

City of Oakland  
**Citizens' Police  
Review Board**  
**2014 Semi-Annual Report**

JANUARY 1–JUNE 30, 2014



CITY ADMINISTRATOR'S OFFICE

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# Citizens' Police Review Board

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Henry Gardner, Interim City Administrator

August 27, 2014

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

On behalf of the members of the Citizens' Police Review Board (CPRB), I am pleased to share the 2014 Semi-Annual Report.

As part of the FY 2013-14 Budget, City Council supported adding four positions to the CPRB staff and funding for additional resources and training. This funding has added a greater capacity to the CPRB services to the public. The additional resources also included funding the efforts to complete a national search and a series of panel interviews including representation from the CPRB Board in the selection of a CPRB Executive Director.

It is with great enthusiasm and support that on July 7, 2014, the Board and City of Oakland welcomed Mr. Anthony Finnell to the CPRB as its new Executive Director! This is an exciting transition for our Board that with the additional resources, as well as a new office location at 250 Frank H. Ogawa Plaza, Suite 6302, Oakland, California 94612, the CPRB has greater opportunity to grow.

The Board has welcomed three new Board members: Brian Bingham, Lawrence (Paul) Brisco and Jason Takenouchi, as well as welcomed the return of former Board members: Howard Tevelson and Thomas Cameron. Our members are very active, more so than ever with contributing as sub-committee members to the CPRB's outreach activities and providing input and suggestions on complaint policies and procedures.

During the first half of 2014, our Board resolved 25 complaints: 19 by administrative closure, four by evidentiary hearing, and two by Board recommendation without requiring a hearing. In four cases, we recommended discipline against officers for the following allegations: three for verbal misconduct, one for failing to properly supervise, one for failing to write a proper report, and one for failing to activate the PDRD (lapel camera) when required. Those disciplinary recommendations were brought to the City Administrator; the City Administrator upheld three recommendations in full and one in part.

Some of the Board's outreach and training activities have included revising and distributing a new CPRB brochure (in English, Spanish, Chinese and Vietnamese), participating in the Citizens' Police Academies, and going on police ride-alongs. Board members have also presented at Eritrean/Ethiopian community events and have volunteered to participate as members on a community-panel providing feedback and input on OPD's Stop Data policies and reporting. Board members received training on OPD's Use of Force policy and from PUEBLO's Youth Policy Builders. The Board looks forward to continuing and expanding additional training and outreach opportunities to the public.

Moving forward, the Board's goals are as follows:

1.) Improve relations between Oakland's citizens and its police force by ensuring police accountability for misconduct; 2.) work closely with the Public Safety Committee of the City Council; and 3) collaborate on key policies with the Mayor's Office. We look forward to working together to achieve these objectives. Thank you!

Sincerely,



Sokhom Mao  
Chairman, Citizens' Police Review Board

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## Executive Summary

The first six month of 2014 was a time of transition for the Citizens' Police Review Board (CPRB). The CPRB has moved to a new office location and there was the appointment of the Executive Director. Going into the second half of 2014, our new space and staff adds additional operational capacity and leadership to the organization.

With the additional funding authorized by the City Council for FY 2014-2015, the CPRB has focused on improving staff and Board training. The CPRB staff in January received training on Internal Affairs Investigations. The CPRB Board and staff also received training on OPD's Use of Force Policy. Additional training is being scheduled on Search and Seizures, and the CPRB Staff is scheduled to attend the National Association of Civilian Oversight of Law Enforcement (NACOLE) Annual Conference in September.

The CPRB Board and Staff has been very active in developing an updated community engagement plan ensuring more members of the public are aware of the services of the CPRB and can participate in future opportunities to serve on the Board.

The CPRB received 18 new complaints. This is the lowest number of complaints filed in recent years. The CPRB is on pace to receive approximately 25% less complaints total by year end than 2013. This reduction in complaints is proportional to the total number of all complaints filed with the Oakland Police Department's Internal Affairs Division (IAD). IAD has seen this same percent in the reduction of total complaints for this same period.

The CPRB resolved 25 complaints comprising of 63 separate allegations. Four

complaints were resolved through evidentiary hearing, 19 through administrative closure, and two by Board recommendation not requiring a hearing. The Board sustained 12 allegations (19% of the total) and recommended discipline for four subject officers for verbal misconduct, for failure to write a report, improper supervision, issuing an improper citation and failing to activate the Personal Digital Recording Device (PDRD) camera. The City Administrator rendered decisions on these four cases. Three Board recommendations for officer discipline were upheld in full and one in part.

The allegations most frequently filed with the Board were:

1. excessive force (7); and
2. failure to act (7).

All officers, except one officer, complied with interview notices. The one officer that was non-compliant was sustained and disciplined for his failure to properly cooperate with the CPRB investigation. These matters have since been resolved and corrected going forward. All subject officers scheduled to attend CPRB Board hearings complied with subpoenas and attended all scheduled CPRB hearings.

CPRB is looking to improve police and community relations by revitalizing the mediation process for complaints, providing additional policy recommendations on reporting misconduct committed by other jurisdictions and providing input and suggestions on OPD's future stop data collection and reporting efforts going forward.

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## About the CPRB

## **Current Board Members and Term Expiration Dates**

Sokhom Mao, Chairman	February 15, 2016
Larisa Casillas, Vice Chairwoman	February 15, 2015
Reyes Avalos-Leon (youth, 18-25 years old)	February 15, 2016
Lawrence (Paul) Brisco	February 15, 2015
Chris Brown	February 15, 2016
Derrick H. Muhammad	February 15, 2015
Jason Takenouchi	February 15, 2015
Howard Tevelson	February 15, 2016
Almaz Yihdego	February 15, 2016
Brian Bingham (alternate)	February 15, 2016
Thomas Cameron (alternate)	February 15, 2016
Vacant (youth, 18-25 years) (alternate)	February 15, 2015

## **Antonio Lawson**      **Independent Counsel**

## Staff

Anthony Finnell	Executive Director
Patrick Caceres	Policy Analyst / Manager
Karen Tom	Complaint Investigator
Joan Saupé	Complaint Investigator (Certified Spanish-speaking)
Verdene Klasse	Office Assistant
Edwin Bonilla	ASSETS Senior Intern
Rinny Yu	ASSETS Senior Intern



Board Members, from left: Derrick Muhammad, Brian Bingham, Almaz Yihdego, Chair Sokhom Mao, Vice Chair Larisa Casillas, Howard Tevelson, Chris Brown, Jason Takenouchi. Not pictured: Reyes Avalos-Leon, Thomas Cameron and Lawrence Paul Brisco.



CPRB staff, from left: Patrick J. Caceres, Edwin Bonilla, Verdene Klasse, Joan Saupe, Karen Tom and Anthony Finnell. Not pictured: Riny Yu

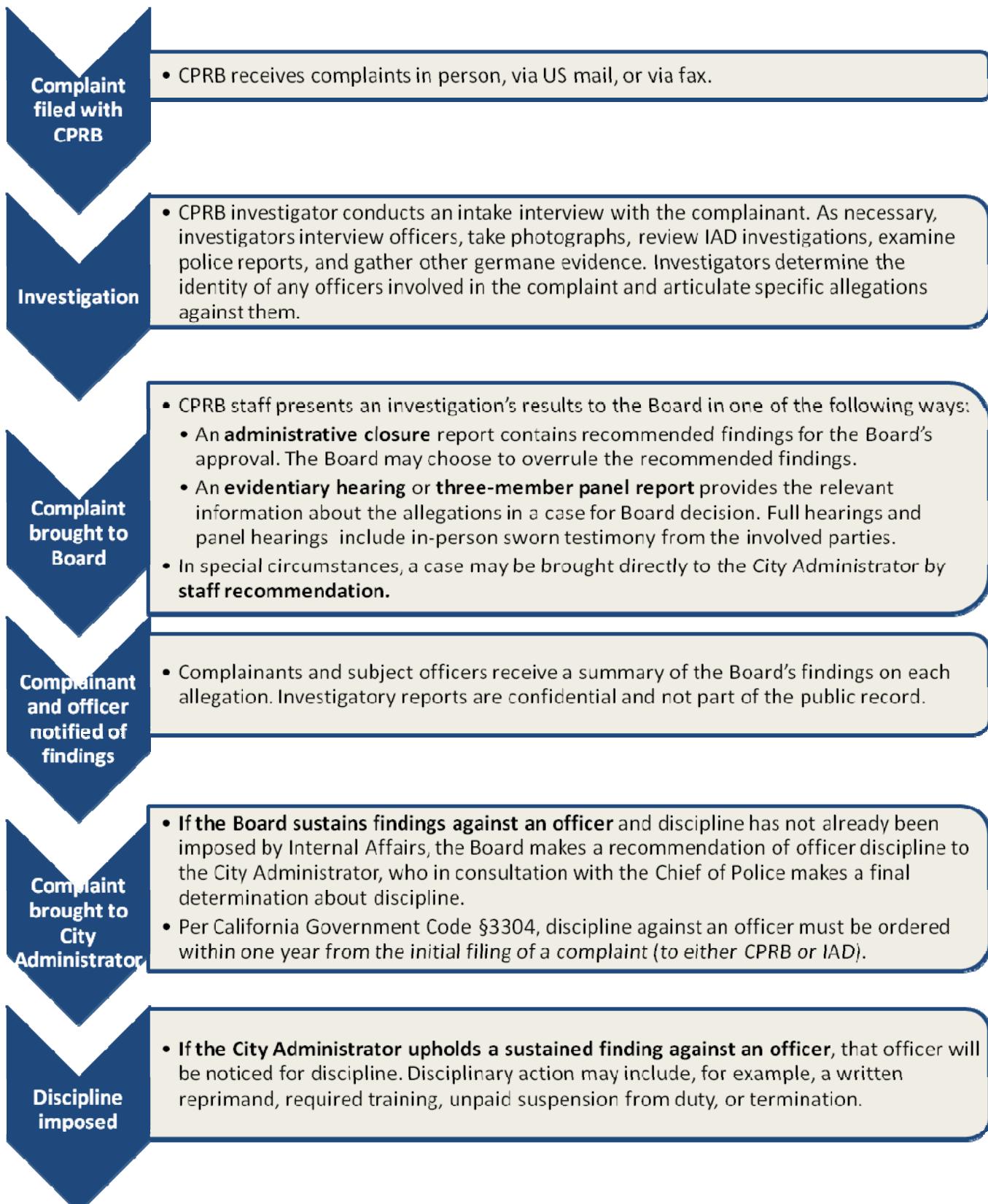


Independent Counsel Antonio Lawson

## **Citizens' Police Review Board Mission Statement**

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

# CPRB Complaint Process



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# Board Activities and Information

## News

### CPRB Executive Director Appointed

On July 7, 2014, the CPRB and City of Oakland welcomed Anthony Finnell as the CPRB Executive Director. The City engaged various stakeholders including community organizations and the Citizens' Police Review Board to gather input to assist with this recruitment. The City Administrator's Office announced Mr. Finnell's appointment to the position on June 10, 2014.

Mr. Finnell comes to the CPRB with over 23 years of experience with investigating police misconduct and building a bridge between the community and police department. Before joining the CPRB, Mr. Finnell was a Supervising Investigator for the Chicago Independent Police Review Authority. Prior to this role, Mr. Finnell served as a Sergeant for the Indianapolis Metropolitan Police Department.

### New Office Location

In early July, the CPRB completed an office move. The CPRB offices moved from Oakland's City Hall to 250 Frank H. Ogawa Plaza, Suite 6320 (6th Floor), Oakland, CA 94612. The new office location is just across the City's plaza from the old office. The new location affords the office more space for anticipated staff growth.

### Appointments to the Board

Three new Board members have joined the CPRB: Brian Bingham, Lawrence (Paul) Brisco, and Jason Takenouchi, and two former Board members returned: Howard Tevelson and Thomas Cameron. As of the publication of this report, the Board has one youth alternate position vacant. The CPRB Staff is working with the Mayor's Office to fill that vacancy.

### CPRB staff additions

As part of the FY 2013-14 Budget, City Council supported adding positions to the CPRB staff and funding for additional resources and training. Those positions included the Executive Director, complaint investigators and administrative staff. The additional resources will add capacity to the CPRB office and provide greater services and outreach to the community.

### Mediations

Past staffing shortages has limited the CPRB's ability to facilitate mediations as part of the complaint resolution process. However, with the recent additions to staffing an effort to revitalized and recreate the process of CPRB mediations is underway. By the end of 2014, mediations of citizen complaints will be again a viable option for citizen complaint resolution.

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## News (continued)

### **CPRB Staff and Board Training**

The CPRB Staff and Board received significant training in a number of key areas in civilian police oversight. From January 29 -31, 2014, CPRB Staff received 24 total hours of P.O.S.T. accredited training on Internal Affairs Investigations from DPREP, LLC. On January 22, 2014, the CPRB Staff attended two hours of training at BerkeleyLaw on Implicit Bias. CPRB Staff will also participate in, P.O.S.T. accredited training on Investigative Interviews and Interrogations later thus year as well as attend the Annual Conference of the National Association of Civilian Oversight of Law Enforcement (NACOLE) from September 14-18, 2014 in Kansas City, Missouri.

Both CPRB Staff and Board members received a two hour Use of Force training overview at the April 10, 2014 CPRB meeting and then an additional four hours of classroom training at OPD's Police Administration Building. CPRB Board members also attended the Citizens' Police Academy and participated in OPD ride-alongs. Additional training will be scheduled for Board members on Search and Seizure and other policy-related matters seen frequently in complaints.

### **CPRB Board Provides Input in the Selection of the Chief of Police**

At the end of 2013, the CPRB Board members provided the City Administrator's Office input and suggestions for the appointment of Oakland's Chief of Police. As community stakeholders, the Board members and staff during a November CPRB meeting shared their ideas and suggestions about what will make a successful and

effective Oakland Police Chief. On May 14, 2014, Interim Oakland Police Chief Sean Whent was appointed as the Chief of Police for the Oakland Police Department. The CPRB Staff and Board looks forward to working together with Chief Whent toward greater police accountability in Oakland.

### **Community Group on OPD Stop Data**

On May 22, 2014, Assistant Chief Paul Figueroa and Sergeant Tam Dinh presented the Oakland Police Department's Stop Data Report from the period of April 1, 2013 to November 30, 2013. Assistant Chief Figueroa shared the basic statistics gathered during this period and the efforts OPD is making to provide greater training and analysis on police stops. Part of that effort includes a community group to provide input and information to OPD and their researcher Jennifer Eberhardt from Stanford University on collecting and reporting police stop data. Members of the CPRB Staff and Board attended the initial meeting and shared their ideas and suggestions to prevent racial-bias based policing in Oakland.

### **PUEBLO's Youth Policy Builders**

Members of the People United for a Better Life in Oakland (PUEBLO) came to the Board on May 22, 2014 to present their training to youth on knowing their rights and how to handle themselves in interactions with the Oakland Police Department. The CPRB will partner in the future with PUEBLO's Youth Policy Builders in its efforts to outreach to Oakland's youth.

## Community Outreach

### **Board Member Outreach**

The CPRB Board members of the Special Committee on Outreach meet monthly to discuss events and activities planned for the CPRB. The Special Committee revised the Community Engagement Plan and began activities to create a new version of the CPRB brochure. The new brochure (in English, Spanish, Chinese and Vietnamese) is located in the City's libraries and recreation centers. The members of the committee also produced a presentation template for Board members to share information at future events with members of the public.

Commissioner Yihdego leads the Special Committee and has made presentations to the Citizens Police Academy and at Eritrean/Ethiopian events in her community. The Special Committee on Outreach is working with Executive Director Finnell on events planned for the remainder of 2014.

### **Fremont High School Senior Exhibitions on Social Change**

A member of the CPRB Staff attended Fremont High School's Senior Exhibitions on May 21, 2014. Each year graduating seniors prepare oral presentations for members of the community and alumni to judge and evaluate their interests in seeing social change. This year involved a student presenting and sharing the services of the CPRB.

### **Uncovering GRIT through Restorative Justice: The School to Prison Pipeline and the Power of Transformation**



The CPRB Staff as part of outreach efforts to the youth attended PUEBLO's sponsored event on May 3, 2014. The event featured a presentation from Dr. Victor Rios' and his research on the juvenile justice system. Dr. Rios shared of his experiences growing up in Oakland and his interactions with the Oakland Police Department.

### **Citizens Academy**

The CPRB staff attended and presented on the CPRB 's services to the Citizens Academy on June 23, 2014 at the Eastmont Police Substation. The event was hosted by the City's Neighborhood Services Division and was attended by community leaders.



## Board Policy Recommendations

The Board discussed several policy recommendations during the first six months of 2014. The following discussions arose from the investigations of numerous complaints and are offered as information on the Board's most recent policy considerations. The status of the following 2014 policy recommendations are currently pending. If adopted by the Board, these recommendations will be offered to the Oakland Police Department, City Council and/or City Administrator's Office for possible implementation.

### Cross-Jurisdiction Misconduct Reporting

The Board researched the fact that there is no current OPD policy (or other jurisdiction policies) requiring officers to report misconduct they may have witnessed in their jurisdiction by other agencies. Because the officers do not have specific instructions for reporting alleged misconduct, these actions can possibly go unreported and open the City of Oakland's Police Department to liabilities for actions taken by members of other jurisdictions. Establishing such a potential policy could help build trust, protect civilians and officers, and can create greater accountability for law enforcement actions taken in the City of Oakland.

The CPRB Executive Director, Anthony Finnell, is working on a draft policy recommendation for the Board's consideration and possible adoption for the Board's meeting on September 11, 2014. If a policy recommendation is adopted, that recommendation will be shared with the City Administrator, City Council and Oakland

Police Department.

### **Limiting Officers with Problematic Complaint Histories from Certain Planned Crowd Control Assignments**

Another policy recommendation being discussed by the Board was developed from prior staff investigations into the Occupy Oakland protests. The policy recommendation discussed and researched specifically proposes that OPD adopt a formal written policy with guidelines that limit officers with problematic complaint histories of use of force from being assigned to certain planned crowd control assignments. The focus of this policy discussion is that officers who have demonstrated issues and/or patterns identified by the department on, unjustified uses of force, should not be assigned to crowd control responsibilities such as being armed with less-lethal ammunitions and/or placed directly on the skirmish line. The policy discussion has involved assigning those officers to planned assignments with less opportunities for direct public contact to limit the risks of possible misuse of force. The Board has already recommended this policy to OPD but researching it as a written procedure for OPD. This policy would also demonstrate the Department's awareness and actions on officers with use of force complaint histories. This recommendation will be further discussed during the second half of 2014.

## Board Policy Recommendations (continued)

### Special Committee on Post-Copley Hearing Procedures

The CPRB Board members of the Special Committee on Post-Copley Hearing Procedures met several times to provide input and suggestions on the current CPRB evidentiary hearing process. The Board has requested providing a clear public response to individuals participating in the evidentiary hearing process. This need comes in response to a current look at the impact of the California Supreme Court decision of *Copley Press, Inc. v. Superior Court*. In 2006, the Copley decision defined the limitation of the California Records Act with respect to disciplinary hearings involving peace officers. The result of the decision led to a closed CPRB evidentiary hearing process and limitations on the documents and information that parties received from the CPRB as part of their investigation. CPRB Board Counsel, Tony Lawson and Executive Director, Anthony Finnell are working with the City Attorney's Office on preparing an

updated written response to the Board's inquiry into a legal interpretation of the matter. A similar request was also made initially by the community organization of People United for a Better Life in Oakland (PUEBLO) to the City Attorney's Office. The result of this inquiry will be a written policy available to the public for reference when requesting information. This Board recommendation is scheduled to be addressed in September 2014 and shared in the CPRB 2014 Annual Report and CPRB materials.

The Special Committee on Post-Copley Hearing Procedures also recommended establishing a process that the Board members can more actively engage in the discussion and selection of cases for hearing. In CPRB Ordinance No. 12454, the CPRB members have the ability to provide input in the selection of cases for hearing. This policy change gives the opportunity for the Board to engage in and participate more in the discussion for cases selected for hearing.

## Complaints Filed in 2014

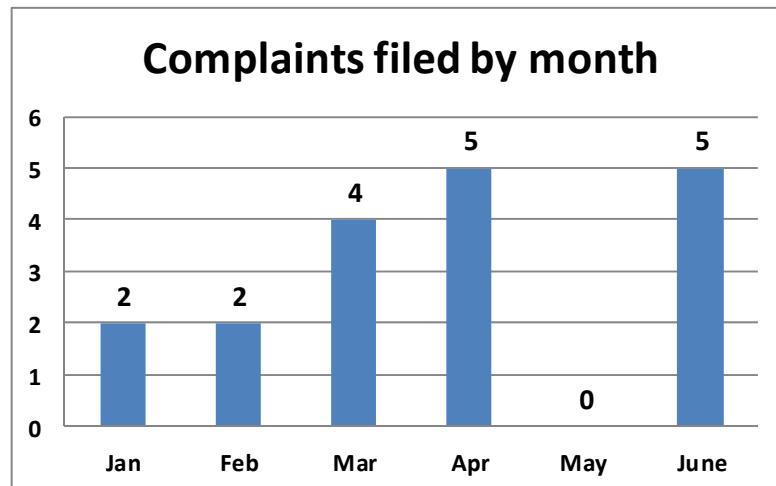
### Number of Complaints

**Between January 1 and June 30, 2014, the CPRB received 18 complaints filed by 18 individuals.** *Figure 1* shows the distribution of complaints filed by month.

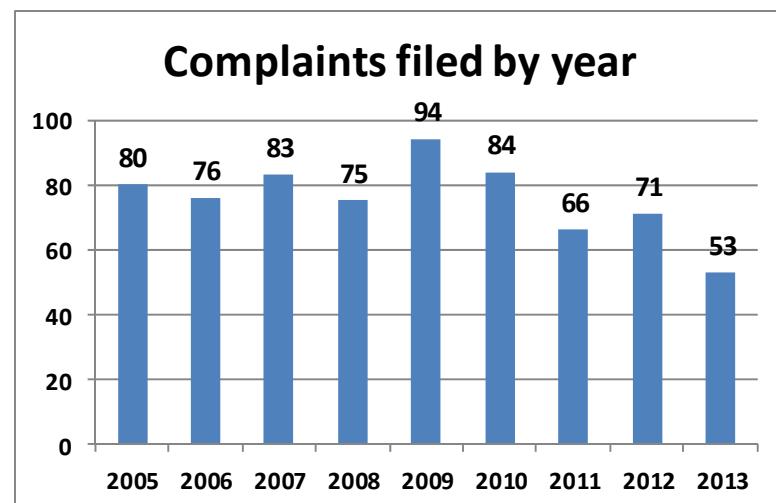
If present trends continue, the CPRB is on track to receive approximately 39 total complaints in 2014. As shown in *Figure 2*, this projection would be significantly lower than average for the past several years.

The reduction in the number of CPRB complaints filed are proportional to the reduction in the total overall complaints filed with the Oakland Police Department's Internal Affairs Division (IAD). IAD is anticipating to see the same significant reduction in total complaints by the end of 2014.

One possible explanation for this reduction in complaints is the expanded use of the PDRD (Personal Digital Recording Devices) required to be worn by officers. This eliminates complaints made up or fabricated by complainant, as well as works as a behavior modification for officers who know that their interactions can be easily reviewed by supervisors and other OPD Command Staff.



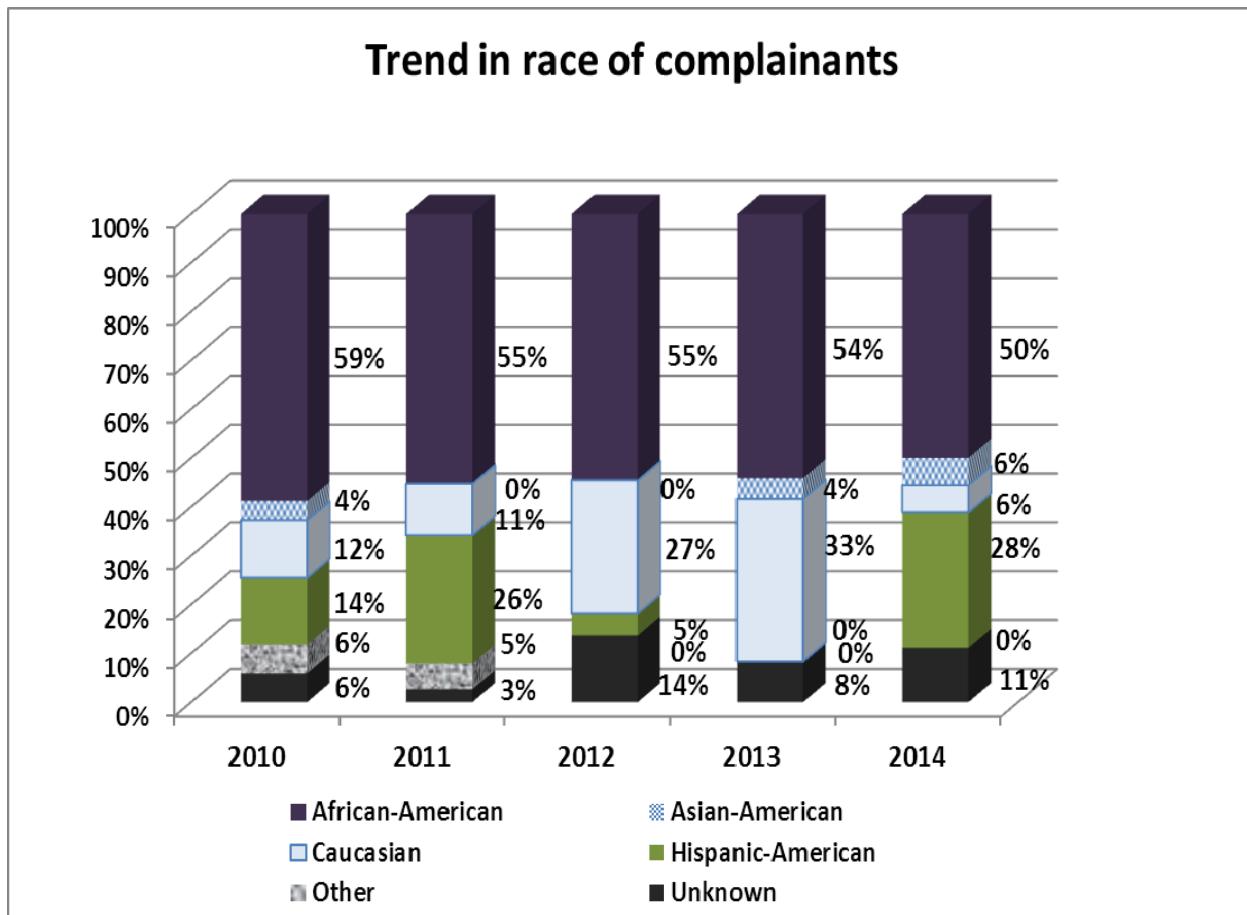
*Figure 1*



*Figure 2*

## Race of Complainants

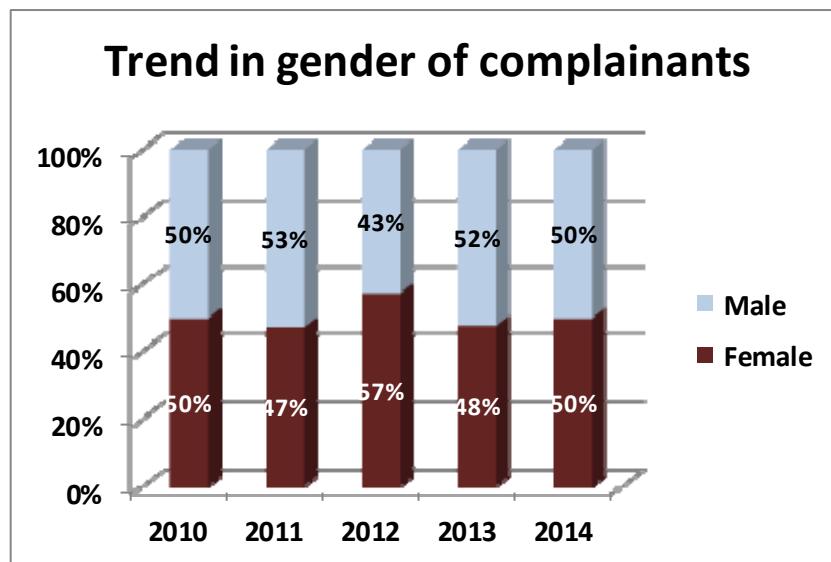
In 16 cases, complainants supplied information about their race. *Figure 3* gives the racial breakdown of complaints from January 1st through June 30th for the previous four years. **The majority of complainants continue to be African-Americans**, though this proportion is lower than in recent years. This year has the highest proportion of Hispanic complainants in the previous four years.



*Figure 3*

## Gender of Complainants

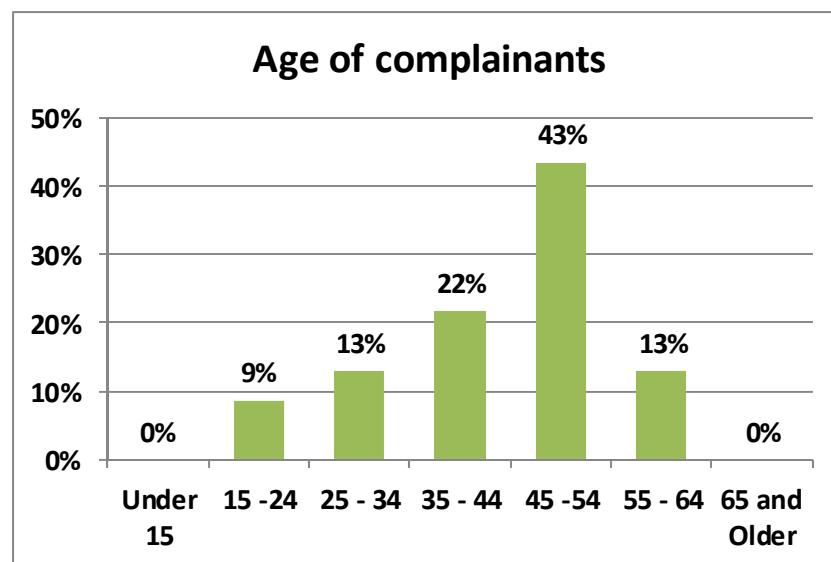
**Males and females equally filed complaints during the first half of 2014.** The gender balance is relatively equal each of the previous years according to *Figure 4*.



*Figure 4*

## Age of Complainants

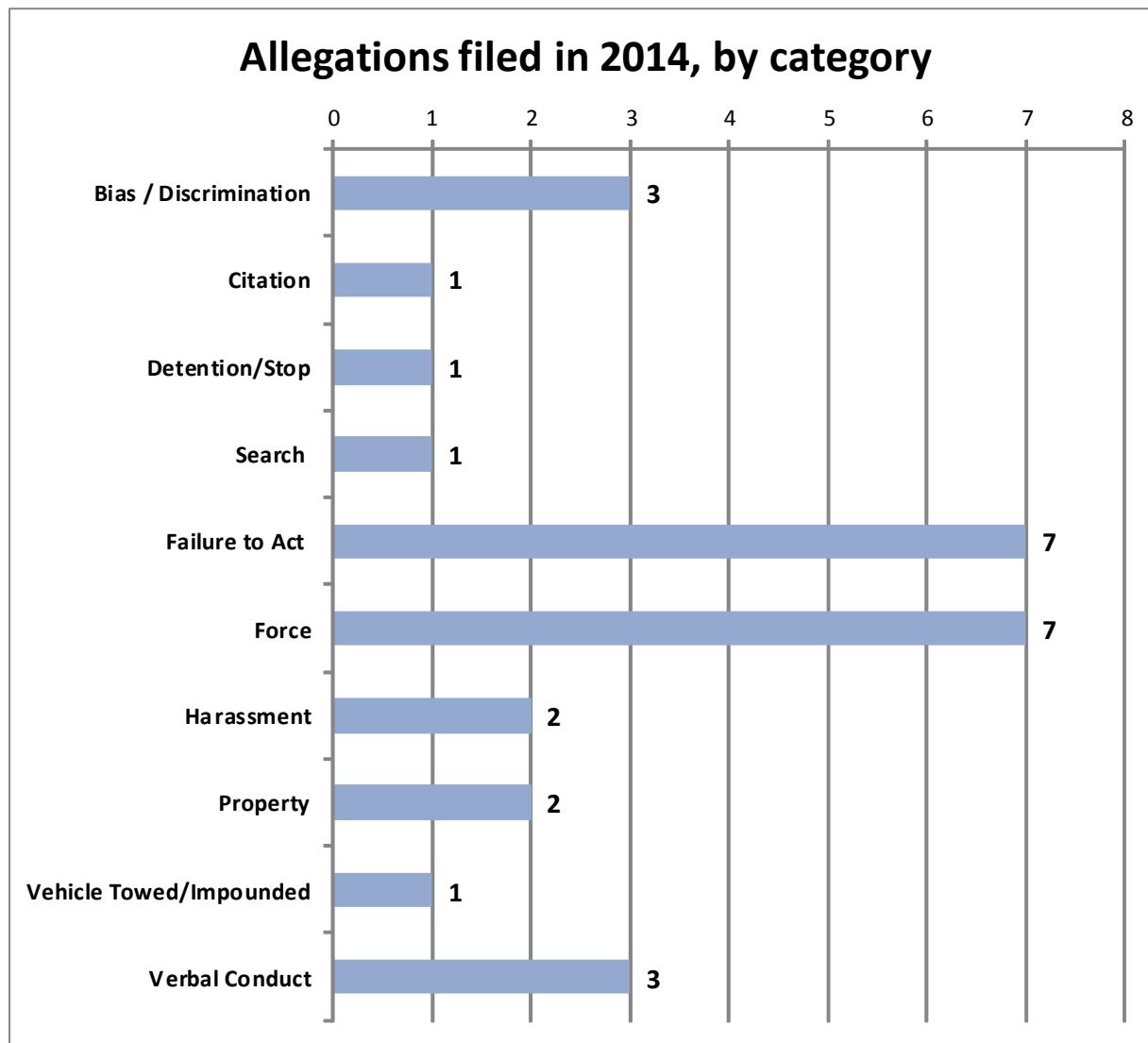
Of the 18 complainants for whom age data was available, **more than a third fell between the ages of 45 and 54**. *Figure 5* shows the distribution of the complainants across age groups.



*Figure 5*

## Filed Allegations, by Category

In the first half of 2014, the top two allegations filed were excessive force and failure to act. The allegations below involve cases which are still under investigation, and the nature and number of allegations in a complaint sometimes changes over the course of investigating a case. Most complaints contain several allegations.



*Figure 6*

## Common Allegations in Past Five Years

*Table 1* below shows trends in the five most common allegations over the past five years. Because some years have more allegations than others, allegation categories are given as percentages. In most years, excessive force is the most frequently alleged form of police misconduct; in the first half of 2014, force comprised a quarter of all allegations. **Both failure to act and force allegations are fifty percent of all the allegations filed so in 2014.**

	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
<b>Excessive force</b>	21%	15%	33%	18%	40%	25%
<b>Arrest</b>	8%	8%	16%	7%	3%	0%
<b>Verbal conduct</b>	3%	11%	12%	7%	6%	7%
<b>Failure to act</b>	7%	22%	5%	28%	40%	25%
<b>Search</b>	3%	6%	5%	4%	4%	4%

*Table 1*

## Complaints by City Council District

Eighteen of the complainants in the first half of 2014 provided address information about the location of the incident. District 3 and District 5 had the most complaints with six each, representing two thirds of all reported incidents that took place within the Oakland city limits.

<i>District</i>	<i>Councilperson</i>	<i>Complaints January– June 2014</i>	<i>Percent of total</i>
<b>1</b>	Dan Kalb	2	11%
<b>2</b>	Patricia Kerninghan	1	6%
<b>3</b>	Lynette Gibson McElhaney	6	33%
<b>4</b>	Libby Schaaf	0	0%
<b>5</b>	Noel Gallo	6	33%
<b>6</b>	Desley Brooks	1	6%
<b>7</b>	Larry Reid	2	11%
<b>Councilmember At-Large</b>	Rebecca Kaplan		
<b>Total</b>		18	100%

*Table 2*

## Complaints by City Council District (continued)

*Figure 8* below shows the proportion of complaints filed for each council district in the first six months for the past four years, excluding incidents without a clear location or that occurred outside of Oakland.

So far in 2014, **District 5 complaints have been unusually high and District 6 complaints have been unusually low** compared to recent years.

Districts	2010	2011	2012	2013	2014
<b>1</b>	8%	8%	16%	11%	11%
<b>2</b>	15%	13%	1%	6%	6%
<b>3</b>	27%	38%	49%	26%	33%
<b>4</b>	2%	8%	6%	11%	0%
<b>5</b>	10%	15%	1%	4%	33%
<b>6</b>	23%	13%	18%	28%	6%
<b>7</b>	15%	3%	9%	15%	11%

*Figure 7*

## Resolved complaints in 2014

In the first six months of 2014, the CPRB has resolved 25 separate complaints, 19 by administrative closure , four by full board hearing, and two by board recommendation without requiring a hearing.

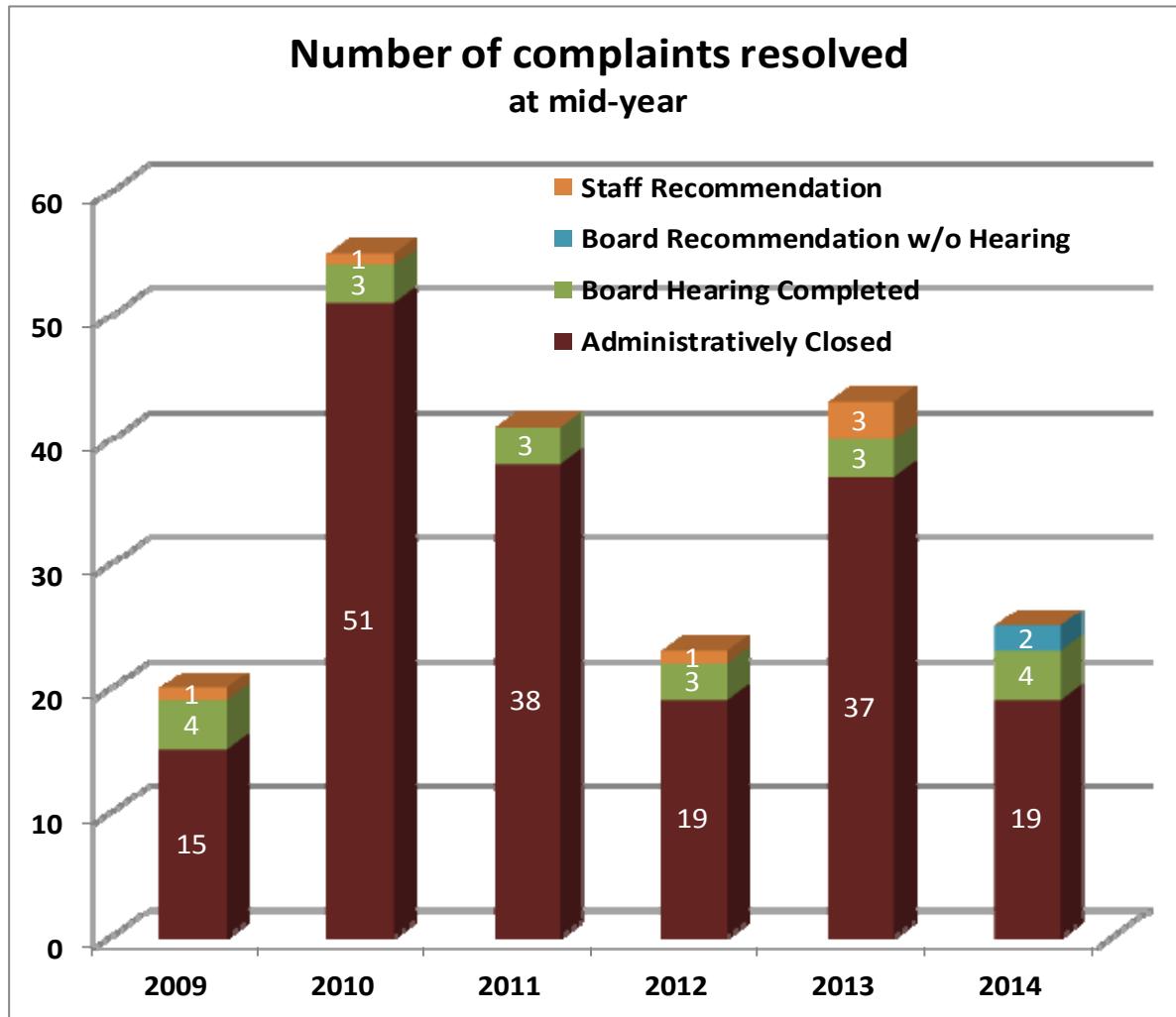


Figure 8

## Explanation of Board Findings

For a given allegation, the Board may vote for one of the following four findings.

- **Sustained:** The act(s) alleged by the complainant occurred and constitute misconduct.
- **Exonerated:** The act(s) alleged by the complainant occurred. However, the act(s) were justified, lawful or proper.
- **Unfounded:** The act(s) alleged by the complainant did not occur.
- **Not Sustained:** The available evidence can neither prove nor disprove the act(s) alleged by the complainant.

A finding of “sustained” affirms that the officer acted inappropriately, and findings of “exonerated” or “unfounded” affirm that the officer acted appropriately. These findings require the vote of five Board members. A “not sustained” finding makes no judgment about the behavior of the officer; a majority of Board members present may reach a finding of “not sustained,” even if that number is fewer than five.

The Board may also return “**no finding**” if there was not enough information to complete an investigation or in certain other circumstances.

## Board Findings at Evidentiary Hearings

The Board findings at evidentiary hearings are based on investigative reports prepared by CPRB investigators containing 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 officers, complainants, and witnesses. The Board then deliberates on the evidence presented at the hearings and rules on each allegation. 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.

**The Board has held four evidentiary hearings in the first six months of 2014.** The table below summarizes the Board's findings and disciplinary recommendations. Definitions for findings are given on page 21.

Complainant Hearing Date	Allegation Category	Board Findings	Board Disciplinary Recommendations
Frenswa Raynor 3/13/2014	Verbal Misconduct	1 Sustained	The Board recommended the subject officer receives counseling and training on officer-involved shootings.
Monique Miles 3/27/2014	Improper Supervision Failure to Act PDRD* Not Activated	1 Not Sustained 1 Sustained 1 Sustained	The Board recommended the subject officer receives counseling on documenting and reporting on what appeared to be an illegal search by another jurisdiction. The Board also recommended that the subject officer receives a written reprimand for not having a PDRD at the time of the incident.
Jacob Crawford 6/12/2014	Retaliation Improper Citation Verbal Misconduct	1 Not Sustained 1 Sustained 1 Sustained	The Board recommended the subject officer receives written reprimands for issuing an improper citation and failing to maintain a professional demeanor regardless of provocation to do otherwise.
Charles Scarborough 6/26/2014	Unlawful Detention Excessive Force Verbal Misconduct Improper Search	5 Exonerated 3 Exonerated 4 Exonerated 3 Exonerated	The Board exonerated the subject officers of all the allegations made in the complaint. The complainant was unfortunately wrongfully identified by witnesses for a felony car stop.

\* Personal Digital Recording Device (camera)

*Table 2*

## Board Recommendations without Requiring a Hearing

**CPRB staff brought one case directly to the City Administrator by board recommendation without requiring a hearing** in the first half of 2014. There was insufficient time to bring the case to hearing before the expiration of the 3304 statute date. The details of the case are given below.

The board also recommended sustained findings for another case without requiring a hearing but the one-year statutory deadline for discipline was expired. Therefore there was no recommended discipline associated with those findings and no further action was taken on the case.

Complainant Meeting Date	Allegation Category	Board Findings	Board Disciplinary Recommendations
Harriet Kuriowa 3/13/2014	Verbal Misconduct	1 Sustained 1 Not Sustained	The Board recommended the subject officer receives counseling and training on how to conduct himself professionally when dealing with the public.
Jim Chanin and John Burris on behalf of the Inci- dent Involving Scott Campbell 4/24/2014	Improper Supervision Excessive Force	2 Sustained 1 Sustained	No discipline was recommended by the Board for the sustained findings because discipline had been imposed on the allegation for excessive force and the complaint was passed the one-year statutory deadline for discipline regarding the sustained allegations for supervision. The information and findings of this complaint will remain in the CPRB case file.

*Table 3*

## **City Administrator decisions on disciplinary recommendations**

If the Board determines officer misconduct has occurred, the Board forwards disciplinary recommendations to the City Administrator who, with the Chief of Police, makes the final decision regarding officer discipline. So far this year, the Board has recommended discipline regarding four complaints: three from evidentiary hearings, as described on the previous pages, and one from a Board recommendation brought directly to the City Administrator.

In three cases, the City Administrator agreed with the findings of the Board and upheld the recommended officer discipline. In one case, the recommendations of the Board was upheld in part.

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## Administrative Closures

A complaint is administratively closed after an investigation documented by a written report is considered by the Board, and the Board finds no further action is necessary. **In the first half of 2014, the Board administratively closed 19 complaints.**

The following page outlines the reasons complaints are administratively closed.

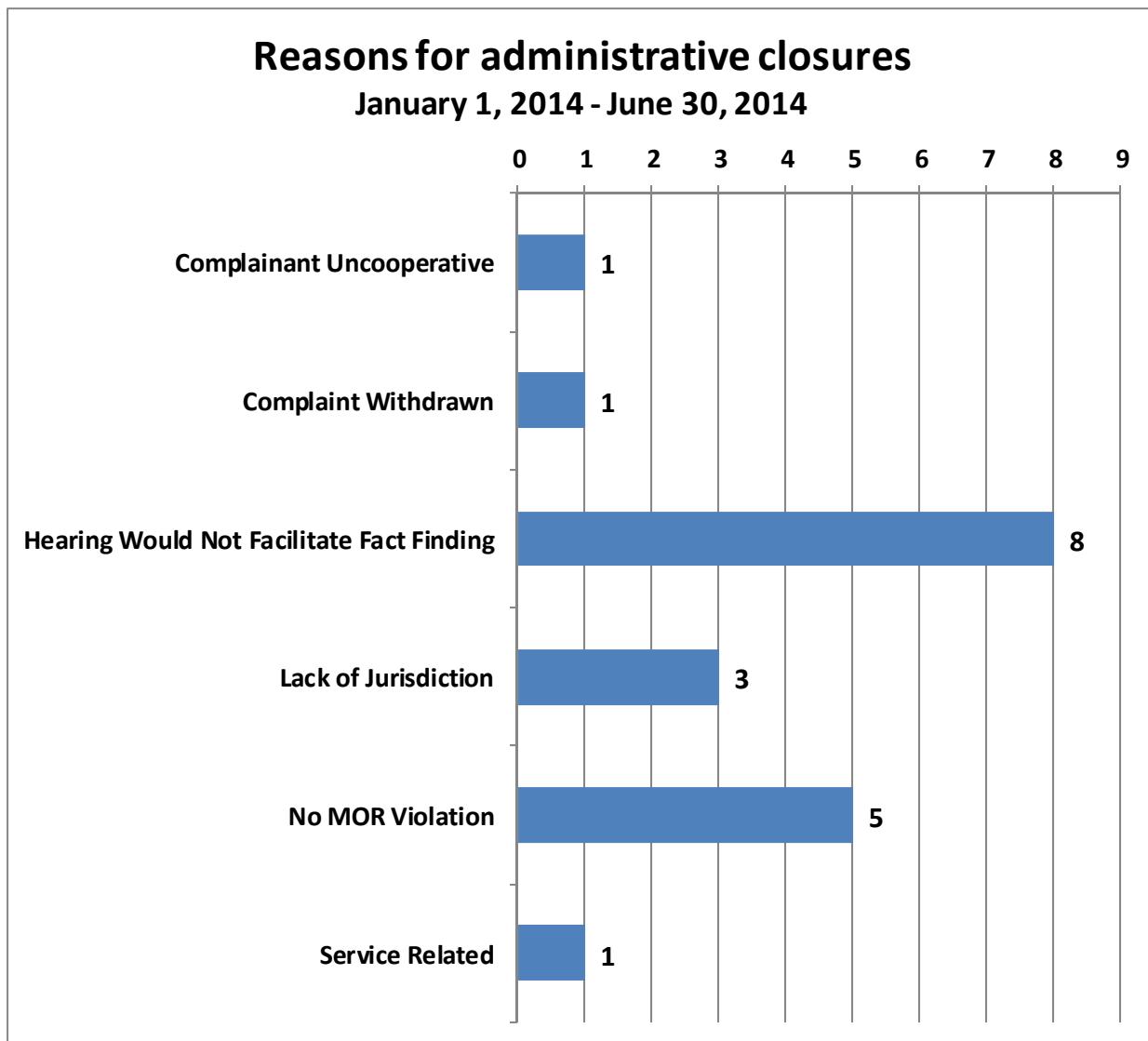


Figure 10

## Reasons for Administrative Closures

### **Hearing would not facilitate the fact-finding process**

The complaints that fall under this category include those in which the investigator is unable to find corroborating evidence of the allegations. Cases closed for this reason generally have a finding of unfounded, exonerated, or not sustained. Cases with a sustained finding may be closed in this manner if the officer has already been subjected to discipline through an Internal Affairs investigation.

### **Complainant uncooperative**

If a complainant fails to respond to the investigator's request for an interview after three failed attempts, including the use of certified mail, the complaint is closed without findings.

### **Lack of jurisdiction**

If the subject of an investigation is found not to be a sworn Oakland Police Officer or Park Ranger, the CPRB does not have jurisdiction to impose discipline, and the case is closed without findings.

### **No MOR violation**

Occasionally complaints are filed that during the investigation, the CPRB learns that the action alleged is not an actual violation of the Oakland Police Department's Manual of Rules (MOR). Such complaints might include general complaints of conspiracies by the Oakland Police Department against the complainant.

### **Service related**

Such complaints include complaints about the quality of service provided by the department. For example, if the Police Department showed up later than expected to a call for service or other related response time concerns, but does not focus on any one particular officer.

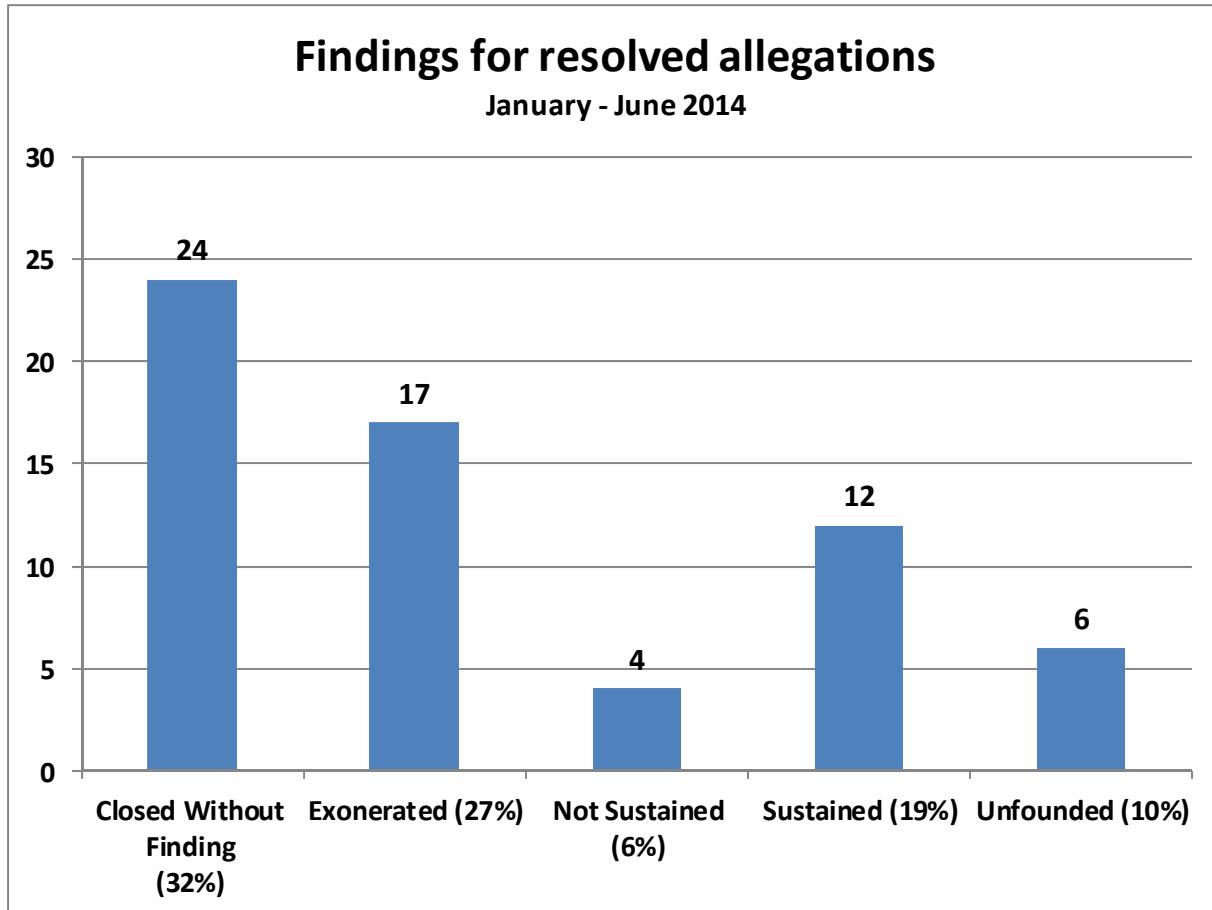
### **Complaint withdrawn**

Complaints are closed if during the investigation the complainant wishes to withdraw their complaint from further investigations.

## Board Findings for Resolved Allegations

The 19 complaints resolved in January—June 2014 by both Board hearings and administrative closures comprised 63 separate allegations. The Board returned findings in 39 of those allegations. In the 35 of those 39 allegations with a finding of exonerated, unfounded, or sustained, CPRB investigations revealed sufficient information to determine affirmatively that officers acted appropriately or inappropriately.

Twelve allegations were sustained in the first six months of 2014. Two of these allegations were for the use of force during a shooting. These two allegations were sustained and disciplined was imposed by the Oakland Police Department prior to the closing of the CPRB case. The CPRB Board agreed with those findings and closed the complaints in agreement with those findings and no further action was necessary.



*Figure 12*

## Resolved complaints with board findings

**January—June, 2014**

Allegation category	Sustained	Not Sustained	Unfounded	Exonerated	Total
Citation - Improper	1				1
Detention/Stop - Improper				5	5
Failure to Act - To Investigate			1		1
Failure to Act - To Properly Supervise	2	1			3
Failure to Act - To Write A Report	1		1	1	3
Failure to Act - PDRD*	3	1	2		7
Force - Choke			1		1
Force - Pointing of Firearm				3	3
Force - Shooting Gun at Person	2			1	3
Retaliation			1		1
Search - Person				1	1
Search - Vehicle				1	1
Truthfulness - Reporting			1		1
Verbal Conduct - Profanity/Rude Statements	3	1		1	4
Verbal Conduct - Threats				3	3
<b>Totals</b>	<b>12 (32%)</b>	<b>4 (11%)</b>	<b>6 (16%)</b>	<b>12 (42%)</b>	<b>38</b>

\* Personal Digital Recording Device (camera)

*Table 4*

# Officer Information in 2014

## Officer Compliance with CPRB Investigations

Officers must cooperate with CPRB investigations by responding to interview requests (notices) and by appearing at hearings when subpoenaed. Non-compliance in either area is a violation of Oakland Police Department General Order M-3.2 and can result in discipline.

### Interview Notices

When officers are served with an interview notice, they must return the notice to the Court Liaison within their next three on-duty days and either call to schedule an interview with CPRB or release an existing statement made to Internal Affairs. If an officer fails to respond to CPRB's request for an interview, they are non-compliant.

**In the first six months of 2014, 24 of 25 officers complied with CPRB interview notices in a timely manner.** However, in one instance, an officer who was noticed by CPRB failed to reply and give an interview to the CPRB investigator. This was a violation of policy and resulted in a delay of the investigation. A separate complaint was made with Internal Affairs for officer non-compliance and the officer was confirmed to have received discipline for non-compliance. This matter has since been resolved between the CPRB and Internal Affairs to prevent future delays.

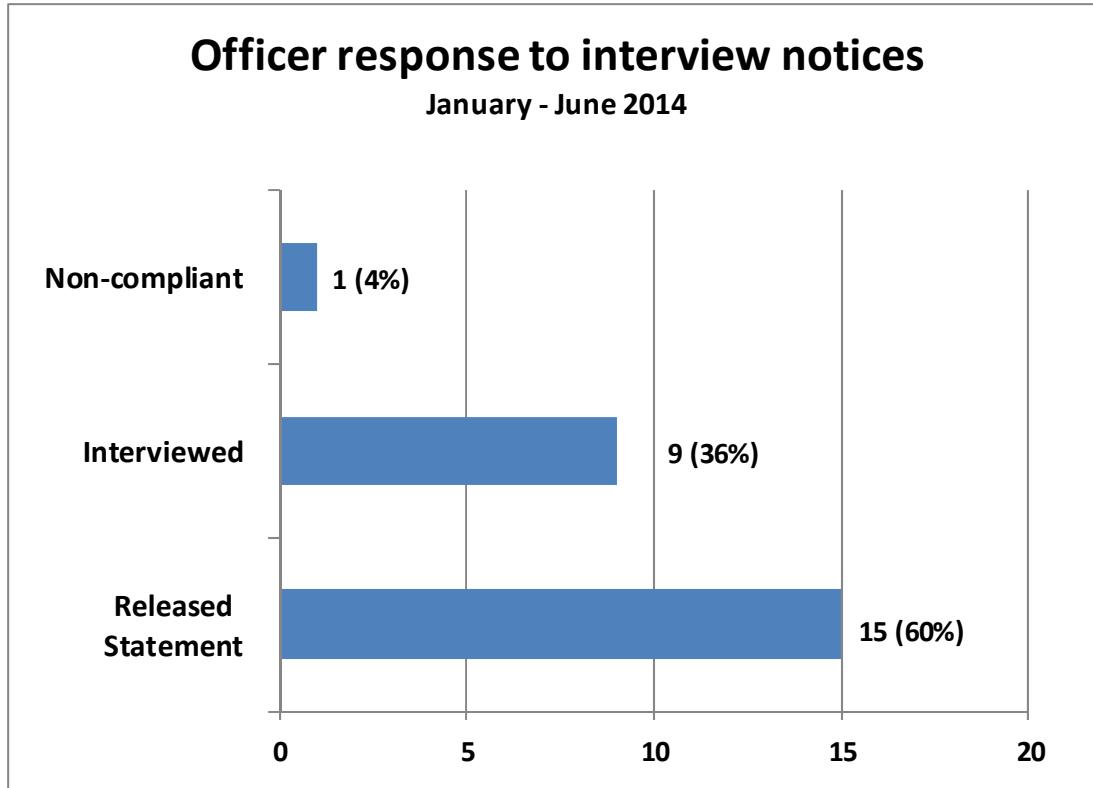


Figure 13

## Apearance at Hearings

When officers receive subpoena notices from the CPRB, they must attend a scheduled hearing or make special arrangements for their absence. Officers that fail to appear at CPRB hearings without making special arrangements for their absence are non-compliant with the CPRB hearing process.

**In the first six months of 2014, 100% of officers complied with CPRB hearing subpoenas.** Of the ten subject, witness, and expert officers subpoenaed to appear, ten appeared at hearings.

<b>Hearings and subpoenas</b>	
Hearings	4
Officer subpoenas	10
Officers attending	10
Officers non-compliant	0

*Table 5*

## Officers with Complaints in the Past Six Months

To be aware of recurring problems with specific personnel, the CPRB tracks the number of complaints against each officer. *Table 6* shows officers named in complaints in the first half of 2014. In that period, one officer has been named in more than one citizen complaint. Both complaints are still under investigation. Findings of those investigations will appear in the 2014 Annual Report.

Complaints	No. of officers	Proportion of all officers with complaints
Two complaints	1	7%
One complaint	14	93%
<b>TOTAL</b>	<b>15</b>	<b>100%</b>

*Table 6*

## Officers with Complaints in the Past 30 Months

In the spirit of the Negotiated Settlement Agreement (*Delphine Allen v. City of Oakland*), the CPRB also tracks members of the police department who receive three or more citizen complaints during a 30-month period. *Table 7* shows officers named in complaints from January 1, 2012 to June 30, 2014. Officers with three or more complaints in this timeframe are subject to disciplinary intervention depending on the circumstances and frequency of complaints. Officers receiving multiple complaints can receive training, counseling, reprimands, suspension or termination. Only one officer with three or more complaints in the past 30 months has had a sustained complaint against them in this time frame.

Complaints	No. of officers	Proportion of all officers with
Three complaints	7	5%
Two complaints	22	14%
One complaint	123	81%
<b>TOTAL</b>	<b>152</b>	<b>100%</b>

*Table 7*

## Looking ahead

The CPRB is looking to add to the number of investigator staff before the end of the year. The CPRB will add three to four more complaint investigators to provide more staffing to investigate complaints. The CPRB has also been very involved and focused on community outreach in partnering with different organizations and elected officials to share in the announcement of CPRB's appointed Executive Director, Anthony Finnell.

The CPRB will continue to invest in updating our technology and equipment to provide better record keeping and access to data and information. Training is also a focus for the remainder of 2014. The CPRB Staff and Board will participate in ongoing training to be the best educated and experienced on the policies and practices of law enforcement agencies and community relations.

The CPRB's Annual Report at year end will have a comprehensive list and update of outstanding policy recommendations as well as the improvements scheduled to be made in the written procedures of the hearing and the mediation process of complaints.

The CPRB, as one of oldest civilian police review Boards in the country, will continue to strive to be a national leader in civilian police oversight. We invite Oakland's community members and the Police Department to work with our Board and staff as the City of Oakland ends the Negotiated Settlement Agreement and the Oakland Police Department compliance with all the court-mandated tasks toward best practices of constitutional policing.

## Board Member Attendance

Meeting Date	Yihdego	White	Top	Tevelson	Takenouchi	Sung	Muhammad	Casillas	Brown	Brisco	Bingham	Avalos-Leon
1/23/2014	*					*	*					
3/13/2014	*					*	*	Ex				
3/27/2014	*	*				*	*	*	Ex			
4/10/2014	Ex	*				*	*	*	*			
4/24/2014	*	*				*	*	*	Ex			
5/22/2014	*	*				*	*	Ex	Ex			
6/12/2014	Ex	*				*	*	*	Ex			
6/26/2014	Ex	*	*	*		*	*	*	*			

\*—present; Ab—Absent; Ex—Excused (absent with permission)

*Table 8*