



## **CITIZENS' POLICE REVIEW BOARD**

**Meeting of Thursday, December 8, 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	(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 December 2, 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. Sign-up Sheet for Examiners for Hearings	(5 minutes)	3
VIII. Response to Board Policy Inquiry	(15 minutes)	4
A. Presentation – Policy Analyst Juanito Rus		
B. Discussion		
C. Public Comment		
IX. Policy Recommendation Report	(15 minutes)	5
A. Presentation – Policy Analyst Juanito Rus		
B. Discussion		
C. Public Comment		

- X. Action Item –CPRB Policy Report, 2000-2016 (20 minutes) 6
  - A. Presentation – Policy Analyst Juanito Rus
  - B. Discussion
  - C. Public Comment
  - D. Action

- XI. Closed Session: New Business (45 minutes)

- A. Pursuant to Ordinance No. 12454 C.M.S., section 6, paragraph G subsection 10a, the Board may utilize different investigatory and complaint resolution processes, including but not limited to voluntary conciliation, voluntary mediation, three member panels, full Board hearing, **and staff recommendation to the City Manager for disposition without hearing.**

- 1. Direct Recommendation to the City Administrator

- Case No. 15-0954, Olga Palafox-Cortez

- a. Executive Director's Comment
- b. Staff Report and Confidential Discipline Recommendation Memorandum

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 direct recommendation to the City Administrator** – Due to the cancellation of the November 10, 2016 CPRB meeting it was necessary to make a direct recommendation to the City Administrator to comply with the 3304 deadline of December 6, 2016.

The CPRB staff recommended 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 recommended 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.

Case No. 16-0948, CPRB

- a. Executive Director's Comment
- b. Staff Report and Confidential Discipline Recommendation Memorandum

This complaint arises from the investigation of Case #15-0954. Information was obtained that an OPD officer accessed an OPD database to use privileged information for personal gain/benefit. Additional allegations include an OPD officer obstructed the Internal Affairs process.

**Rationale for direct recommendation to the City Administrator** – It was necessary to make a direct recommendation to the City Administrator to comply with the 3304 deadline of December 7, 2016.

The CPRB staff recommended a finding of **Not Sustained** to allegation #1 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 recommended a finding of **Sustained** to allegation #2, as the investigation disclosed a preponderance of evidence to prove the allegations made in the complaint.

B. 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. 16-0018, Lanenna Joiner

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

Complainant alleged that an off-duty OPD officer acted inappropriately during an incident where his brother kicked over and damaged the signage at complainant's business. During the investigation it was determined that the officer was untruthful about the incident.

**Rationale for administrative closure** –The CPRB staff recommends administrative closure of this complaint with a finding of **Sustained** to allegations #1 and #2 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 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. 16-0021, Kamasa Palmer

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

Complainant alleged that OPD officers illegally detained and arrested him, slammed him to the ground, pulled his hair, punched, kneed, and kicked him. Complainant also alleged that he was racially profiled.

**Rationale for administrative closure** – The CPRB staff recommends administrative closure of this complaint with a finding of **Exonerated** to allegations #1 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 **Unfounded** to allegations #2 and #4 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. 16-0014, Charlie Lomack

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

Complainant alleged that an OPD officer grabbed her wrist unnecessarily and used excessive force. Complainant also alleged that an OPD officer called her by someone else's name then laughed about it.

**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 complainant has failed to articulate any specific facts to show which officers were involved in the Manual of Rules

violation. Insufficient information was provided to the CPRB Investigator or could be obtained by the CPRB 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. 15-0977, Ayebawnemi DeWeaver and  
Excell McKinley

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

Complainants alleged that OPD officers illegally detained and search them, issued excessive citations in retaliation, and spoke to them in an unprofessional manner.

**Rationale for administrative closure** – The CPRB staff recommends administrative closure of this complaint with a finding of **Exonerated** to allegations #1, #3, #6 and #7 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, #5 and #8 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.

C. Pending Cases for Administrative Hearing Discussion

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

XIII. 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.