



CITIZENS' POLICE REVIEW BOARD

Meeting of Thursday, March 23, 2017 - 6:15 P.M.

**City Council Chamber, Third Floor
ONE FRANK H. OGAWA PLAZA, OAKLAND, CALIFORNIA
(510) 238-3159**

	Attachments
I. Call to Order	
II. Roll Call	
III. Minutes – March 9, 2017	1
IV. Open Forum	(10 minutes)
V. Director's Report	(5 minutes)
A. Announcements	
B. Pending Cases as of March 17, 2017	2
VI. CPRB Special Committee Reports	(10 minutes)
A. Transparency and Legislation	
1. General Updates	(10 minutes)
2. Next Meeting	
VII. Sign-up Sheet for Examiners for Hearings	(5 minutes) 3
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. 16-0389, Jatou Horatio Hurt

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

Complainant alleged that an OPD officer used unnecessary force on him resulting in Complainant's shoulder being pulled out of the socket. A second allegation of failing to activate the PDRD was discovered during the course of the investigation by the CPRB.

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 – force was used on the complainant – 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 evidence to either prove or disprove the allegation made in the complaint.

The CPRB staff recommends administrative closure of this complaint with a finding of **Sustained** to allegation #3 as the investigation disclosed a preponderance of evidence to prove 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. 16-0667, Gabriel Ortiz

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

Complainant alleged that an OPD officer's demeanor was rude, unprofessional and behaved inappropriately when contacting Complainant. Complainant also believed that the officer should have pulled Complainant over sooner if the officer believed the Complainant was speeding instead of waiting until the Complainant got in front of Complainant's home to confront 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 failed to disclose a preponderance of evidence to either prove or disprove the allegation made in the complaint.

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 complaint has been determined to be service-related in nature.

B. Pending Cases for Administrative Hearing Discussion

C. City Administrator Responses

a. Case #16-0142

b. Case #16-0199

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.