



CITIZENS' POLICE REVIEW BOARD
Meeting of Thursday, March 13, 2014 - 6:15 P.M.
City Council Chambers, Third Floor
ONE FRANK H. OGAWA PLAZA, OAKLAND, CALIFORNIA
(510) 238-3159

	Attachments
I. Call to Order	
II. Roll Call	
III. Approval of Minutes – Action Item	
A. January 23, 2014	1
IV. Open Forum	
V. Agenda Discussion	
VI. Manager's Report	
A. Announcements	
1. Executive Director Position Posting	
B. Pending Cases as of March 5, 2014	2
C. CPRB 2014 Annual Meeting Calendar	3
D. OPD Citizens Police Academy	4
VII. Board Committee Updates	
A. Post-Copley Hearing Procedures	
1. General Updates	
2. Next Meeting	
B. Outreach Planning	
1. General Updates	
2. Next Meeting	
VIII. CPRB Policy Recommendation Discussion	
A. OPD Crowd Control – Crowd Management	
1. Officers with histories of problematic uses of force should be restricted from participating in mass protests where less-lethal munitions are likely to be deployed.	

IX. Closed Session: New Business

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.

1. Based on the Findings of the Investigation

Case No. 13-0677 Edward Charles Hamilton

- a. Public Comment
- b. Staff Report
- c. Discussion
- d. Action

Complainant alleges an OPD officer attempted to dissuade him from filing a police report as a victim of a battery and the officer also engaged in a conspiracy with the manager of a fitness club to obstruct justice.

Rationale for administrative closure – The investigation disclosed sufficient evidence to determine that the alleged 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. 12-2177, Dan Parker Jr.

- a. Public Comment
- b. Staff Report
- c. Discussion
- d. Action

Complainant alleges while he was in his vehicle stopped at a red light, he observed an officer in his patrol car next to him texting on his phone. When the officer saw him staring at him, he immediately shoved his phone into his shirt pocket and drove off.

Rationale for administrative closure – The investigation did not disclose sufficient evidence to determine whether or not the allegation occurred. 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. 13-0557, Constance Smith

- a. Public Comment
- b. Staff Report
- c. Discussion
- d. Action

Complainant alleges that an officer has a durable power of attorney for his mother, who resides in a skilled nursing care facility. Complainant alleges that an officer has been abusing his fiduciary duty to his mother by failing to manage his mother's finances, such as not making payments to the facility for the services provided.

Rationale for administrative closure – The investigation revealed that the acts complained of 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. 13-0497, Beasley Willis

- a. Public Comment
- b. Staff Report
- c. Discussion
- d. Action

Complainant alleges that the basis for his imprisonment is because Oakland police officers illegally searched a home he was staying at to search for evidence of a gas station robbery, and that the officers planted drugs in the home as a pretext to arrest him. Complainant further alleges, once arrested, officers put the complainant in a line-up without an attorney. Complainant also alleges the officers who arrested him used improper force against him, by holding a shotgun to his head, squeezing his testicles and choking him. Finally, the complainant alleges that OPD officers used false information against him, intimidated witnesses and ignored exculpatory evidence which would have aided him at trial.

Rationale for administrative closure – 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

2. No Manual of Rules Violation

Case No. 13-0422, Gina Long

- a. Public Comment

- b. Staff Report
- c. Discussion
- d. Action

Complainant alleges an OPD officer has not been properly investigating the crime involving the rape of her granddaughter.

Rationale for administrative closure – A review of applicable OPD policy did not show any specific MOR violation. An OPD supervisor of the Special Victims Unit did contact the complainant and explained some of the investigative steps that were taken and to answer some of the complainant's questions. 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.

3. No Jurisdiction

Case No. 12-0288, Waukeen Q. McCoy, Esq.
for Tony Ray Jones

- a. Public Comment
- b. Staff Report
- c. Discussion
- d. Action

Complainant alleges an OPD officer improperly used force when he shot Mr. Tony Jones in the back. Complainant also alleges that the OPD officer used improper force on Mr. Jones because Mr. Jones is African American.

Rationale for administrative closure – The CPRB no longer has jurisdiction over this complaint because the officer 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. 12-2888, Anonymous

- a. Public Comment
- b. Staff Report
- c. Discussion
- d. Action

Complainant alleges former Chief of Police failed to properly notify Internal Affairs of complaints when he had a filter put on his office email account that would send all emails to his junk mail file that contained certain phrases in the

subject line, such as Occupy Oakland, Stop the Excessive Force, Respect the Press Pass, or Police Brutality.

Rationale for administrative closure – The CPRB no longer has jurisdiction over this complaint because the officer 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.

4. Report of Investigation

CPRB Case #13-0442, Harriet Kuroiwa

- a. Public Comment
- b. Investigative Report
- c. Discussion
- d. Action

Complainant alleges that an OPD officer was rude to her, yelled at her, and was so upset with her that he spat at her when she tried to drive her car out of a driveway. The officer allegedly yelled at the complainant that the street she was driving on was a crime scene and she could not leave. When the complainant tried to drive away a second time, the officer allegedly yelled at her again and wrote her a traffic citation for failing to obey a traffic officer.

Rationale for report of investigation – This complaint was initially scheduled for an evidentiary hearing on February 27, 2013. Unfortunately, the Board was unable to make quorum and the scheduled hearing had to be canceled as a result. The Board is being presented the CPRB Report of Investigation to make their determinations and finding in this case.

B. City Administrator's Decision on CPRB Recommendations

Pursuant to Ordinance No. 12454 Sec. 6.C.2.,
Case #'s. 12-2414, Sofala Mayfield & 12-2518, Ella Ivy

C. Evidentiary Hearing, CPRB Case #13-0500, CPRB Board

Investigation into the Shooting of Frenswa Raynor

Administrative Closure Report

Report of Investigation

1. Public Comment Prior to the Commencement of the Hearing
2. Closed Hearing
3. Closed Session Deliberations

- X. Open Session Disclosure of non-confidential closed session matters.
By motion and vote in open session Board elects whether to disclose nonconfidential information

- XI. 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, One Frank H. Ogawa Plaza, 11th Floor, Oakland, CA 94612, or by telephone by calling (510) 238-3159. **Because some persons are sensitive to certain chemicals, persons attending this meeting are requested to refrain from wearing scented products.** TTY (238-2007).

CPRB MISSION STATEMENT

The Citizens' Police Review Board is committed to ensuring that Oakland has a professional police department, whose members behave with integrity and justice. As representatives of the community, our goal is to improve police services to the community by increasing understanding between community members and police officers. To ensure police accountability, we provide the community with a public forum to air its concerns on policy matters and individual cases alleging police misconduct.