

CITY OF OAKLAND
CITIZENS' POLICE
REVIEW BOARD
2009 SEMI-ANNUAL
REPORT

JANUARY 1, 2009 - JUNE 30, 2009



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Dan Lindheim, City Administrator
Patrick J. Caceres, Acting Manager

September 23, 2009

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 2009 Semi-Annual Report. In the first six months of 2009, complainants filed forty nine complaints against police officers. The Board resolved twenty complaints -- four by evidentiary hearings, one by staff recommendation and fifteen through administrative closures. Two complaints were successfully mediated between the complainants and police. The Board forwarded disciplinary recommendations for three complaints to the City Administrator - one recommendation was upheld, one was not accepted and one is currently pending.

The Board also made a policy recommendation for the Oakland Police Department to make available less lethal weapons to all patrol sergeants to assist in subduing difficult suspects. The Board focused on the first six months holding evidentiary hearings for our most serious complaints. The policy recommendation came out of a hearing regarding an officer-involved shooting.

Also, the Board welcomed a new Board member and expanded our expertise through training by the Oakland Police Department on tactical communication and African American cultural diversity. The CPRB also received support from the City Council on a vote to adopt in principal a proposal to increase CPRB staffing that would take over the intake of citizen complaints from the Internal Affairs Division. Our Board also provided our expertise and experience to Bay Area Rapid Transit (BART) as they considered the adoption of their own civilian police review board following the BART police shooting of Oscar Grant.

The CPRB staff continues to develop and include Board members in outreach activities. The focus of outreach events for 2009 is on creating partnerships between the CPRB and Oakland's educational institutions. The CPRB met with students of Laney College in April to discuss community policing and public safety. These partnerships and events make the community more aware of our services and opens opportunities for youth to apply and participate on our Board.

Our goal remains to help improve relationships between the citizens of Oakland and its police department. We thank you for your continued support in the investigation and resolution of citizens' complaints.

Sincerely,

A handwritten signature in black ink that reads "Cara Kopowski".

Cara Kopowski, CPRB Chair

CPRB Mission Statement

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



Board Photo: Donna Duhe, Risha Jamison, Thomas Cameron, Cara Kopowski (Chair), Bryan Thompson, Ann Wyman and Howard Tevelson, Not in Photo: Tina Allen (Vice Chair), Matthew Hudson and Susan Shaw



Staff Photo: Patrick J. Caceres, Eartha Walker, Audrey Montana and Karen Tom



Board Counsel: Antonio Lawson



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 the first six months of 2009, the Board received 49 complaints, filed by 51 individuals. The number of complaints received is 23% more than the number of complaints received for this same period in 2008. The CPRB projects the total number of complaints filed by year-end to follow this trend and increase to a total of 98 total complaints.

The allegations most frequently filed with the Board were: (1) excessive use of force; (2) illegal entry (3) truthfulness in reporting; and (4) property damaged or missing.

The Board resolved 20 complaints; two complaints through evidentiary hearing and 15 by administrative closure. The most sustained allegations in the first six month of 2009 were for the improper search of a residence. There were seven sustained allegations for one complaint

brought to the City Administrator as a staff recommendation. In 20 resolved cases, 17% of the allegations were sustained, 17% were not sustained, 56% were exonerated and 11% were unfounded. There were no allegations of excessive force sustained in the first six months of 2009.

The Board forwarded two disciplinary recommendations and one staff recommendation directly to the City Administrator to impose individual officer discipline. The City Administrator upheld one, did not uphold one, and one recommendation is currently pending.

Officer compliance with interview notices and hearing subpoenas is at 100%. All officers replied to interview notices in a timely manner, and all officers subpoenaed for hearings appeared.

In the first six months of 2009, the Board made one policy recommendations, after reviewing an officer-involved shooting complaint. The CPRB recommended OPD improve the availability of less lethal weapons.

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Number of Complaints Filed

Between January 1 and June 30, 2009, the CPRB received 49 complaints filed by 51 individuals. *Figure 1* displays the number of complaints that were filed for each month. These 49 complaints represent a 23% increase over the 40 complaints received during the same period in 2008.

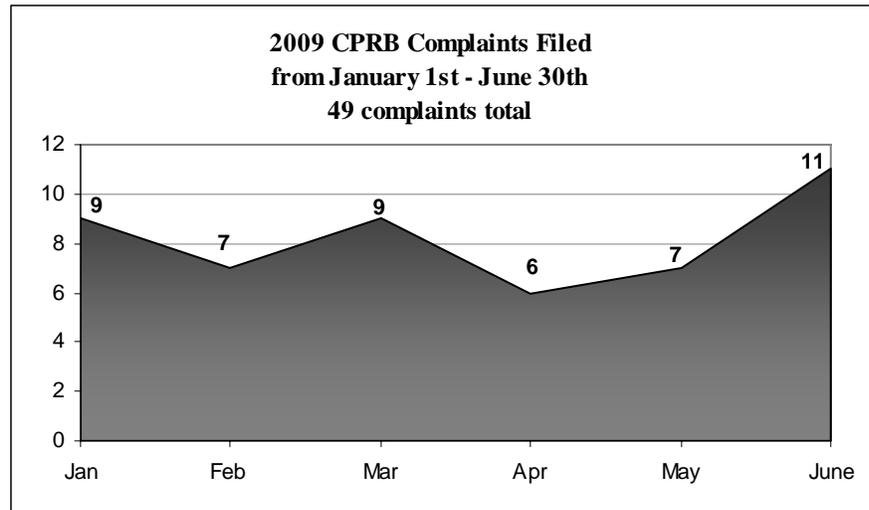
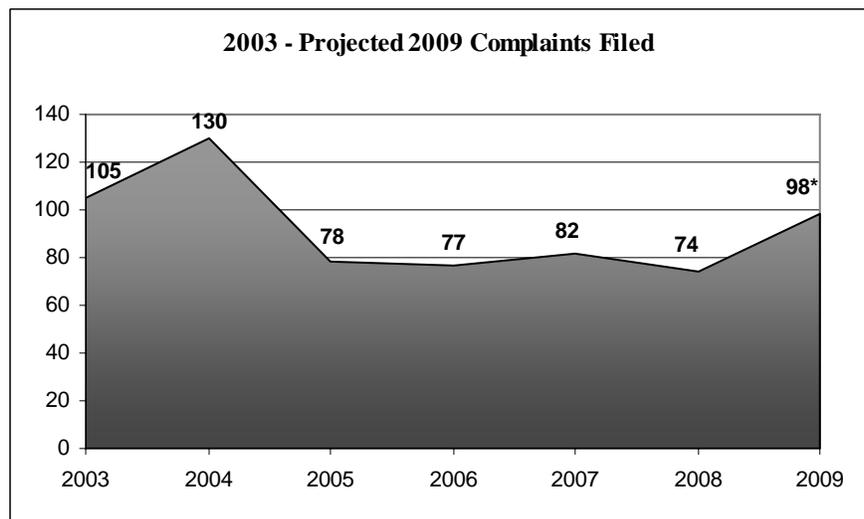


Figure 1

Figure 2 shows the number of complaints filed per year from 2003 to 2009. 2009 is an estimated amount of complaints expected to be filed by year-end. The CPRB anticipates a significant increase in complaints by year-end if the current trend continues through the remainder of the year.



* 2009 projection

Figure 2

Race and Gender of 2009 Complainants

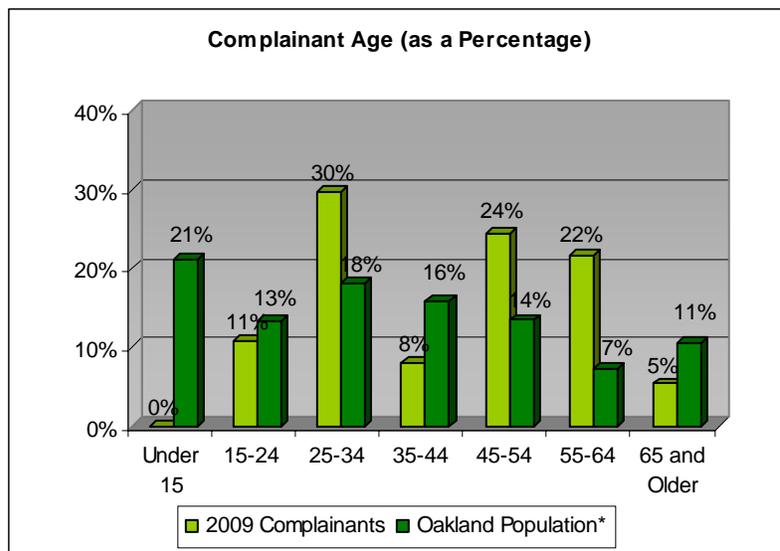
Among the complainants who provided information about their race, 60% of the 2009 complainants were African-American. More specifically, 38% of all the complainants were African-American males. Asian-Americans comprised 2%, Caucasians 16% and Hispanic-Americans 12%. The number of Caucasians filing complaints in the first six months of 2009 is up from 4% in 2008.

Race	Gender	No. of Complainants	Percent
African-American	F	11	22%
African-American	M	19	38%
Asian-American	F	0	0%
Asian-American	M	1	2%
Caucasian	F	2	4%
Caucasian	M	6	12%
Hispanic-American	F	4	8%
Hispanic-American	M	2	4%
Other	F	2	4%
Other	M	1	2%
Not Listed	F/M	2	4%

Figure 3

Age of 2009 Complainants

Among the complainants who provided information about their age, the greatest number of complainants fell within the age categories of 25-34 and 45-54 years old. See Figure 4 for a comparison of the complainants' ages to the Oakland population.



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

Figure 4

Allegations Filed in 2009

In the first six months of 2009, complainants most frequently alleged: (1) excessive use of force; (2) illegal entry; and (3) untruthfulness in reporting; and (4) property damaged or missing.

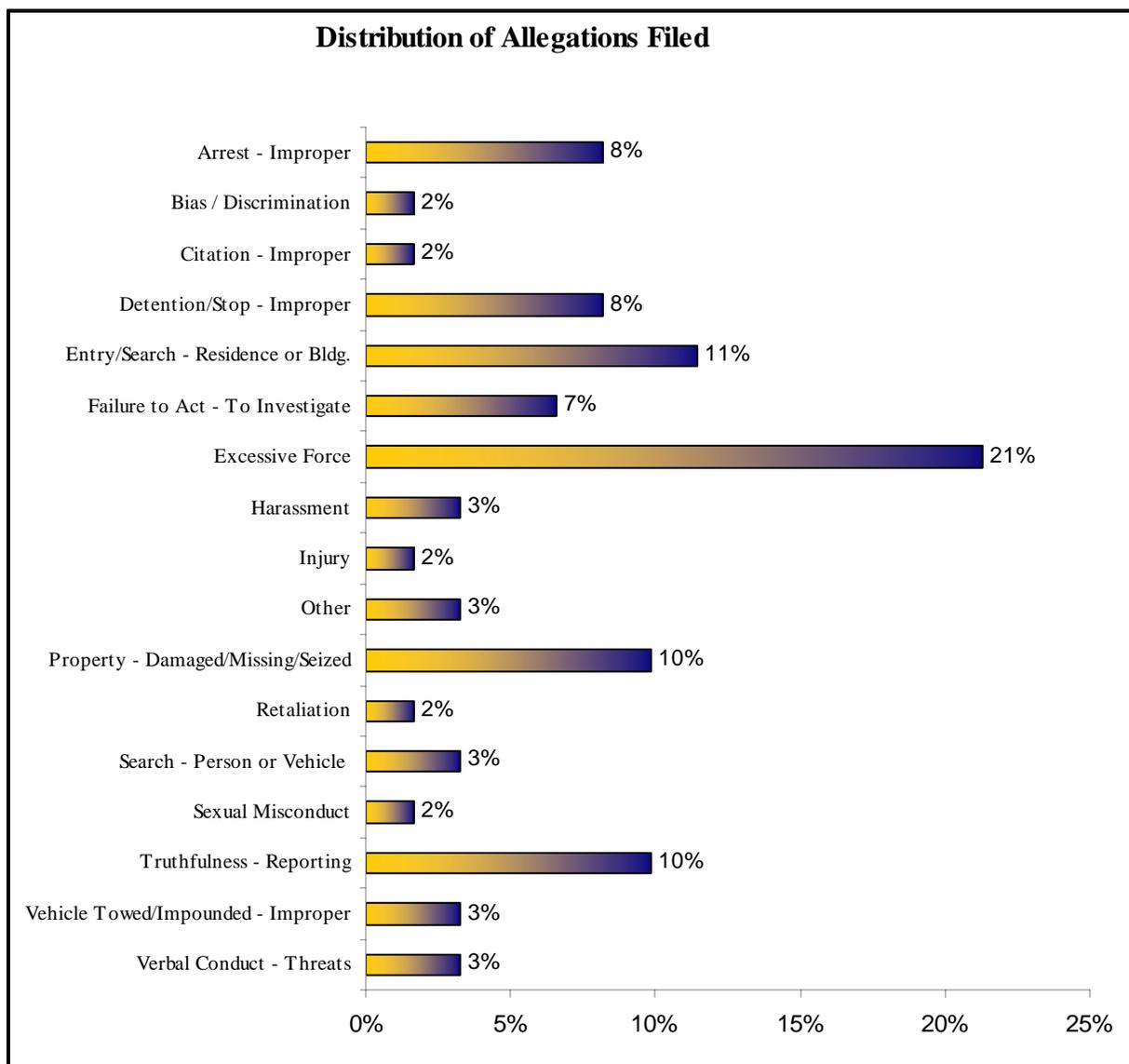


Figure 5

Allegations Filed in 2009

Figure 6 shows an increase in the percentage of excessive force allegations from the previous two years, but also a significant decrease in the percent of failure to act, improper verbal conduct and improper search allegations.

	2007	2008	2009
	(1/1/06 to 6/30/06)	(1/1/07 to 6/30/07)	(1/1/08 to 6/30/08)
Excessive Force	19%	17%	21%
Failure to Act	15%	13%	7%
Improper Verbal Conduct	8%	12%	3%
Improper Search	12%	5%	3%

Figure 6

Alleged Incidents by City Council District

In the first six months of 2009, the greatest number of alleged incidents occurred in City Council District 3 (33%). Figure 7 provides the percentage of alleged incidents that occurred in all City Council Districts in the first six months of 2009. The findings of these complaints will appear in *CPRB 2009 Annual Report*.

Council District	No. of Complaints	% of Complaints
1 Jane Brunner	5	12%
2 Patricia Kernighan	6	14%
3 Nancy Nadel	14	33%
4 Jean Quan	2	5%
5 Iganacio De La Fuente	3	7%
6 Desley Brooks	7	17%
7 Larry Reid	5	12%
Total	42	100%

Figure 7

Alleged Incidents by City Council District

Figure 8 shows a comparison of the first six months of the year for the last four years. The highest percentage of complaints come from incidents in City Council District 3. This portion of complaints is believed to be related to the total number of officers coming and going from the Police Administration Building located in City Council District 3 and the high concentration of people and traffic in the area. Therefore, there is a higher probability that the number of interactions of members of the public with the police is much greater in this area, than other parts of the city. Also, Council District 3 is where the CPRB and IAD offices are located making it generally more convenient for complainants to visit and make complaints.

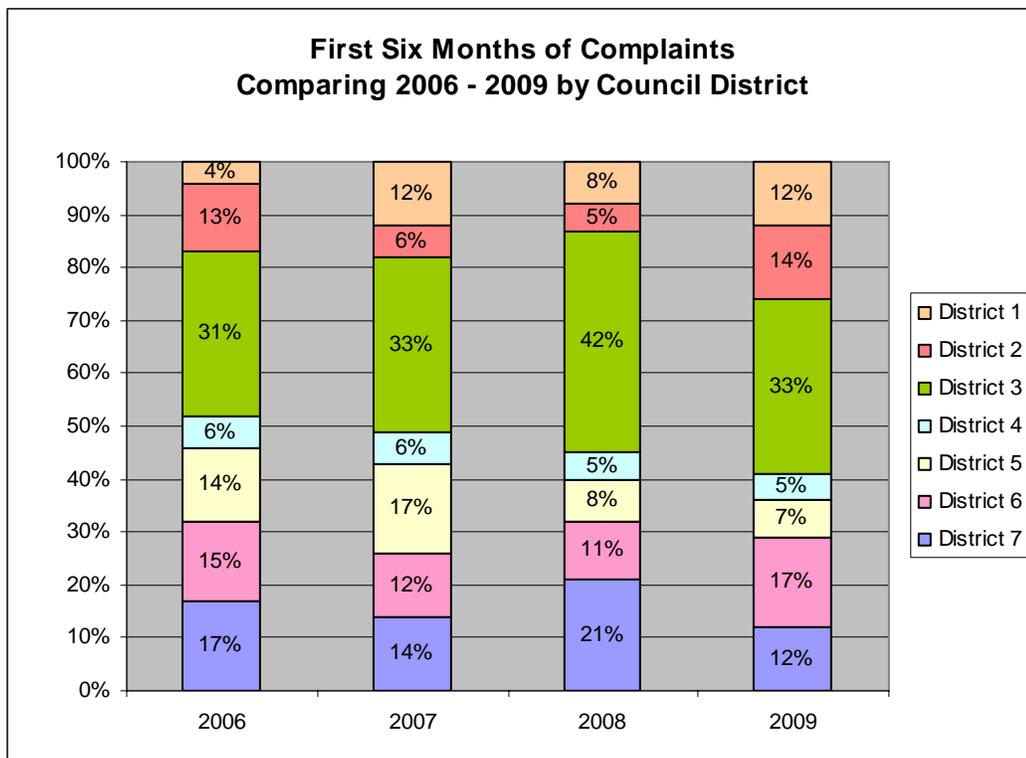
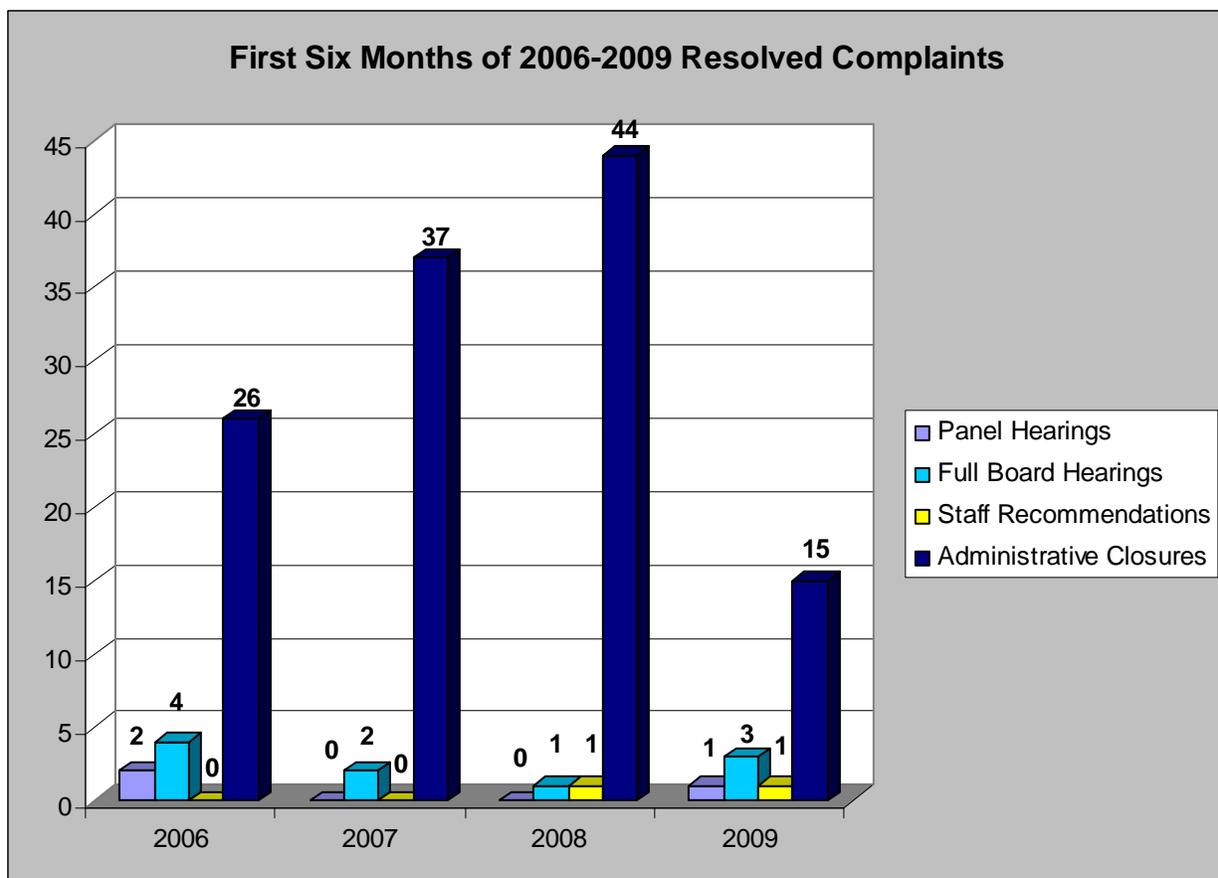


Figure 8

2009 Resolved Complaints

In the first six months of 2009, the CPRB resolved twenty complaints, fifteen by administrative closure and four by evidentiary hearings. Also, the CPRB brought one complaint with disciplinary recommendations directly to the City Administrator because the complainants did want to participate in the Board hearing process.

Figure 9 shows a significant decrease in the number of complaints resolved from 2008. This decrease is due to the increase in number of evidentiary hearings and one staff recommendation prepared in the first six months of 2009. Staff resources were devoted to hearing serious cases as opposed to resolving a higher number of complaints through administrative closure.



2009 Resolved Complaints Con't

In the first six months of 2009, the CPRB focused our investigatory resources on preparing and bringing complaints to hearing. The figure below reflects the increase in the percentage of complaints brought to full board or panel hearing. Twenty percent of all complaints were resolved by either being heard by the Board or being brought directly to the City Administrator for review. This percentage is remarkably up from the four percent of cases resolved in the first six months of 2008.

First Six Months of 2006-2009 Percentages of Resolved Complaints				
	2006	2007	2008	2009
Full Board Hearings	13%	5%	2%	15%
Staff Recommendations	0%	0%	2%	5%
Panel Hearings	6%	0%	0%	5%
Administrative Closures	81%	95%	96%	75%

Figures 11

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. Sustained allegations by the Board include disciplinary recommendations. See *Figure 12*, for the Board findings for the complaints heard in the first six months of 2009.

Definitions for Board Findings

This key provides definitions for the four types of Board findings. 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: A majority of the Board members present concluded there was not enough evidence to either prove or disprove the acts alleged by the complainant.

Board Findings at Evidentiary Hearings

Complainant/s Hearing Date	Board Findings	Allegation Category	Board Disciplinary Recommendations
Casper Banjo 02/05/2009	1 Not Sustained 2 Not Sustained	Excessive Force - Shooting a person Failure to Act - Properly supervise	The Board did not recommend officer discipline for the subject officers because there were no sustained findings. However, the Board did make a policy recommendation on the availability of less lethal weapons that can be found in the New Policy Recommendations section of this report.
Ronald Curry 4/23/2009	2 Sustained 1 Not Sustained 1 Not Sustained	Failure to Act - Conduct a proper investigation Verbal Misconduct - Profanity Property - Failure to secure during an arrest	The Board recommended both subject officers receive written reprimands for the sustained allegations for failing to conduct a proper investigation.
Laqueta Harper 5/21/2009	1 Sustained 1 Sustained 1 Unfounded 1 Unfounded 3 Unfounded 1 Unfounded 1 Exonerated 3 Unfounded 1 Unfounded 1 Not Sustained	Bias/Discrimination - Racial Profiling Improper Detention Improper Search - Person Improper Search - Vehicle Bias/Discrimination - Conduct toward others Excessive Force - Grab Excessive Force - While handcuffing Improper Detention Verbal Misconduct - Rudeness Verbal Misconduct - Rudeness	The Board recommended a fifteen day suspension for the subject officer as discipline for the sustained allegations of racial profiling and an improper detention.
Joyce Dawson 6/25/2009	2 Not Sustained 1 Unfounded 2 Unfounded 2 Not Sustained 1 Unfounded 1 Not Sustained	Failure to Act - Conduct a proper investigation Failure to Act - Conduct a proper investigation Failure to Act - Make an arrest Failure to Act - Write a proper report Failure to Act - Write a proper report Verbal Misconduct - Rudeness	The Board did not recommend officer discipline for the subject officers because there were no sustained findings.

Figure 12

Staff Recommendations

The CPRB staff has the ability to bring cases directly to the City Administrator for consideration for individual officer discipline. The CPRB staff brought one complaint directly to the City Administrator because the complainant did not want to go forward with a hearing.

Complainant/s Recommendation Date	Board Findings	Allegation Category	Staff Recommendations
Guo Huang/ Zhang Liu 05/06/2009	1 Sustained	Failure to Act - Conduct a proper investigation	The CPRB staff recommended to the City Administrator that discipline be imposed on the subject officers involved in the seven sustained allegations
	1 Sustained	Failure to Act - Properly obtain a search warrant	
	3 Sustained	Failure to Act - Properly supervise a search	
	1 Sustained	Failure to Act - Write a proper report	
	1 Sustained	Untruthfulness - Reporting	
	1 Unfounded	Excessive Force - Pointing firearms and grabbing	

Figure 13

Disciplinary Recommendations and the City Administrator's Decisions

If the Board determines officer misconduct has occurred, the Board will forward disciplinary recommendations to the City Administrator who, with the Chief of Police make the final decision regarding officer discipline.

In the first six months of 2009, the Board forwarded disciplinary recommendations arising from three complaints. Two sets of recommendations came from evidentiary hearings and one from an investigation of a complaint brought directly to the City Administrator.

The City Administrator upheld one set of disciplinary recommendations and imposed discipline. The City Administrator did not impose discipline on a second set of recommendations. A third set of recommendations is currently pending.

Administrative Closures

The CPRB, after an appropriate investigation, can decide to administratively close a complaint without a hearing, if the hearing would not facilitate the fact finding process and good cause has not been shown for further action. In the first half of 2009, the Board decided to administratively close fifteen complaints without a hearing. *Figure 14* displays the reasons for these administrative closures.

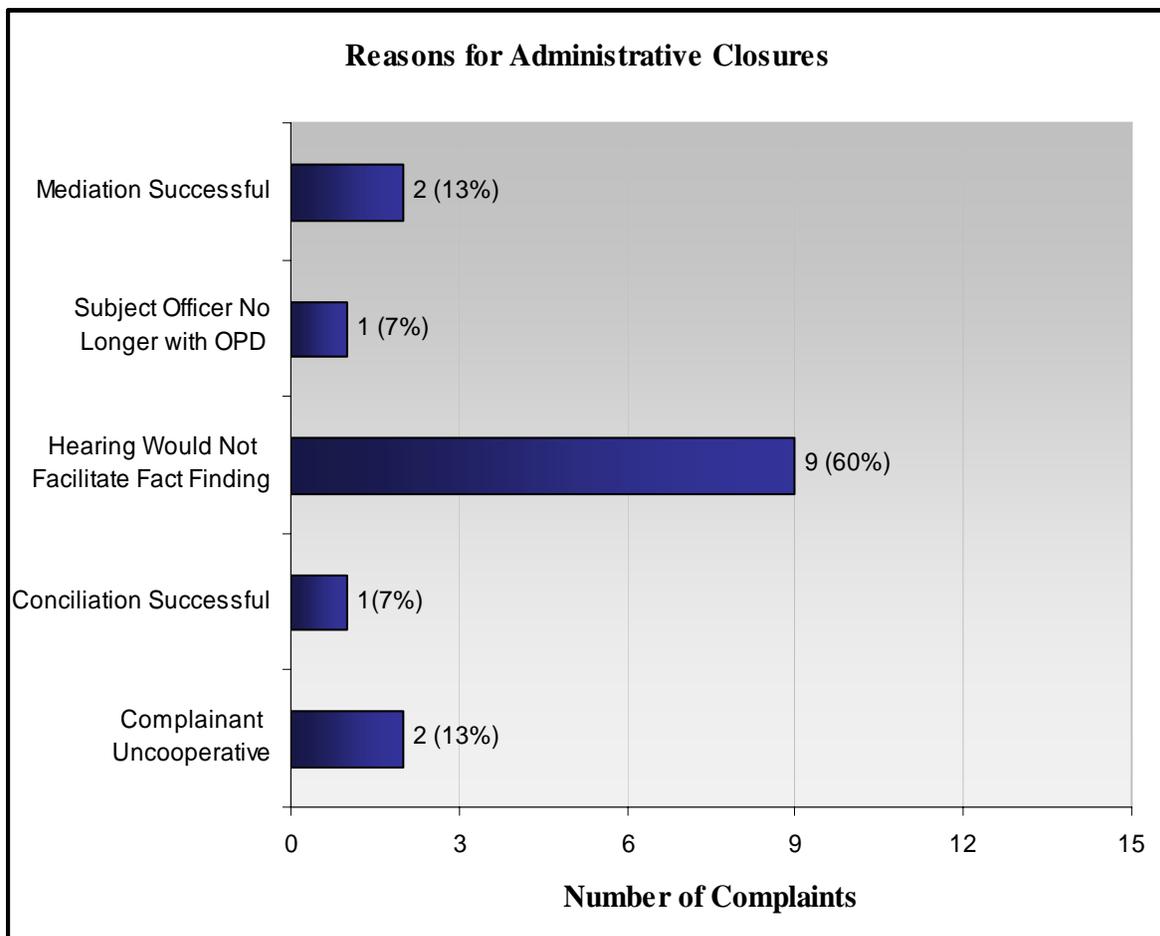


Figure 14

Administrative Closures

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.

Mediation Was Successful

CPRB staff conducted two successful mediations in the first six months of 2009. Increasing the number of mediations is a focus of the CPRB for the remainder of the year.

Subject Officer No Longer with OPD

One complaint was administratively closed because the subject officer of the complaint is no longer an employee of OPD. The CPRB does not have jurisdiction to recommend discipline for currently non-sworn officers.

Hearing Would Not Facilitate Fact-Finding Process

The Board determined in nine complaints based on the findings of the investigation that a hearing was unnecessary. 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.

Conciliation Successful

One complaint was resolved through an informal complaint resolution (ICR) process between the complainant and the subject officer(s), without CPRB staff involvement. This complaint was withdrawn from CPRB investigation.

Complainant was Uncooperative

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

Total Board Findings for 2009 Resolved Complaints

In the first six months of 2009, the CPRB closed twenty complaints either by evidentiary hearings, staff recommendation or by administrative closures. *Figure 15* shows the percentage of findings for allegations investigated in the first six months of 2008 and 2009. In 2009, officers were sustained in seventeen percent of all allegations investigated, seventeen percent were not sustained, fifty six percent were exonerated and eleven percent of the allegations were unfounded.

All findings other than “not sustained” represent affirmative findings which are clear determinations of the allegations investigated in complaints. Through extensive research, the CPRB was able to come to a final determination in 84% of all the allegations investigated or seventy-eight total allegations.

In the first half of 2009, thirteen allegations were sustained. Although excessive use of force was the most frequent allegation filed in the first six months of 2009, there were no allegations of excessive use of force sustained. *Figure 16* on the next page is a detailed chart of all the allegations brought before the Board.

	2008 (Jan. 1 -June 30)	2009 (Jan. 1 -June 30)
Sustained	2%	17%
Not Sustained	9%	17%
Exonerated	46%	11%
Unfounded	44%	56%

Figure 15

Total Board Findings for 2009 Resolved Complaints Con't

Allegation Category	Sustained	Not Sustained	Unfounded	Exonerated	Total
Arrest - Improper			1		1
Bias / Discrimination	2		6		8
Citation - Improper				1	1
Detention/Stop - Improper	2		6	1	9
Entry/Search - Residence or Bldg.				1	1
Failure to Act - To Investigate	3	2	3		8
Failure to Act - To Write A Report	1	2	2		5
Failure to Act - To Proper Supervise	3	2			5
Failure to Act - Properly Obtain Search Warrant	1				1
Force - Grab/Push/Shove/Trip			2		2
Force - Kick			1		1
Force - Handcuffs too Tight			1		1
Force - Handcuffs Unwarranted				2	2
Force - Pointing Firearm			1		1
Force - Shooting Gun at Person or Animal		1			1
Force - Strike w Hand or Unknown Object			2		2
Force - Other			1		1
Harassment			1	2	3
Planting Evidence			3		3
Property - Damaged/Missing/Seized		2			2
Search - Person			2	2	4
Search - Vehicle			2		2
Sexual Misconduct			1		1
Truthfulness - Reporting	1		3		4
Verbal Conduct - Profanity/Rude Statements		4	5		9
Totals	13 (17%)	13 (17%)	43 (55%)	9 (11%)	78

Figure 16

Officer Compliance with CPRB Investigations

Officer compliance with investigations is categorized 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 Division statements are non-compliant with the CPRB interview process. Non-compliance is in violation of Oakland Police Department General Order M-3.2.

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. Non-compliance in attending hearings is also in violation of Oakland Police Department General Order M-3.2 and is subject to discipline.

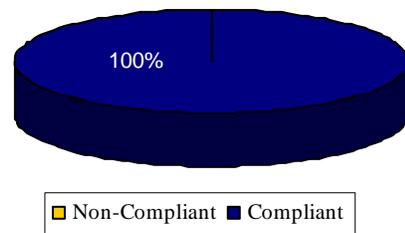
Officer Compliance Data

Officer compliance data was collected on twenty two complaints investigated in the first six months of 2009. Officer compliance for interviews and hearing subpoenas for complaints are continuing with minimal delays.

Interview Notices

- Number of Complaints: 22
- Number of Interview Notices Sent: 62
- Scheduled Interviews: 10
- Outstanding Notices: 2
- Number of Officers Non-Compliant: 0

Officer Compliance with Interview Notices



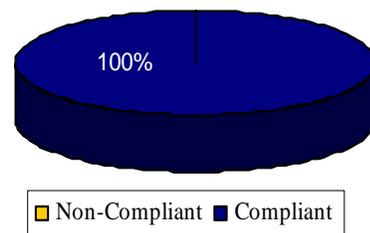
Interview Summary

In the first six months of 2009, 100% of officers replied to interview notices in a timely manner. Current delays in investigations are occurring when officers' legal representatives delay contacting the CPRB offices to schedule officer interviews.

Hearing Subpoenas

- Number of Hearings: 4
- Number of Officer Hearing Subpoenas: 14
- Number of Officers Attended: 14
- Number of Officers Excused: 0
- Number of Officers Non-Compliant: 0

Officer Compliance with Hearing Subpoenas



Hearing Summary

In the first six months of 2009, 100% of the officers subpoenaed complied with the conditions of the subpoena.

Number of Officers with One or More Complaints from January 1, 2009 to June 30, 2009

The CPRB tracks the number of complaints against each officer. *Figure 17* lists the number of officers with one or more complaints in the first six months of 2009. 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 one officer had two separate complaints in six months. These two complaints against the officer are currently being investigated.

No. of Officers		% of Officers with Complaints
1	Two Complaints	2%
42	One Complaint	98%
43		100%

Figure 17

Number of Officers with Three or More Complaints between January 1, 2007 and June 30, 2009

In keeping with the spirit of the negotiated settlement agreement, the CPRB also tracks any officer of the police department who receives three (3) or more citizen complaints during a 30-month period. *Figure 18* represents a sample of the officers currently in the Internal Personnel Assessment System (IPAS). These officers are tracked and subject to disciplinary intervention depending on the specifics of their complaint and the frequency of such incidents. Offi-

cers receiving multiple complaints can receive training, counseling, reprimands, suspension or termination for specific and recurring complaints.

Figure 18, below, provides the number of officers who have had one or more CPRB complaints filed against them between January 1, 2007 and June 30, 2009. Findings of these investigations will appear in the *CPRB 2009 Annual Report*.

No. of Officers		% of Officers with Complaints
1	Five Complaints	0.4%
0	Four Complaint	0%
16	Three Complaints	6%
49	Two Complaints	19%
193	One Complaint	75%
Total = 259		100%

Figure 18

Board and Staff Updates

Appointments to the Board

In the first six months of 2009, the Board welcomed one new Board member: Thomas Cameron.

Board and Staff Training

Two training sessions were conducted for the Board in the first half of the 2009. The first training took place on February 5, 2009 on tactical communication. Officer Carlos Gonzalez presented and held demonstrations for the Board. The second training was held on May 14, 2009 and was presented by Sgt. Eric Lewis. This session included the content of the police academy's training on African American Cultural Diversity. Both training sessions were on topics that are recurring themes of citizen complaints. The participation of the police department's training staff gave the Board an idea of what officers are taught in the academy regarding these subject matters and allowed the Board to ask specific questions on police policies and practice.

Staffing Reductions

In the first six months of 2009, the CPRB due to budget reductions, no longer has an Executive Assistant or Executive Director position as part of its organizational budget.

Civilianization of Intake at Internal Affairs

On July 7, 2009, the Oakland City Council approved in principle the Civilianization Working Group's proposal to hire civilian employees supervised by CPRB to intake all citizen complaints. This proposal would replace current sworn police officers at the Internal Affairs Division and create one place for members of the community to file complaints. The Working Group is in the process of identifying funds and creating a transition plan in order to begin the hiring of intake investigators and implementing a plan to transfer these duties from IAD to CPRB.

Board Presents to BART on Civilian Oversight of Law Enforcement

In response to the New Year's shooting by BART police of Oscar Grant, the BART sought out information to establish their own model of civilian review. The CPRB was one of six organizations to submit information on their civilian oversight model to BART for consideration. On May 2, 2009, CPRB Chair Cara Kopowski and Vice Chair Tina Allen presented at a public meeting held by the BART Board of Directors on their experiences and processes of the Oakland CPRB.

Community Outreach

Value of Community Outreach

Community outreach is an important aspect to successful and meaningful civilian review of officer complaints. Community members' input help shape public policy and improve working relationships with the police. In 2009, the CPRB focused our outreach on partnerships between the City of Oakland and its educational institutions. These outreach efforts were to increase youth input and civic participation in local government.

Laney College - Student Voices

On April 30, 2009, the CPRB partnered with Laney College's Black Student Union and the Associated Student Body to hold a discussion on public safety from the prospective of youth in Oakland. The audience participated in a discussion with a wide variety of questions that were answered by the panel consisting of CPRB Acting Manager, Patrick Caceres, CPRB Investigator, Audrey Montana, Public Safety Coordinator, Doralista Reed, OPD Officer, Lt. Freddie Hamilton and a representative from Councilmember Kaplan's office, Christopher Miley. Members of the audience shared their experiences with police both on and off campus and asked Lt. Hamilton about community projects and opportunities to get involved in their neighborhoods.



Community Outreach Con't

College Preparatory and Architecture Academy (CPAA) Senior Exhibitions



The CPRB for the fifth year participated in the College Preparatory and Architecture Academy (CPAA) Senior Exhibitions by providing a representative to serve as a judge. The Senior Exhibition is a graduation requirement of the senior students of CPAA. CPAA is located in the Fruitvale District of Oakland and the students are asked to combine their research skills and knowledge of social change to produce an oral presentation and final work product. Community members from around the Bay Area are asked each year to participate as judges and score each student's project. This year there were a number of outstanding projects including a fictional short story about a young man's experiences with the Oakland Police Department.



On July 9, 2009, the CPRB presented, Ronisha Parker, an award for her outstanding student achievement in producing this short story. A copy of her story chronicling this young man's internal struggle was included in the CPRB meeting packet to highlight and acknowledge Ronisha for her talented writing, commitment to extensive research and awareness of the social issues affecting her community.

CPRB High School Interns

In addition, the CPRB hosted two high school interns in the first six months of 2009, Sandra Oliveros from A.R.I.S.E. high school in the Fruitvale and recent graduate, current Laney College Student, Jeremiah Cain through the Mayor's Summer Job Program. These interns helped the CPRB while learning valuable professional skills and training.

New Policy Recommendations

Availability of Less Lethal Weapons

On February 5, 2009, the CPRB adopted the policy statement that law enforcement's need for a variety of force options should be balanced with the public's demand that individuals are subdued with a minimal amount of force necessary to effect compliance. Therefore, bean bag rounds and the accompanying 12 gauge shotguns should be made available to and carried by all Oakland Police Department patrol sergeants and other designated personnel. The Oakland Police Department should make a concerted effort to train and equip all patrol sergeants and other designated personnel in the use of "Drag Stabilized Flexible Baton Rounds" (bean bag rounds) which are fired from a 12 gauge shotgun.

Lineup Training on Domestic Disputes (potential gender bias)

At the City Administrator's request, the CPRB is working with OPD on having additional domestic violence training at line-ups. The City Administrator recommends that the Chief of Police work with CPRB in designing this training.

Conclusion

For the last two reporting periods, the CPRB staff has been significantly reduced as a result of budget reductions, yet the CPRB has spent the last six months focusing our limited resources on resolving our most serious cases. Five complaints were heard at evidentiary hearings or brought directly to the City Administrator for recommended discipline.

Also, the CPRB staff and Board members were publicly visible to the community to discuss critical incidents such as the BART police shooting of Oscar Grant and the incident involving the four Oakland police officers killed in the shooting of March 21, 2009.

The CPRB has seen a recent rise in citizen complaints and received the support of the City Council to expand its role in the intake of citizen complaints. The CPRB hopes to increase staffing and resources to meet these needs by year end. We thank you for your continued support in the investigation of citizen complaints against the police.

Commissioner Attendance at Board Meetings

Meeting Date	Allen	Cameron	Duhe	Hudson	Jamison	Kopowski	Shaw
1/15/09	Yes		Yes	Yes	Yes	Yes	Yes
2/5/09	Yes		Yes	Yes	Yes	Yes	Yes
3/26/09	Yes		Yes	Absent	Yes	Yes	Yes
4/23/09	Yes	Yes	Yes	Yes	Yes	Yes	Yes
5/14/09	Yes	Yes	Excused	Yes	Yes	Yes	Yes
5/21/09	Yes					Yes	Yes
6/25/09	Yes	Yes	Yes	Yes	Excused	Yes	Excused

Excused - Member asked to attend but excused

Citizens' Police Review Board Policy Recommendations

Date / Policy	Recommendations	OPD Responses	Status
<p>2008 Use of Safety Belts for Prisoners</p>	<p>1. Prisoners should be seated in an upright position and wear seat belts during transportation. Seat belts help restrain the prisoner and increase the safety of the prisoner in case of an accident and decrease the likelihood of the prisoner gaining access to contraband or a weapon hidden on them.</p>	<p>The use of safety belts for prisoners was not accepted because of the safety concerns for the officer while reaching across the prisoner's body during seat belting and the cost of installing seat belts in the back seat of many OPD vehicles.</p>	<p>Not Adopted</p>
<p>Prisoner Positioning in a Vehicle</p>	<p>2. Proper placement of the prisoner in a vehicle is crucial for officer and prisoner safety purposes. Prisoners should be positioned in the vehicle to:</p> <ul style="list-style-type: none"> - Ensure safety and welfare of the officers and prisoners - Allow for clear observation of the prisoner - If the transporting officer does not have a partner or cover officer to assist with transport, the prisoner should be placed in the right rear passenger seat. If the transporting officer has a partner or cover officer to assist with transport, the prisoner should be placed in the left rear passenger seat. 		<p>Adopted</p>
<p>Observation of a Prisoner During Transport in a Vehicle</p>	<p>3. Officers must observe prisoners closely while transporting them. When transporting a prisoner:</p> <ul style="list-style-type: none"> - An officer should assume that any prisoner could do any of the following: escape, attempt to destroy concealed evidence and be a potential threat to officer safety. - If available, have a backup or cover officer in the vehicle to closely monitor the prisoner during transport. 		<p>Adopted</p>

Citizens' Police Review Board Policy Recommendations

Date / Policy	Recommendations	OPD Responses	Status
2007 Officer Recusal	1. 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.		Pending
Police Vehicle Pursuits	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. Officer can pursue under this exception based on a standard of probable cause.	Included in OPD Departmental General Order J-4 (May 30, 2007) Pursuits may be initiated when there is a reasonable suspicion that a person committed a felony or a firearms related offense, or is a dangerous driver under the influence (DUI) and when there is no immediate unreasonable threat to the public or the officer. The person must clearly exhibit intent to avoid arrest by refusing to stop.	Adopted in Part
	2. OPD should increase the number of hours spent on teaching critical decision making skills.	Included in Departmental General Order J-4	Adopted
	3. OPD should review methods of officer accountability and compliance with pursuits policies.	Included in Departmental General Order J-4	Adopted

Citizens' Police Review Board Policy Recommendations

Date / Policy	Recommendations	OPD Responses	Status
Police Vehicle Pursuits con't	4. OPD should review its pursuit tactics and technology for effectiveness and identify new technologies used by other jurisdictions.	Included in Departmental General Order J-4 (helicopter support) and Training Bulletin III-B.9 (May 30, 2007)	Adopted
	5. OPD should review the adequacy of its data collection and analysis regarding police pursuits.	Included in Departmental General Order J-4	Adopted
	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.	The Task Force met for three meetings created recommendations.	Adopted
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 Crowd Control	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

Citizens' Police Review Board Policy Recommendations

Date / Policy	Recommendations	OPD Responses	Status
Crowd Control con't	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
	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

Citizens' Police Review Board Policy Recommendations

Date / Policy	Recommendations	OPD Responses	Status
2003 Crowd Control	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
2002 5150 Detentions	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

Citizens' Police Review Board Policy Recommendations

Date / Policy	Recommendations	OPD Responses	Status
5150 Detentions con't	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, for the purpose of implementing this recommendation.</i>	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 / Policy	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