



## **CITIZENS' POLICE REVIEW BOARD**

**Meeting of Thursday, January 12, 2017 - 6:15 P.M.**

**Hearing Room 2 on Floor 1, City Hall**

**ONE FRANK H. OGAWA PLAZA, OAKLAND, CALIFORNIA**

**(510) 238-3159**

	<b>Attachments</b>
I. Call to Order	
II. Roll Call	
III. Minutes – December 8, 2016	1
IV. Open Forum	(10 minutes)
V. Director's Report	(5 minutes) 2
A. Announcements	
B. Pending Cases as of January 6, 2017	
VI. CPRB Special Committee Reports	(10 minutes)
A. Outreach Planning	
1. Report/Presentation from the Chair	
2. Next Meeting	
B. Transparency and Legislation	
1. General Updates	(10 minutes) 3
2. Next Meeting	
VII. Sign-up Sheet for Examiners for Hearings	(5 minutes) 4
VIII. Action – Policy Recommendation Report Follow-up	(15 minutes) 5
A. Discussion	
B. Public Comment	
C. Action	
IX. Closed Session: New Business	(30 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. 16-0015, Alicia Hurtado

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

Complainant alleged that an OPD officer intimidated them with them with his tone of voice and harassed them by calling them derogatory names.

**Rationale for direct recommendation to the City Administrator** – Due to the cancellation of the December 22, 2016 CPRB meeting it was necessary to make a direct recommendation to the City Administrator to comply with the 3304 deadline of January 6, 2017.

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 with a finding of **No MOR Violation** to allegation #3 as the investigation disclosed sufficient evidence to determine that the conduct was not an MOR violation.

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. 16-0065, Leonard Ambrose

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

Complainant alleged that an OPD officer was rude and unprofessional when the officer told him to hang up his phone and then an officer slapped the phone out of his hand. Complainant also alleges an unlawful arrest, use of unnecessary force during the arrest. Complainant also alleges the officers failed to execute a

citizen's arrest upon request and retrieve property from inside the residence before he was transported to jail.

**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 conduct did not occur.

The CPRB staff recommends administrative closure of this complaint with a finding of **Exonerated** to allegations #4 and #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 with a finding of **No MOR Violation** to allegation #6 as the investigation disclosed sufficient evidence to determine that the conduct was not an MOR 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. 16-0073, Dane Smith

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

Complainant alleged that an OPD officer used excessive force while taking him into custody.

**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 disclosed 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. 16-0146, Saleem Bey

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

Complainant alleged that an OPD improperly investigated several homicide cases and previous IAD cases. Complainant also alleges an OPD officer admitted to the complainant that there were errors in the way OPD investigated the criminal investigations.

**Rationale for administrative closure** –The CPRB staff recommends administrative closure of this complaint with a finding of **No finding** to the allegation #1 as it has previously been investigated by the Internal Affairs Division and the CPRB and there are no new or additional material facts available for consideration.

The CPRB staff recommends administrative closure of this complaint with a finding of **No finding** to allegation #2 as the alleged conduct does not rise to the level of an MOR 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. 16-0161, Andrew King

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

Complainant alleged that OPD officers used excessive force on him when they struck him with a baton in the “red area”.

**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 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. 16-0176, Victor Xavier Pamiroyan

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

Complainant alleged an OPD officer beat him multiple times. It was also noted by an officer's reviewing sergeant that an officer dealing Complainant failed to take a compliant and was rude.

**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 conduct did not occur.

The CPRB staff recommends administrative closure of this complaint with a finding of **No Jurisdiction** to allegations #2 and #3 as the investigation disclosed sufficient evidence to determine that the subject officer is no longer employed by the Oakland Police Department.

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

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