

CITY OF OAKLAND
CITIZENS' POLICE
REVIEW BOARD
2008 SEMI-ANNUAL
REPORT

JANUARY 1, 2008 - JUNE 30, 2008



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Citizens' Police Review Board

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Dan Lindheim, Acting City Administrator
Sean P. Quinlan, Interim Executive Director

August 14, 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 2008 Semi-Annual Report.

In the first six months of 2008, complainants filed forty complaints against police officers. The Board resolved forty-five complaints, with one through an evidentiary hearing and forty-four by administrative closure. Four complaints were successfully mediated and resolved between the complainant and police. The Board forwarded disciplinary recommendations for three complaints to the City Administrator - one recommendation was upheld, one no decision was rendered and one is currently pending.

The Board also made three policy recommendations on ensuring the safe transport of prisoners. These recommendations came as a result of an in-custody death and include details on the use of safety belts, prisoner positioning and observation of a prisoner during transport. These policy recommendations are currently pending review by the City Administrator and Chief of Police.

Also, in the first six months of 2008, the Board welcomed three new Board members: Tina Allen, Janelle Green and Risha Jamison. Our new members come from diverse backgrounds and add to our organizational capacity, experience and decision making. The Board expanded our expertise by receiving training by the Oakland Police Department on handcuffing techniques, weaponless defense, and searches and seizures. We look forward to continuing additional training through the remainder of this year.

The CPRB staff continues to develop and include Board members in outreach activities. These efforts make the community more aware of our services and opens opportunities for community representatives to apply and join 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: 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

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 2008, the Board received 40 complaints, filed by 42 individuals. The number of complaints received is 13% less than the number of complaints received for this same period in 2007. However, the CPRB projects the total number of complaints filed by year-end to remain relatively constant at approximately eighty complaints annually.

The allegations most frequently filed with the Board were: (1) excessive use of force; (2) failure to act; and (3) improper verbal conduct. Research is currently being conducted on the correlation between the number of complaints to the number of calls for service.

Also in the first half of 2008, the Board resolved 45 complaints; one complaint through evidentiary hearing and 44 through administrative closures. The most sustained allegations in the first six months of 2008 were for the improper transport of a prisoner in custody. There

were two sustained allegations for one complaint heard at an evidentiary hearing. In 45 resolved cases, 2% of the allegations were sustained, 9% were not sustained, 46% were exonerated and 44% were unfounded. There were no allegations of excessive force sustained in the first six months of 2008.

The Board forwarded three disciplinary recommendations for sustained allegations and recommended discipline to the City Administrator. The City Administrator upheld one, did not render a decision on another and is pending decision on a third recommendation.

Officer compliance with interview notices and hearing subpoenas is slightly down from 100%. Ninety-seven percent of officers replied to interview notices in a timely manner, and all officers subpoenaed for hearings have appeared.

In the first six months of 2008, the Board made three policy recommendations to OPD on the use of safety belts for prisoners, prisoner positioning in a vehicle and observing a prisoner during transport. These recommendations were made in response to a complaint filed and are currently pending review.

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Number of Complaints Filed

Between January 1 and June 30, 2008, the CPRB received 40 complaints filed by 42 individuals. *Figure 1* displays the number of complaints that were filed for each month. These 40 complaints represent a 13% decrease over the 46 complaints received during the same period in 2007.

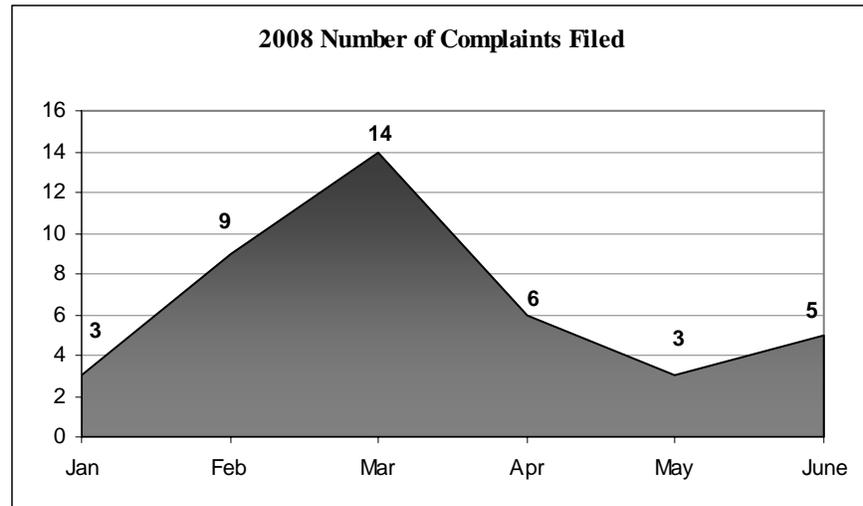
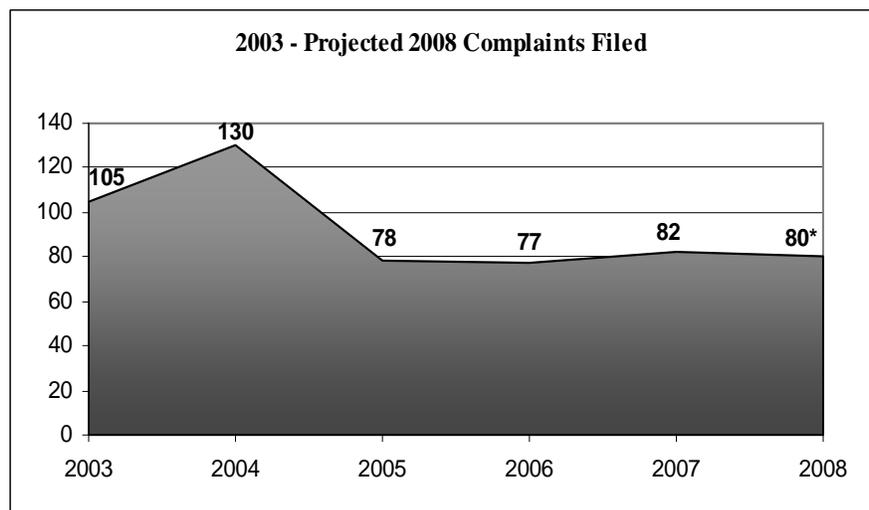


Figure 1

Figure 2 shows the number of complaints filed per year from 2003 to 2007. 2008 is an estimated amount of complaints expected to be filed by year-end. Beginning 2005, the number of complaints filed each year has remained relatively constant.



* 2008 projection

Figure 2

Race and Gender of 2008 Complainants

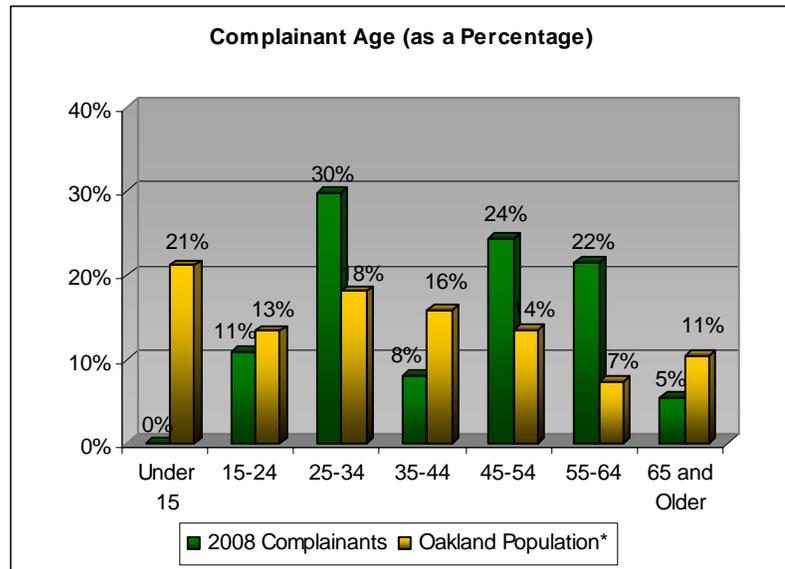
Among the complainants who provided information about their race, 73% of the 2008 complainants were African-American. More specifically, 52% of all the complainants were African-American males. Asian-Americans comprised 5%, Caucasians 4% and Hispanic-Americans 15%. The number of Hispanic-Americans filing complaints has risen slightly for the last three years.

Race	Gender	No. of Complainants	Percent
African-American	F	9	21%
African-American	M	22	52%
Asian-American	F	2	5%
Asian-American	M	0	0%
Caucasian	F	1	2%
Caucasian	M	1	2%
Hispanic-American	F	2	5%
Hispanic-American	M	4	10%
Other	F	0	0%
Other	M	0	0%
Not Listed	F/M	1	2%

Figure 3

Age of 2008 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 with the Oakland population.



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

Figure 4

Allegations Filed in 2008

In the first six months of 2008, complainants most frequently alleged: (1) excessive use of force; (2) failure to act; and (3) improper verbal conduct. The “failure to act” category includes at least three sub-categories that include failures to investigate, write a report or to enforce a restraining order.

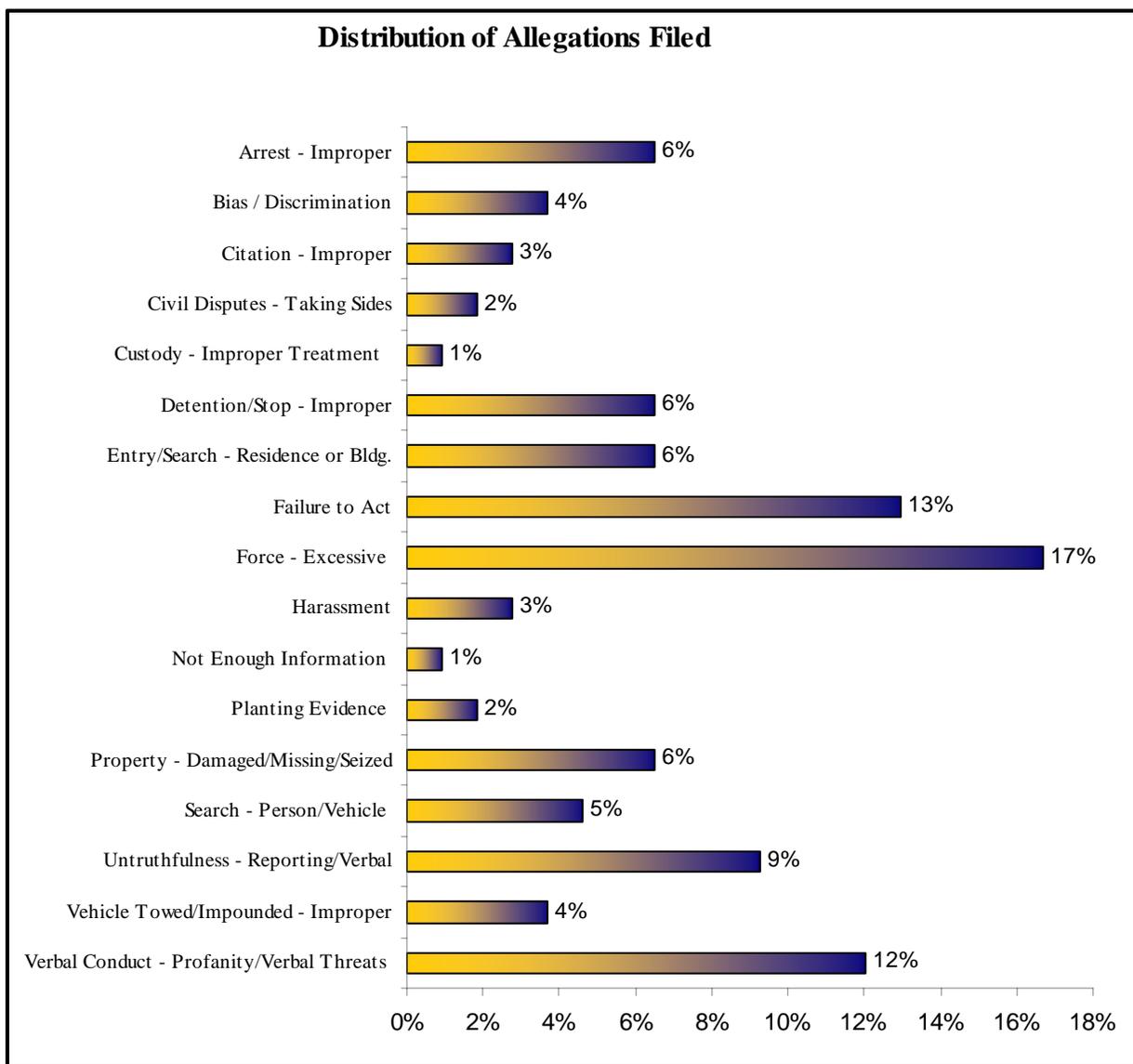


Figure 5

Allegations Filed in 2008

Figure 6 shows the top four allegations filed in the first six months of 2006 to 2008. The top four allegations filed are for excessive use of force, failure to act, improper verbal conduct, and improper searches. In the first six months of 2008, there is a small drop in the number of improper search allegations from this same time period in 2007.

	2006 (1/1/06 to 6/30/06)	2007 (1/1/07 to 6/30/07)	2008 (1/1/08 to 6/30/08)
Excessive Force	4%	19%	17%
Failure to Act	39%	15%	13%
Improper Verbal Conduct	4%	8%	12%
Improper Search	3%	12%	5%

Figure 6

Alleged Incidents by City Council District

In the first six months of 2008, the greatest number of alleged incidents occurred in City Council District 3 (42%). Figure 7 provides the percentage of alleged incidents that occurred in all City Council Districts in the first six months of 2008. The results of 2008 resolved complaints by City Council District will appear in the CPRB 2008 Annual Report.

Council District	No. of Complaints	% of Complaints
1 Jane Brunner	3	8%
2 Patricia Kernighan	2	5%
3 Nancy Nadel	16	42%
4 Jean Quan	2	5%
5 Ignacio De La Fuente	3	8%
6 Desley Brooks	4	11%
7 Larry Reid	8	21%
Total	38	100%

Figure 7

Alleged Incidents by City Council District

In the first six months of 2006 to 2008, the highest number of complaints come from incidents in City Council District 3. This portion of complaints is believed to be related to the total number of calls for service in this district. According to data provided in *Figure 8*, it is reasonable to believe that the higher concentration of people in the downtown area and the higher number of service calls to the police results in the highest number of complaints from incidents in City Council District 3. However, the CPRB is currently researching this theory and working with the Police Department and the City of Oakland’s Information Department to obtain this data for further analysis.

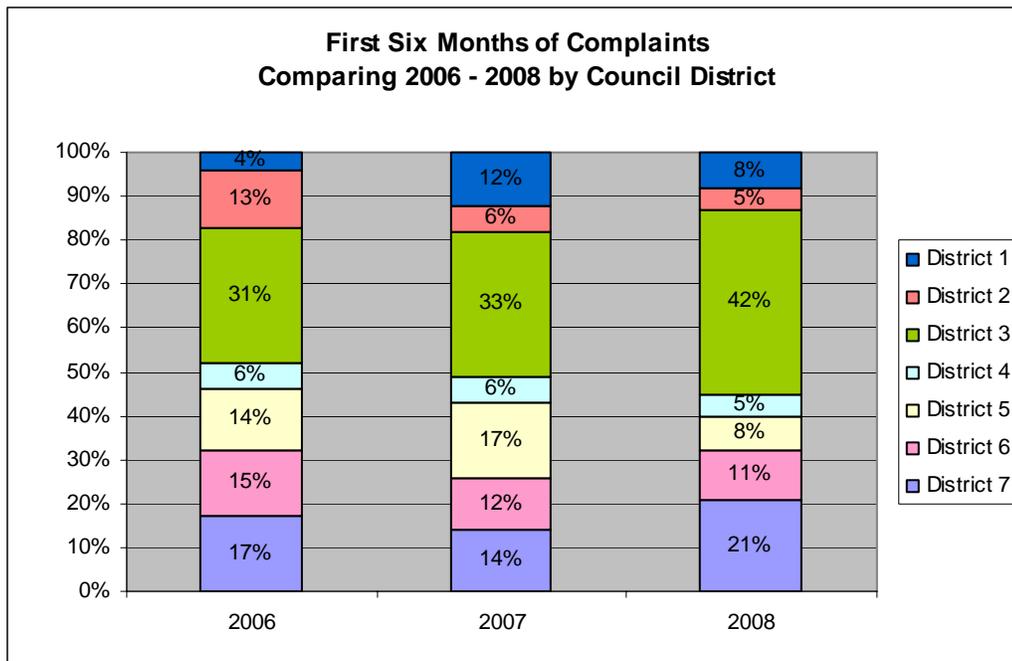
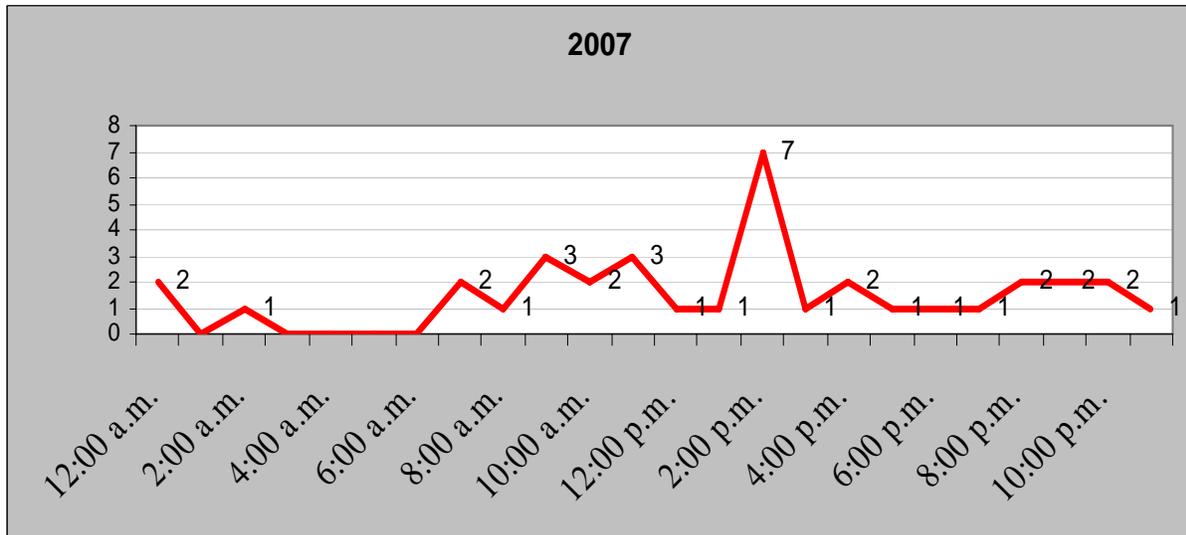


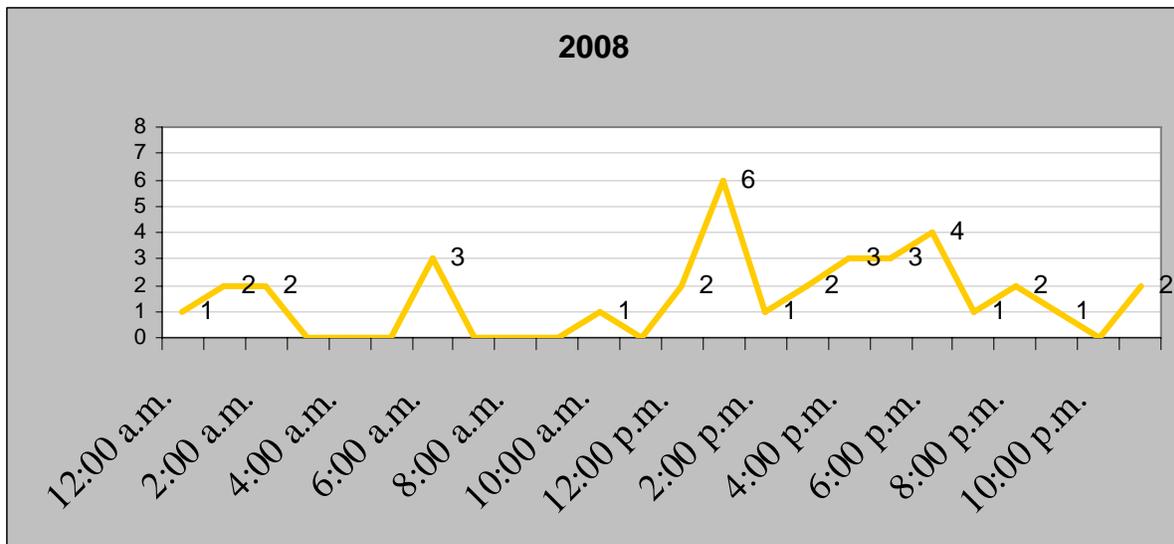
Figure 8

Time of Alleged Incidents

Figures 9 and 10 compare the time of alleged incidents for complaints filed in the first six months of 2007 and 2008. In 2008, the number of incidents reported is relatively constant beginning at 7am through 12 midnight with a spike of six complaints occurring at or around 1pm. This spike is mostly the result of a number of unrelated incidents and appears to be random given the details of each case.



Figures 9

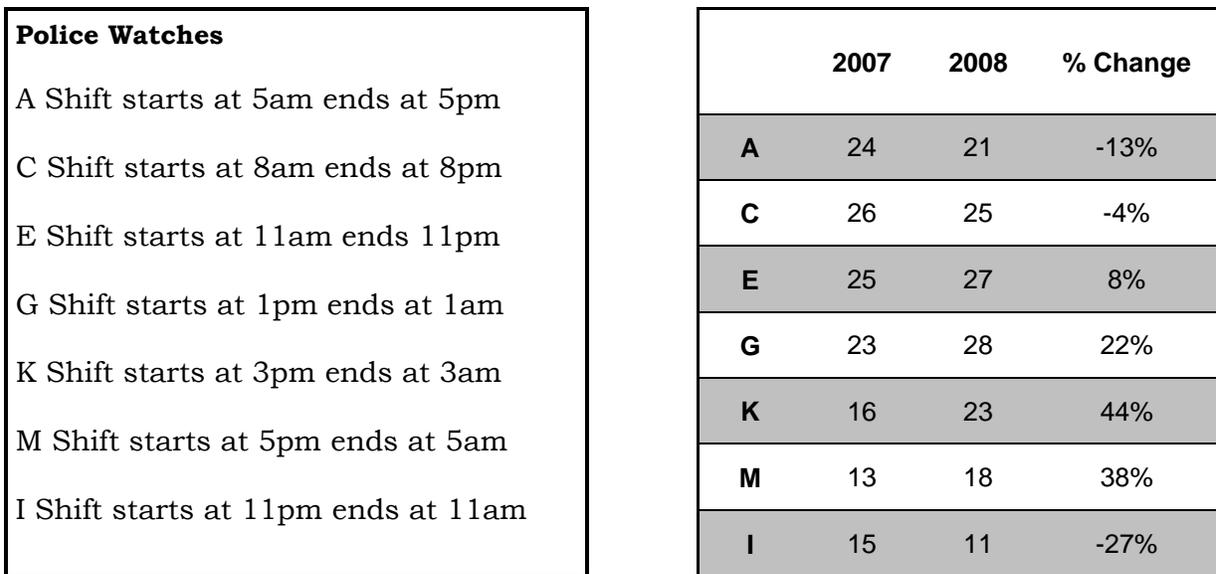


Figures 10

Time of Alleged Incidents

Assessing the Impact of the 12 Hour Shifts on the Number of Complaints

The first six months of 2008 was under the newly established 12-hour work schedule for the police department. One measure discussed in the negotiations was the impact that this new schedule would have on the quality of police services for the residences of Oakland. The potential impact was an increase in fatigue from longer shifts. If you compare the first six month of 2007 under the 4/10 schedule with the first six months of 2008 under the 12-hour work schedule there was no real noticeable increase in the aggregate total number of complaints. However, this sample size of data does show a decrease in the number of complaints from incidents in the late hours (Shift I) to the early morning (Shifts A & C). There was also an increase in the number of complaints during the peak hours of service (Shifts G, K and M). The sample size of these complaints is relatively small to make a definitive conclusion about the impact of the 12-hour shift in the number of complaints. But by year-end, the data set will be larger and the CPRB will be able to tell if these patterns are consistent over the remaining six months of 2008.

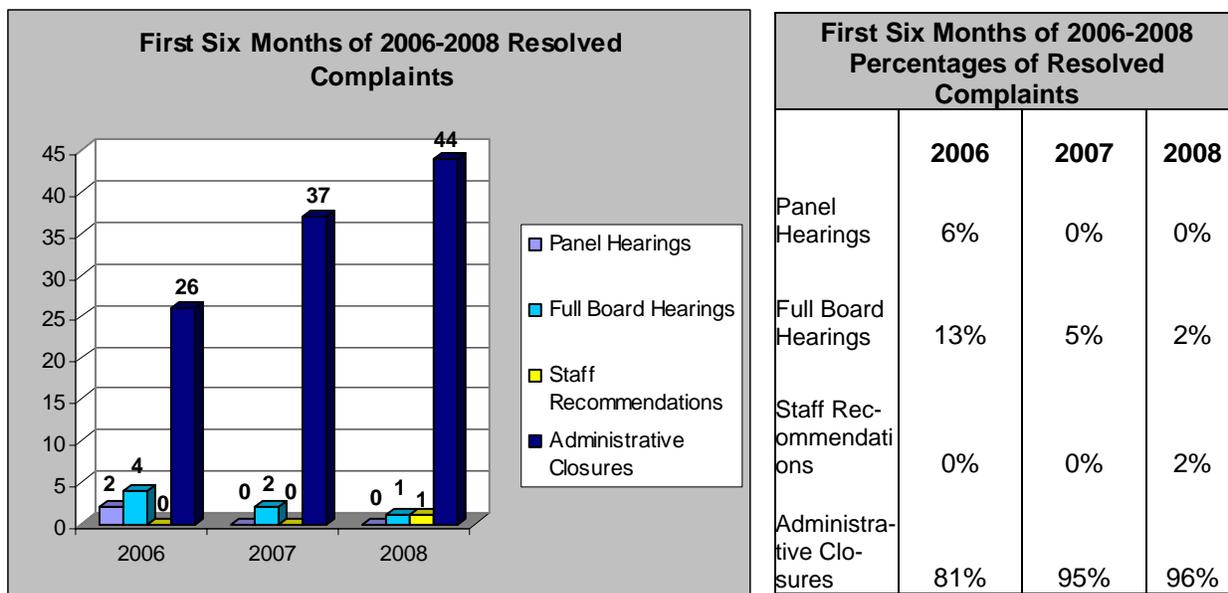


Figures 11

2008 Resolved Complaints

In the first six months of 2008, the CPRB resolved forty-five complaints, forty-four by administrative closure and one by a full Board hearing. Also, in the first half of 2008, the CPRB brought one complaint with disciplinary recommendations directly to the City Administrator. This complaint was brought directly to the City Administrator because the complainant is currently incarcerated and would not be able to be present for an evidentiary hearing.

Figures 12 shows that the CPRB in the last two years has not used panel hearings in the first six months of 2007 and 2008. Instead, the number of administrative closures has increased. Due to limited staff and resources, more cases are currently being closed by the administrative closure process rather than holding more hearings. This tradeoff has significantly increased the number of cases the CPRB can close in six months and still allow the investigators to meet the government code 3304 statute of limitations date.



Figures 12

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 13*, for the Board findings for the complaints heard in the first six months of 2008.

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
Lula Mae Gamble 05/22/2008	1 Sustained	Search - Person	The Board recommends termination for the two subject officers for the three sustained allegations.
	2 Unfounded	Search - Person	
	4 Not Sustained	Search - Person	
	2 Sustained	Custody - Improper procedure	
	1 Unfounded	Planting Evidence	
	1 Unfounded	Force - Choke	
	2 Unfounded	Failure to Act - To provide medical assistance	

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 2008, the Board forwarded disciplinary recommendations arising from two complaints. One set of recommendations came from an evidentiary hearing, another from an investigation of a complaint brought directly to the City Administrator and a third set was pending from 2007.

The City Administrator upheld one set of disciplinary recommendations and imposed discipline. The City Administrator also decided not to render a decision on another set of recommendations because the City Administrator felt that the allegations did not violate any of the police department's written policies. A third set of disciplinary recommendations 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 the first half of 2008, the Board administratively closed forty-four complaints. *Figure 14*, below, provides the reasons for the administrative closures.

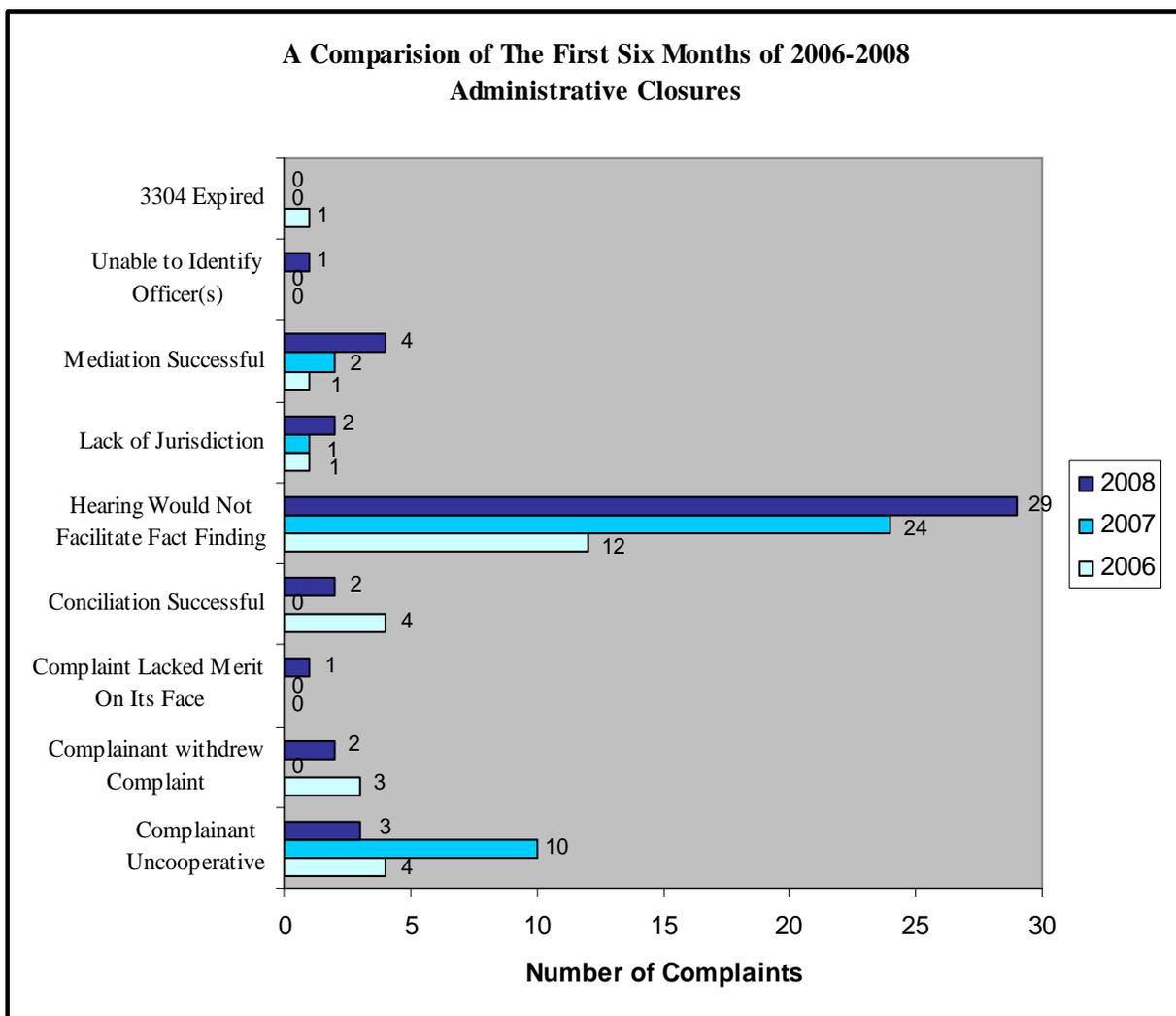


Figure 14

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.

Unable to Identify Officer(s)

One complaint was closed because the investigator was unable to identify the officer.

Mediation Was Successful

CPRB staff conducted four successful mediations in the first six months of 2008. CPRB set out a goal at the beginning of the year to increase the number of mediations in an effort to resolve differences and come to a greater understanding between the public and the police. CPRB increased the number of mediated cases by 100% from this same period in 2007.

Lack of Jurisdiction

Two complaints were administratively closed because one complaint was for a civilian employee and another complaint was deemed an employee relations matter, and therefore should be

reviewed by the Civil Service Board.

Hearing Would Not Facilitate Fact-Finding Process

The Board determined that a hearing was unnecessary in twenty-nine 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.

Conciliation Successful

Two complaints were resolved through an informal resolution between the complainant and the subject officer(s), without CPRB staff involvement.

Complaint Lacked Merit on Its Face

One complaint was closed because there was no evidence to support the complainant's allegation.

Administrative Closures Con't

Complainant Withdrew Complaint

Two complaints were closed because the complainant withdrew their complaint.

Complainant was Uncooperative

In three 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.

Board Findings for 2008 Resolved Complaints

The year 2007 was the first year that the CPRB began recording and documenting findings determined through administrative closure investigations. In the first six months of 2008, the CPRB closed forty-five complaints either by evidentiary hearings or by administrative closures. *Figure 15* shows the percentage of findings for allegations investigated in the first six months of 2007 and 2008. In 2008, officers were sustained in two percent of all allegations investigated, nine percent were not sustained, forty-six percent were exonerated, and forty-four percent of the allegations were unfounded.

All findings other than “not sustained” represent affirmative findings. Affirmative findings are clear determinations of the allegations investigated in complaints. Through extensive research, the CPRB was able to come to a final determination in 91% of the allegations investigated.

In the first six months of 2008, a total of three allegations were sustained, two for improper treatment of a prisoner while in custody and one for an improper search. Although, excessive use of force was the most frequent allegation filed in the first six months of 2008, 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.

	2007 (January 1, 2007 - June 30, 2007)	2008 (January 1, 2008 - June 30, 2008)
Sustained	16%	2%
Not Sustained	11%	9%
Exonerated	38%	46%
Unfounded	35%	44%

Figure 15

Board Findings for 2008 Resolved Complaints

Allegation Category	Sustained	Not Sustained	Unfounded	Exonerated	Total
Arrest - Improper				4	4
Bias / Discrimination			2		2
Citation - Improper			2	3	5
Custody - Improper Treatment	2		1	1	4
Detention/Stop - Improper			3	10	13
Entry/Search - Residence or Bldg.			5	18	23
Failure to Act - To Enforce Restraining Order		1			1
Failure to Act - During a Car Chase					0
Failure to Act - To Investigate			7	3	10
Failure to Act - To Provide Identification		1			1
Failure to Act - To Provide Medical Assistance			5		5
Failure to Act - To Write A Report		1	1		2
Force - Choke			1		1
Force - Grab/Push/Shove/Trip			3	4	7
Force - Kick			4		4
Force - Handcuffs too Tight			2		2
Force - Handcuffs Unwarranted				2	2
Force - Pointing Firearm			1	3	4
Force - Shooting Gun at Person or Animal					0
Force - Strike w Hand or Unknown Object			2		2
Force - Strike w Weapon					0
Force - Taser					0
Force - Use of Chemical(s)					0
Force - Use of Patrol Vehicle					0
Harassment					0
Not Enough Information			1		1
Planting Evidence			2		2
Property - Damaged/Missing/Seized		2		6	8
Search - Person	1	4		4	9
Search - Vehicle			1	5	6
Truthfulness - Reporting		1	3		4
Truthfulness - Verbal Statements			4	1	5
Vehicle Towed/Impounded - Improper			1	4	5
Verbal Conduct - Profanity/Rude Statements		3	11		14
Verbal Conduct - Threats			2		2
Totals	3 (2%)	13 (9%)	64 (44%)	68 (46%)	146

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 in violation of Oakland Police Department General Order M-3.2 and is subject to discipline.

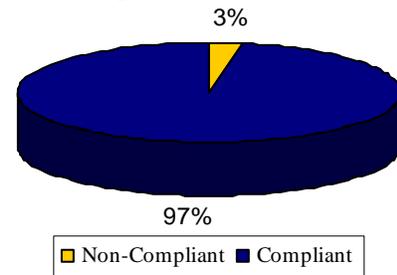
Officer Compliance Data

Officer compliance data was collected on forty complaints investigated in the first six months of 2008. Officer compliance for interviews and hearing subpoenas for complaints are continuing with minimal delays.

Interview Notices

- Number of Complaints: 40
- Number of Officers Identified: 141
- Number of Interview Notices Sent: 74
- Scheduled Interviews: 46
- Outstanding Notices: 8
- Number of Officers Non-Compliant: 2

Officer Compliance with Interview Notices



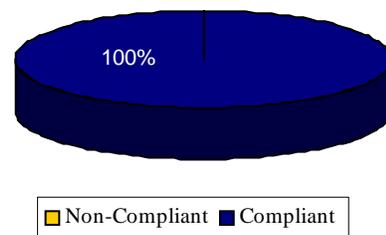
Interview Summary

In the first six months of 2008, 97% of officers replied to interview notices in a timely manner. Two officers were non-complaint and led to delays in CPRB investigations. The first officer took over two and half months to schedule an interview with a CPRB investigator. The second officer interview date was not scheduled after more than a month's notice. This delay has led to the CPRB from potentially bringing this complaint to hearing.

Hearing Subpoenas

- Number of Hearings: 1
- Number of Officer Hearing Subpoenas: 5
- Number of Officers Attended: 5
- Number of Officers Excused: 0
- Number of Officers Non-Compliant: 0

Officer Compliance with Hearing Subpoenas



Hearing Summary

In the first six months of 2008, 100% of the officers subpoenaed complied with the conditions of the subpoena. All five officers subpoenaed attended the hearing scheduled on May 22, 2008.

Number of Officers with One or More Complaints from January 1, 2008 to June 30, 2008

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 2008. 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 two officers have two separate complaints in six months. However, these complaints are only allegations of misconduct and are still under investigation. The finding of these investigations will appear in the *CPRB 2008 Annual Report*.

No. of Officers	No. of Complaints	% of Officers with Complaints
2	Officers with Two Complaints	5%
39	Officers with One Complaint	95%
41		100%

Figure 17

Number of Officers with Three or More Complaints between January 1, 2006 and June 30, 2008

In keeping with the spirit of the negotiated settlement agreement, the CPRB also tracks any member of the police department who receives three (3) or more citizen complaints during a 30-month period. *Figure 18* is simply 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. Officers 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, 2006 and June 30, 2008.

No. of Officers		% of Officers with Complaints
8	Officers with Four Complaints	3%
10	Officers with Three Complaints	4%
50	Officers with Two Complaints	20%
188	Officers with One Complaint	73%
256		100%

Figure 18

Board and Staff Updates

Appointments to the Board

In the first six months of 2008, the Board welcomed three new Board members: Tina Allen, Janelle Green, and Risha Jamison. Also, the CPRB had three members' terms expire and two members resigned. There are currently six vacant positions on the Board, three of which are expected to be filled in the second half of 2008. The Board also elected its chair, Cara Kopowski and vice chair, Tina Allen.

CPRB Strategic Plan

For the first time, the CPRB has created a six month strategic plan to incorporate our goals for improvements in service and investigations. A total of fourteen measures were evaluated for this reporting period. For the details on these measures see *Appendix A* of this report.

Board and Staff Training

Two training sessions were conducted for the Board in the first half of the 2008. The first training took place on February 28, 2008 on weaponless defense and handcuffing. Officer Damon Gilbert presented and held demonstrations for the Board. The second training was held on April 10, 2008 and was presented by Officer Chris Bolton. This session included search and seizure training. Both training sessions were on topics

that are recurring themes of many citizen complaints. The participation of the police department's training staff in these training sessions gave the Board an idea of what officers are taught in the academy regarding these subject matters and allow the Board the opportunity to ask specific questions on police policies and practice.

CPRB Green Office Initiative

The CPRB is helping the City of Oakland do its part to curb climate change and control waste. The CPRB is working with the City's Information Technology department to develop an online complaint form to reduce the number of paper forms submitted each year. This is an effort to create e-files and is part of a large office initiative to reduce the amount of paper waste used and stored in the office. The online capabilities will also reduce the number of times complainants will have to travel to City Hall therefore reducing carbon emissions from automobiles and buses. The CPRB hopes to help Oakland become a cleaner and more sustainable environment.

Community Outreach

Value of Community Outreach

Community outreach is an essential component of civilian oversight. CPRB's annual reports have shown that community members, for whom English is a second-language, often know the least about our services. Also, demographic data in this report and past reports show the youth of Oakland are underrepresented in our statistics. Thus, in an effort to provide more targeted outreach, the CPRB held two community meetings and also participated as a community judge for the College Preparatory and Architecture Academy in City Council District 5.

Chinatown—Council District 2



Photo: Chinatown Neighbor Crime Prevention Council (NCPC) Chair, Carl Chan, presents to a Cantonese-Speaking audience.

After a couple months of planning, publicizing and coordinating, the Citizens' Police Review Board in collaboration with the Chinatown-Neighborhood Crime Prevention Council held a meeting on commu-

nity policing on June 4, 2008 at the Lincoln Square Recreation Center. Councilmember Patricia Kernighan of District 2 and Police Chief Wayne Tucker also presented to the audience and shared their vision of community policing in Oakland. The meeting was held in English, but translated for the mostly Cantonese-Speaking audience.



Photo: Chinatown neighbor speaks about increase in motor vehicle break-ins.

Topics were discussed on crime incidents in Chinatown including the increase in car break-ins, restaurant robberies and curb address painting scams. The audience members thanked the police department for their increase in officer presence in Chinatown and hopes that it continues. Many members of the audience were delighted by the suggestion of the Chief of Police that the police department hold a Citizens' Police Academy in Cantonese in the near future.

Community Outreach



Photo: Audience applauds the Police Chief's suggestion of a Cantonese-Speaking Citizens' Police Academy

The Citizens' Police Review Board encouraged audience members to report officer misconduct and volunteer to serve on the Board as representatives of the Chinatown community. This community meeting was covered in the local Cantonese papers and on local television broadcasts.

Intertribal Friendship House

On June 18, 2008, the CPRB met with members of the Native American community at the Intertribal Friendship House in Oakland. Representatives from the American Indian Child Resource Center, Native American Health Center, Carpenter's Union and Youth Uprising were present. We had a round table discussion about crime, policing and discrimination. The CPRB explained the services we provide and extended an invitation to members of the Intertribal

Friendship House to join the Board as a representatives of the Native American community.

College Preparatory and Architecture Academy (CPAA)



Photo: Students of College Preparatory and Architecture Academy with CPRB Policy Analyst, Patrick Caceres

On April 23, 2008, seniors of the College Preparatory and Architecture Academy presented to an audience of teachers and community representatives on topics of social change. CPRB Policy Analyst, Patrick Caceres participated as a representative of the CPRB and judged a number of student presentations. Feedback and input was shared with each student as they prepared themselves for life after high school.

Future Outreach

The CPRB has scheduled an outreach in the Fruitvale District on October 9, 2008 and in the classrooms of Laney College in the near future.

New Policy Recommendations

The following three recommendations were accepted by the Board on June 26, 2008. These recommendations were offered after an evidentiary hearing was held on an in-custody death complaint. These recommendations are offered as additions to current police department policies.

(1) Use of Safety Belts for Prisoners, (2) Prisoner Positioning in a Vehicle, and (3) Observation of a Prisoner During Transport in a Vehicle.

Introduction

To ensure the safety of both peace officers and prisoners, and to always maintain control, prisoners should always be positioned properly within the vehicle for transporting.

General Procedures

Certain procedures always apply when positioning prisoners for transportation:

- Prisoners should be placed in and removed from a vehicle in a way that maintains control and advantage over the prisoner.
- A second officer, if available, should act as a cover officer while the prisoner is being placed in the vehicle.

(1) Use of Seat Belts

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 of their person.

(2) Prisoner Position in the Vehicle

Proper placement of the prisoner in the vehicle is crucial for officer and prisoner safety purposes. Prisoners should be positioned in the vehicle to:

- Ensure safety and welfare of the officers and prisoners.
- Allow for clear observation of the prisoners.
- 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 left rear passenger seat.

New Policy Recommendations Con't

(3) Observation of a Prisoner during Transport

Peace officers must observe prisoners closely while transporting them.

When transporting a prisoner:

- 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.

Conclusion

During the first six month of 2008, the CPRB's focus was on producing quality investigations that meet our 3304 statute of limitation deadlines. As a result, the number of hearings was lower but a larger number of cases were investigated in a more timely fashion. Also, more cases were selected to go to mediation over conducting board hearings. Given our limited staff resources we have reserved the use of hearings for cases of high importance and those possessing significant evidence.

The CPRB each year manages to host community outreach meetings to help share information about our services. The first six months of 2008 involved meeting with diverse groups that are often under represented in the complaint process. Outreach is important to the organization so that the city's services are equally available to all the communities of Oakland.

In addition to hearing complaints, the CPRB has made the effort to try to improve the policies of the police department. The Board offered policy recommendations to include more extensive details to ensure the safe transport of prisoners.

For the remainder of 2008, the CPRB plans community outreach in the Fruitvale District; to fill the current vacancies on the Board; and to improve our record of allegations. The CPRB also hopes to make improvements on our website to utilize GIS mapping technologies to allow people to learn more about their neighborhoods. The CPRB office will continue our office's "green initiative" and look for more ways to reduce carbon emission in the City of Oakland by utilizing e-filing technologies through our website and move toward electronic case files to reduce paper use and file space. Lastly, the CPRB plans to improve bilingual access to services by creating automated options in different languages to people who phone in for services.

As leaders in civilian police oversight, we are committed to continuing to provide our services to the public and the Oakland Police Department by making sound policy and disciplinary recommendations based on extensive investigations and research.

CITIZENS' POLICE REVIEW BOARD STAFF STRATEGIC PLAN: REPORTING PERIOD JANUARY 1, 2008 TO JUNE 30, 2008

GOALS TO BE ACHIEVED BY JUNE 30, 2008

1. Improve Staff job satisfaction and workplace cohesion.

Achieved: Staff performance and job satisfaction has improved. This was achieved through teamwork and resolving to work together to achieve a positive and productive working environment.

2. Improve staff efficiency by properly triaging and processing cases to allow the Investigators more time to focus limited resources on higher priority cases.

Achieved: The case processing system was streamlined by triaging cases at the front end; the Executive Director now writes a detailed investigative outline that guides the Investigatory process from the beginning; forms were changed to expedite noticing the Complainant; and the Executive Assistant now automatically sends status notices to the Complainant at 30, 60 and 90 day intervals; statutory guidelines for case closure regarding Complainant non-compliance is more strictly adhered to.

3. Find salary savings in the budget to hire an ELDE Investigator and a Temporary Contract Administrative Assistant.

Achieved: After consultations with the Budget Office our proposed salary savings were accepted and the needed temporary staff was added. However, future budget cuts may eliminate these crucial staffing additions.

4. Redistribute case workloads of investigators to improve the quality of investigations and efficiency, which will improve staff job satisfaction and ensure the retention of experienced Investigators.

Achieved: Case loads were realigned to achieve parity regarding case complexity and priority; all intake duties were transferred to the new ELDE Investigator; and tolled cases were taken into consideration when assigning new cases.

5. Increase the number of resolved cases through mediation, thereby creating a ‘win/win’ solution for the Complainants and the subject officers.

Achieved: *Resolving lower priority complaints (such as those involving rudeness or a service related issue) through mediation is a Staff priority. We looked at this as an opportunity to achieve a ‘win/win’ situation for the Complainant and the officers through a better understanding of each party’s viewpoint regarding the incident. We have increased the number of cases resolved through mediation by 100%.*

6. Increase the number of cases sent directly to the City Administrator for resolution, due to the Complainant being unavailable for a hearing.

Achieved: *Cases taken directly to the City Administrator would have ordinarily been scheduled for a hearing before the Board had the Complainant been available. We have increased the number of cases resolved in this manner by 100%.*

7. Increase the number of public outreach sessions in City Council districts.

Achieved: *Stakeholders have brought to the CPRB’s attention that the many people did not know about the CPRB, while others thought the CPRB was part of the Internal Affairs Division. In doing organizational research, we discovered several neighborhoods in the City that were underrepresented as Complaints and as Board members. We also identified several communities that had never had an outreach conducted in their community. The CPRB wants to be proactive in searching for prospective Board members in the various communities to achieve diversity on the Board. We have increased the number of outreach sessions by 100%.*

8. Increase the number of cases fully investigated within the statutory requirement.

Achieved: *We increased the efficiency level of processing cases to allow the investigators more time to focus on their higher priority cases. We streamlined the case processing system in a comprehensive manner and increased the number of cases fully investigated within the statutory requirements by 18%.*

9. Increase the number of policy recommendations made to the City Administrator and Chief of Police.

Achieved: *Improving the performance of OPD has always been one of our organizational priorities. We constantly look for outdated or insufficient OPD policies and make recommendations to rectify the policy deficiencies. We improved the number of policy recommendations made to OPD by 100%.*

10. Increase the number of Board training sessions regarding relevant laws and police procedures.

Achieved: *Training is a key element to the Board's success. Credibility and expertise are always an issue when civilians oversee law enforcement. Core competencies were established and the Board was given training in those areas. We improved the number of Board training sessions by 200%.*

11. Develop a cost/benefit analysis and budgetary projections for potentially civilianizing Internal Affairs.

Achieved: *We are currently in negotiations with the Mayor's Office, Chief of Police, Internal Affairs Division and the Mayor's Public Safety Task Force to potentially civilianize a portion of IAD after the NSA agreement has run in 2010. We were tasked to compile cost estimates regarding the two proposed options; what the proposed change would mean to our organization, current configuration, and budget; and also to research other models of oversight that could be incorporated into the CPRB to possibly create a hybrid model for our organization.*

12. Develop a 'Green Office' initiative to redesign our website allowing e-filing capabilities; move toward electronic case files to reduce paper use and file space; utilize GIS mapping technologies for complaints; and have a multi-lingual phone message.

In Progress: *We have been working in concert with IAD to cut down on our 'carbon footprint' and to save the City money on paper and case files. The changes to the web site map are finalized on 8.29.08 and the web site content will be finalized on 9.15.08. As the technology progresses, the e-filing capability will be added to enhance the efficiency and cost effectiveness of our organization.*

13. Assist the Mayor's Office in recruiting and processing six new Board members.

Not Achieved: *Three new Board members were identified, interviewed, and are now seated as Commissioners. Three additional prospective Board members were identified and interviewed. However, their nomination process was delayed between the Mayor's Office and City Attorney's Office resulting in their resolutions not making it onto the City Council agenda before their summer recess. Staff continues to search for qualified candidates through various contacts and conducting public outreach sessions to encourage the residents of Oakland to serve their community as a CPRB Commissioner.*

14. Hold three evidentiary hearings in the first half of the year.

Not Achieved: Staff held one evidentiary hearing (07-0486 - Lula Mae Gamble in custody death case) and sent one excessive force case (06-0797 - Robert Graham) directly to the City Administrator due to the Complainant being unavailable for hearing because of incarceration. Staff also worked diligently to process the labor intensive case of 07-0692 - Gary King, Jr. shooting death case for hearing. However, the attorney for the King family filed a civil suit just before the case was to be brought before the Board. The King case had to be cancelled for hearing and is now tolled due to civil litigation.

The Board would have heard back-to-back death related cases, in keeping with the Board's prioritization process of hearing the highest priority cases first for hearing. Staff also prepared two additional cases for hearing and each case was cancelled for hearing for the following reasons: 08-0633 - Charles Grisby case was cancelled due to an officer's non-compliance with the interview request process. The complainant was then notified that his hearing date was temporarily cancelled.

When Staff tried to re-contact the Complainant to set a new hearing date, the Complainant failed to answer Staff's correspondence for several months. The Complainant has since contacted Staff and stated he had been out-of-town for two months and now wishes to participate in the hearing process.

The third case to be cancelled was 07-0716 - Anthony Montano. The case was prepared for hearing but, had to be cancelled because the Complainant stated that he no longer wished to pursue a hearing and would rather mediate the case so he could, "end the issue and get on with his life." The Montano case was successfully mediated and then administratively closed. The process of Staff prioritizing their heavy workload to investigate and write four hearing reports, and have three of those cases cancelled for hearing through no fault of their own, has been very time consuming and frustrating. However, Staff looks forward to continuing our hard work in investigating and bringing the highest priority cases before the Board for hearings in the near future.

Board Member Attendance at Board Hearings

Meeting Date	Allen	Aqeel	Dishmon	Fuller	Green	Hudson	Jamison	Kopowski	Scates	Alternate Harwood	Alternate Radlow
1/24/08	Yes	Yes	Yes	Yes	Yes	Absent		Yes	Yes		Yes
2/28/08	Yes	Yes	Absent	Yes	Yes	Yes		Yes	Absent		
3/13/08	Yes	Absent	Yes	Yes	Yes	Yes		Absent	Yes	Yes	Yes
4/10/08	Yes	Absent	Yes		Yes	Absent	Yes	Yes	Yes		Yes
5/8/08	Yes	Excused			Excused	Yes	Yes	Yes			Yes
5/22/08	Yes	Yes			Excused	Yes	Yes	Yes			Yes

Excused - Member asked not to attend due to scheduling conflict and excused

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	<p>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.</p>	<p>Declined – the current training is satisfactory given limited resources.</p>	<p>Not adopted</p>
	<p>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.</p>	<p>Training is being conducted with a member of the Alameda County Health Department / Mental Health Crisis Response Team as a co-instructor.</p>	<p>Adopted in Part</p>
	<p>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.</p>	<p>The Sergeants training has been completed and the officers are receiving their training through Continuing Professional Training courses.</p>	<p>Adopted in Part</p>
Searching Residences	<p>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></p>	<p>This recommendation will be considered in the issuing of business cards to all officers and in the future during the accreditation process.</p>	<p>Not Adopted</p>

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