



## CITIZENS' POLICE REVIEW BOARD

**Meeting of Thursday, October 26, 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 – October 12, 2017                                                                                                                                                                                                                    |              | 1 |
| IV.  | Open Forum                                                                                                                                                                                                                                    | (10 minutes) |   |
| V.   | Director's Report                                                                                                                                                                                                                             | (5 minutes)  | 2 |
|      | A. Announcements                                                                                                                                                                                                                              |              |   |
|      | B. Pending Cases as of October 20, 2017                                                                                                                                                                                                       |              |   |
| VI.  | Discussion – Pre-custody Clearances<br>(Vice-Chair Charlette Green)                                                                                                                                                                           | (20 minutes) |   |
| VII. | Closed Session: New Business                                                                                                                                                                                                                  | (25 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. 16-1043, Zachary Brown                                                                                                                                                                                                               |              |   |
|      | a. Complainant's Comment                                                                                                                                                                                                                      |              |   |
|      | b. Staff Report                                                                                                                                                                                                                               |              |   |
|      | c. Discussion                                                                                                                                                                                                                                 |              |   |
|      | d. Action                                                                                                                                                                                                                                     |              |   |

Complainant alleged than an OPD officer arrested him illegally, pushed him into a fence and an OPD officer hit him or pushed him in the ribs with a baton against the fence. Complainant also alleged that an OPD officer endangered the public by driving onto the sidewalk to arrest him.

**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 **Not Sustained** to allegation #3 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 #4 as there is No 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. 16-1045, Daniel A. Sandoval

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

The complainant alleged that OPD officer struck him with a baton when he was arrested.

**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. 17-0077, Henri Abrams, Jr.

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

The complainant alleged that he was unlawfully detained in handcuffs by OPD officers, as well as racially profiled. During the investigation, an IAD investigator determined that OPD Officer #1 did not accept or refer a complaint from the Complainant about being improperly detained due to his ethnicity.

**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;

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 with a finding of **Sustained** to allegation #3, **MOR Violation 398.76-2 – Failure to Accept or Refer a Complaint – (Unintentional) 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 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

Disclosure of non-confidential closed session matters (5 minutes)

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.