3, #4, #5, #6, #7, #8, #9, #10, #11, #12, #13, #14, #15, and #16 as the investigation disclosed a preponderance of evidence to prove the allegations made in the complaint.

The CPRB staff recommends administrative closure of this complaint with a finding of **Not Sustained** to allegation #17 (brandishing a firearm) 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.

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.