

CITY OF OAKLAND
CITIZENS' POLICE
REVIEW BOARD
2007 ANNUAL REPORT

JANUARY 1, 2007 - DECEMBER 31, 2007



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Citizens' Police Review Board

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Deborah Edgerly, City Administrator
Sean P. Quinlan, Interim Executive Director

February 22, 2008

Honorable Mayor, Council Members of the City of Oakland, and Fellow Oakland Residents:

On behalf of the members of the Citizens' Police Review Board (CPRB), I am pleased to present the CPRB's 2007 Annual Report. This year has been one of change. Former Executive Director, Joyce M. Hicks, retired in November after more than four years of leadership with the CPRB. In her place, Investigator Sean P. Quinlan was named Interim Executive Director. In addition, our evidentiary hearing procedures went through a revision in October, limiting our ability to cross examine officers and complainants. Despite these recent changes, the Board continues to process complaints in a timely manner and conduct disciplinary hearings of citizen complaints. The CPRB has adapted to these recent changes and continues to be a leader in civilian oversight.

In 2007, complainants filed eighty-two complaints with the CPRB. The Board resolved seventy-nine complaints, with six through evidentiary hearings and sixty-nine by administrative closures. No allegations for excessive use of force were sustained and the CPRB received one hundred percent officer compliance with interview notices and subpoenas for hearings. Of the six hearings held, the Board forwarded disciplinary recommendations from five complaints. The City Administrator upheld four, and one of the Board's disciplinary recommendations is currently pending further investigation by the Oakland Police Department.

Six policy recommendations were made on police vehicle pursuits and one recommendation on officer recusals due to possible conflicts of interest. The policy recommendations on police vehicle pursuits were considered by the Oakland Police Department and helped narrow the grounds for justifiable pursuits. The CPRB plans to track the results of these changes to the vehicle pursuit policy in our future reports. The policy recommendation on officer recusals is also currently pending further investigation by the Oakland Police Department.

Throughout 2007, the CPRB staff focused on outreach to the youth of Oakland and English Language Learners. The Board will continue to engage more with the community and participate in additional outreach activities in 2008. The Board and staff thank you for your continued support in the investigation and resolution of citizens' complaints of police misconduct and in the improvement of police policies.

Sincerely,

Corey Dishmon, CPRB Chair

Board Members and Term Expiration Dates

Corey Dishmon, Chair	February 15, 2008
Cara Kopowski, Vice Chair	February 15, 2008
Jamilah Scates	February 15, 2008
Qa'id Tauheed Aqeel	February 15, 2009
Matthew Hudson	February 15, 2008
Melody Fuller	February 15, 2009
Tina Allen	February 15, 2009
Janelle Green	February 15, 2009
Andrew Radlow (alternate)	February 15, 2008
Renee Harwood (alternate)	February 15, 2008

CPRB Independent Counsel

Antonio Lawson	Board Counsel
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CPRB Staff

Sean P. Quinlan	Interim Executive Director
Patrick J. Caceres	Policy Analyst / Outreach Coordinator
Audrey Schonborn	Investigator
Karen Tom	Investigator
Delores Pontiflet	Executive Assistant to the Director





Board Photo: Jamilah Scates, Melody Fuller, Tina Allen, Cara Kopowski, Janelle Green, Qa'id Aqeel, Corey Dishmon and Andy Radlow Not in Photo: Renee Harwood and Matthew Hudson



Staff Photo: Sean P. Quinlan, Audrey Schonborn, Karen Tom, Patrick J. Caceres and Delores Pontiflet.



Board Counsel: Antonio Lawson

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 forum to air its concerns on policy matters and individual cases alleging police misconduct.

Executive Summary

The Citizens' Police Review Board is required to submit a statistical report to the Public Safety Committee "regarding complaints filed with the Board, the processing of these complaints and their dispositions" at least twice a year. (Ordinance No. 12454 C.M.S., section 6(C)(3).) This report is submitted pursuant to that requirement.

In 2007, the Board received 82 complaints, filed by 88 individuals. These individuals were primarily African-Americans, between the ages of 25 and 54 years old. In 2007, the number of complainants between the ages of 45 and 54 reported the largest number of complaints.

The allegations most frequently filed with the Board were: (1) excessive use of force; (2) officers' failure to act; and (3) improper verbal conduct. The alleged incidents occurred most frequently in City Council Districts 3 and 5.

The Board resolved 75 complaints; 6 through evidentiary hearings and 69 through administrative closures. The most sustained allegations were for failures to act during a vehicle pursuit. In 75 resolved complaints, the Board sustained 9% of the allegations, 13% were not sustained, 38% were unfounded and 41% were exonerated.

The Board forwarded five disciplinary

recommendations for sustained allegations to the City Administrator. She has upheld four, and one recommendation is currently pending further investigation. Officer compliance with interview notices and hearing subpoenas continues to improve. 2007 is the first year the CPRB has received one hundred percent officer compliance in replying to interview notices in a timely manner and all officers subpoenaed appearing for hearings.

After an Alameda County Superior Court order dated September 14, 2007, regarding the Berkeley Police Review Commission, the Board agreed to modify its hearing process allowing no more than two persons to conduct cross examination of a subject officer. Also, complainants can no longer be present during a subject officer's cross examination.

The Board made policy recommendations to the Oakland Police Department on vehicle pursuits and officers recusing themselves from participating in situations where he or she may be personally involved. The five recommendations regarding vehicle pursuits helped narrow the justifiable ground for officers to engage in pursuits. The recommendations on vehicle pursuits were adopted as part of Departmental General Order J-4 dated May 30, 2007. The recommendation regarding officer recusals is currently pending.

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Purpose of this Report

Oakland City Council Ordinance No. 12454 C.M.S., section 6, subdivision C, paragraph 3 requires the Citizens' Police Review Board (CPRB) to "issue a detailed statistical report to the Public Safety Committee regarding complaints filed with the Board, the processing of these complaints and their dispositions" at least twice a year. This report is submitted pursuant to that requirement.

CPRB History

The Oakland City Council established the Citizens' Police Review Board on April 15, 1980, to review certain complaints of misconduct by police officers or park rangers, conduct fact-finding investigations, and make advisory reports to the City Administrator. On July 30, 1996, the City Council expanded the Board's original jurisdiction to include complaints involving: (1) the excessive use of force; or (2) communication of bias based upon an individual's legally protected status (race, gender, national origin, religion, sexual orientation or disability). (City of Oakland Ordinance #11905 C.M.S., § 5 subd. (A)(1).)

Simultaneously, the City Council also granted the Board supplemental jurisdiction over other non-force conduct, subpoena power over police officers and park rangers and authorization to mediate final and binding resolution of complaints (City of Oakland Ordinance #11905 C.M.S., §§ 5 subd. (B)(1), 6 subd. (G)(2) and 7.)

In 2002, the Oakland City Council further expanded the Board's jurisdiction and powers. On July 30, 2002, the City Council granted the Board original jurisdiction over all complaints filed against Oakland police officers or park rangers and expanded the Board's size from nine members to twelve members, with three of the nine members to serve as alternates. (City of Oakland Ordinance #12444 C.M.S., §§ 5 and 3.)

Additionally, the City Council granted the Board the option of holding evidentiary hearings using three-member panels and permitted Board members to review confidential records from the Oakland Police Department in closed session. (City of Oakland Ordinance #12444 C.M.S., § 6 subds. (G)(11) and (F)(4).)

Also, on July 30, 2002, the City Council added a policy analyst to the Board's staff and required the Board to make complaint forms available to members of the public at libraries, resource centers, and recreation centers. (City of Oakland Ordinance #12444 C.M.S., §§ 6 subd. (E)(1) and 5(B).)

On November 12, 2002, the City Council further refined the amendments to the CPRB ordinance and legislated the following: (1) the CPRB staff may make recommendations to the City Administrator regarding cases that are in litigation, (2) CPRB investigations may take up to 180 days from the initial date of filing as opposed to the previously legislated 60 days, and (3) OPD's Internal Affairs Division and the CPRB will use the same complaint form with sequential numbering. (City of Oakland Ordinance #12454 C.M.S., §§ 6 subd. (G)(10)(b) and (8) and 5 subd. (B).)

Lastly, on November 9, 2006, the CPRB adopted closed hearing procedures to comply with the holding of the California Supreme Court in *Copley Press v. Superior Court* (2006) 39 Cal4th 1272 to keep officers' identities confidential.

Number of Complaints Filed

In 2007, the CPRB received 82 complaints filed by 88 individuals. *Figure 1* displays the number of complaints that were filed for each month. March and July were the months when the most complaints were filed.

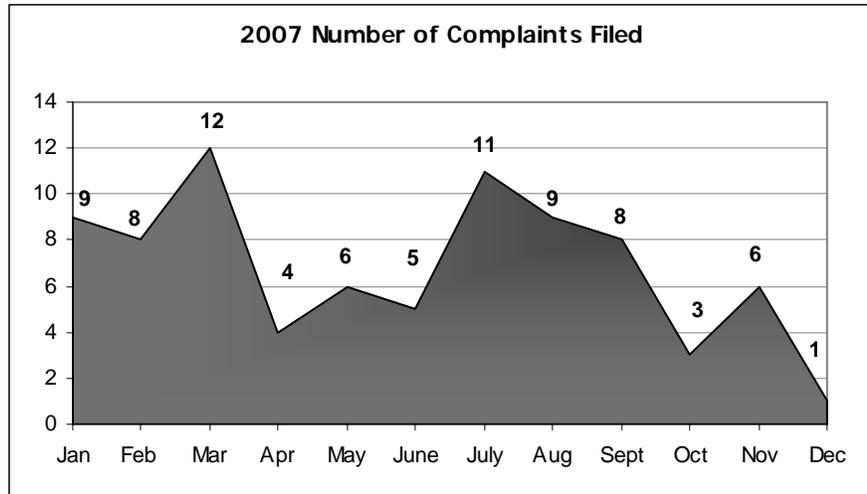


Figure 1

Figure 2 shows the trend of complaints from 2000—2007 as a percent change from the previous year. The most dramatic increase occurred in 2002 when the Board expanded its jurisdiction over the type of complaints it receives. The most complaints filed occurred in 2004 with 130 complaints. *Figure 2* also shows that the number of complaints has stabilized beginning in 2005 at approximately 79 complaints filed per year.

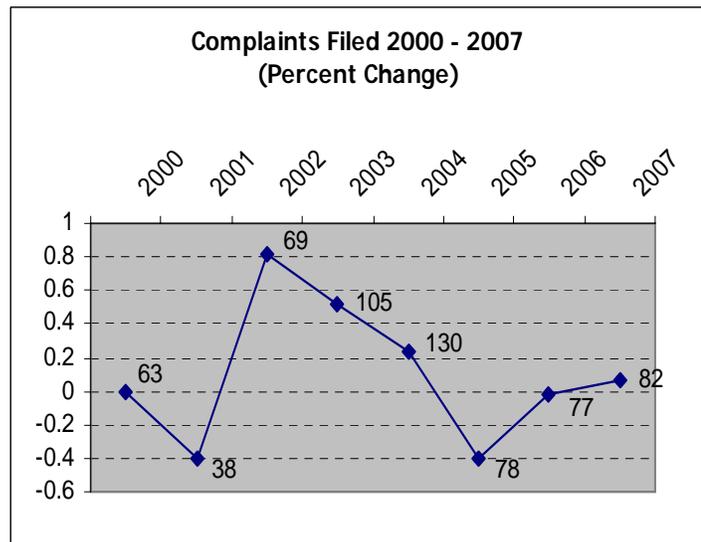


Figure 2

Race and Gender of Complainants

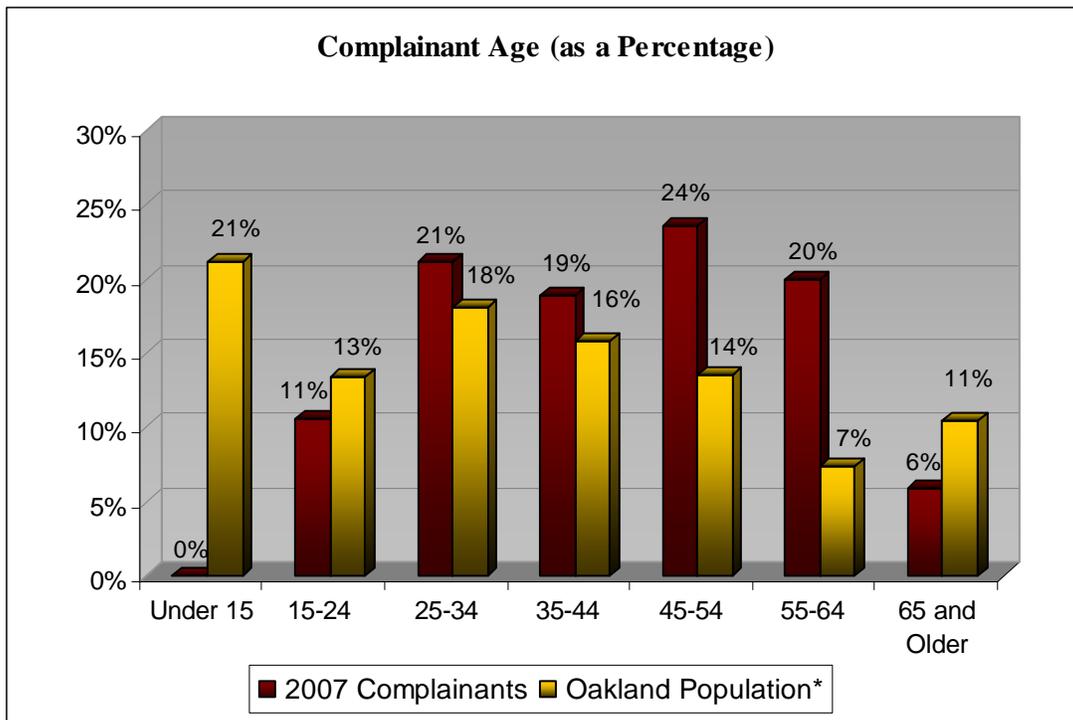
Among the complainants who provided information about their race, 71% of the 2007 complainants were African-American, and 43% of the complainants were African-American males. Caucasians comprised 12% of the complainants, Hispanic-Americans 12% and Asian-Americans 3%. The number of Hispanic-Americans filing complaints increased from five complainants in 2006 to ten in 2007.

Race	Gender	No. of Complainants	Percent
African-American	F	23	28%
African-American	M	35	43%
Asian-American	F	2	2%
Asian-American	M	1	1%
Caucasian	F	4	5%
Caucasian	M	6	7%
Hispanic-American	F	6	7%
Hispanic-American	M	4	5%
Other	F	0	0%
Other	M	1	1%

Figure 3

Age of 2007 Complainants

Among the complainants who provided information about their age, the greatest number of complainants fell within the age category of 45-54 years old. See *Figure 4* for a comparison of the complainants' ages with the Oakland population. The number of complainants from the age category of 15-24 increased from four percent in 2006 to eleven percent in 2007. This pool of complainants is more representative of the Oakland population than in 2006 because of the increased participation of this age group.



*Source: U.S. Census Bureau, Census 2000. *Figure 4*

Allegations Filed in 2007

In 2007, 102 allegations were filed. Complainants most frequently alleged: (1) excessive use of force; (2) failure to act; and (3) improper verbal conduct. The “failure to act” category includes six sub-categories. See page 7 for a more detailed list of “failure to act” allegations. These percentages of allegations filed are approximately the same as in 2006.

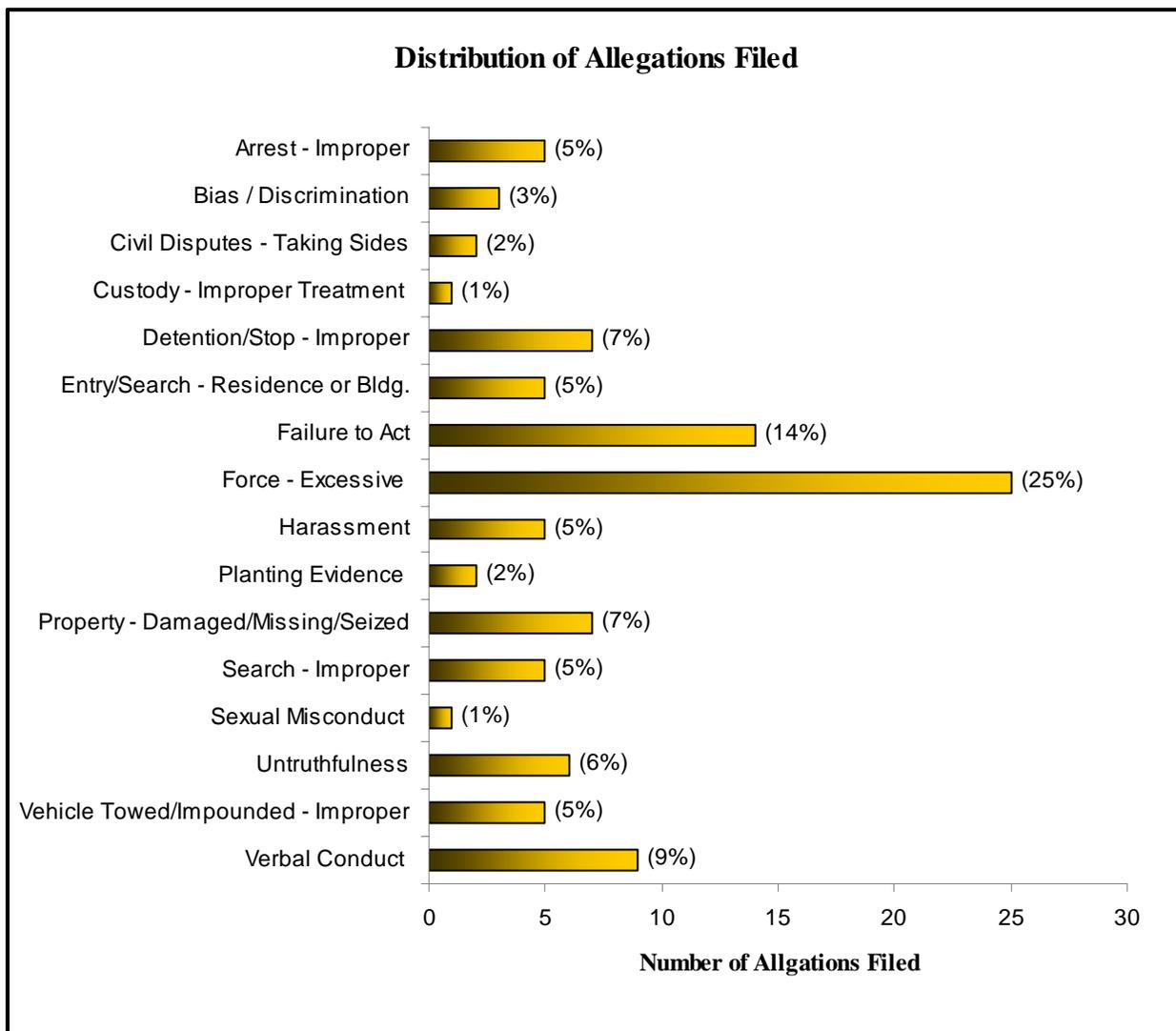


Figure 5

Allegations Filed in 2007

Figure 6, below, lists the number of complaints for each allegation into more specific categories.

Types of Allegations Filed	Distribution	%
Arrest - Improper	5	5%
Bias / Discrimination	3	3%
Civil Disputes - Taking Sides	2	2%
Custody - Improper Treatment	1	1%
Detention/Stop - Improper	7	7%
Entry/Search - Residence or Bldg.	5	5%
Failure to Act		
Failure to Act - To Enforce Restraining Order	1	1%
Failure to Act - To Investigate	8	8%
Failure to Act - To Write A Report	5	5%
Force		
Force - Grab/Push/Shove/Trip	7	7%
Force - Handcuffs Too Tight	2	2%
Force - Handcuffs Unwarranted	2	2%
Force - Kick	2	2%
Force - Shooting Gun at Person or Animal	2	2%
Force - Specifics Unknown	2	2%
Force - Strike with Weapon	1	1%
Force - Strike with Hand or Unknown Object	3	3%
Force - Taser	1	1%
Force - Use of Chemical	1	1%
Force - Pointing of Firearm	2	2%
Harassment	5	5%
Planting Evidence	2	2%
Property - Damaged/Missing/Seized	7	7%
Search		
Search - Person	3	3%
Search - Vehicle	2	2%
Sexual Misconduct	1	1%
Truthfulness - Reporting	4	4%
Truthfulness - Verbal Statements	2	2%
Vehicle Towed/Impounded - Improper	5	5%
Verbal Conduct		
Verbal Conduct - Profanity/Rude Statements	9	9%
Total Allegations Filed	102	100%

Figure 6

2007 Alleged Incidents by City Council District

In 2007, the greatest number of alleged incidents occurred in City Council Districts 3 (32%) and 5 (16%). *Figure 7* provides the percentage of alleged incidents that occurred in all City Council Districts in 2007.

Council District	No. of Complaints	% of Complaints
1 Jane Brunner	9	11%
2 Pat Kernighan	5	6%
3 Nancy Nadel	26	32%
4 Jean Quan	5	6%
5 Ignacio De La Fuente	13	16%
6 Desley Brooks	9	11%
7 Larry Reid	11	13%
Unknown Address	4	5%
Total	82	100%

Figure 7

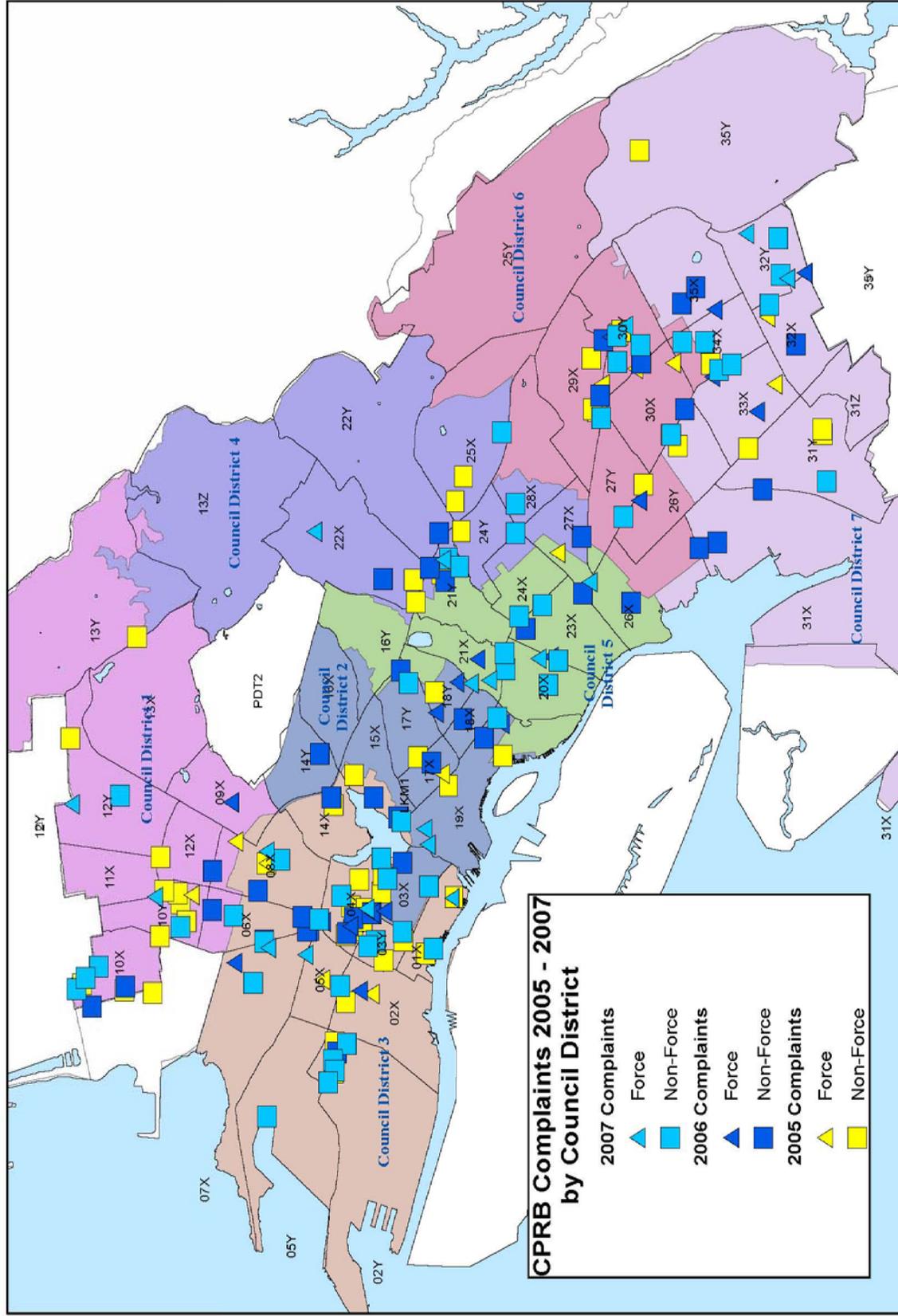
Locations of Alleged Incidents from 2005—2007

Map 1 shows the alleged incident locations from 2005-2007 complaints. This map depicts concentrated areas within each City Council District where alleged incidents occurred. *Map 1* shows the greatest concentration of complaints occurred from incidents in the eastern part of City Council District 3.

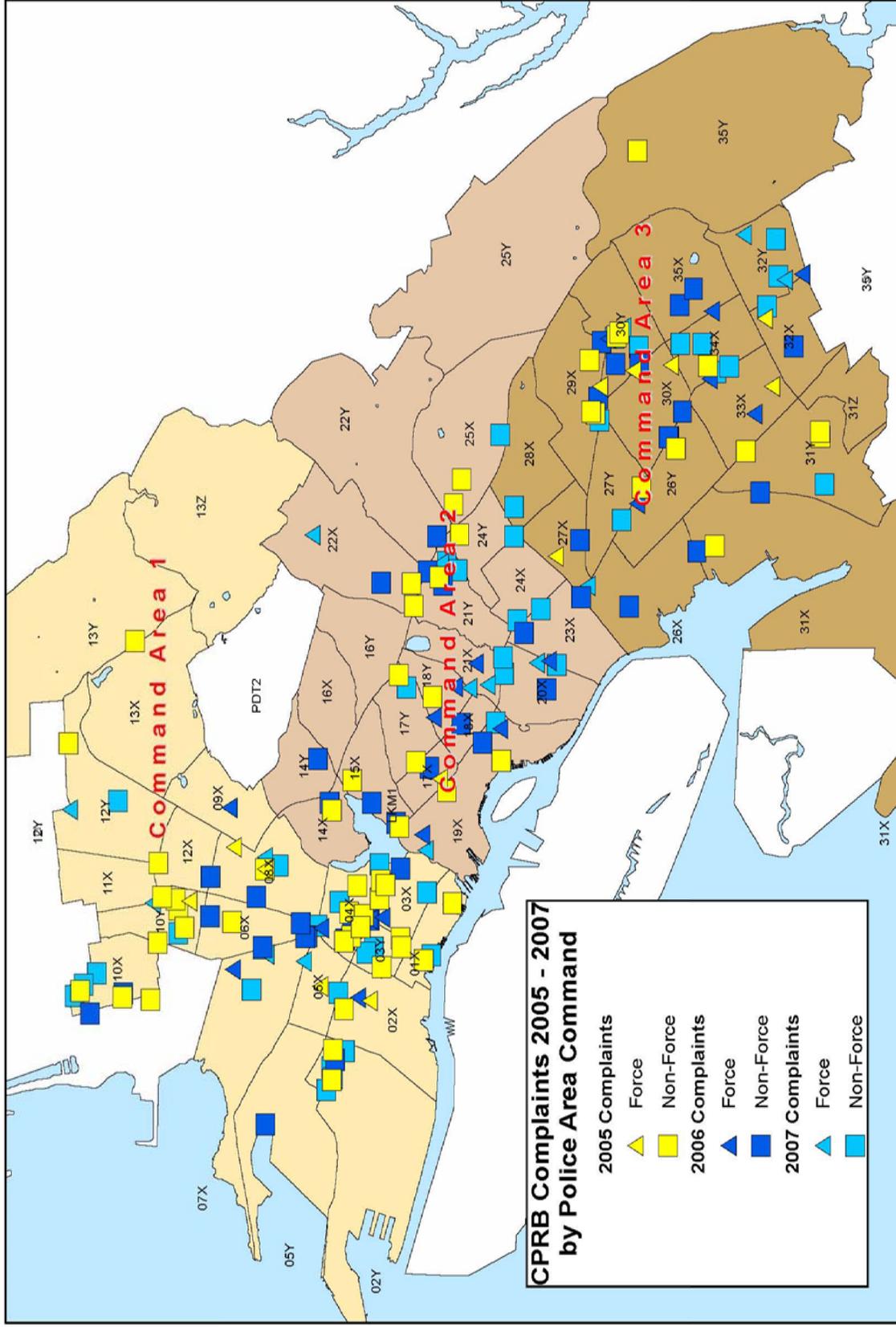
Map 2 on page 10, depicts the same data according to Police Area Commands. The three command areas correspond with the new assignments made from the geographic policing model implemented on November 26, 2007 by the Oakland Police Department.

The same cluster of complaints found in City Council District 3 are located in Command Area 1, Police Beat 4X.

ANALYSIS OF COMPLAINTS FILED FROM 2005 - 2007



Map 1



Map 2

2005-2007 Disposition of Complaints by City Council District

The most sustained complaints over this three-year period occurred in City Council District 3. Five of the seventy-two complaints filed from 2005-2007 in District 3 led to at least one sustained allegation. Of the five complaints sustained, one was for excessive use of force, one for a failure to write a report and investigate, one for unprofessional conduct, one for sexual misconduct and interfering with an investigation, and the last for improper search of a vehicle.

Council Districts	At Least One Allegation Sustained	Hearing (No Allegations Sustained)	Investigation Pending	Administrative Closure	Tolled	Total Complaints
1	4	2	7	13	2	28
2	0	0	4	20	0	24
3	5	1	20	45	1	72
4	0	1	4	8	1	14
5	2	1	13	12	1	29
6	2	1	6	21	1	31
7	1	1	8	20	3	33
Total	14	7	62	139	9	231

Time of Alleged Incidents

Figure 8, below, shows the time alleged incidents occurred for complaints filed in 2007. The greatest number of incidents occurred at approximately 5 p.m. and 7 p.m.

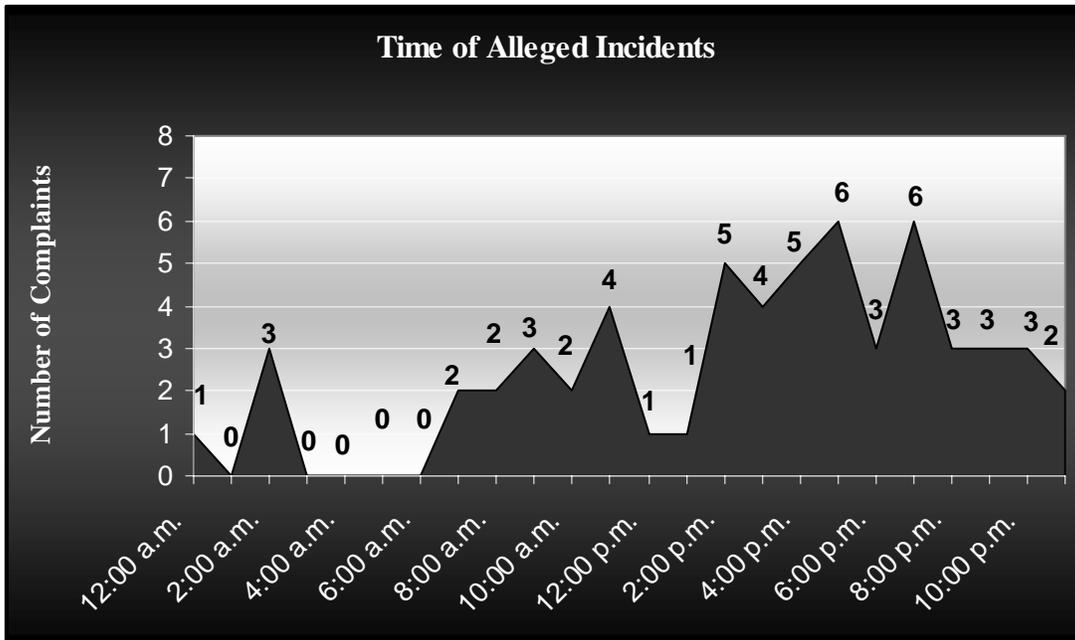


Figure 8

Police Watches

- A Shift starts at 5am and ends at 5pm
- C Shift starts at 8am and ends at 8pm
- E Shift starts at 11am and ends at 11pm
- G Shift starts at 1pm and ends at 1am
- K Shift starts at 3pm and ends at 3am
- M Shift starts at 5pm and ends at 5am
- I Shift starts at 11pm and ends 11am

A comparison of the time of alleged incidents with Police Watches shows that the most complaints came from incidents during the scheduled C and E Shifts, 45 complaints came during the C Shift and 46 complaints during the E Shift. These two shifts overlap when the most incidents of complaints occur.

2007 Resolved Complaints

One way the Board ensures police accountability is to provide complainants with evidentiary hearings. These hearings give complainants the opportunity to have the Board hear their complaints, make findings of facts and make disciplinary recommendations for officers' actions.

In 2007, the Board resolved 75 complaints. The Board heard 6 complaints by evidentiary hearings, and 69 complaints were closed through administrative closures. Therefore, 92% of complaints were resolved through the administrative closure process and 8% were resolved through evidentiary hearings.

Figure 9 shows the number of complaints resolved each year since 2001. The number of hearings has decreased beginning in 2006 as a result of changes in the CPRB hearing process made after the *Copely Press* decision. In late 2006, the Board process became closed to the public. The preparation for hearings increased because of changes to the process of redacting materials, limits on questioning and the removal of cross examination.

The Board has adapted to these recent changes and held four of its hearings in the last six months of 2007.

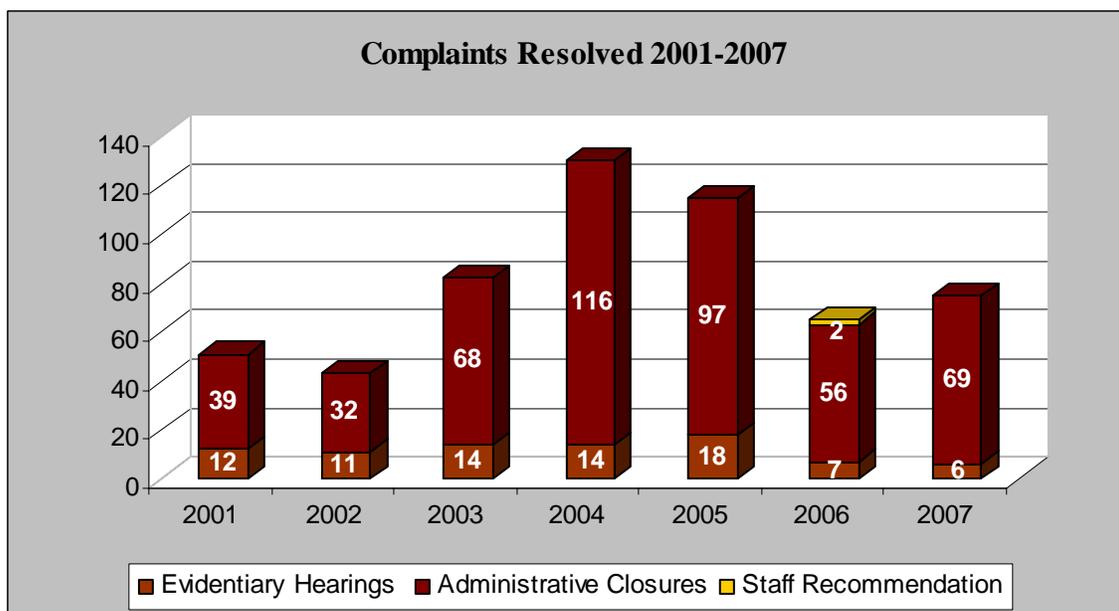


Figure 9

2007 Resolved Complaints

In 2007, the Board received seven more complaints than it was able to resolve. However, the Board was able to close ten more cases than in 2006. Future changes in investigations beginning in 2008 will allow investigators to close more cases in less time, eliminating a potential future backlog. Furthermore, the number of complaints filed has begun to stabilize at around 79

complaints. With the few changes to improve efficiency and a full staff of investigators, we anticipate the number of complaints resolved in 2008 will continue to increase to the level at or above the number of complaints filed.

A copy of the Pending Case List dated January 8, 2008, can be found in *Appendix F*.

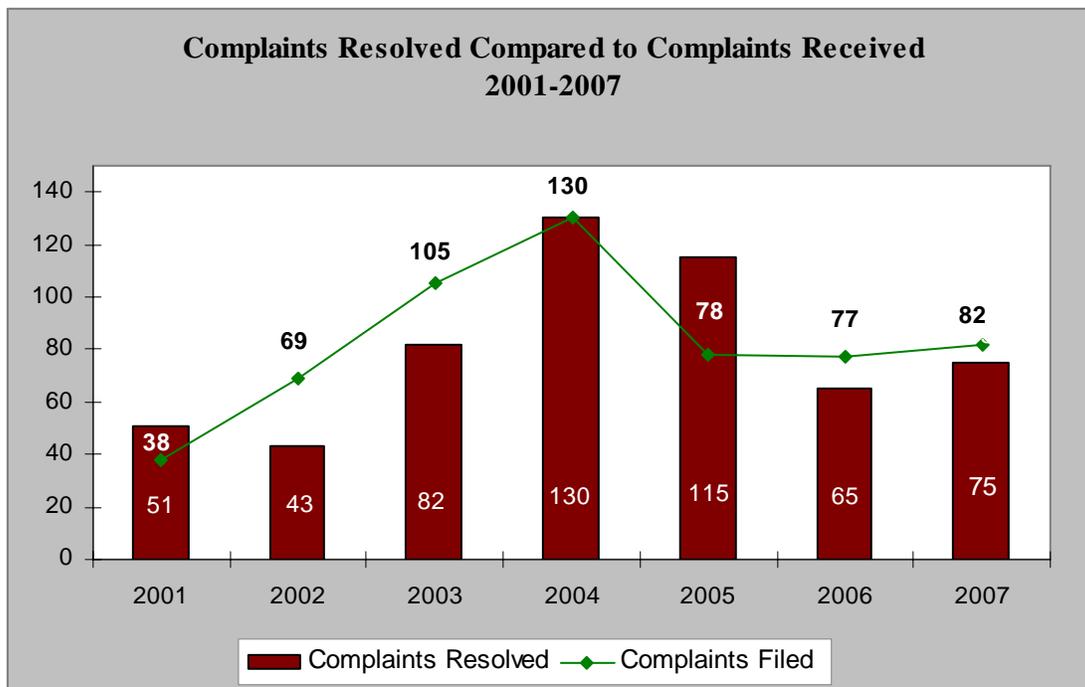


Figure 10

Allegations Before the Board at Evidentiary Hearings

Figure 11 lists the types of allegations heard at each of the Board's hearings.

Hearing Date	Complainant (#)	Number and Type of Allegation Heard
5/10/07	Leticia Rodriguez (06-412)	11 Failure to Act - During Car Chase 1 Failure to Act - To Investigate 2 Property Damaged/Missing/Seized 1 Verbal Conduct - Profanity/Rude
6/14/07	Carol Ann Gregg (07-0007)	7 Failure to Act - To Investigate 2 Failure to Act - To Write a Report
8/9/07	Andrew Vincent (07-0058)	1 Civil Disputes - Taking Sides 3 Failure to Act - To Investigate 1 Truthfulness - Reporting
9/13/07	Beverly Roberts (07-0410)	3 Failure to Act - To Investigate 1 Verbal Conduct - Profanity/Rude Statements
10/18/07	Bryon Freelon (06-0914) Rhoda Freelon	6 Bias / Discrimination 7 Detention/Stop - Improper 1 Failure to Act - To Investigate 5 Failure to Act - To Write A Report 3 Force - Pointing of Firearm 2 Force - Handcuffs Unwarranted 1 Force - Kick 2 Force - Grab/Push/Shove/Trip 1 Search - Person 4 Search - Vehicle 3 Verbal Conduct - Profanity/Rude Statements
12/13/07	Behija Balic (07-0233) Jerome Donnelly	1 Unprofessional Conduct - Verbal Statements

Figure 11

Board Findings at Evidentiary Hearings

The Board findings at evidentiary hearings are based on investigative reports prepared by CPRB investigators which contain officer and witness interview summaries, a list of allegations, disputed and undisputed facts and relevant police policies and laws. At the evidentiary hearings, the Board hears testimony from the officers, complainants and witnesses. The Board then deliberates on the evidence presented at the hearings and rules on each allegation. Sustained allegations by the Board include disciplinary recommendations. See the chart on page 17 for the Board findings for the complaints heard in 2007.

Definitions for Board Findings

This key provides definitions for the four types of findings the Board makes. The Board is required to use the “preponderance of evidence standard” in weighing evidence. This standard requires the Board to determine whether it is “more likely than not” that the allegations are true.

Sustained: At least five Board members concluded the act(s) alleged by the complainant occurred.

Exonerated: At least five Board members concluded the act(s) alleged by the complainant occurred. However, the act(s) were justified, lawful or proper.

Unfounded: At least five Board members concluded the alleged act(s) did not occur.

Not Sustained: Based on the evidence provided at the hearing, the Board members were unable to determine whether the alleged act(s) occurred or not.

Board Findings at Evidentiary Hearings

Complainant/s Hearing Date	Board Findings	Allegation Category	Board Disciplinary Recommendations
Leticia Rodriguez 05/10/2007	8 Sustained 3 Unfounded 1 Not Sustained 1 Not Sustained 1 Exonerated 1 Sustained	Failure to Act - During Car Chase Failure to Act - During Car Chase Failure to Act - To Investigate Property - Damaged/Missing/Seized Property - Damaged/Missing/Seized Verbal Conduct - Profanity/Rude Statements	The Board recommends the subject officers receive a one-day suspension for the allegations sustained.
Carol Ann Gregg 06/14/2007	6 Sustained 1 Unfounded 1 Not Sustained 1 Sustained	Failure to Act - To Investigate Failure to Act - To Investigate Failure to Act - To Write a Report Failure to Act - To Write a Report	The Board recommends two subject officers receive a two-day suspension and one subject officer receive a three-day suspension for the allegations sustained.
Andrew Vincent 08/09/2007	1 Unfounded 2 Unfounded 1 Not Sustained 1 Unfounded	Civil Disputes - Taking Sides Failure to Act - To Investigate Failure to Act - To Investigate Truthfulness - Reporting	None - no sustained allegations
Beverly Roberts 09/13/2007	3 Sustained 1 Sustained	Failure to Act - To Investigate Verbal Conduct - Profanity/Rude Statements	The Board recommends the subject officer receives counseling for all allegations sustained.
Bryon Freelon Rhoda Freelon 10/18/2007	4 Not Sustained 1 Exonerated 1 Unfounded 7 Exonerated 1 Exonerated 5 Exonerated 2 Exonerated 1 Exonerated 1 Not Sustained 1 Exonerated 3 Exonerated 1 Exonerated 1 Sustained 3 Exonerated 1 Exonerated 2 Not Sustained	Bias / Discrimination Bias / Discrimination Bias / Discrimination Detention/Stop - Improper Failure to Act - To Investigate Failure to Act - To Write a Report Force - Grab/Push/Shove/Trip Force - Handcuffs Unwarranted Force - Handcuffs Unwarranted Force - Kick Force - Pointing of Firearm Search - Person Search - Vehicle Search - Vehicle Verbal Conduct - Profanity/Rude Statements Verbal Conduct - Profanity/Rude Statements	The Board recommends the subject officer receives a written reprimand for the allegation sustained.
Behija Balic Jerome Donnelly 12/13/07	1 Sustained	Unprofessional Conduct - Verbal Statements	The Board recommends the subject officer receives a one day suspension for the allegation sustained.

Disposition of Allegations Heard by the Board at Evidentiary Hearings

The best measure of the investigative and decision-making process are the percentages of allegations that receive a definitive ruling, such as unfounded, exonerated or sustained. Findings not sustained show that there is not enough evidence to prove or disprove the allegation giving neither party a definitive ruling. The number of sustained allegations as a percentage of the total

disposition of allegations increased from 19% in 2006 to 33% in 2007. The number of allegations not sustained and exonerated remained relatively constant from 2006 to 2007, while the number of unfounded allegations decreased by 50%. The complete voting records by Board member for 2007 can be found in *Appendix B*.

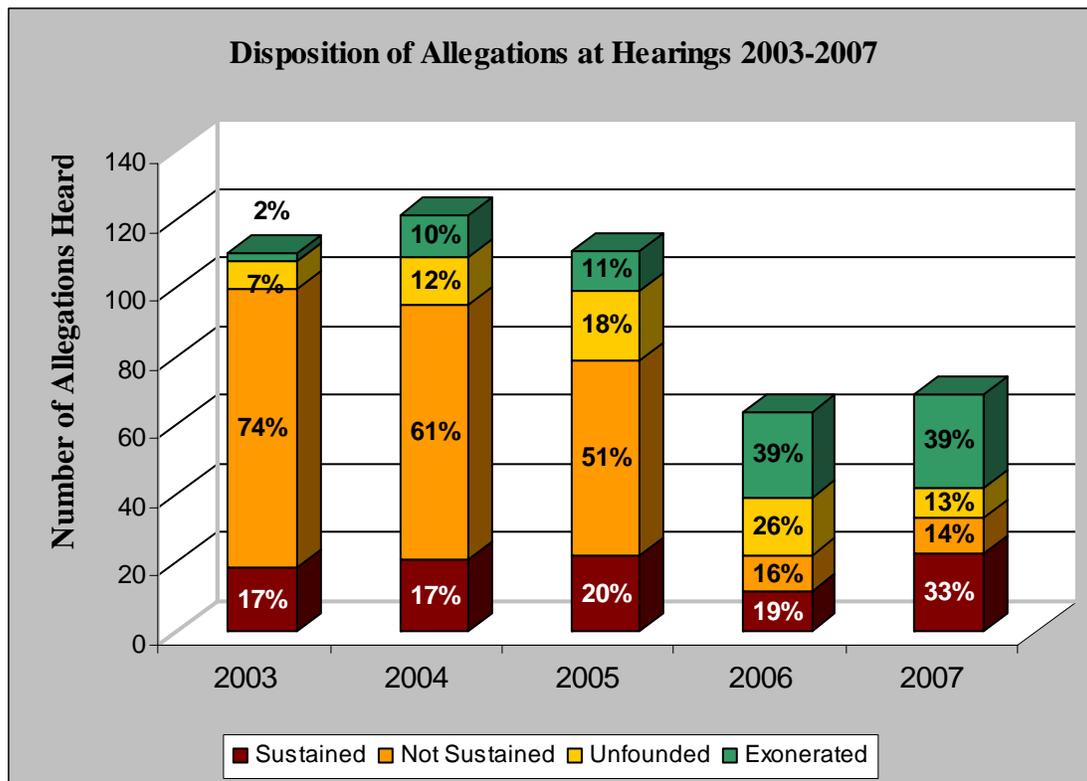


Figure 14

Disciplinary Recommendations and the City Administrator's Decisions

If the Board determines officer misconduct has occurred, the Board will forward recommendations to the City Administrator who, with the Chief of Police, makes the final decision regarding officer discipline. In 2007, the Board forwarded disciplinary recommendations arising from five complaints. The City Administrator upheld four, and one recommendation is currently pending.

Administrative Closures

A complaint is administratively closed after an investigation documented by a written administrative closure report is considered by the Board, and the Board finds no further action is necessary. In 2007, the Board administratively closed 69 complaints. *Figure 15*, below, provides the reasons for the administrative closures.

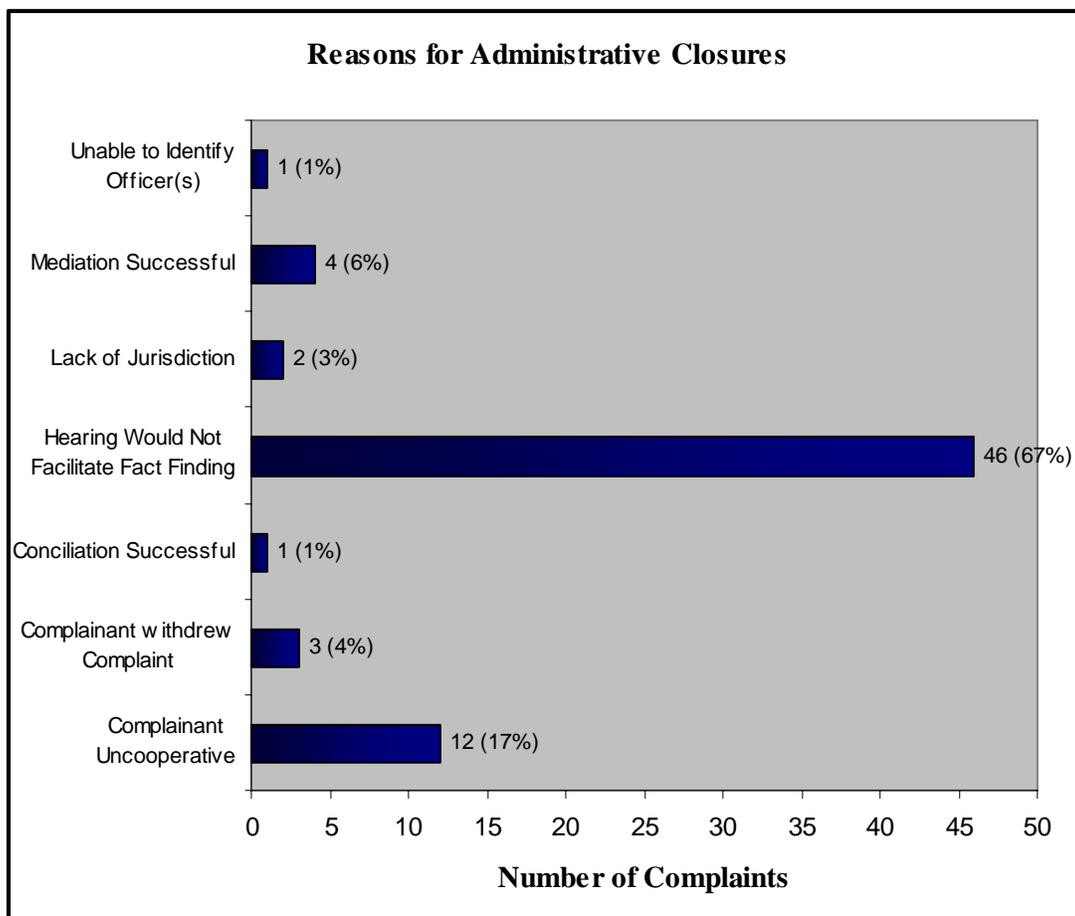


Figure 15

Administrative Closures

Mediation Was Successful

CPRB staff conducted four successful mediations in 2007.

Lack of Jurisdiction

Two complaints were administratively closed because the complaints were against currently retired officers and the CPRB does not have jurisdiction over currently non-sworn OPD personnel.

Hearing Would Not Facilitate Fact-Finding Process

The Board determined that a hearing was unnecessary in forty-six complaints. The complaints that fall under this category include those in which:

- (a) The investigator is unable to find corroborating evidence of the allegations;
- (b) The investigation fails to uncover which officers were involved; or,
- (c) The allegations are obviously implausible.

In one case, two allegations were sustained against an officer for compromising a criminal case and interfering with investigations. The case was administratively closed because discipline had taken place before the report was reviewed by CPRB.

Conciliation Successful

One CPRB complaint was resolved through an informal resolution between the complainant and the sub-

ject officer, without CPRB staff involvement.

Complainant Withdrew Complaint

Three complaints were withdrawn by request of the complainants. One complainant had visited the District Attorney's Office and Juvenile Probation and found out that her case was charged and was awaiting trial. Therefore, she learned that the officer completed a satisfactory investigation of her incident. Another complainant advised the CPRB mediator, that he did not wish to pursue mediation and requested that his complaint be dismissed voluntarily. The third complaint was withdrawn by the complainants because they spoke with the officer and informally resolved their complaint.

Complainant was Uncooperative

In twelve complaints the complainant failed to respond to an investigator's requests for an interview or failed to contact the investigator again after the complainant filed a complaint. In these instances, the complaint was administratively closed because of the complainant's failure to cooperate with the investigation.

3304 Statute of Limitations

No complaints were administratively closed because the one-year statute of limitations for bringing disciplinary action against a peace officer had expired.

Board Findings by Allegation Category

2007 is the first year that the CPRB is recording and documenting findings determined through administrative closure investigations. This year the CPRB closed seventy-five complaints either by evidentiary hearings or by administrative closures. *Figure 14* shows the percentage of findings for allegations investigated in 2007. Officers were sustained in nine percent of allegations investigated, thirteen percent of allegations were not sustained, thirty-eight percent, were unfounded and forty-one percent were exonerated.

Figure 14 is an important statistical graph because for the first time our chart shows the results of all the allegations made. This chart will become increasingly important as the CPRB analyzes policies. The CPRB can now answer general questions about specific incidents and policies based on the results of investigations in evidentiary hearings and administrative closures.

Also, a statistic worth noting is that there were no use of excessive force allegations sustained in 2007. Although excessive use of force was the number one allegation alleged in complaints in 2007, no allegations were sustained during the year. Investigations of excessive use of force for complaints made in 2007 are still ongoing.

Board Findings by Allegation Category Con't

Allegation Category	Sustained	Not Sustained	Unfounded	Exonerated	Total
Arrest - Improper			2	12	14
Bias / Discrimination		5	10	2	17
Citation - Improper		1		2	3
Civil Dispute - Taking Sides			1		1
Compromising a Criminal Case	1				1
Custody - Improper Treatment			6	1	7
Detention/Stop - Improper			2	19	21
Failure to Act - During a Car Chase	8		5	3	16
Failure to Act - To Investigate	9	5	7	6	27
Failure to Act - To Provide Identification		1		1	2
Failure to Act - To Write A Report	1	1	4	8	14
Failure to Act - Other		1			1
Force - Choke		2	1		3
Force - Grab/Push/Shove/Trip		1	11	8	20
Force - Kick			7	1	8
Force - Handcuffs Too Tight			1	2	3
Force - Handcuffs Unwarranted		1		4	5
Force - Pointing Firearm			2	5	7
Force - Shooting Gun at Person or Animal				1	1
Force - Specifics Unknown		1			1
Force - Strike w Hand or Unknown Object			2	1	3
Force - Strike w Weapon			1	3	4
Force - Taser			1	1	2
Force - Use of Chemical(s)				2	2
Force - Use of Patrol Vehicle			1		1
Harassment			1		1
Interfering with an Investigation	1		1		2
Property - Damaged/Missing/Seized		4	5	6	15
Search - Residence/Bldg.		2	5	1	8
Search - Person			1	4	5
Search - Vehicle	1	1		6	8
Truthfulness - Reporting			4		4
Truthfulness - Verbal Statements			5		5
Unprofessional Conduct - Verbal Statements	1				1
Vehicle Towed/Impounded - Improper			1	10	11
Verbal Conduct - Flirting			1		1
Verbal Conduct - Profanity/Rude Statements	2	9	13	2	26
Verbal Conduct - Threats			1		1
Totals	24 (9%)	35 (13%)	102 (38%)	111 (41%)	272

Officer Compliance with CPRB Investigations

Officer compliance with investigations can be summarized into two areas: responding to interview notices and attending hearings.

Interview Notices

Officer compliance data is specific to compliance with interview notices and scheduling interviews. Officers are responsible for returning their interview notices to the court liaison within their next three on-duty days. Officers failing to complete the requirements to call and schedule interviews or release Internal Affairs statements are non-compliant with the CPRB interview process.

Appearances at Hearings

Officers who fail to appear at CPRB hearings and who do not make special arrangements for their absence are non-compliant with the CPRB hearing process. Such actions are in violation of the Oakland Police Departmental General Order M-3.2.

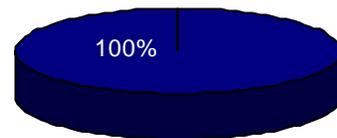
Officer Compliance Data

Officer compliance was collected on sixty complaints investigated in 2007. Officer compliance for interviews and hearing subpoenas for 2007 occurred with minimal delays.

Interview Notices

Number of Complaints: 60
 Number of Interview Notices Sent: 209
 Scheduled Interviews: 91
 Outstanding Notices: 2
 Number of Officers Non-Compliant: 0

Officer Compliance with Interview Notices



■ Non-Compliant ■ Compliant

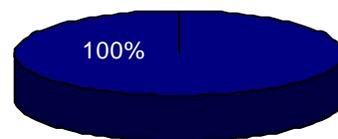
Interview Summary

In 2007, 100% of officers replied to interview notices in a timely manner. This is the first year, since tracking officer compliance started in 2004, that the CPRB received 100% officer compliance with interview notices. The percentage of officer compliance in 2007 is up from 96% in 2006. A couple of officers required multiple contacts for interviews, but all officer interviews were completed before the end of the investigations.

Hearing Subpoenas

Number of Hearings: 6
 Number of Officer Hearing Subpoenas: 25
 Number of Officers Attended: 22
 Number of Officers Excused: 3
 Number of Officers Non-Compliant: 0

Officer Compliance with Hearing Subpoenas



■ Non-Compliant ■ Compliant

Hearing Summary

In 2007, 100% of the officers subpoenaed complied with the conditions of the subpoena. Twenty two of twenty five officers subpoenaed attended hearings, while three officers who did not attend were excused because two were on medical leave and another witness officer was unable to find child care at the time of the hearing. All three officers were excused prior to the date of the hearings.

Number of Officers with One or More Complaints from January 1, 2007 to December 31, 2007

The CPRB tracks the number of complaints against each officer. *Figure 16*, below, lists the number of officers with one or more complaints made against them in 2007. Each year, a small number of officers receive multiple complaints in this short period of time. CPRB tracks this data to be aware of potential recurring problems with specific officers. This year there are thirteen officers with multiple complaints in twelve months. However, these complaints are only allegations of misconduct at this time, and all are currently being investigated.

	No. of Officers	% of Officers with Complaints
Officers with Three Complaints	1	1%
Officers with Two Complaints	12	12%
Officers with One Complaint	84	87%
Total	97	100%

Figure 16

**Number of Officers with One or More Complaints
between June 30, 2005 and December 31, 2007**

In 2003, the Oakland Police Department (OPD) entered into a settlement agreement in the case of *Delphine Allen v. City of Oakland et al.*, No. C00-4599 TEH (JL). In mandating that OPD institute a Personnel Information Management System (PIMS), the settlement agreement states:

“Notwithstanding any other provisions of the PIMS policy to be developed, the policy shall include, at a minimum, a requirement that any member or em-

ployee who receives three (3) or more citizen complaints during a 30-month period . . . shall be identified as a subject for PIMS intervention.”

(Section VII (B)(6)).

In keeping with the spirit of this policy, *Figure 17*, below, provides the number of officers who have had one or more CPRB complaints filed against them between June 30, 2005 and December 31, 2007.

	No. of Officers	% of Officers with Complaints
Officers with Five Complaints	1	0.4%
Officers with Four Complaints	4	2%
Officers with Three Complaints	16	7%
Officers with Two Complaints	39	17%
Officers with One Complaint	164	73%
Total	224	100%

Figure 17

Board and Staff Updates

Staff Change

On November 16, 2007, former Executive Director, Joyce M. Hicks, retired from the City Oakland. Ms. Hicks served as the CPRB Executive Director for more than four years. In her capacity as Executive Director, she led the CPRB through a number of changes to the complaint process. Upon Ms. Hicks' departure, Investigator Sean Quinlan was named Interim Executive Director of the CPRB.

Hearing Procedures Revision

On October 18, 2007, former Executive Director, Joyce M. Hicks, informed the Board of an email sent to her by the Oakland Police Officers' Association's attorney, Lilli Hitt, advising the Board of a recent Superior Court of Alameda order regarding the Berkeley Police Review Commission. Ms. Hitt requested the Board allow no more than two persons to conduct cross examination of a subject officer and that the complainant is no longer present during the subject officers' cross examination. On advice from the City Attorney, Ms. Hicks, recommended to the Board that they accept the new hearing procedures. See *Appendix C* for a copy of Ms. Hicks' statement to the Board and the ruling of the Superior Court of Alameda.

Community Outreach

Community Outreach Efforts

At the end of 2006, community outreach was temporarily delayed because of the changes made with a closed hearing process. In 2007, community outreach returned in a more focused approach. Demographic data has revealed the need to communicate with communities for whom English is a second language.

Also the number of youth filing complaints was relatively low for the number of youth in the Oakland population. Therefore in 2007, CPRB staff specifically targeted and presented to the Oakland Cantonese-Speaking Citizens' Academy and made presentations in Oakland high schools.

Community Outreach Con't



Photo: Students of the Youth Empowerment School (Y.E.S.) of Oakland with Investigator Karen Tom and Policy Analyst / Outreach Coordinator Patrick Caceres.

Oakland Cantonese-Speaking Citizens' Academy

On May 29, 2007, the CPRB participated in its fourth presentation in three years to the Oakland Cantonese-Speaking Citizens' Academy sponsored by the City's Equal Access Department.

Through a Cantonese-translator, CPRB staff presented the services the CPRB provides and how complaints filed by citizens have led to changes in policy and officer practices in the Oakland Police Department. The CPRB is also scheduled to participate in the City's Equal Access Department's first Spanish-Speaking Citizens' Academy in early 2008.

Youth Empowerment School

A presentation was made to sixty students of the government class of the Youth Empowerment School (Y.E.S). Investigator Karen Tom and

Policy Analyst Patrick Caceres prepared and presented a presentation on the role of the CPRB and the Board's work on improving police vehicle pursuits.

College Preparatory and Architecture Academy (CPAA)

In two meetings, CPRB staff presented and participated in the Senior Exhibitions of the College Preparatory and Architecture Academy of Oakland. The theme of these Exhibitions was "Social Equity." Presentations were given to four senior classes on the work of the CPRB. The presentation served as a demonstration of public speaking on topics of social change.

Future Outreach

The CPRB looks to participate in future Oakland Police Academies and in the high school and community colleges of Oakland.

2007 Policy Recommendations

Vehicle Pursuits Policy

The CPRB engaged the public in a discussion on police vehicle pursuits in a policy hearing held on February 8, 2007. At this hearing, the Board proposed six policy recommendations to improve the Oakland Police Department's policy on police vehicle pursuits. Those recommendations are summarized as the following:

1. OPD should develop a more restrictive vehicle pursuit policy to permit the pursuit of fleeing suspects for "violent felonies only" based on a standard of reasonable suspicion. An exception should be made for all misdemeanors firearm related violations. Officers can pursue under this exception based on a standard of probable cause.
2. OPD should increase the number of hours spent on teaching critical decision making skills.
3. OPD should review methods of officer accountability and compliance with pursuit policies.
4. OPD should review its pursuit tactics and technology for effectiveness and identify new technologies used by other jurisdictions.
5. OPD should review the adequacy of its data collection and analysis regarding police pursuits.
6. CPRB proposed the creation of a Vehicle Pursuit Task Force with representatives from the CPRB, Community Police Advisory Board (CPAB), People United for a Better Oakland (PUEBLO), as well as other community participants. The Task Force was formed to consider and offer opinions on the proposed recommendations.

On May 30, 2007, the Oakland Police Department drafted and adopted a new version of their vehicle pursuit policy including many of the CPRB's proposed recommendations. The CPRB plans to revisit this policy topic in May 2008. At this time, the CPRB will work with OPD to review data collected since the changes were made to the pursuit policy. These findings will be included as part of the CPRB's future reports.

2007 Policy Recommendations Con't

Officer Recusal Policy

The CPRB made the following recommendation to the Oakland Police Department regarding a complaint made in 2007.

An officer should consider the possible appearance of impropriety in dealing with situations where he or she may be personally involved. In civil or criminal matters, where an officer has a personal interest, the officer should consider recusing himself/herself from participating in the investigation of the case if he/she is on duty and should consider calling a sergeant or superior officer to handle the matter. When an officer is off-duty and deciding whether to become personally involved in an incident or call in which he/she has a personal interest, he/she should consider calling a sergeant or superior officer to respond to the scene to avoid the appearance of impropriety.

This policy notice is currently pending the Oakland Police Department's approval.

Conclusion

The CPRB hearing process was revised through much of the year in response to the challenges created by the *Copley Press* decision. The Board has responded and created a process in compliance with the current terms of the Superior Courts of Alameda. The new hearing process has made our organization more selective in the complaints brought to evidentiary hearings; therefore there is a noticeable increase in the percentage of sustained allegations for the year. While the hearing process is currently closed to the public, the CPRB has made efforts to continue to remain visible in the community. In collaboration with the Mayor's Office, the CPRB has filled many of the vacancies on our Board. Focused outreach in the community with youth and English Language Learners has also expanded the knowledge of our services in the community.

2007 is also a year in which the CPRB has seen improvement in police services and of-

ficer compliance. No complaints were closed because of the expired statute of limitations. In addition, this is the first year that the CPRB received one hundred percent of-ficer compliance for interview notices and subpoenas for hearings. There were also no allegations of excessive use of force sustained in our investigations. These improved services and working relationship with the police department has improved the overall processing of complaints.

Each year, the CPRB tries to improve our analysis and insight based on complaints filed. This year the CPRB has included findings of allegations for all our administrative closures. Next year, one of our focuses is to improve on the number of mediated complaints. As leaders of civilian oversight, we are committed to continuing to provide our services to the public and Oakland Police Department.

Board Member Attendance at Board Hearings

Meeting Date	Aqeel	Cheung	Dishmon	Eisenberg	Hudson	Kopowski	Michaels	Montgomery	Scates	Thomas	Alternate Harwood	Alternate Radlow
1/25/07		Excused	Yes			Yes	Yes	Yes	Excused	Yes		
2/8/07		Excused	Yes			Excused	Yes	Yes	Yes	Absent	Excused	Yes
2/22/07		Excused	Yes			Yes	Absent	Yes	Yes	Absent		Yes
3/8/07			Excused			Excused	Yes	Yes	Yes		Yes	Yes
4/12/07	Yes		Yes	Yes		Yes			Excused		Yes	Yes
4/26/07	Yes		Yes	Yes		Yes			Yes		Yes	
5/10/07	Yes		Yes	Yes		Yes			Yes		Yes	
6/14/07	Yes		Absent			Yes			Yes		Yes	Yes
7/26/07	Absent		Absent		Yes	Yes			Yes		Yes	Yes
8/9/07	Absent		Yes		Yes	Yes			Yes		Yes	Yes
9/13/07	Yes		Absent		Yes	Yes			Yes		Yes	
10/18/07	Yes		Yes		Yes	Absent			Absent		Yes	Yes
12/13/07	Yes		Yes		Yes				Absent		Yes	Yes

Excused - Member asked to attend, but excused Absent- Unexcused absence

2007 Board Member Voting Record on Allegations Heard by Evidentiary Hearing

BOARD MEMBER	Sustain		Exonerate		Unfounded		Not Sustain		Abstain		TOTAL votes
	votes	%	votes	%	votes	%	votes	%	votes	%	
Aqeel	30	48%	21	33%	5	8%	7	11%	0	0%	63
Dishmon	16	29%	23	42%	8	15%	8	15%	0	0%	55
Eisenberg	8	57%	1	7%	3	21%	2	14%	0	0%	14
Harwood	18	27%	27	40%	9	13%	9	13%	4	6%	67
Hudson	8	18%	26	58%	5	11%	6	13%	0	0%	45
Kopowski	21	64%	1	3%	8	24%	3	9%	0	0%	33
Radlow	10	20%	26	52%	6	12%	8	16%	0	0%	50
Scates	20	63%	1	3%	8	25%	3	9%	0	0%	32



**CITY OF OAKLAND
CITIZENS' POLICE REVIEW BOARD
OFFICE OF THE CITY ADMINISTRATOR**

1 FRANK OGAWA PL * 11TH FL * OAKLAND, CA 94612 * 510-238-3159 * FAX 510-238-7084
TTY# 238-3724

Joyce M. Hicks, Esq.
Executive Director

Citizens' Police Review Board
Oakland, CA

October 18, 2007

RE: Hearing Procedures Revision Demand by Oakland Police Officers Association

The purpose of this report is to advise the Citizens' Police Review Board (hereinafter the "Board" or "CPRB") of an email from the Oakland Police Officers Association's attorney, Lilli Hitt, of the Rains, Lucia & Wilkerson law firm advising the Board of a recent Alameda County Superior Court order regarding the Berkeley Police Review Commission dated September 14, 2007. Ms. Hitt requests the Board conduct its hearings in the manner provided by the Court for Berkeley Police Review Commission hearings. She advises should the Board not comply with her request she will challenge the Board's disciplinary recommendations in upcoming hearings where a finding of misconduct is made and the City Administrator follows the disciplinary recommendations of the Board. Specifically Ms. Hitt requests the Board allow no more than two persons to conduct cross examination of a subject officer and that complainants no longer be present during a subject officer's cross examination.

After consultation with legal counsel, it is my recommendation that the Board conduct its hearings with only two members, or one member plus Board Counsel cross examining each subject officer, but providing for other members to submit written questions to the two individuals conducting the cross examination and that complainants and officers no longer be present during one another's testimony. The Board will have an opportunity to discuss this recommendation as an agenda item immediately prior to the Freelon hearing.

Very truly yours

A handwritten signature in black ink, appearing to read "Joyce M. Hicks", written over a horizontal line.

Joyce M. Hicks
Executive Director
Citizens' Police Review Board

Attachment

Rains, Lucia & Wilkerson LLP
 Attn: Wilkerson, Alison Berry
 2300 Contra Costa Blvd., Suite 230
 Pleasant Hill, CA 94523-

City of Berkeley Office of the City
 Attorney
 Attn: Albuquerque, Mammela
 2180 Milvia St.
 4th Fl.
 Berkeley, CA 94704

Superior Court of California, County of Alameda
 Rene C. Davidson Alameda County Courthouse

Berkeley Police Association Plaintiff/Petitioner(s)	No. <u>2002057569</u>
vs.	Order
City of Berkeley Defendant/Respondent(s) (Abbreviated Title)	Motion Objection to Return on Writ

The Objection to Return on Writ filed by City of Berkeley was set for hearing on 09/14/2007 at 09:00 AM in Department 31 before the Honorable Frank Roesch. The Tentative Ruling required that the parties appear, and the matter came on regularly for hearing.

The matter was argued and submitted, and good cause appearing therefore,

IT IS HEREBY ORDERED THAT:

The Objection to Return to Writ of Mandate is GRANTED.

The Court has reviewed and considered the Second Amended Return, Opposition and Reply and has heard and considered the argument of counsel and, finding good cause therefore, orders as follows:

The Second Amended Return to Peremptory Writ of Mandate is STRICKEN.

The Respondents/Defendants City of Berkeley and City of Berkeley's Police Review Commission ("Respondents") shall comply with the Writ of Mandate issued by this Court on June 14, 2007, with strict adherence to compliance with Penal Code Section 832.7. Penal Code Section 832.7 does not provide or permit that complainants or their representatives be permitted to review investigative reports or witness statements or to attend the Board of Inquiry hearings. (See Penal Code §832.7.) None of the limited exceptions to the confidentiality mandates imposed by Penal Code Section 832.7 allow for complainants or their representatives to review the investigative report, witness statements (besides their own, see Penal Code § 832.7(b)) or attend the Board of Inquiry hearings.

A premise of the ruling in Copley Press v. Superior Court (2006) 39 Cal. 4th 1272 and the ruling herein granting the writ of mandate is that the Berkeley Police Review Commission is functioning as part of the peace officers' employing agency, the City of Berkeley, and the Police Review Commission's activities are to be considered in light of Government Code Section 3300 et seq. Thus, while it is the Court's view that the matter is not now before the Court, it is inescapable that questioning at Board of Inquiry hearings is limited to "no more than two interrogators at a time." (Govt. Code. §3303(b).) And while this may be an illogical result where a Board of Inquiry is comprised of three people, it does appear to be what the statute mandates. The court declines to determine at this juncture the adequacy of the Second Amended Return relating to other issues Petitioner raises relating to Respondents' compliance with the Public Safety Officers Procedural Bill of Rights Act, Government Code Section 3300 et seq. but the Court notes that the Second Amended Return states that "Respondents will

Order

"continue" to apply the Public Safety Officers' Procedural Bill of Rights protections in [Police Review Commission] proceedings . . ." (emphasis added) which is an equivocal statement and does not clearly assert that Respondent will fully comply with all the requirements of Govt. Code Section 3300 et seq.

Respondents shall file and serve a Third Amended Return by October 1, 2007.

The Request of Respondents for Judicial Notice is GRANTED.

Petitioner's Objections to Evidence in Support of the Return are ruled on as follows:

The objection to the Declaration of Mr. Hartinger is OVERRULED.

The objections to the Declaration of Ms. Urbi are ruled on as follows:
(1) SUSTAINED IN PART as to the first sentence of paragraph five only as improper opinion evidence.
(2) SUSTAINED.
(3) OVERRULED on grounds asserted. While portions of the declarations contain hearsay, other portions include proper admissible evidence.

Respondents' Objections to Petitioner's Evidence in Opposition are ruled on as follows:

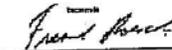
The objections to the declaration of Mr. Wellington are ruled on as follows:

(1) a. SUSTAINED.
b. OVERRULED. The evidence is competent and relevant.

The objections to the declaration of Ms. Wilkinson are ruled on as follows:

(1) a. SUSTAINED.
b. OVERRULED.
c. OVERRULED.

Dated: 09/14/2007



Judge Frank Roesch

Order

SHORT TITLE: Berkeley Police Association VS City of Berkeley	CASE NUMBER: 2002057569
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ADDITIONAL ADDRESSEES

- Third Party -
American Civil Liberties Union
Foundation
Attn: Schlosser, Alan L.
of Northern California
1663 Mission St., Suite 460
San Francisco, CA 94103

Order

Citizens' Police Review Board Policy Recommendations

Date / Incident	Recommendations	OPD Responses	Status
2006 Landlord/ Tenant	1. The Board recommends OPD provide training to its officers on landlord/tenant law.	Initial training occurred in officer line-ups and more formal training is being developed.	Adopted in Part
2005 Ruses	1. The Board recommends OPD develop a policy regarding the creation, management and implementation of ruses.	Declined	Not adopted
2004 Carijama Festival	1. At the Pre-incident Planning Meetings, include the Fire Department and ambulance personnel to support OPD's efforts to manage large crowds. The Board recognizes the vital role the ambulance and fire personnel play in situations of this nature	Included in OPD Training Bulletin III-G	Adopted
	2. Utilize "First Aid Stations fixed and/or mobile and/or ambulances" in the event that chemical agents must be deployed: plan for disabled, elderly and children, the safety of bystanders, evaluate availability of other public safety resources, and anticipate potential medical resources.	Included in OPD Training Bulletin III-G	Adopted
	3. Include in the crowd control policy considerations of: occupied buildings in the area, businesses, e.g. hospitals, schools, senior centers, family restaurants, vehicular traffic, and age, health and mobility of those present.	Included in OPD Training Bulletin III-G	Adopted
	4. Officers must establish a presence commencing at the start of the event by having more community centered policing (e.g. talking with crowd) and by attempting to penetrate the crowd given officer safety. Private security must be part of the Pre-incident Planning Meetings.	Included in OPD Training Bulletin III-G	Adopted
	5. In the Pre-incident planning conduct a risk analysis of the event to determine the sufficient number of law enforcement and public safety personnel.	Included in OPD Training Bulletin III-G	Adopted
	6. As standard procedure consider the use of multiple arrests before deploying chemical agents.	Included in OPD Training Bulletin III-G	Adopted

Citizens' Police Review Board Policy Recommendations

Date / Incident	Recommendations	OPD Responses	Status
Carijama Festival con't	7. Dispersal orders need to be given in a manner reasonably believed to be heard and understood by the intended audience including: documentation of the orders at time given and clear instructions on where people are to disperse when public transit is unavailable. Also included in the recommendation is the Oakland Police Department should obtain a better public address system and repeat their dispersal orders every city block.	Included in OPD Training Bulletin III-G	Adopted
2003 Anti-War Demonstrations	1. The Police Department should eliminate its use of wooden dowels.	Included in OPD Training Bulletin III-G	Adopted
	2. The Police Department should end its practice of using the sting grenade.	Included in OPD Training Bulletin III-G	Adopted
	3. The CPRB Executive Director and the Chief of Police should collaborate with community representatives to further work on revising OPD's crowd control policy.	Included in OPD Training Bulletin III-G	Adopted
Towing	1. The Police Department should draft a comprehensive training bulletin regarding procedures to be followed when vehicles have been towed -- taking into consideration the age of the individual, the location of the tow and the ability of the individual to relocate to a safe location. The training bulletin should also include the directive that an officer should offer the individual and passengers transportation to the Eastmont Substation or the Police Administration Building, whichever is closer, if leaving the individual or their passengers at the location of the tow would place them at risk of harm.	Included in Special Order No. 8098	Adopted

Citizens' Police Review Board Policy Recommendations

Date / Incident	Recommendations	OPD Responses	Status
2002 5150 Policies	1. The Police Department should immediately train and inform its officers that if an officer is unsure of whether a person meets the criteria of section 5150, the officer has the option of telephoning the psychiatric emergency room at the John George Psychiatric Pavilion to obtain an expert medical opinion. All officers should be given cellular phones for this purpose.	Training complete, but unable to provide cellular phones.	Adopted in Part
	2. The Police Department should begin tracking information about 5150 detentions to determine the circumstances under which such detentions are made, the locations of these detentions, and the training needed by officers to correctly use section 5150 to detain individuals.	Declined – the current training is satisfactory given limited resources.	Not adopted
	3. The Police Department should work with the Alameda County Behavioral Health Department, the Alameda County Sheriff's Department, community groups, and other interested parties to develop closer working relationships, to share resources, and to develop processes and procedures to address 5150 issues. Workshops should be publicly noticed and open to the public and should commence immediately.	Training is being conducted with a member of the Alameda County Health Department / Mental Health Crisis Response Team as a co-instructor.	Adopted in Part
	4. The Police Department should expand its officer training on mental illness and 5150 detentions to 40 hours. The 40-hour training program should occur post-Academy and should include training on distinguishing mental illness from mental retardation, which is not a ground for a 5150 detention.	The Sergeants training has been completed and the officers are receiving their training through Continuing Professional Training courses.	Adopted in Part
Searching Residences	1. Officers should be required to fill out a "notification" form when conducting warrantless searches. The Chief of Police should issue a Special Order revising Department Training Bulletin I-O.3, which is entitled, <i>Legal Aspects of Searching Residences</i> , for the purpose of implementing this recommendation.	This recommendation will be considered in the issuing of business cards to all officers and in the future during the accreditation process.	Not Adopted

Citizens' Police Review Board Policy Recommendations

Date / Incident	Recommendations	OPD Responses	Status
2001 OPD Hearing Attendance	1. The police department should revise General Order M-3 to provide clear direction to officers about their obligation to cooperate with the CPRB, including giving interviews and attending Board hearings. The General Order should specify the grounds for being relieved from compliance with the CPRB subpoena to attend a hearing, e.g., for illness or injury and the procedures that must be followed.	Included in final draft of the General Order M-3.2	Adopted

**CITIZENS' POLICE REVIEW BOARD
PENDING CASES [Page 2 of 16]
as of January 8, 2008
(Total Cases - 90)**

FOR EXTERNAL USE ONLY

Case #	Complainant	Inv.	Date Complaint Filed	3304	Date of Incident	Priority	Brief Description of Complaint	Notes
07-0072	Beky Perrie	SQ	2/6/2007	2/7/2008	1/16/2007	#3 Procedure	C alleges she was at a restaurant eating with her grandson when she received a call from a neighbor telling her to come home because the police had ransacked her house. C further alleges when she got home there and was told they were doing a parole sweep. C was told to sit down, C said she told one of the officers what do you mean sit down you are tearing up my entire house. C alleges an officer told her "we are the nice cops we could have had some bad cops come up in here instead." C also alleges one of the officers told the other officers there is nothing here and they left.	Will propose for administrative closure on 1/24/08.
07-0107	Jeffrey Morgan	KT	2/22/2007	2/21/2008	2/14/2007	#3 Conduct	C alleges an officer was unprofessional, intimidating and harassing and misstated the facts on a ticket he wrote the C.	Will propose for administrative closure on 1/24/08.
07-0159	Kay Moore	SQ	3/6/2007	3/5/2008	7/19/2006	#3 Procedure and untruthfulness	C alleges one officer did not properly call her and advise her of the procedures for pickup of her quarantined dog, causing unnecessary stress and delay. C also alleges a Sgt. failed to properly and adequately explain verbally and in writing procedures regarding dog pickup at the shelter. C also alleges the Sgt. lied about prior muzzling of her dog and lied about reimbursement.	Will propose for administrative closure on 2/14/08.
07-0155	Charmye McNeil	SQ	3/7/2007	3/6/2008	7/2004	#3 Procedure	C alleges she called the police department and spoke with a police dispatcher who allegedly seemed as though she did not want to take her call to report being harassed and threatened by the manager of her residence. C also alleges when police arrived she took a walk to call herself down and when she returned the police had left and did not leave her a note or a report.	Will propose for administrative closure on 2/14/08.
07-0158	Richard H. Holden	SQ	3/19/2007	3/18/2008	3/12/2007	#3 Procedure and conduct	C alleges he was unlawfully stopped when he tried to tag officers down for directions. C also alleges officers attempted to get him to sign a consent form to search his RV. When he refused C alleges a male officer said they could take child away to foster care. Also a backpack was taken from his RV and officers told his friend (the owner of the backpack) that he was suspicious. C felt it was not right to threaten to take away his son if he did not consent to the search.	Will propose for administrative closure on 2/14/08.
07-0154	Silvana Lobos	AS	Filed w/AD on 3/5/07 Filed w/CFRB on 6/6/07	3/6/2008	3/31/2007	#2 Procedure, untruthfulness and conduct	C alleges she was being driven to Highland Hospital by her husband for a panic attack when they were stopped by OPD officers. C alleges one of the officers unlawfully searched and towed their vehicle. C further alleges the officer was rude.	Will propose for administrative closure on 3/13/08.

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07-0206	William D. Penn	SQ	3/7/2007	2/28/2008	2/29/2007	#3 Procedure and conduct	C alleges he was falsely accused of selling and having narcotics. C also alleges he was humiliated when officers escorted him from his residence to a patrol vehicle in his underwear. C further alleges damage to personal property during the search of his residence.	Investigation pending.
07-0207	Raymond Williams	KT	3/7/2007	3/6/2008	7/25/2006	#3 Procedure	C alleges he was wrongfully arrested for drug trafficking near his apartment. The case was dismissed for insufficient evidence and C lost his apartment.	Will propose for administrative closure on 2/14/08.
07-0208	Frances Davis	AS	3/7/2007	3/6/2008	2/13/07 2/29/07 3/6/07	#3 Procedure and conduct	C alleges continued harassment by a police officer who believes he is selling drugs.	Investigation pending.
07-0209	Steve Young	KT	4/9/2007	4/2/2008	3/27/2007	#3 Procedure	C alleges he was arrested and handcuffs were placed on too tightly causing him pain. At the jail an officer attempted to remove the cuffs but before removing them he allegedly grabbed the linking chain and pressed down causing the C more pain. C informed officers he was in pain and no one responded. C maintains he was not told why he was arrested.	Investigation pending.
07-0211	Antoine Shavers	SQ	3/7/2007	3/6/2008	10/11/2006	#3 Procedure, conduct and untruthfulness	C alleges an OPD officer wrote a false police report.	Will propose for administrative closure on 2/14/08.
07-0217	David Golub	AS	3/27/2007	3/26/2008	3/28/2007	#1 Force and procedure	C alleges officers used unnecessary force in detaining him for a traffic infraction. C alleges handcuffs were applied too tightly.	Investigation pending.
07-0240	Adrain Lewis	KT	3/23/2007	3/22/2008	3/21/2007	#3 Conduct and untruthfulness	C alleges an officer threaten to take him if he did not get out of the car. C also alleges the same officer planted drugs on him and he fears for his life.	Will propose for administrative closure on 2/14/08.
07-0242	Crystal Birden	AS	Filed w/AD on 4/19/07 Filed w/CPRB on 4/20/07	4/18/2008	4/19/2007	#3 Procedure and conduct	C alleges police did a probation search on her apartment with the understanding her boyfriend lived at her address. C alleges her boyfriend lives with his mother at another address. C also alleges officers damaged items in her apartment while searching it	Investigation pending.
07-0251	Gavin Taylor	SQ	4/13/2007	4/12/2008	4/12/2006	#1 Force, bias, conduct and procedure	C alleges he was racially profiled when his vehicle was pulled over by police. C was allegedly made to lay on the ground with hand guns and a AK47 pointed at him. C was allegedly told by an officer that they were looking for a "bald headed guy" who was wearing a white t-shirt and he fit the description.	Investigation pending.

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07-0251	James Barnes	SQ	4/13/2007	4/12/2008	4/12/2007	#1 Force, procedure and conduct	C alleges he was in the car with his friends and co-complainant G. Taylor when officers pulled the vehicle over. Officers allegedly had guns drawn and C was told to get out of the car with his hands up and not to turn around and then to drop to his knees and get on the ground, as he did so his cell phone which was clipped to his pants was damaged. C further alleges the officer that handcuffed him twisted his arm while pulling the handcuffs on him.	Investigation pending.
07-0251	Barry Thomas	SQ	4/13/2007	4/12/2008	4/12/2007	#1 Force, procedure and conduct	C alleges he was in the car with his friends and co-complainants when officers pulled the vehicle over. Officers allegedly had guns drawn and C was told to get out of the car with his hands up and not to turn around and then to drop to his knees and get on the ground. C also alleges several officers thought the situation was "funny" because they were laughing at the C's and C allegedly heard officers say, "oh, we made a mistake. Oh well, too bad."	Investigation pending.
07-0251	Timothy Thomas	SQ	4/13/2007	4/12/2008	4/12/2007	#1 Force, bias, procedure and conduct	C alleges he was in the car with his friends and co-complainants when officers pulled the vehicle over. Officers allegedly had guns drawn and C was told to get out of the car with his hands up and not to turn around and then to drop to his knees and get on the ground. C also alleges an officers twisted his arm and applied the handcuffs very tightly. C also alleges officers were laughing at the C's.	Investigation pending.
07-0259	Carol L. Young	KT	Filed w/IAD on 4/25/07 Filed w/CPRB on 5/21/07	4/24/2008	2/16/2007	#2 Procedure, conduct and untruthfulness	C alleges she is being harassed by various members of CPD because she wrote a letter to the Mayor in August 2006 about kids in her neighborhood being improperly stopped and handcuffed. C also alleges an officer wrote false information in a police report which led to her eviction by her landlord.	Investigation pending.
07-0274	Kevin W. Franklin	KT	4/27/2007	4/26/2008	4/24/2007	#3 conduct	C alleges an officer was disrespectful to him regarding removal of a vehicle blocking his driveway.	Investigation pending.
07-0283	Nikki Edwards	AS	5/1/2007	4/30/2008	5/1/2007	#1 Discrimination, procedure and conduct	C alleges 11th and Jefferson Streets were blocked off for a memorial service for officers who had died in the line of duty. C was trying to park in the Central Parking Lot where she has a parking pass. C was informed by a police officer that she could not enter the parking lot. C alleges she saw the officer allowing at least two vehicle into the parking lot. C alleges the officer was discriminating against her.	Investigation pending.
07-0315	Janel Hale (obo) Nairo Jackson, a minor		Filed w/IAD on 5/14/2007 Filed w/CPRB 5/21/07	5/13/2008	5/10/2007	#1 Procedure, Conduct & untruthfulness (Minor)	C alleges her son was arrested and charged with having a rifle which was not in his possession. C also alleges when officers arrested her son m they left him in the back of a police vehicle from 12:00 a.m. to 7:30 a.m.	Investigation pending.
07-0324	Christopher W. Randolph	AM	5/6/2007	9/8/2008	5/5/2007	#3 Procedures	C alleges while he was driving he was stopped and ticketed for loud music. C also alleges officers impounded his vehicle illegally.	Investigation pending.

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07-0343	Maria Manzo	SQ	5/17/2007	4/30/2008	5/2/2006 #2	Untruthfulness	C alleges after an incident on May 2, 2006 that officers have been harassing her and her two sons. C also alleges the officers asked her landlord to evict her family from their apartment because they were a nuisance, and if he declined he would be fined from one to three thousand dollars a day. C alleges she has lived in her apartment for twenty six years and never had any problems with her neighbors or landlord.	Investigation pending.
07-0362	Robert Charles Gooden	KT	Filed w/IAD on 5/30/07 Filed w/CPRB on 7/11/07	5/29/2008	11/19/2006 #1	Force and procedure	C alleges that officers tackled and abused him when they came to his home and had him at gunpoint. C also alleges officers confiscated his shotgun and arrested him without telling him why. C further alleges he stayed in Santa Rita three days and then taken to court. C stated he never saw the judge and was taken back to Santa Rita and let go later that same evening.	Investigation pending.
07-0370	Jerry Stinson	KT	Filed w/IAD on 5/16/07 Filed w/CPRB on 6/29/07	5/15/2008	5/16/2007 #2	Untruthfulness	C alleges he ran from officers and later surrendered. C also alleges he did not have any drugs in his possession. C further alleges officers planted drugs on him and states there are several witnesses to the incident.	Investigation pending.
07-0386	Shirley Thomas	KT	5/29/2007	6/27/2008	2005	#3 Procedure	C alleges her daughter was molested while in foster care. C also alleges an officer refused to take a police report because she was not the victim.	Investigation pending.
07-0439	Victor Guerrero, Jr.	SQ	Filed w/IAD on 7/2/07 Filed w/CPRB on 7/3/07	7/1/2008	7/1/2007 #1	Force, procedure and conduct	C alleges the vehicle he was riding in was pulled over by police. An officer asked for identification from all occupants. C and his brother did not have their ID's on them and were asked to exit the vehicle, they were then pat searched and told to sit on the curb. C's cell phone was in the vehicle and began to ring. C got up from the curb and reached into the vehicle to retrieve his phone. An officer grabbed C by the shoulder in a hard manner and pulled him back to the curb saying, "What the fuck are you doing? do you want to get your ass beat in my car?" C further states the officer grabbed and threw his phone back into the vehicle and C heard the phone come apart.	Investigation pending
07-0452	Arage Hayes	SQ	Filed w/IAD on 7/9/07 Filed w/CPRB on 7/23/07	7/9/2008	7/8/2007 #1	Force	C alleges that during a traffic stop officers handcuffed him and threatened to beat him. C also alleges officers choked, punched and kicked him before issuing him a ticket. C further alleges officers threatened to take him to jail and tell his parole agent about the incident.	Investigation pending.

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07-0455	Victor Bradford	AS	7/5/2007	7/4/2008	12/05 - 7/4/07	#2 Untruthfulness, procedure conduct	C alleges officers are harassing him as they on several occasions unlawfully stopped his car based on the type of car he drives, his race and his age. C also alleges officers are improperly stopping his car due to these factors and then find ways to issue him tickets to justify the stops.	Investigation pending.
07-0458	Edward Jones	SQ	Filed w/IAD on 7/7/07	7/5/2008	7/7/2007	#3 Procedure	C alleges he was ordered to pull over by an officer. C also alleges the officer exited his vehicle with his gun drawn and ordered the C out of his vehicle. C was ordered to lift up his shirt to see if he had a weapon and to lay face down on the ground. Other officers arrived including a K-9 unit. C states he felt a police dog sniffing around him. C was handcuffed and searched. C was told by the officer that he was performing a felony car stop because his license plate came back as stolen. C informed the officer that he was the one who reported them stolen. C was upset that the officers searched his vehicle without consent nor did they ask for identification that would have showed he was the registered owner of the vehicle.	Investigation pending.
07-0483	Duane Singleton	KT	8/15/2007	7/15/2008	1/17/2007	#3 Procedure	C was arrested for sale of base cocaine to an undercover officer. C alleges false arrest, false imprisonment and improper care of his property, a mountain bike and two glass smoking apparatuses.	Investigation pending.
07-0484	Dale R. Johnson	AS	7/17/2007	7/16/2008	3/31/2007	#3 Procedure	C alleges he was run over by a car and officers responded but did not prepare a police report. C wants a police report and 911 records.	Investigation pending.
07-0486	Lula Mae Gumble	AS	7/19/2007	7/16/2008	7/17/2007	#1 Force	C alleges four officers murdered her son.	Investigation pending.
07-0494	Dorethy Pickens	KT	Filed w/IAD on 7/20/7 Filed w/CPRB on 7/19/07	7/12/2008	8/14/2007	#3 Procedure	C alleges incomplete police report which left out that complainant's partner hit her.	Investigation pending.

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07-0527	Grete Chang	KT	7/31/2007	7/30/2008	6/23/2007	#1 Force	C alleges she and her family went for a test drive in a Honda Accord from Honda of Oakland. Upon returning to the Honda dealership C alleges a police car with its lights activated pull in behind them and an officer yelled at the Honda employees to go back into the dealership. C then heard the officer yell to the driver (her son-in-law) to exit the vehicle with his arms in the air. C also alleges the officer had his gun drawn and pointed at the car. C's son-in-law did as he was told, to get on his knees and then he was handcuffed, patted down and placed in a patrol car. C further alleges each occupant of the car was asked to step out and they all had guns pointed at them. C alleges an officer grabbed her wrists and yanked her arms behind her back causing great pain. C also alleges another officer arrived and told one of the other officers to release her son-in-law. The officer told C's daughter the situation was a "mistake."	Investigation pending.
07-0548	Windell McCain	SQ	7/16/2008	7/15/2008	7/7/2007	#3 Procedure	C alleges officers said they would forward his case to the District Attorney and they didn't. C has legal custody of his daughter and made a formal request to officers to file a complaint of assault with the District Attorney against his daughter's mother's boyfriend. C tears for his and his daughter's life and wanted an Order of Protection for the both of them.	Investigation pending.
07-0551	Edward Bruce	SQ	8/1/2007	7/31/2008	7/31/2007	#3 Conduct	C alleges an officer was rude to him. C states he was standing on the corner of 20th and Broadway with a friend when he was contacted by an officer and told to leave the area because he had received a complaint that the C was "begging for money." The officer ran a check for warrants and told the C to leave the area. C believes the officer was rude to him because he asked the C why he was becoming hostile and if the C was 5'10".	Investigation pending.
07-0552	Jovetia Reed	SQ	7/27/2007	7/24/2000	7/25/2007	#2 Improper search	C alleges unlawful search of her residence by several CPD PAC team officers.	Investigation pending.
07-0564	Sharonda Smith Ward	SQ	8/13/2007	8/9/2008	8/13/2007	#1 Force	C alleges Anthony Ward got into a confrontation with a guard at Zucor's night club and decided to leave. C also alleges a guard pushed Anthony out of the club doors and Anthony pushed him back. Oakland police arrived and allegedly grabbed, hit and pulled Anthony's hair and took to the ground. C further alleges Anthony went to Kaiser and suffered a broken bone in his leg and bruises on his leg arm and back. Anthony was not arrested.	Investigation pending.
07-0594	Brenda H. Reed	KT	8/21/2007	8/15/2008	8/16/2007	#1 Discrimination	C was cited by a black female officer for failing to come to a complete stop by making a rolling stop at a stop sign. C alleges the officer discriminated against her because she was white, treated her in an intimidating manner and incorrectly filled out the citation form. C alleges who was cited for, "Driving while White."	Investigation pending.

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07-0665	Dario Campos Villar	AS	8/16/2007	2/29/2008	3/2/2007	#2 Procedure and untruthfulness	C alleges that the OPO officers who responded to an altercation on 3/2/07 which left the C injured neither arrested the assailant nor took a report. C alleges officers said they would prepare a report and they did not.	Investigation pending.
07-0598	Dario Campos Villar	AS	8/16/2007	7/10/2008	7/12/2007	#2 Improper search and procedure	C alleges that the OPO officers who responded to a verbal altercation on 7/12/07 did not arrest the assailant and they searched C's car.	Investigation pending.
07-0632	Kenneth McGuffin	AS	9/13/2007	8/3/2008	8/4/2007	#1 Force	C alleges unlawful use of force by an officer in the canine unit who grabbed him by the mouth.	Investigation pending.
07-0645	Judah Bell	KT	Filed w/AD on 8/27/07 filed w/CPRB on 8/30/07	8/23/2008	8/24/2007	#2 Procedure and untruthfulness	This complaint originates from officers' response to a bill dispute between the C and the proprietress at the 12th Street Cleaners. After putting cash on the counter, C went behind the counter and took her clothes she had gone to pick up. She alleges th	Investigation pending.
07-0848	Major Dixon	KT	10/10/2007	9/6/2008	9/7/2007	#1 Excessive Force	C alleges unlawful stop, detention, search and excessive force against him and his father.	Investigation pending.
07-0661	Patrick R. White	SQ	9/4/2007	8/31/2007	9/1/2007	#2 Procedure	C's motorcycle was towed for sideshow activity, playing loud music. C alleges another motorcycle was contributing to the noise, his saddlebags were unlawfully searched and the sideshow law was not in effect at the time he was cited and his motorcycle was towed.	Investigation pending.
07-0673	Willie Nelson	SQ	9/11/2007	9/10/2008	8/29/2007	#3 Procedure	C alleges his car was improperly towed and he lost property.	Investigation pending.
07-0689	Kevin Hopkins	KT	9/10/2007	9/9/2008	First week of August 2007	#1 Force	C alleges force (yanking out of vehicle), unlawful body cavity search, unlawful detention, false arrest and failure to care for property in three separate incidents in August, 2007.	Investigation pending.

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07-0692	Rashidah Grinage	SQ	Filed w/IAID on 9/20/07 filed w/CPRB on 9/24/07	9/18/2008	9/20/2007	#1 Force	C has filed this complaint on behalf of the decedent (Gary W. King) and his family. Mr. King was shot and killed by an OPD officer.	Investigation pending.
07-0708	Lafico Davis	KT	8/23/2007	7/12/2008	7/13/2007	#3 Procedure	C alleges OPD officers failed to immediately take a domestic violence crime report from her.	Investigation pending.
07-0716	Anthony Montano	KT	9/20/2007	8/9/2008	8/10/2007	#3 Procedure	C alleges his car was improperly towed, he is missing prescription glasses he left in the car when it was towed and he was improperly cited for not having both license plates, insurance and a California driver's license.	Investigation pending.
07-0720	Olufela Sabaabu	AS	9/24/2007	9/1/2008	9/2/2007	#1 Force	C alleges excessive force by an unknown officer who allegedly caused injury to his left wrist and arm when pulling his arms behind his back to handcuff him. C also alleges the handcuffs were applied too tightly.	Investigation pending.
07-0758	Roshawna Bodman	KT	10/22/2007	10/18/2008	10/19/2007	#3 Conduct	C alleges an officer was rude and she was unlawfully stopped and detained.	Investigation pending.
07-0759	Earl Thomas	KT	10/22/2007	10/18/2008	10/19/2007	#3 Conduct	C alleges rudeness, unlawful traffic stop, detention and coercion to be an informant.	Investigation pending.
07-0853	Sherry Smith	KT	11/15/2007	11/5/2008	11/5/2007	#3 Procedure and conduct	C alleges a Lieutenant was rude to her on the telephone. C alleges the Lieutenant yelled at her and allegedly told her "he did not appreciate her calling him and telling him how to do his job" and hung the phone up in her face.	Investigation pending.
07-0855	Sandra Villalobos	SQ	Filed w/IAID on 10/8/07 filed w/CPRB on 11/9/07	10/7/2008	Unknown	#1 Sexual misconduct	C alleges she had a sexual relationship with an officer for a year and was allegedly an informant for the officer.	Investigation pending.

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07-0902	Cheryl Thompson	AS	11/19/2007	11/18/2008	11/18/2007	#3 Procedure	C alleges her son was stopped for jay walking and the officer searched him then took a call on his walkie talkie and searched him again. The second search the officer allegedly stated that her son had cocaine on him and arrested him. C believes the officer found out that her son was on probation and needed a reason to take him in to custody.	Investigation pending.
07-0917	Shanika Gregory	KT	11/08/2007	IAD 5/8/07 CPRB 11/8/2008	5/10/2007	#1 Force	C alleges an officer grabbed both her arms with force and put them behind her back and handcuffed her. C also alleges she was pushed on her back to make her move towards a police vehicle. C further alleges an officer tried to push her into the vehicle.	Investigation pending.
07-0918	Freddie Perry	AS	Filed w/IAD on 11/21/07 Filed w/CPRB on 11/26/07	11/20/2008	11/21/2007	#2 Untruthfulness and Procedure	C alleges he should not have been a citation for having an open container or that the vehicle was traveling at 25 mph. C alleges the vehicle was not moving and he and other passengers were standing outside of the vehicle when officers arrived.	Investigation pending.
07-0925	Rhonda Mills	KT	11/27/2007	11/26/2008	7/19/2007	#1 Procedural use of a firearm	C alleges OPD officers shot and killed her dog for no reason.	Investigation pending.

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HEARING HELD, PENDING CLOSURE-4 CASE								
06-0914	Bryon Freelon	AS	11/13/2006	11/12/2007	11/11/2006 #3 Procedure		C alleges he and his wife were pulled over by police and told to exit his vehicle with his hands up. After exiting his vehicle the C alleges his leg was kicked for no reason, asked harassing and unnecessary questions and a police officer sharply bent his hand at the wrist joint. C further alleges his vehicle was ransacked by police all for no reason.	Hearing held on 10/18/07.
06-0914	Rhoda Freelon	AS	11/13/2006	11/12/2007	11/11/2006 #3 Procedure		C alleges she and her husband were pulled over by police and told to put their hands up. C alleges she asked several times what was going on and her question was never answered. C was handcuffed and pinned in the back seat of a patrol vehicle for several minutes. C further alleges she was told the vehicle she and her husband were in fit the description of a vehicle the police were looking for.	Hearing held on 10/18/07.
07-0007	Carol Ann Gregg	KT	Filed w/IAD on 1/8/07 filed w/CPRB on 1/24/07	1/7/2007	1/3/2007 #3 Procedure		C alleges she was hit in the face with a glass by a man at Jack's Bistro. Officers arrived and took a statement and C told one of the officers she wanted the man arrested for battery. EMT arrived and treated C for her injuries. C later received a copy of the police report where one of the officers wrote that he chose not to arrest the man for battery. C was very upset.	Full Board hearing held on 6/14/07.
07-0233	Bahia Baik & Jerome Donnelly	KT	Filed w/IAD on 4/12/07 Filed w/CPRB on 6/5/07	4/11/2008	3/17/2007 #3 Procedure		C alleges numerous attempts were made to have tenants remove their vehicles from her property. C asked OPD for a civil standby and when they arrived C showed them the Deed and Tax record to the property and explained the situation. C also alleges an officer showed up claiming to own her property and believes he is trying to pull something illegal. C further alleges the standby officers did not want to get involved.	Hearing held on 12/13/07.
07-0410	Beverly Roberts	SQ	Filed w/IAD on 5/29/07 Filed w/CPRB on 6/21/07	5/28/2008	5/30/2007 #3 Conduct & rudeness		C alleges officers were rude and unprofessional.	Hearing held on 9/13/07.

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TRACKING - 6 CASES								
Tracking No. 200611-005	Charmaye McNeil	SQ	11/18/2006	11/7/2007	9/24/2005		C alleges she bought a pair of basketball shoes and was not pleased with them. C returned to the store on several occasions and on September 24, 2006 she had words with the store manager and admitted slapping him. Police were called and C was arrested.	
Tracking No. 200703-009	Tanjua Kanunakar		3/12/2007	3/11/2008	2/21/2007		C alleges she was fraudulently given a parking ticket. C also alleges she parked in a public parking area that is free for four hours and C alleges her car was only parked there for 45 minutes.	
Tracking No. 200704-017	Charmaye McNeil	KT	4/6/2007	4/5/2008	Various dates 6/2000 7/2000 11/1/02 8/3/04 10/14/04		C filed five complaints. One case with an incident date of 11/1/02; the 3304 date has expired. The four other cases have no OPD policy violations.	
Tracking No. 200708-006	Saundra L. Lufon	SQ	Filed w/AD on 7/21/07 Filed w/CPRB on 7/28/07	7/19/2008	7/21/2007		C alleges she called 911 regarding a burglary and the dispatcher allegedly told C that she would mail her a complaint form. C also alleges OPD officers never came to her residence.	
Tracking No. 200711-024	Shaywin Senters		11/29/2007	11/28/2008	11/18/2007		C alleges she was falsely given a parking citation.	
Tracking No. 200712-008	Deborah Thompson		11/30/2007	11/29/2008	11/28/2007		C alleges officers who were not in police uniforms asked two black men for their identification.	

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Case #	Complainant	Inv.	Date Complaint Filed	3304	Date of Incident	Priority	Brief Description of Complaint	Notes
TOLLED - 16 CASES								
01-15	Denise Castigan (deceased - William Wilkins)	SQ	4/30/2001	4/30/2002 TOLLED - Civil Litigation 4/24/01 (US D.C. C-01-1102 MMC. Plaintiff Kelly Wilkins) Trial 10/29/02	1/11/2001	#1 Force resulting in serious injury	Officers shot and killed Officer William Wilkins.	Case settled
01-27	Brian Bowman	SQ	7/18/2001	8/10/2002 TOLLED 12/5/01	6/2/2001	non-priority (force & supplemental issues)	The C alleges that he was "slammed" to the pavement and hit his elbow on the ground. C also alleges the loss of property (pager) and use of profanity and rude/demeaning language.	TOLLED. Investigation pending
01-37	William Drury III	AS	11/26/2001	11/26/2002 TOLLED - Complaint filed 3/30/02 Superior Ct. 2002-044710.	4/4/2001	#1 Excessive force (serious injury)	C alleges that his girlfriend hit him. The OPD responded and he was arrested. He alleges that the officers use excessive force to affect the arrest.	TOLLED. Investigation pending
03-329	Orner Alvarez	SQ	12/15/2003	TOLLED	11/30/2003	#1 Excessive force, procedure, conduct,	C alleges he was attending a Raiders game when a commotion broke out. C alleges he saw police officers grabbing and throwing people to the ground. C also alleges he was stabbed about 10 feet away and an officer yelled "take him down" C was grabbed from behind by two officers and forced face down on the ground, handcuffed and taken to jail for 6 hours and released.	TOLLED.
03-329	Ruben Ramirez, Sr.	SQ	1/5/2004	TOLLED	11/30/2003	#1 Excessive force, procedure, conduct,	C alleges he was attending a Raiders game with his sons and was told he was arrested by police officers when asked why the officer allegedly grabbed the C by the throat with two hands and pushed him against a wall and another officer put handcuffs on him. C further alleges that on the way to the police van the officer escorting him allegedly told the C "that it was because of Spicks like him that the Raiders games were so F---ed up." After being bailed out of jail C went to Kaiser Hospital and was allegedly told his right hand was sprained.	TOLLED.
03-329	Rueben Ramirez, Jr.	SQ	1/6/2004	TOLLED	11/30/2003	#1 Excessive force, procedure, conduct,	C attended a Raiders game with his father and brother and allegedly saw that a police officer allegedly had his hands around his father's throat and ran towards him shouting he didn't do anything. C then alleges that he was tripped and jumped on top of with a knee to his back by police officers and his head was slammed onto the concrete, handcuffed and punched four times on the left side of his face.	TOLLED.

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03-329	Ryan Ramirez	SQ	1/6/2004	TOLLED	11/30/2003	#1 Excessive force, procedure, conduct	C attended a Raiders game with his father and brother and saw that a police officer allegedly had his hands around his father's throat and ran towards his car and was allegedly taken down by a blow to his head. C further states that two officers were on him with a knee to his head and back and another officer continued hitting him in his face while he was on the ground with handcuffs on.	TOLLED.
04-231	Dannell Foster	AS	CPRB 1/14/05 WIAD 7/26/04	7/25/2005	2/27/2004	#2 Search	C alleges he was approached by two officers and one of the officers embarrassed and humiliated him by pulling his pants and underwear down to his knees and doing a "butt search" in broad daylight while handcuffed. Nothing was found and the C was driven a few blocks and allegedly told by one of the officers "If I were to give you \$10 would you risk your life or jeopardize it by buying cocaine or weed from a drug house." C refused and was allegedly told by the officer "the only way you are getting out of this car and not going to jail is by signing a loitering ticket, which the C did.	TOLLED
04-242	Safa Swaid	SQ	7/30/2004	TOLLED - Criminal case pending Alameda County Superior Court #137681 filed 1/27/00	10/1/1999	#2 Procedure, search and untruthfulness	C alleges he was arrested and an illegal search of his premises was done by police officers.	TOLLED. Investigation pending
04-257	Uganda Knapps	SQ	8/11/2004	TOLLED: Case # C0529335	8/10/2004	#1 Excessive force and procedure and bias	C is a counselor at a facility for developmentally disabled adults. He called 911 because a patient threatened to kill himself. The patient ran out of the facility into oncoming traffic. The C pushed the patient down to save him when CPD thought the C allegedly assaulted the patient. The officer choked the C and twisted his arm and briefly detained then released him when the facility's supervisor arrived at the scene.	TOLLED.
05-121	Caecor Johnson	AS	4/1/2005	TOLLED: Wiley C. Manuel Courthouse, Dept. 104 Docket #507843	3/31/2005	#1 Force, procedure and conduct	C alleges an officer pulled him off a motorcycle by his hair, took him to the ground and held his right arm against the motorcycle tail pipe causing an approximate 4 inch burn. The C was then punched, kicked and struck with batons. C's right forearm was fractured when the officer pulled him to a standing position by the handcuffs.	TOLLED.
05-383	Roderick Smith & Tonishia Jackson	AS	10/24/05	TOLLED: Federal District Court Case #C05-0478 MJJ filed 1/23/06	5/19/2005	#1 Force	C alleges he was shot by an officer for no reason and that officers wrote a false police report. C also alleges officers did not tell the truth in court.	TOLLED.

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05-388	Eda B. Henry	AS	6/23/2005	TOLLED: Federal District Court Cases #C06-02985 JL filed 5/3/06	5/3/2005	#3 Procedure	C alleges Oakland Police officers and Fremont Task Force officers rushed into her home with guns drawn aiming at her son. C asked the officers what did they want and they replied that they were looking for a man that was supposedly paroled and living at this address. C informed the officers that she has lived at this address for 22 months and the person they were looking for does not live there. After searching the house C states the officers walked out without apologizing.	TOLLED.
05-047	John L. Saucer	SQ	4/19/2006	TOLLED: Alameda County Superior Court Renee C. Davidson Courthouse Case #RGO_280050	8/2/2005	#1 Force and Bias/Discrimination	C alleges he was physically assaulted and injured. C also alleges he was told to "shut the fuck up" and statements allegedly made such as "fuck you, you little black ass Negro" and "I am your white devil" and arrested by police officers for no reason.	TOLLED.
06-165	Melissa Cook	SQ	Filed w/AD 2/17/06 filed w/CPRB 3/2/2006	TOLLED: US District Court Case # 064337 filed 7/14/06	2/17/2006	#1 Force and conduct	C alleges an Oakland police officer pulled his gun out and threatened her children and threatened to "spray the block." C also alleges the officer punched her son on the side of his face and her son is afraid the officer will come to their home and assault the family. The officer was arrested by the Brentwood Police Dept.	TOLLED.
06-440	Arnaïr T. Rollins	SQ	7/17/2006	TOLLED: Alameda County Superior Court filed 12/20/06	6/5/2006	#1 Force, Discrimination, procedure and conduct	C alleges an officer shot and almost killed her son for no reason. C also alleges the officer left her son on the ground covered with a sheet for 30 minutes before calling paramedics. C further alleges her son was paralyzed and has a broken neck and will never walk again.	TOLLED.
06-522	Demetrius L. Harvey	AS	6/23/2006	TOLLED: USDC CD7-01681 MJN Filed 3/23/07	12/7/2005	#3 Conduct	C alleges OPD knew he was not one of the individuals on a video tape and was falsely arrested and charged with a crime he did not commit.	TOLLED.
06-0776	Anthony Jenkins	AS	Filed w/AD on 9/12/06 Filed w/CPRB on 3/14/07	TOLLED:	9/12/2006	#3 Conduct and untruthfulness	C alleges he was set up by two officers who allegedly planted evidence on him. C also alleges he was threatened with physical force.	TOLLED.

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08-0797	Robert Graham	KT	9/21/2008	TOLLED: US District Court Federal Case # CR06-00502 MJJ	4/15/2008 #1 Force		C alleges he ran from police and when he was captured and placed in handcuffs he was kicked in the eye by one of the police officers, when he tried to roll over the other officer allegedly placed his knee on the side of his neck and held him down. C also alleges at this point he was kicked in the face again and when he started screaming for help both of the officers allegedly beat him until he passed out. C further alleges he was taken to jail and was told by the Sheriff at North County they could not accept him, he would have to be cleared by the nurse who told the officers to take him to a hospital. The doctor at the hospital allegedly told the C he had a broken bone around his eye, a fracture nose and bruised ribs. C also states the officers wrote in their report "It should be noted that Graham was not struck with any impact weapons or hand strikes.	TOLLED.

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