



## **CITIZENS' POLICE REVIEW BOARD**

**Meeting of Thursday, October 12, 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 – Sept. 28, 2017  |              | 1 |
| IV.  | Open Forum  | (10 minutes) |   |
| V.   | Director's Report   | (5 minutes)  | 2 |
|      | A. Pending Cases as of October 6, 2017  |              |   |
| VI.  | Action – Transparency and Legislation (10 minutes)<br>(CPRB Board Member – Sharon Ball)   |              | 3 |
|      | A. Discussion   |              |   |
|      | B. Public Comment   |              |   |
|      | C. Action   |              |   |
| VII. | 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. 16-0949, Stanley Flemmings   |              |   |
|      | a. Complainant's Comment  |              |   |
|      | b. Staff Report   |              |   |
|      | c. Discussion   |              |   |
|      | d. Action   |              |   |

Complainant alleged than an OPD officer was rude, lacked communication skills and damaged his trunk.

**Rationale for administrative closure** – The CPRB staff recommends administrative closure of this complaint with a finding of **Unfounded** to the allegations 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. 16-1042, Shante Monique Jones

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

The complainant alleged that OPD Officers falsely arrested her, used excessive force, were rude and harassed her. Complainant also alleged that officers were racist, that her cell phone was improperly taken from her and that an officer sexually assaulted her.

**Rationale for administrative closure** – The CPRB Staff recommends administrative closure of this complaint with a finding of **Exonerated** to allegations #1, #7 and #8 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, #3, #4, #6, #9 and #10 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 #5.

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. 16-1044, Tomas Ezequiel Raudales-Beleche

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

The complainant alleged that an OPD officer tackled him from behind, hit him on the back of his head twice, once on the right side of his jaw and chipped his front tooth.

**Rationale for administrative closure** – The CPRB Staff recommends administrative closure of this complaint with a finding of **Exonerated** to the allegation 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 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. 16-1056, Alexa Hornbeck

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

The complainant alleged that OPD Officers launched tear gas against protestors who were demonstrating peacefully without warning and that officers did not medically assist her after she was injured while fleeing from the tear gas.

**Rationale for administrative closure** – The CPRB Staff recommends administrative closure of this complaint with a finding of **Exonerated** to allegations #1 and #2 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 #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. 16-1062, Scott Morris

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

The complainant alleged that OPD Officers indiscriminately threw flash bang grenades at him and two other reporters without reason, and failed to give a proper warning.

**Rationale for administrative closure** – The CPRB Staff recommends administrative closure of this complaint with a finding of **Exonerated** to allegations #1 and #2 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 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. 16-1071 (part 1), Cat Brooks

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

The complainant alleged that OPD Officers ran motorcycles onto sidewalks to scare marchers. Complainant also alleged that an OPD Officer pointed a Specialty Impact Munition launcher at observers; chemical and CS Blast grenades were used on demonstrators without warning and that a demonstrator's skull was fractured and teeth were broken due to excessive force by police during an arrest.

**Rationale for administrative closure** – The CPRB staff recommends administrative closure of this complaint with a finding of **No Finding** to allegation #1 as the investigator was unable to obtain sufficient facts to consider whether this act occurred; why it occurred; how it occurred; therefore, insufficient evidence was provided as to this allegation to begin an investigation and to reach a finding. 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 allegation #2 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.

Allegation #3 was withdrawn by Counsel for Complainant.

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. 16-1071 (part 2), National Lawyer's Guild on behalf of Jonathan Sidney

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

The complainant alleged that OPD Officers charged towards him and pointed a less-lethal munitions gun or launcher at him when he approached officers making an arrest to document the arrest during a protest.

**Rationale for administrative closure** – The CPRB staff recommends administrative closure of this complaint with a finding of **Unfounded** to allegation #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. 16-1161, Lawanda Parks

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

The complainant alleged that an OPD Officer was rude and disrespectful to her. The Complainant also alleged that the OPD Officer walker with her adult niece around the block to locate Complainant's vehicle without Complainant's permission.

**Rationale for administrative closure** – The CPRB staff recommends administrative closure of this complaint with a finding of **Sustained** to allegation #1, **MOR Violation 314.07-2 – Conduct Towards Others – Demeanor**, 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 #2, **MOR Violation 314.07-2 – Conduct Towards Others – Demeanor**, 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 **No MOR Violation** to allegation #3.

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. 16-1169, National Lawyer's Guild on behalf of Russell George Bates

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

The complainant alleged that OPD Officers used improper force by shoving one of its legal advisors to get him to move faster during a demonstration, and also by throwing CS Blast grenades at the crowd without warning or reason with one which seemed to be thrown at the advisor.

**Rationale for administrative closure** – The CPRB staff recommends administrative closure of this complaint with a finding of **No Finding** to allegation #1 as the complainant

refused to cooperate with the investigation and the investigator was unable to obtain sufficient facts to consider whether this act occurred; why it occurred; how it occurred; or whether the use of force was reasonable.

The CPRB Staff recommends administrative closure of this complaint with a finding of **Exonerated** to allegation #2 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 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. 16-0958, Jane Doe

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

The complainant alleged that an unknown OPD Officer forced her to perform oral sex on him at gunpoint.

**Rationale for administrative closure** – The CPRB staff recommends administrative closure of this complaint with a finding of **No Finding** as to the allegation, on the basis that (1) the complaint is not justiciable because of a lack of specificity as to the date, time, and details of the incident, and the inability of the Complainant or Investigator to identify involved officers; and (2) CPRB staff do not have substantial information that is essential to the investigation of the complaint.

Case No. 16-0981, Brenda Castro

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

The complainant alleged that an OPD Officer slapped the suspect in the head twice when they arrested him.

**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.

VIII. Open Session

IX. 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.