



# CITIZENS' POLICE REVIEW BOARD

## Meeting of Thursday, November 9, 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 26, 2017 1
- IV. Open Forum (10 minutes)
- V. Director's Report (5 minutes) 2
  - A. Announcements
  - B. Pending Cases as of November 3, 2017
- VI. Closed Session: New Business (15 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. 16-1095, Jane Doe<sup>1</sup>

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

Complainant alleged that an off-duty OPD officer forced her to perform oral sex in his car in the summer of 2014.

**Rationale for administrative closure** – The CPRB Staff recommends administrative closure of this complaint with a finding of **No Finding** to allegation pending development

<sup>1</sup> The CPRB does not identify complainants alleging sexual assault and/or sexual contact with OPD officers.

of further information. This allegation is not justiciable due to the inability of the investigator to identify the involved officer.

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. 16-1115, Alicia Garcia

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

The complainant alleged that OPD officers executed a search warrant at complainant's home during the middle of the night, did not show her a copy of the search warrant when asked to do so, damaged property, pointed guns at her, handcuffed her, pat searched her, did not allow her family to give her water when she fainted and was rude to her daughter. CPRB staff also investigated whether it was proper for OPD officers to pat search complainant's husband and whether the Sergeant properly supervised the officers on the scene.

**Rationale for administrative closure** – The CPRB Staff recommends administrative closure of this complaint with a finding of **Exonerated** to allegations #1, #2, #3, #5, #6 and #7 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 #4 (as to Subject officer #1), #8 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 Jurisdiction** to allegations #4 (as to Subject officer #6) and #9 as the investigation disclosed sufficient evidence to determine that the allegation is made against an individual who is no longer a sworn member of the Oakland Police Department.

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. 16-1160, Dominique Wilson

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

The complainant alleged that his wallet was stolen during a series of probation searches, when it was left on the dashboard of his vehicle while the vehicle was unattended.

**Rationale for administrative closure** – The CPRB staff recommends administrative closure of this complaint with a finding of **Sustained** to allegation #1, **MOR Violation 314.39 – Care of Property**, 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. 16-1188, Ronald Overton

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

The complainant alleged that OPD officers harassed and discriminated against the Complainant.

**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.

VII. Open Session

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

VIII. 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.