

City of Oakland
Citizens' Police
Review Board
2016

Annual Report

JANUARY 1, 2016– DECEMBER 31, 2016



CITY ADMINISTRATOR'S OFFICE

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Citizens' Police Review Board

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March 10, 2017

Honorable Mayor, City Council Members, and Fellow Oakland Residents:

On behalf of the members of the Citizens' Police Review Board (CPRB), I am pleased to share the 2016 Annual Report.

This letter introduces the final report from the Oakland Citizens' Police Review Board (CPRB) to the People of Oakland. Created in March of 1993 to replace the Citizens' Complaint Board, the Board has existed in many forms while attempting to "...review certain complaints concerning the conduct of police officers..." and "...make advisory reports to the City Manager regarding the facts of these complaints."

The Board has evolved to suit the changing needs of Oakland residents, changing from a gathering of select Oakland residents to a professional organization dedicated to serving Oakland's residents and advancing policy in pursuit of creating a world class police force. In its latest evolution, the board researches and advocates best practices in policing while, at the same time, providing a fair and balanced review of cases arising from citizen complaints and referrals from the police department's Internal Affairs Unit, or originating from within the CPRB itself.

The Board owes its continuous refinement to the enormous effort put forth by Commissioners, senior administrative staff, investigators, administrative support staff and members of the community. To attempt to recognize any one person or group of people is impossible. Everybody who has, in some way, been involved in creating, operating, advising and critiquing the CPRB has helped advance the cause and practice of civilian police oversight in the City of Oakland.

On behalf of the present Board, I want to thank each of you for your work, for your contribution and for your passion.

Sincerely,

A handwritten signature in black ink, appearing to be "Chris Brown", with the name "Chris Brown" printed in a smaller font directly below it.

Chris Brown

Chair, Citizens' Police Review Board

DRAFT

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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.

2016 CPRB Board Members and Term Expiration Dates*

Chris Brown, Chair	February 15, 2018
Charlette Green, Vice Chair	February 15, 2019
Sharon Ball	February 15, 2018
Brian Bingham	June 14, 2019
Lawrence Paul Brisco	February 15, 2016
Thomas Cameron	February 15, 2017
José Dorado	February 15, 2019 (Appointed October 13, 2016)
Erica Harris (Youth 18-25 years old)	February 15, 2017
Colette McPherson	February 15, 2018 (Appointed May 26, 2016)
Ramon Nasol	August 15, 2016
Howard Tevelson	February 15, 2018
Mya Whitaker (Youth—Alternate)	February 15, 2017
Rev. Dr. Mauricio Wilson	February 15, 2018 (Appointed February 15, 2016)
Almaz Yihdego	May 15, 2016

* Board Members' attendance at regularly scheduled Board meetings is shown in Appendix A.

CPRB Independent Counsel

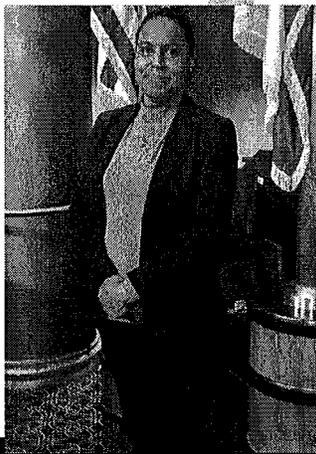
Meredith E. Brown Board Counsel



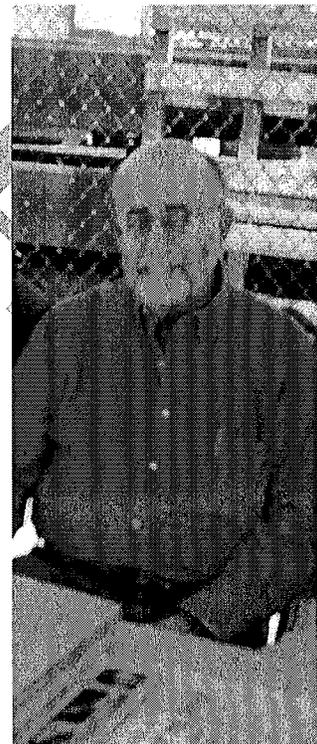
CPRB Members: Rev. Mauricio Wilson, Brian Bingham, Sharon Ball, Chris Brown, Charlette Green, Mya Whitaker, Colette McPherson, and José Dorado.



Board Member Erika Harris



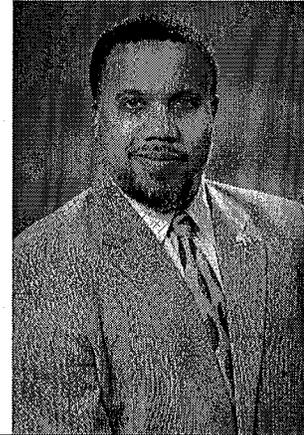
Board Counsel Meredith Brown



Board Member Howard Tevelson

CPRB Staff

Anthony Finnell	Executive Director
Jan "Juanito" Rus	CPRB Policy Analyst (Certified Spanish-speaking)
Karen Tom	Complaint Investigator
Joan Saupé	Complaint Investigator (Certified Spanish-speaking)
Nikki Greer	Complaint Investigator
Andrew Lee	Complaint Investigator (Certified Cantonese-speaking)
Emma Dill	Complaint Investigator
Claudia De La Cruz-Perez	Intake Technician (Certified Spanish-speaking)
Mika Bell	Intake Technician
Verdene Klasse	Office Assistant



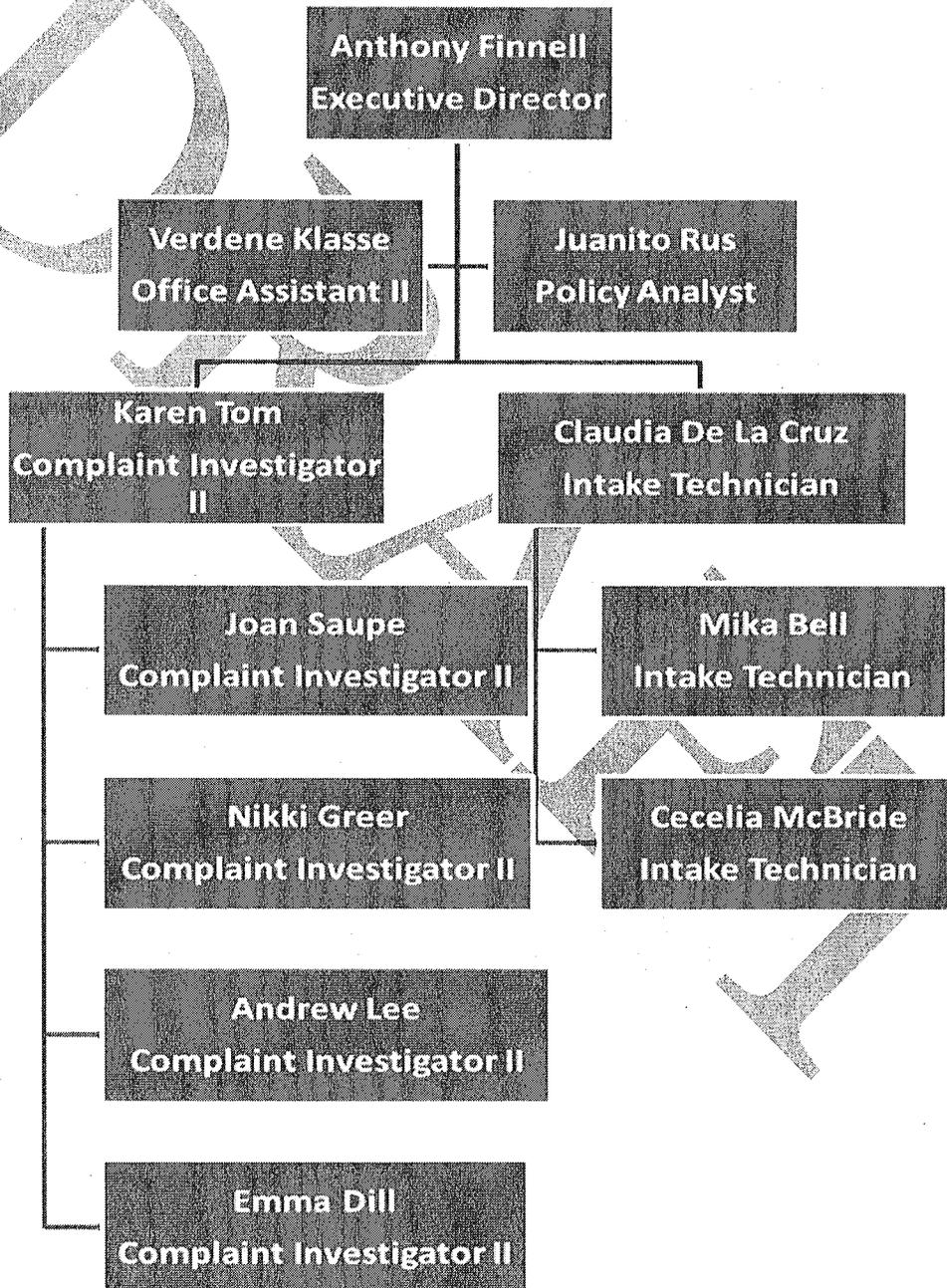
Executive Director: Anthony Finnell



CPRB Staff: Emma Dill, Verdene Klasse, Karen Tom, Claudia De La Cruz-Perez, Nikki Greer, Jan "Juanito" Rus, Mika Bell, Joan Saupé, Andrew Lee.

CPRB Organization Chart,

(as of 12/31/16, 11 FTE)



Board Activities and Information

CPRB Staffing

In 2016, the CPRB was fully staffed with five Complaint Investigators (one of whom is bilingual Cantonese-speaking and one of whom is bilingual Spanish-speaking), an Office Assistant, a Policy Analyst (bilingual Spanish-speaking), and three full-time Intake Technicians (one of whom is bilingual Spanish-speaking). With four bilingual staff, the CPRB is fully compliant with the City's Equal Access Ordinance in providing equal access to its services for all Oakland residents, regardless of English proficiency.

Staff and Board Training

The CPRB Board and staff completed more than 570 hours of training in an effort to improve the quality of its investigations and the services provided. Trainings included mediation and conflict resolution certification, interview and interrogation training, the Citizens' Police Academy, hosted by OPD, participation at the NACOLE Annual Conference in Albuquerque, NM, and the NACOLE Academic Symposium in New York, NY.

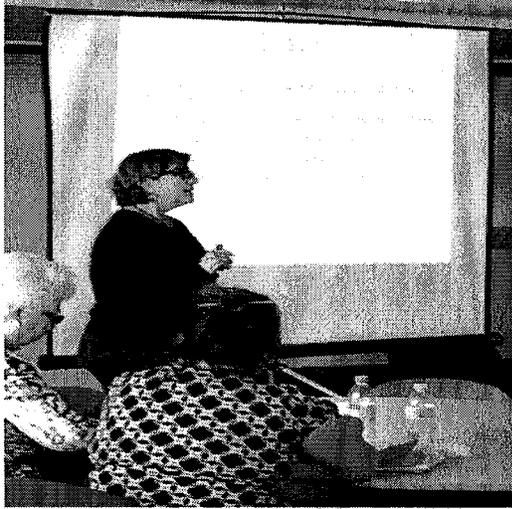
Community Outreach

The CPRB Board and staff conducted more than 150 hours of community out-

reach, working to educate the community about their rights and the work of the CPRB. The CPRB outreach activities included hosting a community conference titled, "Profiling: Developing a Mechanism to Identify, Quantify and Investigate Profiling Allegations Against Police." More than 50 people were in attendance from all over the Bay Area and from as far away as Indiana and Florida. The conference was live streamed over the internet, courtesy of the National Association for Civilian Oversight of Law Enforcement (NACOLE), and drew viewers on the East Coast and Midwest. Several leaders of oversight agencies from the Bay Area were also in attendance. A panel of community leaders discussed what the Oakland Police Department (OPD) was currently doing to address the issue of profiling, how data was being used in law enforcement to address citizen complaints and how we can use open-data to serve our communities. The speakers included then Assistant Chief of Police for OPD Paul Figueroa, Social Science scholars Dr. Jack Glaser, Ph.D. and Nick Camp, and San Jose Independent Police Auditor Walter Katz. Oversight practitioners left the conference with a better understanding of what needs to be done in order to be proactive in addressing profiling in law enforcement. NACOLE was the co-sponsor of the conference.

Board Activities and Information

Photographs from the Regional Conference



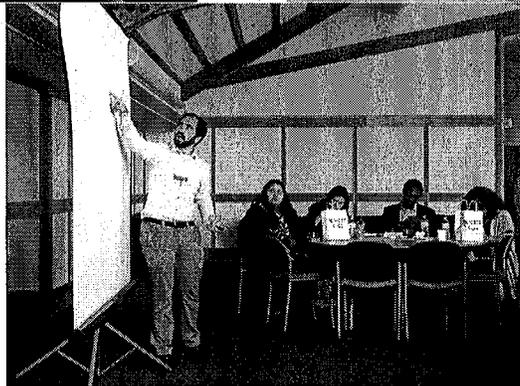
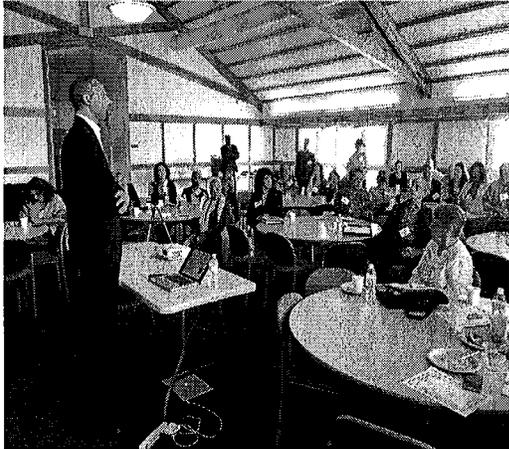
Cameron McElhiney, NACOLE

Walter Katz, San Jose Independent Police Auditor



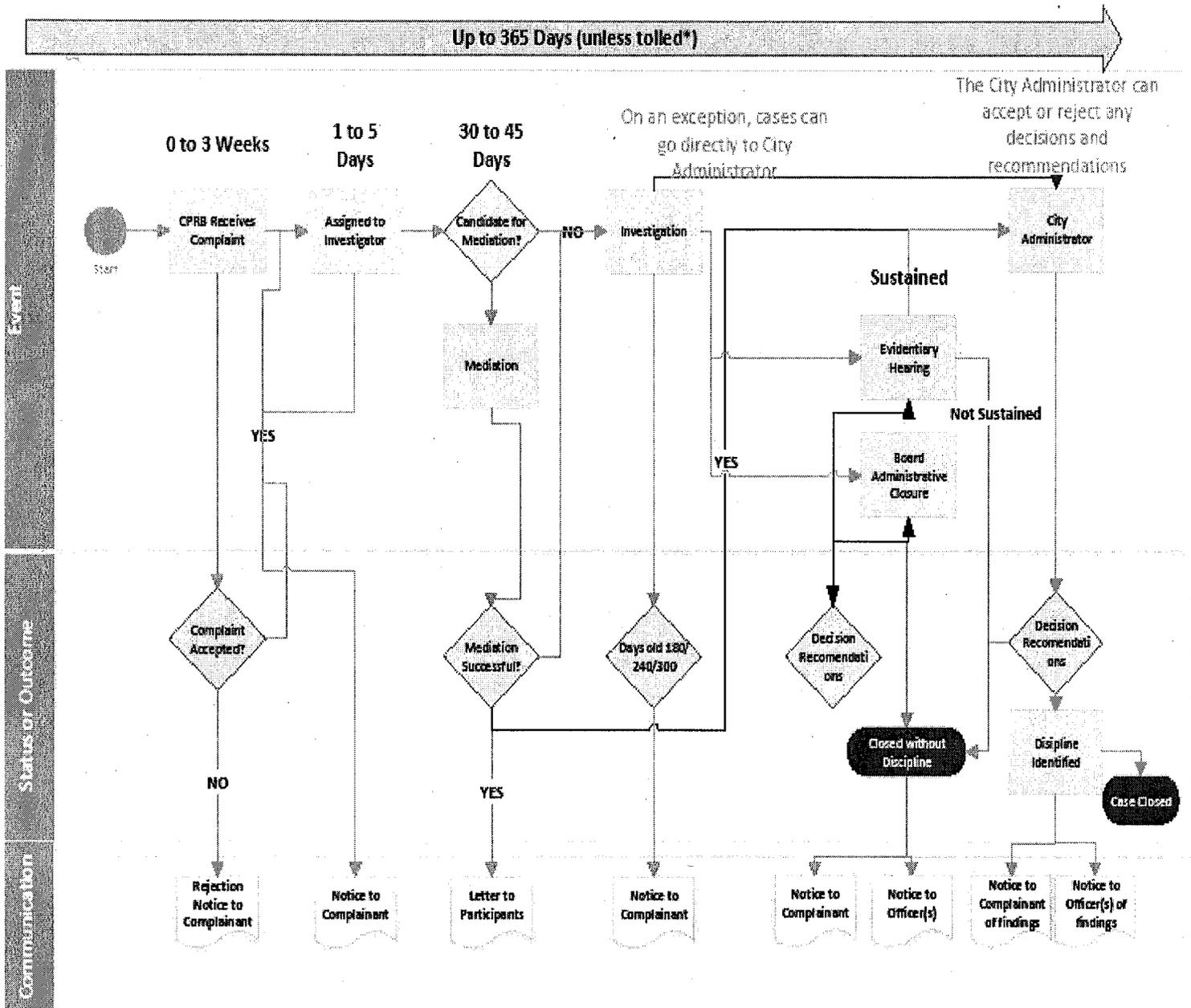
Assistant Chief Paul Figueroa, OPD

Jack Glaser, Ph.D., GSPP, UC Berkeley



Nick Camp, Ph.D. candidate,
Stanford University

CPRB Complaint Process



Citizen Complaints and CPRB Investigations

The Citizens' Police Review Board and Staff actively engage the Oakland Community through outreach and education initiatives. Additionally, the first portion of every meeting of the Board is conducted in open session and the public is welcome to attend and provide comment on any Board business presented during this portion of the meeting. However, the primary work of the CPRB Board and Staff consists of the investigation of community complaints of police misconduct as well as investigations of police conduct in use-of-force cases and major incidents. Therefore, because California State Law provides strong protections of personnel records for public safety officers, over 90% of the work product of CPRB is confidential and the vast majority of the work of the appointed Board occurs during closed session and is largely invisible to the public.

In 2016, the CPRB opened 531 separate investigations into disciplinary cases involving community complaints and use-of-force incidents of which 58, or approximately 11% were assigned for a complete investigation by the Board's professional investigative staff, and an additional 20 remained unassigned at the end of the calendar year. The CPRB resolved 112 complaints based on full investigations, 105 through Administrative Closure, three (3) through full Board Hearings, and two (2) which were sent directly to the City Administrator as staff recommendations. On average, the Board heard and voted on five (5) complaints per board meeting. Complaints resolved in 2016 involved an average of 3.43 allegations per complaint (within a range of 1-17 allegations for each complaint closed). Closed-session portions of Board meetings during which each complaint was discussed averaged 2 hours and 10 minutes, (within a range of 40 minutes to 7 hours), for an average board discussion of 26 minutes per complaint. Additionally, prior to voting on each complaint, Board members reviewed investigative summaries prepared by staff consisting of all relevant transcripts of interviews and video footage, police documentation, and relevant case law. These investigative summaries averaged 19 pages in length (within a range of 2 to 80 pages) for Administrative Closures, and 279 pages for the full evidentiary packets associated with Board Hearings. Therefore, in addition to their public duties, a Board member attending all scheduled meetings in 2016 would have been expected to read 2,929 pages of investigative summaries and hearing materials associated with CPRB complaint closures during the calendar year.

Based on their review of the 112 complaints (consisting of 384 separate allegations) closed during the 2016 calendar year, the Board sustained 49 separate allegations with disciplinary recommendations of which 34 were upheld at least in part by the City Administrator. Nine (9) officers involved in CPRB investigations left the department prior to completion of the investigation.

In addition to specific disciplinary findings, the Board generated (8) separate policy and training recommendations based on their review of community complaints and several complaints led to changes in OPD procedure.

The following pages detail statistics relating to the non-public work of the CPRB resolving complaints and investigating allegations of officer misconduct.

Number of Complaints Filed with CPRB

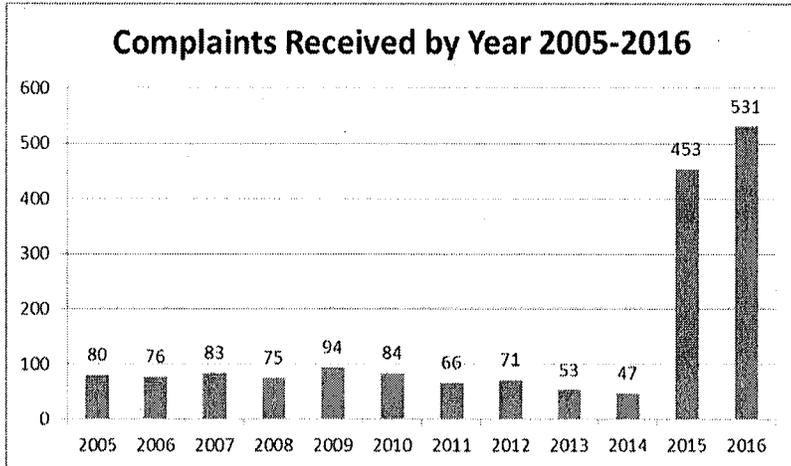


Figure 1

In 2016, the CPRB received 531 complaints. Figure 1 shows the total number of complaints filed with the CPRB from 2005. Figure 2 shows the method by which 2016 complaints were filed. Figure 3 shows the number of complaints filed in 2016 by month.

The increase in the number of CPRB complaints filed in 2015 and 2016 reflect a change in complaint reporting. Prior to 2015, the CPRB received a limited number of complaints forwarded from the OPD Internal Affairs Division (IAD). Beginning that year (2015), IAD forwarded 432 cases to the CPRB, and an additional 21 complaints were filed by walk-in complainants directly, leading to the total of 453. In 2016, IAD forwarded 437 complaints, which formed by far the largest proportion of the 531 total complaints received.

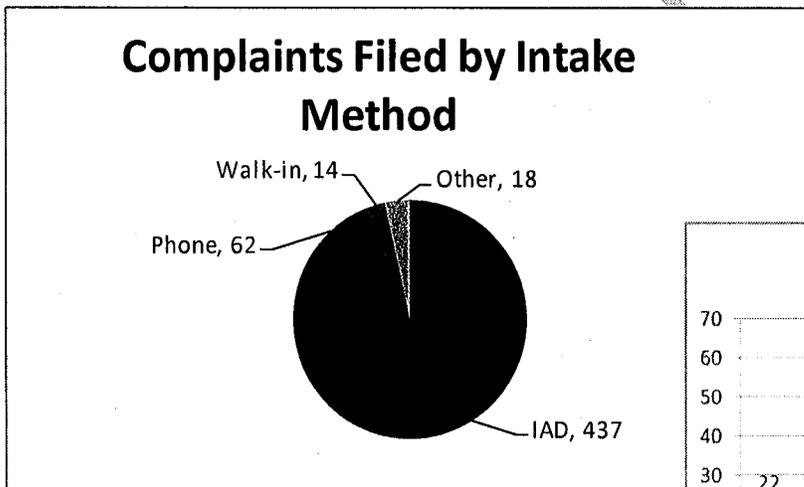


Figure 2

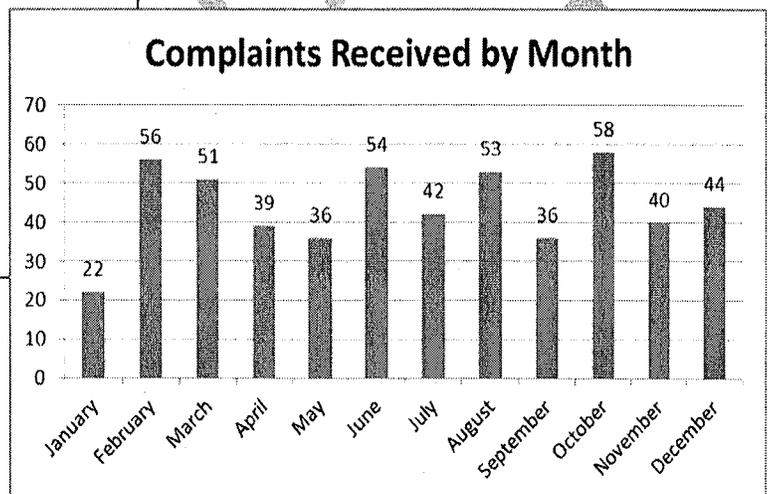


Figure 3

Complainant Demographics

Complaints Received by Race (Self-Reported)

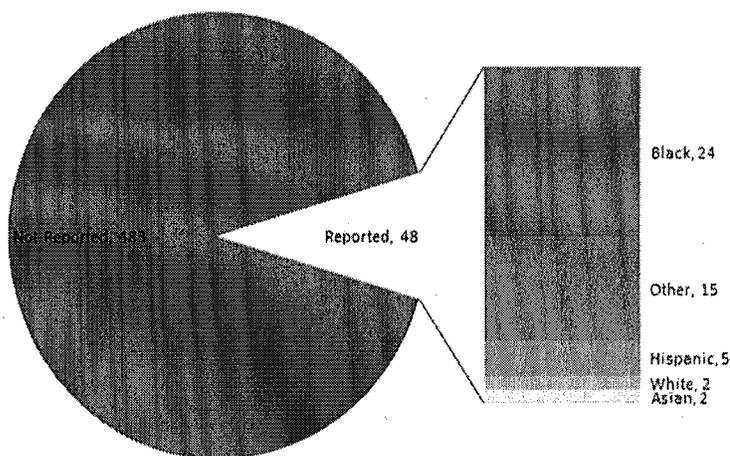


Figure 4 gives the racial breakdown of complainants who identified their race on their complaint forms.

The majority of self-identified complainants were African-American.

Figure 4

Complaints Received by Gender (Self-Reported)

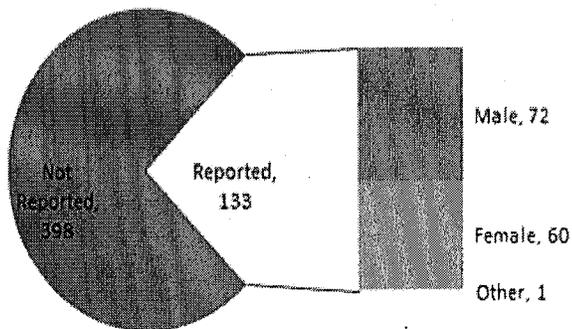


Figure 5 shows that, of the complainants who identified their gender, a slightly larger percentage of men filed complaints than women.

Figure 5

Complaint Incident Location

Complaints received by the CPRB include address information about the location of the incident that generated the complaint. Figure 6 (below) is a map of this location information for complaints filed in 2016.

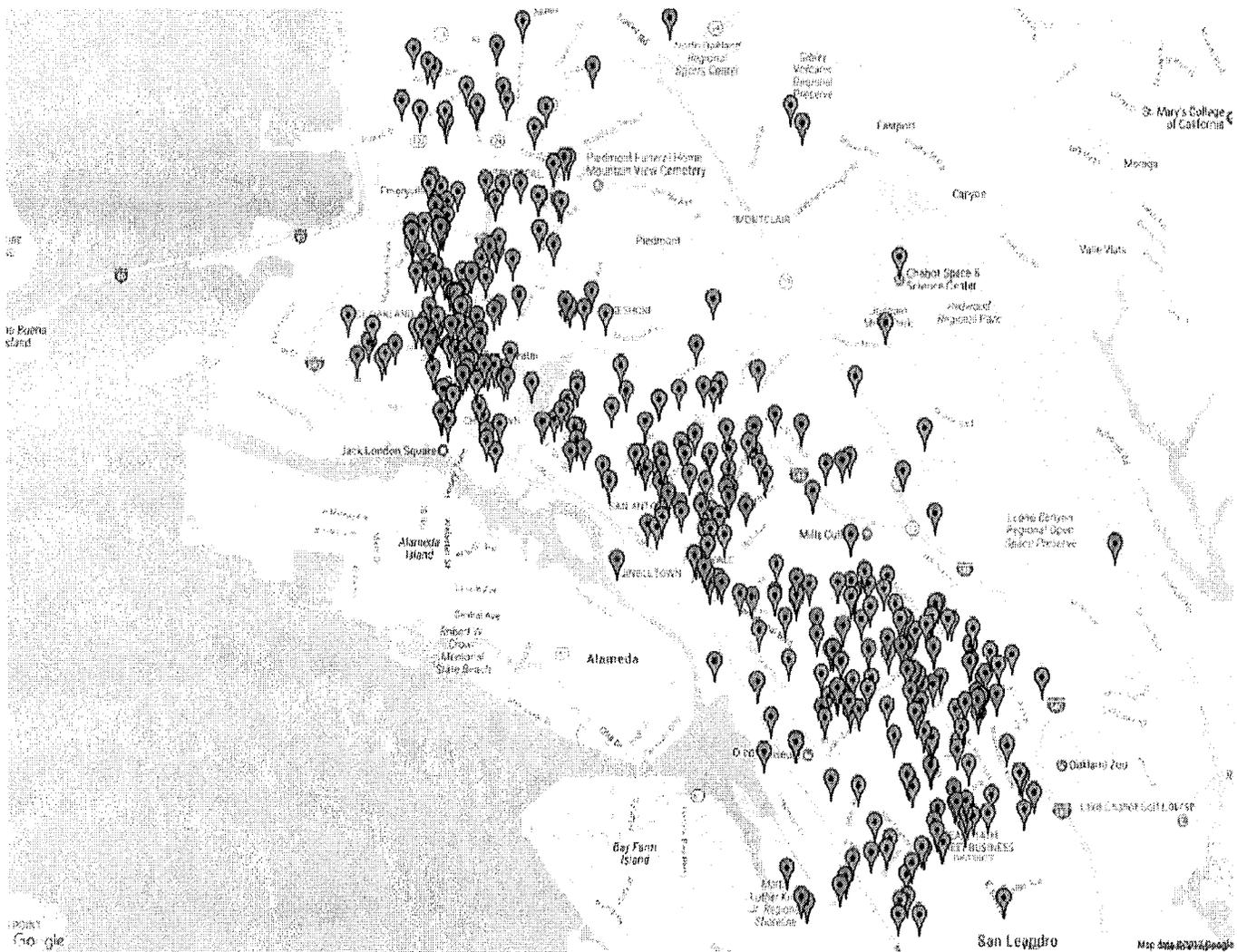


Figure 6

Complaints Not Assigned for Investigation

Of the 531 complaints received in 2016, 58 were assigned to CPRB investigators for further investigation, and 20 remained unassigned at the end of the calendar year. This constituted 15% of all complaints. The other 453 complaints received were declined for a number of reasons. These included complaints in which clear evidence existed that the complaint was unfounded, complaints that did not constitute violations of the OPD Manual of Rules (MOR), lack of cooperation by complainants, instances in which specific officers were not identified, and issues of jurisdiction. Figure 7 shows the breakdown of all declined complaints by the reason that they were declined. Cases listed as Other were most likely to have been resolved through informal complaint resolution prior to investigation and often include instances of officer conduct which did not rise to the level of being a MOR violation.

Complaints Received but not Assigned for Investigation by Reason for Declination

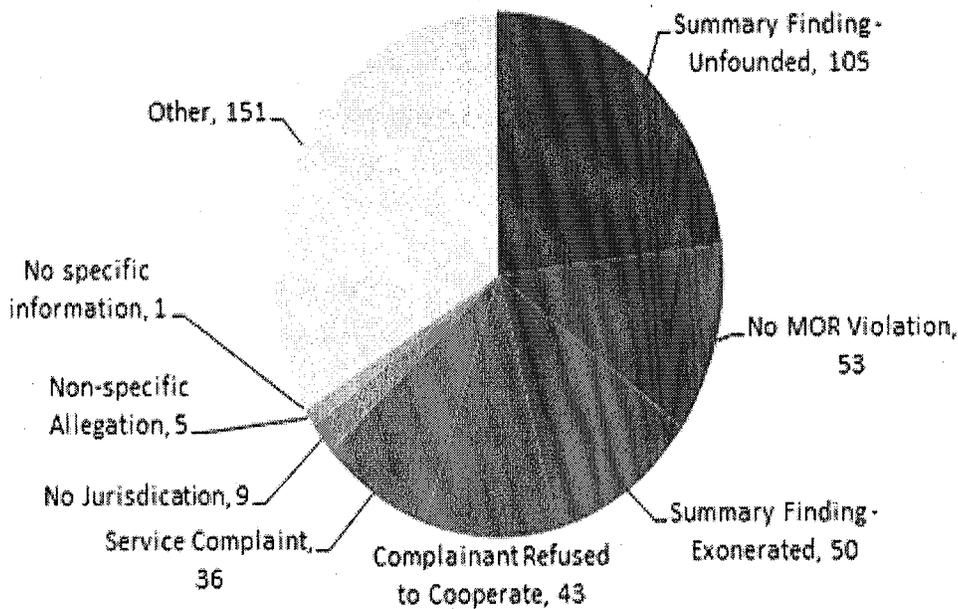


Figure 7

Cases Assigned for Investigation

Complaints that involve use of force, profiling, in which the CPRB legitimately believes that there is a basis for a positive finding of a MOR violation, or that the Director deems appropriate for further investigation are assigned to the professional investigative staff of the CPRB. Individual investigations include a review of all police documents and reports, camera footage (where available), and interviews with complainants, witnesses and officers named. Each complaint may generate numerous allegations of misconduct involving one or many officers, and each allegation is thoroughly investigated to determine whether the incident took place and whether it complied with existing OPD policy and training. Individual complaints therefore vary in their complexity depending on the number of allegations and available evidence, from relatively simple complaints involving single complainants and officers and a limited number of allegations to major incidents which may involve dozens of witnesses and officers and hundreds of hours of video evidence. Complaints are categorized based on their complexity at intake and assigned to investigators according to their availability.

Fifty-eight (58) complaints were assigned for further investigation in 2016.

Cases Assigned for Investigation 2016	
Involving use of force/bodily injury	36
1 Minimal effort to complete	2
2 Average complexity	22
3 Most complex	12
Improper detention (profiling)	4
1 Minimal effort to complete	1
2 Average complexity	3
Service/Response/Reporting	18
1 Minimal effort to complete	10
2 Average complexity	7
3 Most complex	1
Grand Total	58

Officer Compliance with CPRB Investigations

Officers must cooperate with CPRB investigations by responding to interview requests (notices) and by appearing at hearings when subpoenaed. Non-compliance in either area is a violation of Oakland Police Department General Order M-3.2 and can result in discipline. In 2016 9 Officers left the OPD during the course of a CPRB investigation.

Officer Interview Notices

When officers are served with an interview notice, they must return the notice to the OPD Court Liaison within their next three on-duty days and either call to schedule an interview with CPRB or release an existing statement made to Internal Affairs. If an officer fails to respond to CPRB's request for an interview, they are non-compliant.

Officer Appearances at Hearings

When officers receive subpoena notices from the CPRB, they must attend a scheduled hearing or make special arrangements for their absence. Officers who fail to appear at CPRB hearings without making special arrangements for their absence are non-compliant with the CPRB hearing process. Non-compliance in attending hearings is in violation of Oakland Police Department General Order M-3.2 and is subject to discipline.

OPD Officer Compliance with CPRB Investigations	
Involved in CPRB Investigations as Witnesses or Subjects	250
Statements Released in Response to Interview Notices	184
Interviewed by the CPRB	18
Investigator did not Proceed with Interview	11
Legitimately Unavailable for Interview*	7
Non-compliant	8
CPRB HEARINGS	
Subpoenaed to Appear at Board Hearing	19
Legitimately Unavailable for Hearing*	3

* Includes officers on extended medical or military leave or who are no longer employed by OPD

Number of Resolved Complaints

The CPRB resolved 112 separate complaints in 2016, 105 by administrative closure, three (3) by Evidentiary Hearing, and four (4) by Staff Recommendations brought directly to the City Administrator. Staff recommendation is another method to bring findings to the City Administrator when a hearing cannot be held, for example, because of pending litigation or unavailability of parties.

By contrast, in 2015, 42 separate complaints were resolved: 36 by Administra-

tive Closure, six (6) by Evidentiary Hearing, and none by Staff Recommendations brought directly to the City Administrator.

The number of resolved complaints in a given year is related to both the number of complaints filed that year and the number of complaints filed in the previous year. Figure 8 (below) shows the number of resolved complaints in each year since 2005.

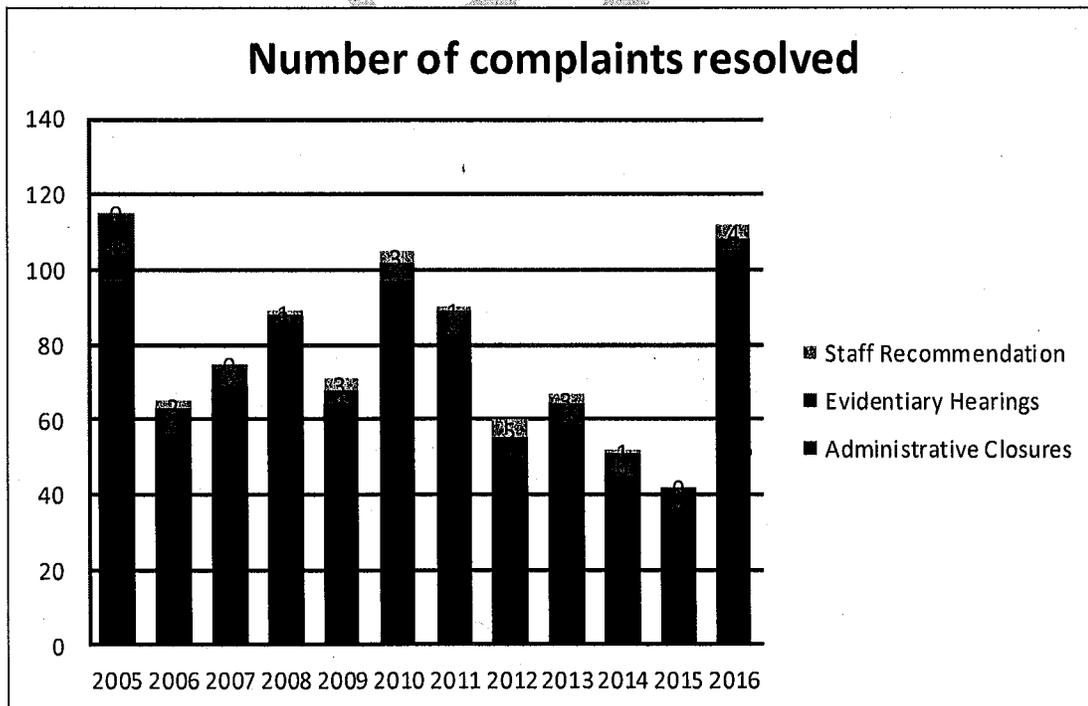


Figure 8

Board Findings for Resolved Allegations

In 2016, the CPRB was able to determine findings in 341 of the allegations underlying complaints that were heard. In 10% of those allegations, CPRB investigators were unable to reveal sufficient evidence to affirm whether an officer's actions were either appropriate or inappropriate resulting in a finding of Not Sustained. In the remaining 90% of these allegations, CPRB investigations revealed sufficient evidence for positive findings regarding incidents that were subject to citizen complaint. Forty-Nine (49) allegations (13%) were sustained and generated disciplinary recommendations (recommendations shown on page 24).

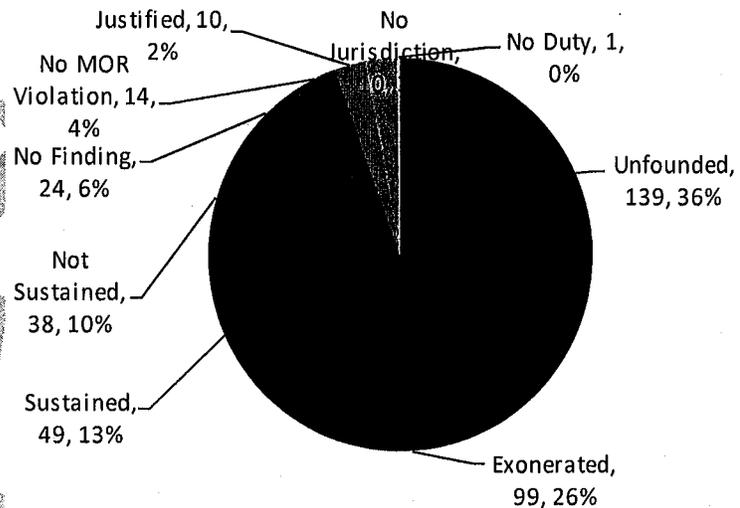


Figure 9

Explanation of Board Findings

For a given allegation, the Board may vote for one of the following four findings:

- **Sustained:** The act(s) alleged by the complainant occurred and constituted misconduct.
- **Exonerated:** The act(s) alleged by the complainant occurred. However, the act(s) were justified, lawful, or proper.
- **Unfounded:** The act(s) alleged by the complainant did not occur.
- **Not Sustained:** The available evidence can neither prove nor disprove the act(s) alleged by the complainant.

A finding of Sustained affirms that the officer acted inappropriately, and findings of Exonerated or Unfounded affirm that the officer acted appropriately. These findings require the vote of five Board members. A Not Sustained finding makes no judgment about the behavior of the officer; a majority of Board members present may reach a finding of Not Sustained.

Allegation Categories

Each complaint consists of allegations of misconduct against specific officers. Misconduct is defined as a violation of the Oakland Police Department Manual of Rules (MOR), and is characterized by both the category of violation and the specific rule that the complainant is alleged to have violated. The nature and number of allegations in a complaint sometimes change over the course of investigating a case. Each complaint may name multiple officers and each officer may be the subject of multiple allegations. In 2016, the average complaint consisted of 3.43 allegations.

Allegations by MOR Violation	Count Sustained		
234.00-1 Commanding Officers - Authority and Responsibilities - Gross dereliction of duty	1		
285.00-1 Supervisors - Authority and Responsibilities - Gross dereliction of duty	1		
285.00-2 Supervisors - Authority and Responsibilities	5	3	60.0%
314.03-2 General Conduct	8	6	75.0%
314.04-1 Conduct Toward Others - Harassment and Discrimination	33	1	3.0%
314.07-2 Conduct Toward Others - Demeanor	38	4	10.5%
314.30-1 Insubordination - Failure or Refusal to Obey a Lawful Order	1	1	100.0%
314.38-1 Obstructing the Internal Affairs Process	1		
314.39-1 Performance of Duty - Intentional, Search, Seizure, or Arrest	5	1	20.0%
314.39-1 Performance of Duty - Miranda Violation	3	1	33.3%
314.39-2 Performance of Duty - Care of Property	14		
314.39-2 Performance of Duty - General	56	6	10.7%
314.39-2 Performance of Duty - Personal Digital Recording Device (PDRD)	7	2	28.6%
314.39-2 Performance of Duty - Unintentional/Improper Search, Seizure, or Arrest	63	4	6.3%
314.42-1 Obedience to Laws - Driving Under the Influence	3	3	100.0%
314.42-1 Obedience to Laws - Felony/Serious Misdemeanor	1		
314.42-2 Obedience to Laws - Misdemeanor/Infraction	5	4	80.0%
314.48-1 Reporting Violations - Failure to Report Misconduct When Required	1		
314.69-1 Gifts, Gratuities - Soliciting or Accepting	1		
314.70-1 Use of Privileged Information	3	3	100.0%
328.63-1 Consumption of Intoxicants	2	2	100.0%
370.27-1 Use of Physical Force - Level 1-4	88		
370.27-1 Use of Physical Force - Level 3	1		
370.27-1 Use of Physical Force - Level 4	1		
370.36-1 Custody of Prisoners - Treatment and Maintaining Control	2		
398.73-1 Retaliation	3		
398.76-2 Failure to Accept or Refer a Complaint (Unintentional)	6	4	66.7%
398.77-1 Refusal to Provide Name or Serial Number	9	4	44.4%
No Duty/No MOR Violation	22		
Grand Total	384	49	12.8%

Allegations by Category	Count	Sustained	
Bias/Discrimination	17	1	5.9%
Excessive Force - Bodily Injury	3		
Excessive Force - Choking	1		
Excessive Force - Grab/push/shove/trip	29		
Excessive Force - Handcuffs too tight	10	1	10.0%
Excessive Force - Handcuffs unnecessary	8		
Excessive Force - Kicked or kneed	2		
Excessive Force - OIS	7		
Excessive Force - Other	16		
Excessive Force - Pointing of firearm	18		
Excessive Force - Strike w hand or unknown object	8		
Excessive Force - Strike w weapon	2		
Excessive Force - Taser	4		
Failure to Act - Failure to accept or refer a complaint	7	4	57.1%
Failure to Act - Failure to activate PDRD	7	2	28.6%
Failure to Act - Failure to identify self	9	4	44.4%
Failure to Act - Failure to investigate	4		
Failure to Act - Failure to properly obtain a search warrant	1		
Failure to Act - Failure to properly supervise	6	4	66.7%
Failure to Act - Failure to provide medical assistance	4	1	25.0%
Failure to Act - Failure to report misconduct	1		0.0%
Failure to Act - Failure to write a report	1	1	100.0%
Failure to Act - Other	16	4	25.0%
Harassment	11		
Improper Citation	3		
Improper Supervision	1		
Improper/Unlawful Arrest	17		
Improper/Unlawful Detention/Stop	15		
Improper/Unlawful Search - Other	13	2	15.4%
Improper/Unlawful Search - Person	14	2	14.3%
Improper/Unlawful Search - Vehicle	3		
Minors	3		
Other	51	19	37.3%
Property - Damaged/missing/seized	12		
Property Stolen	2		
Racial/Identity Profiling - Ethnicity	4		
Racial/Identity Profiling - Race	6		
Retaliation	2		
Service/Response/Reporting	3		
Sexual Misconduct	1		
Untruthfulness - Verbal statements	3		
Vehicle Towed/Impounded	2		
Verbal Misconduct - Other	5		
Verbal Misconduct - Profanity	4		
Verbal Misconduct - Rudeness	26	4	15.4%
Verbal Misconduct - Threats	2		
Grand Total	384	49	12.8%

Administrative Closures

After an investigation is complete, a complaint is administratively closed and documented by a written Administrative Closure Report that is considered by the Board if a hearing on the complaint would not facilitate the fact finding process. The Board votes on each allegation included in an Administrative Closure Report, and on proposed discipline in the case of sustained allegations of officer misconduct. **In 2016, the Board administratively closed 105 complaints.** Figure 10 (below) shows the reasons for all Administrative Closures in 2016. The following page defines the reasons complaints are administratively closed. The largest number of complaints are administratively closed because a hearing would not facilitate the fact finding process based on the evidence collected by staff.

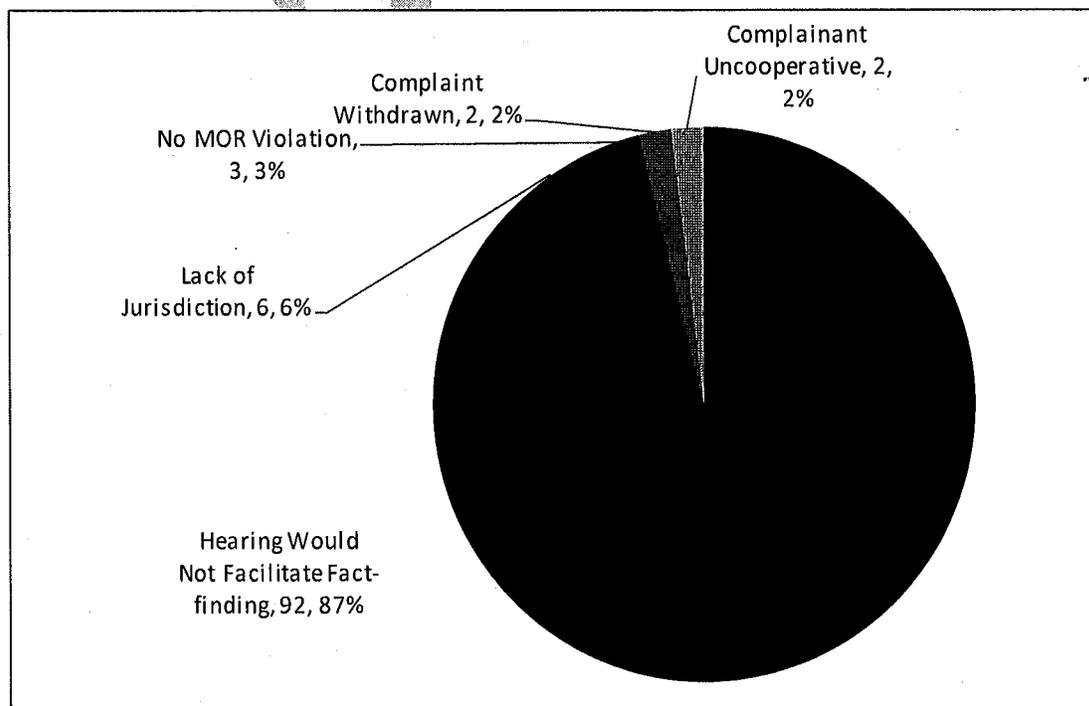


Figure 10

Reasons for Administrative Closures

Hearing would not facilitate the fact-finding process

The complaints that fall under this category include either those in which the investigator finds conclusive evidence to sustain an allegation, or those in which they are unable to find corroborating evidence of the allegations. If the investigator finds conflicting evidence, or if questions remain that would benefit from the gathering of additional sworn evidence, the case proceeds to the full Board Hearing procedure.

No MOR Violation

These complaints do not constitute a violation of OPD's Manual of Rules. Such complaints include actions lawful for officers to do in particular incidents which a complainant may be unaware of as being legal.

Lack of jurisdiction

If the subject of an investigation is found not to be a sworn Oakland Police Officer or Park Ranger, the CPRB does not have jurisdiction to impose discipline, and the case is closed without a finding.

Service related

A few complaints are filed with the CPRB which complain about the quality of service received, for example, the time it

takes OPD to respond to a call for service. Such complaints are not individual acts of officer misconduct.

3304 statute of limitations

A one-year statute of limitations applies to bringing disciplinary action against a public safety officer (CA Government Code §3304). Therefore, investigations in which a full board hearing process would cause the case to exceed the statutory 3304 deadline are sometimes forwarded as Administrative Closures with an investigator recommendation in order to assure that the Board's findings and recommended discipline comport with state law.

Complaint withdrawn

If a complainant voluntarily withdraws his or her complaint, it is closed without a finding.

Complainant uncooperative

If a complainant repeatedly fails to respond to the investigator's request for an interview, the complaint is closed without a finding.

Unable to identify officer(s)

If an investigation cannot determine the identity of the officer involved in a complaint, it is closed without a finding.

Evidentiary Hearings

The Board uses several methods to review a complaint to determine the findings and appropriate discipline for the subject officers. In certain cases, complaints reviewed by CPRB investigators contain conflicting evidence, turn up issues that were not sufficiently addressed by the investigative documentation provided by the OPD Internal Affairs Department and investigator interviews, or for some other reason are determined to require the collection of sworn testimony during a formal evidentiary hearing process before the full board.

Prior to an Evidentiary Hearing, the board generally assigns two (2) members as examiners. These board members meet prior to the full board hearing to review all existing available evidence and design questions meant to address specific board concerns. During the Evidentiary Hearing itself, Board Counsel describes the process for witnesses and their legal counsel (if applicable); swears in all witnesses and subject officers who are to provide testimony; and serves as court officer, after which the assigned board examiners engage directly with called witnesses. After the hearing, the Board convenes in Closed Session to discuss the evidence in the case and any testimony provided during the hearing and make a determination as to findings in each allegation contained in the complaint based on these discussions.

The table on the next page lists the complaints decided by the Board from an Evidentiary Hearing in 2016 .

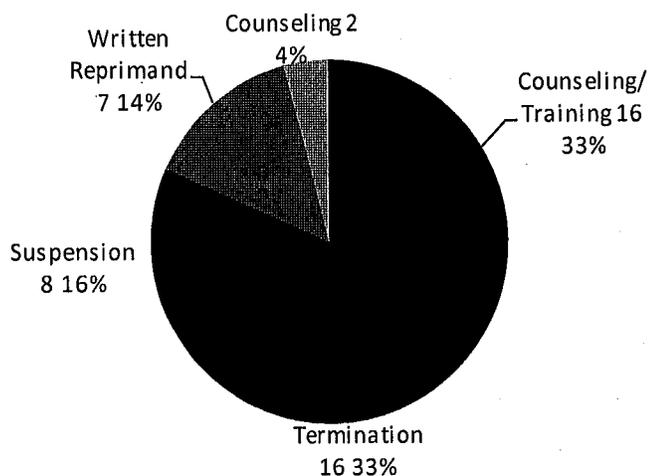


Figure 11

Disciplinary Recommendations

The Board recommended discipline in response to 49 individual allegations closed in 2016. Disciplinary recommendations ranged from counseling to termination. Figure 11 shows all recommendations made by the board in 2016.

Evidentiary Hearings Conducted in 2016

Complainant(s) Hearing Date	Allegation	Allegation Category	Board Finding	Board Disciplinary Recommendations
Brandon Jones 1/28/2016	15-0221(01)	Improper/Unlawful Search - Person	Unfounded	
	15-0221(02)	Failure to Act - Failure to identify self	Sustained	Suspension
	15-0221(03)	Failure to Act - Failure to identify self	Sustained	Suspension
	15-0221(04)	Failure to Act - Failure to identify self	Sustained	Suspension
Kyle Robinson 2/25/2016	15-0248(01)	Harassment	Unfounded	
	15-0248(02)	Harassment	Unfounded	
	15-0248(03)A	Failure to Act - Failure to activate PDRD	Sustained	Suspension
	15-0248(03)B	Failure to Act - Failure to activate PDRD	Exonerated	
	15-0248(04)A	Failure to Act - Other	Sustained	Counseling/Training
	15-0248(04)B	Failure to Act - Other	Sustained	Counseling/Training
	15-0248(05)A	Failure to Act - Failure to accept or refer a complaint	Sustained	Written Reprimand
	15-0248(05)B	Failure to Act - Failure to accept or refer a complaint	Sustained	Written Reprimand
	15-0248(06)A	Verbal Misconduct - Rudeness	Sustained	Counseling/Training
	15-0248(06)B	Verbal Misconduct - Rudeness	Sustained	Counseling/Training
	15-0248(07)	Failure to Act - Other	Exonerated	
Carmen M. Johnson 7/28/2016	15-0749 (1)	Improper/Unlawful Detention/Stop	Exonerated	
	15-0749 (2)	Improper/Unlawful Detention/Stop	Exonerated	
	15-0749 (3)	Improper/Unlawful Search - Vehicle	Exonerated	
	15-0749 (4)	Improper/Unlawful Search - Person	Sustained	Written Reprimand
	15-0749 (5)	Improper/Unlawful Search - Other	Not Sustained	
	15-0749 (6)	Other	Exonerated	
	15-0749 (7)	Improper/Unlawful Search - Other	Sustained	Suspension
	15-0749 (8)	Improper/Unlawful Search - Other	Exonerated	
	15-0749 (9)	Bias/Discrimination	Sustained	Written Reprimand
	15-0749 (10)	Failure to Act - Failure to accept or refer a complaint	Sustained	Counseling
	15-0749 (11)	Improper/Unlawful Search - Person	Unfounded	
	15-0749 (12)	Improper/Unlawful Search - Other	Sustained	Written Reprimand
	15-0749 (13)	Other	Exonerated	

City Administrator's Decisions on Disciplinary Recommendations

The Board forwards all officer disciplinary recommendations to the City Administrator and Chief of Police. The City Administrator makes the final decision on whether the Board's recommendations for discipline for officers are accepted. In 2016, the Board recommended individual officer discipline regarding 49 allegations with separate disciplinary recommendations.

In twenty-six (26) of the Board's recommendations, the sustained allegations aligned with OPD's proposed discipline. In six (6) of the 49 recommendations, the City Administrator agreed with the Board's recommendations for officer discipline. Fifteen (15) of the Board's recommendations were not accepted.

Additionally the City Administrator requested changes to police training in response to ten (10) of the allegations in which the Board's recommendation was not accepted, and a review of police policy regarding one (1) recommendation which was not accepted. In one (1) Sustained allegation the City Administrator enhanced the discipline recommended by the Board as well as requesting additional training.

Finally, one instance in which the City Administrator did not initially accept the Board's recommendation, the conduct of officer(s) involved in the incident were later determined to have exceeded the boundaries of existing policy based upon a full examination of the CPRB case file by the City Attorney. This case led to changes in police policy and training as well as the potential for additional administrative action based on evidence regarding new allegations of misconduct not referenced in the initial complaint that were uncovered during the CPRB investigatory process.

Overall, 70% of the Board's disciplinary recommendations submitted to the City Administrator for consideration and approval were sustained, and allegations that were sustained by the CPRB led to discipline of individual officers and/or changes in police policy and training 90% of the time.

CPRB Policy and Training Recommendations

In addition to specific findings of misconduct, complaints about police misconduct investigated by the CPRB occasionally generate Board recommendations on police policy and training. In some cases these result from instances in which police conduct does not violate any specific existing policy contained in the OPD Manual of Rules; however, the Board believes that a policy addressing a particular type of conduct should exist. In others, patterns of complaints and investigations highlight areas in which the Board believes existing police practice could be improved to provide more transparency or address specific community needs.

In 2016, the CPRB made eight (8) recommendations for changes to Oakland Police Department policy and training. Six (6) of these recommendations were forwarded to the Chief of Police as proposed changes to police policy, one (1) was determined to be a training issue and was forwarded as a training recommendation, and one (1) was determined to be an issue for the Alameda County District Attorney and not the OPD.

Religious Headwear Policy

On 1/28/16, the CPRB Board heard case #15-0191 in re: Zelko regarding an officer's removal and search of complainant's hijab during a public protest. Based on the facts in this case, the CPRB developed a first-in-the-nation draft religious headwear policy which it forwarded to the Chief of Police on 4/19/16

Insufficient Filming of Pre- and Post-Search Sites

On 2/11/2016, the CPRB Board heard case #15-0189 in re: Dorsey. Based on the facts of the case, the board voted to forward revisions to OPD policy regarding filming/documentation of searched properties and to require steps to improve the quality of video taken by officers using Personal Digital Recording Devices (PDRDs). These recommendations were forwarded to the Chief of Police on 4/19/2016.

Documentation and Recordkeeping during Multi-jurisdictional Searches

On 2/11/16, the CPRB Board review of case #15-0189 in re: Dorsey generated a new policy recommendation regarding multijurisdictional searches. Based on the facts of the case, the Board voted to recommend changes to existing policy to improve the documentation of the role(s)/task(s) of each entity/staff; and the preservation or listing of supporting documents (warrants, police reports, PDRDs, other recordings, photographs and operational plans) for multijurisdictional operations in order to improve transparency and facilitate oversight of such operations.

CPRB Policy and Training Recommendations (continued)

Ability to Review Affidavits in Support of a Search Warrant

On 2/11/16, after review of case #15-0185 in re: Carson/Lewis and case #15-0222 in re: Kessee-Bridges, the board requested the ability to review affidavits in support of search warrants allegedly obtained illegally/improperly. Upon review of counsel, this was later deemed to be an issue to negotiate with the Alameda County District Attorney and not the OPD.

Witness Statements

On 2/25/16, after review of case #15-0247 in re: J. Lopez, the Board requested changes to OPD training to require officers to include observations or other details not provided by a witness in the supplemental portion of the officer's police report, not in official witness statements.

Police Identification

On 3/24/16, after review of case #15-0221 in re: B. Jones, the Board recommended revisions to OPD policy requiring officers to provide badge numbers *as soon as feasibly possible* when requested by a civilian.

Police Documentation of the Basis for a Stop

On 4/14/16, after review of case #15-0604 in re: McGee, the Board recommended changes to police policy to improve documentation of the basis for a police stop (e.g. PDRD videotape of a non-functioning brake light) to provide relevant evidence pertaining to allegations of misrepresentations and/or racial profiling by demonstrating the specific facts and circumstances that support reasonable suspicion or probable cause for stops. A letter detailing this proposal was forwarded to Chief of Police on 4/19/2016.

Language Access: Statements Given in a Foreign Language

On 5/12/16 after review of case #15-0483 in re: Lupian, the Board recommended a change in policy to require that an oral statement provided in a foreign language by a person with limited English proficiency should be written in that person's primary language/language spoken before obtaining his/her review and signature. A letter detailing this proposal was sent to Chief of Police on 5/16/2016.

2016 Board Member Attendance

MEMBER	1/14/2016	1/28/2016	2/11/2016	2/25/2016	3/10/2016	3/24/2016	4/14/2016	4/28/2016	5/12/2016	5/26/2016	6/9/2016	6/23/2016	7/14/2016	7/28/2016	9/8/2016	9/22/2016	10/13/2016	10/27/2016	11/10/2016	12/8/2016
Ball				P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	E	P
Bingham	P	E	P	P	P	P	P	E	P	P	P	P	P	P	P	P	E	P		P
Brisco	P	P	P																	
Brown	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Cameron	P	P	P	P	E	P	P	P	E	P	P	P	P	P	P	P	E	P		P
Dorado																				
Green	P	P	P	P	P	P	P	P	P	P	P	P	P	E	P	P	P	P	E	P
Harris	A	P	P	P	P	E	P	P	P	A	E	P	P	A	A	P	A	A		A
McPherson											P	E	P	E	P	E	P	P	P	
Nasol	P	E	E	P	P	P	E	E	P	P	E	P	P	P						
Tevelson	E	P	P	E	P	P	P	E	P	P	E	P	P	E	P	P	P	P		P
Whitaker	E	P	P	E	P	P	E	P	E	P	A	A	P	P	E	P	E	P		P
Wilson				P	P	E	P	P	P	P	E	E	E	E	P	P	P	P		E
Yihdego	P	P	E	P	P	P	P	E	E											

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P - Present A - Absent E - Excused (absent with permission)

Administrative Closures by Board Meeting

Board Meeting	Case Number	Complainant
1/14/2016	15-0140	Andre Tatum
	15-0125	Deandre Currington and Kristy Zhang
	15-1073	David Ortiz-Tabullo, Rita Cardenas, Hermalinda Nuno
	15-0259	John Anderson
	15-0109	Jerry Mean
1/28/2016	15-0119	Carolyn Fields
	15-0147	Marcus Braud
	15-0161	James Berk
	15-0191	Laura Zelko
	15-0115	Markey Williams
2/11/2016	15-0133	Willie Mullins
	15-0185	Rico Carson and Rhonda Lewis
	15-0189	Stephanie Dorsey
	15-0222	Kelvin Kesse-Bridges
	15-0233	Glen Ray Caldwell, Jr.
	15-0235	Brandon Jones
	15-0249	Porsha Monique Washington aka Porsha Thomas
	15-0247	Jaleen McKeller
	15-0513	Carolyn Young
	15-0192	Rihan Boot
2/25/2016	15-0236	Carroll Jones
	15-0247	Jesus Lopez
	15-0260	Faheem Hamed
	15-0261	Ava Renee Whitmeyer-Robinson aka Whitmeyer Nelson
	15-0183	Keith Davis
3/10/2016	15-0214	Chad Kemp and Ruby Ruelas
	15-0234	Braun Dexter
	15-0271	Alisio Williams
	15-0275	Natisha Bershell
	15-0294	Anthony Bryant
	15-0323	Dante Julian Cano
	15-0330	Edward Cervantes
	15-0237	Charles Jolivet
3/24/2016	15-0291	Oskar Malone
	15-0301	Albert Langelaar
	15-0320	Clarence Cousian
	15-0331	Elizabeth Enoch

Administrative Closures by Board Meeting Continued

Board Meeting	Case Number	Complainant
3/24/2016	15-0332	Silvana Lobos
(cont.)	15-0384	Elsie Hamilton
	15-0391	Elsie Hamilton
	15-0392	Elsie Hamilton
4/14/2016	15-0382	Peter Gwynn
	15-0389	Chanel Brown and Willie Owens
	15-0515	Sheree Christensen
	15-0565	Sharyne-Renee Bradley
	15-0610	Kevin Busack
	15-0793	Belinda Davis
	15-0604	Ramon McGee
	15-0687	Teresa Brooks
4/28/2016	14-0256	Aramiya Burrell
	15-0149	Rafael Valdez
	15-0446	Kenneth Ray Winston
	15-0447	Anthony Miller
	15-0448	Leo Bryant
	15-0750	Brittany Flentroy
	15-0806	Carina Ortiz
	15-0859	Norberto Hernandez
5/12/2016	15-0483	Sergio Z. Lupian
	15-0559	Denise Jeffries
	15-0645	OPD OIS – Nathaniel Wilkes (Decedent)
5/26/2016	15-0436	Demouria Hogg (Decedent)
	15-0462	Timothy Aaron Ellerby
	15-0536	Lacresha Smith
	15-0554	Anthony Burrell
	15-0596	Andryia Shackelford aka Jamelah Barron
	15-0623	Donald Mann
	15-0905	Linda Davis, Derrica Brown, John Powell, Rodney Latin
6/9/2016	15-0128	OIS – Corey Pollard, Rita Wiltz, Angel Wiltz
	15-0325	Meegan Sheehan
	15-0561	Marisol Martinez, Jerson Diaz aka Gerson Diaz Gramajo
	15-0633	James Wesley Ball
	15-0665	Brandon Jones
	15-0712	Rica La
	15-0680	Johnny Mai, Jonathan Vargasmadero

Administrative Closures by Board Meeting Continued

Board Meeting	Case Number	Complainant	
6/23/2016	15-0589	Sharron Yates	
	15-0594	Miesha E. Singleton-Williams, Shaun Williams	
	15-0737	Daniel Lo	
	15-0747	Willis Owen	
	15-0640	Gordial Venson, Lakeya Venson	
7/14/2016	15-0650	Edward Cervantes	
	15-0672	OIS - Mr. Yonas Amare Alehegne	
	15-0784	Elmy Mohmed Abdel Kader aka Abdelkader	
	15-0817	Kevin Ma	
	15-0690	Gilberto Gonzales	
	15-0693	Gilberto Gonzales	
	15-0831	Kulele Owens, Lezor Chaxson, Le Owen and Chanel Brown	
	15-0711	Dottie Moore	
	15-0739	Russell Arias	
	15-0829	Rufus Gupton	
	15-0791	Ricky Bradford	
	15-0655	Shanelle Woodard	
	15-0763	Lisa Moore aka Lisa Moody	
	9/22/2016	15-0838	Jaimie Rodriguez
		15-0867	William Woodard
10/13/2016	15-0863	King James Holloway	
	15-0876	Cynthia Howard	
	15-0900	OPD-OIS – Richard Perkins (Decedent)	
	15-0996	Gilberto Silva Medran (Jr.)	
	15-0655	Shanelle Woodard	
10/27/2016	15-0935	Alyce Winfield	
	15-1001	Arthur Ladwight Williams	
	15-0914	Concepcion Gonzalez	
	15-0910	Brenda Venson, Lakeya Venson, and Shannon Delaney	
12/8/2016	15-0989	Cameron Rose	
	15-0990	Ollie Elbert Syon	
	15-0975	David Brown	
	16-0018	Lanenna Joiner	
	16-0021	Kamas Palmer	
	16-0014	Charlie Lomack	
	15-0977	Ayebawnemi DeWeaver and Excell McKinley	