



## **CITIZENS' POLICE REVIEW BOARD**

**Meeting of Thursday, September 28, 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 – July 27, 2017   |              | 1 |
| IV.   | Open Forum  | (10 minutes) |   |
| V.    | Director's Report   | (5 minutes)  | 2 |
|       | A. Announcements  |              |   |
|       | B. Pending Cases as of September 22, 2017   |              |   |
| VI.   | Discussion – Pre-custody Clearances<br>(Executive Director Anthony Finnell)   | (20 minutes) | 3 |
| VII.  | CPRB Special Committee – Transparency and Legislation<br>(CPRB Board Member – Sharon Ball)  | (10 minutes) | 4 |
| VIII. | Closed Session: New Business  | (45 minutes) |   |
|       | A. Cases Proposed for Administrative Closure / Pursuant to Ordinance<br>No. 12454 C.M.S. section 6, paragraph G subsection 9, hearing would<br>not facilitate the fact-finding process and that no good cause is shown for<br>further action. |              |   |
|       | 1. Based on the findings of the investigation   |              |   |
|       | Case No. 16-1023, Daniel Ibarra   |              |   |
|       | a. Complainant's Comment  |              |   |
|       | b. Staff Report   |              |   |
|       | c. Discussion   |              |   |
|       | d. Action   |              |   |

Complainant alleged that an OPD officer choked him while he was being taken into custody.

**Rationale for administrative closure** – The CPRB Staff recommends administrative closure of this complaint with a finding of **Exonerated** 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 **Unfounded** to allegation #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. 16-1117, Jack Glenn, Sr.
- a. Complainant's Comment
  - b. Staff Report
  - c. Discussion
  - d. Action

The complainant alleged that OPD Officers stopped him unlawfully, detained him, racially profiled him and had his gun out during the traffic stop. The complainant was upset OPD officers had him get onto his knees and crawl backwards towards them during the stop.

**Rationale for administrative closure** – The CPRB Staff recommends administrative closure of this complaint with a finding of **Exonerated** allegations #1 and #4 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 #3 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. 16-0925, Virginia Robinson
- a. Complainant's Comment
  - b. Staff Report
  - c. Discussion
  - d. Action

The complainant alleged that an OPD officer used excessive force.

**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. 16-0890, Alicia Fontinette, Changa Steel
- a. Complainant's Comment
  - b. Staff Report
  - c. Discussion
  - d. Action

The complainant alleged that OPD Officers conducted a bogus traffic stop, were rude and unprofessional, harassed complainants, were racially profiled and failed to provide their names and badge numbers when requested. An additional allegation for use of profanity was later included by the CPRB investigator.

**Rationale for administrative closure** – The CPRB staff recommends administrative closure of this complaint with a finding of **Unfounded** to allegations #1, #2, #3 (as to Officer #2), #4 and #5 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 **Sustained** to allegation #3, **MOR Violation 314.07 – Conduct Towards Others – Demeanor as to Officer #1**, as the investigation disclosed a preponderance of evidence to determine that the alleged conduct did occur and was in violation of law and/or Oakland Police Department rules, regulations or policies.

The CPRB staff recommends administrative closure of this complaint with a finding of **Sustained** to allegation #6, **MOR Violation 314.07 – Conduct Towards Others – Demeanor as to Officer #4**, as the investigation disclosed a preponderance of evidence to determine that the alleged conduct did occur and was in violation of law and/or Oakland Police Department rules, regulations or policies.

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. 16-0971, Curbisha Holden

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

The complainant alleged that an OPD Officer used excessive force and was rude.

**Rationale for administrative closure** – The CPRB Staff recommends administrative closure of this complaint with a finding of **No Finding** to the allegations as the complainant refused to cooperate with the investigation.

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. Legislation and Transparency – Sharon Ball

C. City Administrator Findings

- a. Case No. 16-0389
- b. Case No. 16-0534
- c. Case No. 16-0589

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.