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OAKLAND

CITY OF OAKLAND 2017 MAY 11 PM 3:12

# AGENDA REPORT

**TO:** Sabrina B. Landreth  
City Administrator

**FROM:** Anthony W. Finnell  
Executive Director

**SUBJECT:** Citizens' Police Review Board 2016  
Annual Report

**DATE:** April 26, 2017

City Administrator Approval

Date:

*5/10/17*

## RECOMMENDATION

**Staff Recommends That The Public Safety Committee Receive The Attached Citizens' Police Review Board 2016 Annual Report.**

## EXECUTIVE SUMMARY

This informational report fulfills the mandates required by Ordinance No. 12454 C.M.S. and discloses, for the public record, the work and actions taken by the Citizens' Police Review Board for this reporting period of January 1, 2016 through December 31, 2016.

## BACKGROUND / LEGISLATIVE HISTORY

The Citizens' Police Review Board (CPRB) was originally created by Ordinance No. 9916 C.M.S. on April 15, 1980 for the purpose of reviewing certain complaints of conduct by police officers, conducting fact-finding investigations of these complaints, and thereafter making advisory reports to the City Administrator of the facts of these complaints. Ordinance No. 12454 C.M.S. amended prior CPRB governing legislation on November 12, 2002, by re-enacting the provisions of the Ordinance with amendments that (1) require five affirmative votes of the Board for findings other than not sustained; (2) require that officers provide supplemental statements to CPRB Investigators in certain circumstances; (3) authorize additional complaint resolution processes; (4) authorize CPRB staff to investigate complaints that are subject to litigation and make recommendations directly to the City Administrator, and; (5) provide that three-member panels' recommendations/findings will be placed on the full Board's agenda as consent calendar items and may be pulled from the consent calendar agenda for discussion or hearing only upon passing a motion by five or more affirmative votes.

## ANALYSIS AND POLICY ALTERNATIVES

The analysis of the complaints filed with the CPRB from January 1, 2016 through December 31, 2016 is contained in the attached "CPRB 2016 Annual Report" (**Attachment A**).

Item: \_\_\_\_\_  
Public Safety Committee  
May 23, 2017

**FISCAL IMPACT**

There are no costs associated with this report.

**PUBLIC OUTREACH / INTEREST**

A draft version of the "CPRB 2016 Annual Report" was presented and discussed during the April 13, 2017 CPRB meeting. The presentation and discussion of the report was open to the public for comment and discussion.

**COORDINATION**

Coordination of the investigations contained in the attached report occurred with the Oakland Police Department and Office of the City Attorney.

**SUSTAINABLE OPPORTUNITIES**

***Economic:*** There are no identifiable economic opportunities with this report.

***Environmental:*** There are no identifiable environmental opportunities with this report.

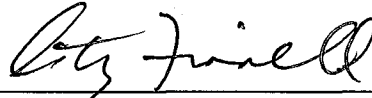
***Social Equity:*** There are no identifiable social equity opportunities with this report.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the Public Safety Committee receive the attached Citizens' Police Review Board 2016 Annual Report.

For questions regarding this report, please contact Anthony W. Finnell, Executive Director, at [afinnell@oaklandnet.com](mailto:afinnell@oaklandnet.com) or (510) 238-7401.

Respectfully submitted,



Anthony W. Finnell  
Executive Director, CPRB

Reviewed by:  
Juanito Rus  
Policy Analyst, CPRB

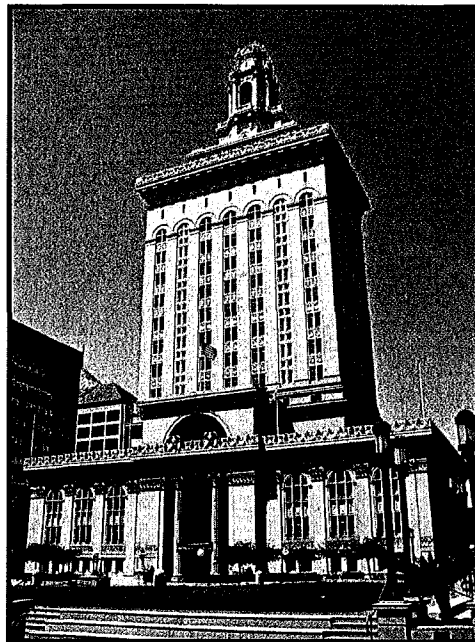
Prepared by:  
Anthony W. Finnell, Executive Director  
Citizens' Police Review Board (CPRB)

Attachment (A): CPRB 2016 Annual Report

**City of Oakland**  
**Citizens' Police**  
**Review Board**  
**2016**

**Annual Report**

JANUARY 1, 2016– DECEMBER 31, 2016



**CITY ADMINISTRATOR'S OFFICE**

**250 FRANK H. OGAWA PLAZA, SUITE 6302, OAKLAND, CA 94612**

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# Citizens' Police Review Board

City Administrator's Office  
250 Frank H. Ogawa Plaza, Suite 6302  
Oakland, California 94612

Phone: 510-238-3159  
Fax: 510-238-6834  
TTY/TOD: 510-238-2007



March 10, 2017

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

On behalf of the members of the Citizens' Police Review Board (CPRB), I am pleased to share the 2016 Annual Report.

This letter introduces the final report from the Oakland Citizens' Police Review Board (CPRB) to the People of Oakland. Created in March of 1993 to replace the Citizens' Complaint Board, the Board has existed in many forms while attempting to "...review certain complaints concerning the conduct of police officers..." and "...make advisory reports to the City Manager regarding the facts of these complaints."

The Board has evolved to suit the changing needs of Oakland residents, changing from a gathering of select Oakland residents to a professional organization dedicated to serving Oakland's residents and advancing policy in pursuit of creating a world class police force. In its latest evolution, the board researches and advocates best practices in policing while, at the same time, providing a fair, balanced and objective review of cases arising from citizen complaints and referrals from the police department's Internal Affairs Division, or originating from within the CPRB itself.

The Board owes its continuous refinement to the enormous effort put forth by Commissioners, senior administrative staff, investigators, administrative support staff and members of the community. To attempt to recognize any one person or group of people is impossible. Everybody who has, in some way, been involved in creating, operating, advising and critiquing the CPRB has helped advance the cause and practice of civilian police oversight in the City of Oakland.

On behalf of the present Board, I want to thank each of you for your work, your contribution and your passion.

Sincerely,



Chris Brown

Chris Brown  
Chair, Citizens' Police Review Board



CPRB 2016 REPORT

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## CPRB Mission Statement

The Citizens' Police Review Board strives to provide the community with a public forum to voice its concerns on policy matters and individual cases alleging police misconduct, through a mechanism of independent, impartial, fair, and transparent civilian oversight.

## 2016 CPRB Board Members and Term Expiration Dates\*

Chris Brown, Chair	February 15, 2018
Charlette Green, Vice-Chair	February 15, 2019
Sharon Ball	February 15, 2018
Brian Bingham	February 15, 2019
VACANT	February 15, 2017
José Dorado	February 15, 2019 (Appointed October 13, 2016)
Erica Harris (Youth 18-25 years old)	February 15, 2017
Colette McPherson	February 15, 2018 (Appointed May 26, 2016)
VACANT	August 15, 2016
Howard Tevelson	February 15, 2018
Mya Whitaker (Youth — Alternate)	February 15, 2017
Rev. Dr. Mauricio Wilson	February 15, 2018 (Appointed February 15, 2016)

\* Board Members' attendance at regular meetings is shown in Appendix A.

## CPRB Independent Counsel

Meredith E. Brown                      Board Counsel





CPRB Members: Rev. Mauricio Wilson, Brian Bingham, Sharon Ball, Chris Brown, Charlette Green, Mya Whitaker, Colette McPherson, and José Dorado.



Board Member Erika Harris



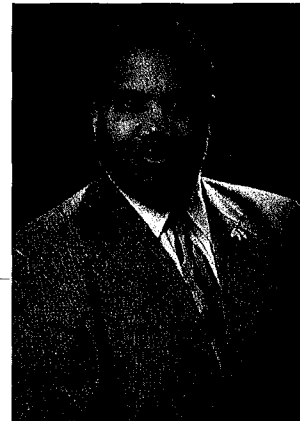
Board Counsel Meredith Brown



Board Member Howard Tevelson

**CPRB Staff**

Anthony Finnell	Executive Director
Jan "Juanito" Rus	CPRB Policy Analyst (Certified Spanish-speaking)
Karen Tom	Complaint Investigator
Joan Saupé	Complaint Investigator (Certified Spanish-speaking)
Nikki Greer	Complaint Investigator
Andrew Lee	Complaint Investigator (Certified Cantonese-speaking)
Emma Dill	Complaint Investigator
Claudia De La Cruz-Perez	Intake Technician (Certified Spanish-speaking)
Mika Bell	Intake Technician
Verdene Klasse	Office Assistant



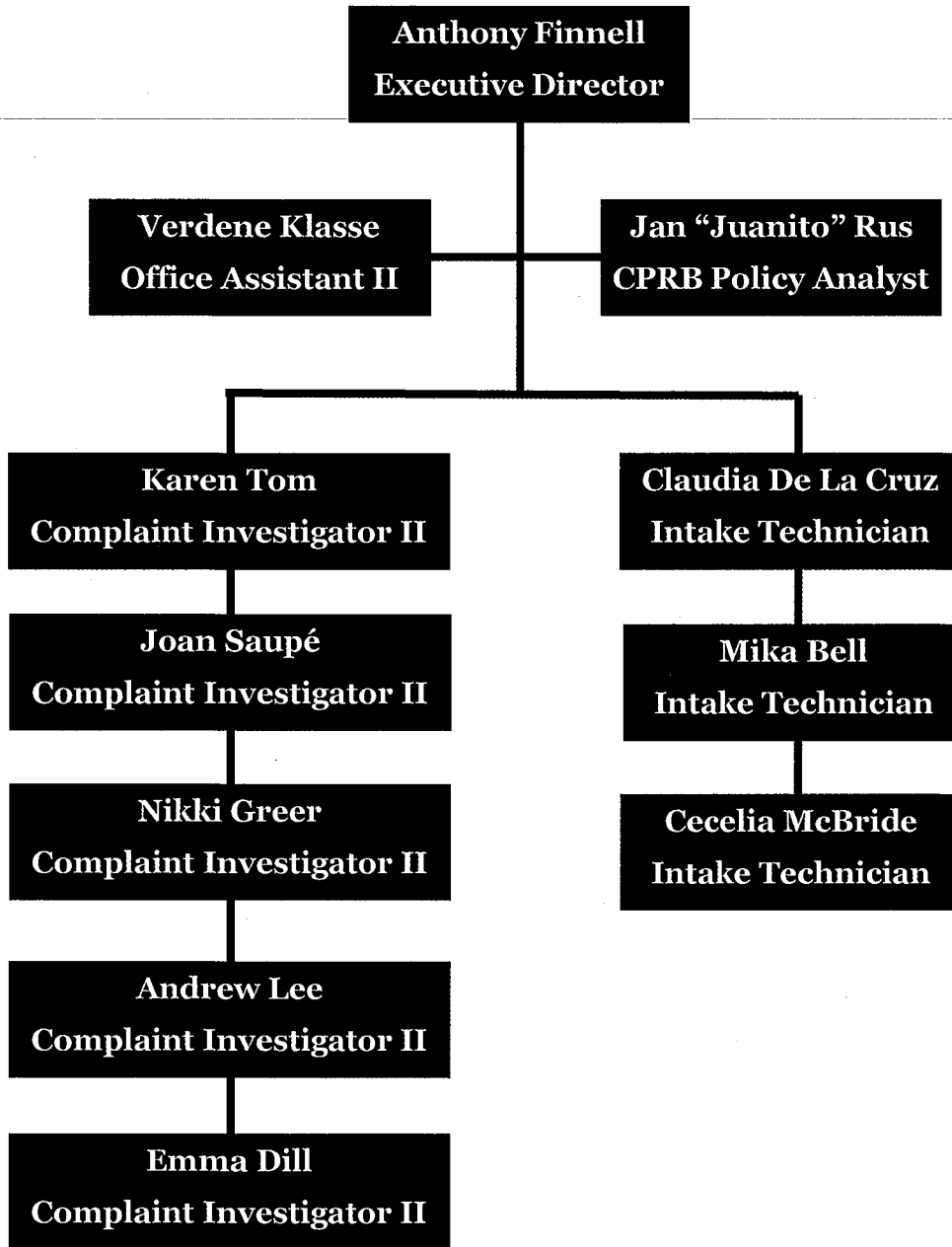
Executive Director Anthony Finnell



CPRB Staff: Emma Dill, Verdene Klasse, Karen Tom, Claudia De La Cruz-Perez, Nikki Greer, Jan "Juanito" Rus, Mika Bell, Joan Saupé, Andrew Lee.

## CPRB Organization Chart,

(as of 12/31/16, 11 FTE)



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## Board Activities and Information

### ***CPRB Staffing***

In 2016, the CPRB was fully staffed with five Complaint Investigators (one of whom is bilingual Cantonese-speaking and one of whom is bilingual Spanish-speaking), an Office Assistant, a Policy Analyst (bilingual Spanish-speaking), and three full-time Intake Technicians (one of whom is bilingual Spanish-speaking). With four bilingual staff, the CPRB is fully compliant with the City's Equal Access Ordinance in providing equal access to its services for all Oakland residents, regardless of English proficiency.

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

The CPRB Board and staff completed more than 570 hours of training in an effort to improve the quality of its investigations and the services provided. Trainings included mediation and conflict resolution certification, interview and interrogation training, the Citizens' Police Academy, hosted by OPD, participation at the NACOLE Annual Conference in Albuquerque, NM, and the NACOLE Academic Symposium in New York, NY.

### ***Community Outreach***

The CPRB Board and staff conducted more than 150 hours of community outreach, working to educate the community about their rights and the work of the CPRB. The CPRB outreach activities included hosting a community conference titled, "Profiling: Developing a Mechanism to Identify, Quantify and Investigate Profiling Allegations Against Police." More than 50 people were in attendance from all over the Bay Area and from as far away as Indiana and Florida. The conference was live streamed over the internet, courtesy of the National Association for Civilian Oversight of Law Enforcement (NACOLE), and drew viewers on the East Coast and Midwest. Several leaders of oversight agencies from the Bay Area were also in attendance. A panel of community leaders discussed what the Oakland Police Department (OPD) was currently doing to address the issue of profiling, how data was being used in law enforcement to address citizen complaints and how we can use open-data to serve our communities. The speakers included then Assistant Chief of Police for OPD Paul Figueroa, Social Science scholars Dr. Jack Glaser, Ph.D. and Nick Camp, and San Jose Independent Police Auditor Walter Katz. Oversight practitioners left the conference with a better understanding of what needs to be done in order to be proactive in addressing profiling in law enforcement. NACOLE was the co-sponsor of the conference.

## Board Activities and Information

### Photographs from the Regional Conference



Cameron McElhiney, NACOLE  
Walter Katz, San Jose Independent Police Auditor



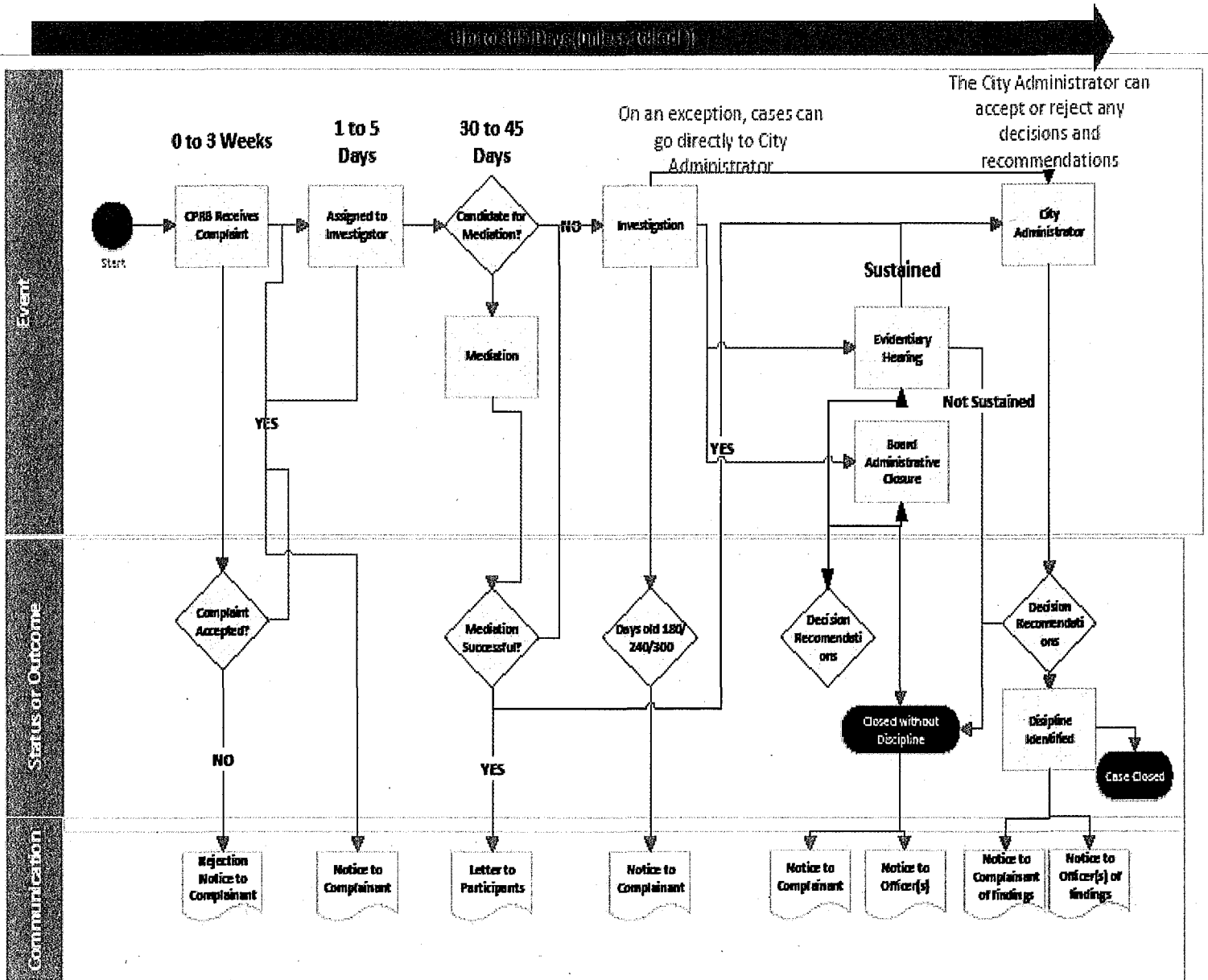
Assistant Chief Paul Figueroa, OPD  
Jack Glaser, Ph.D., GSPP, UC Berkeley



Nick Camp, Ph.D. candidate,  
Stanford University



# CPRB Complaint Process



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## Citizen Complaints and CPRB Investigations

The Citizens' Police Review Board and Staff actively engage the Oakland Community through outreach and education initiatives. Additionally, the first portion of every meeting of the Board is conducted in open session and the public is welcome to attend and provide comment on any Board business presented during this portion of the meeting. However, the primary work of the CPRB Board and Staff consists of the investigation of community complaints of police misconduct as well as investigations of police conduct in use-of-force cases and major incidents. Therefore, because California State Law provides strong protections of personnel records for public safety officers, over 90% of the work product of CPRB is confidential and the vast majority of the work of the appointed Board occurs during closed session and is largely invisible to the public.

In 2016, the CPRB opened 531 separate investigations into disciplinary cases involving community complaints and use-of-force incidents of which 58, or approximately 11%, were assigned for a complete investigation by the Board's professional investigative staff, and an additional 20 remained unassigned at the end of the calendar year. The CPRB resolved 112 complaints based on full investigations, 105 through Administrative Closure, three (3) through full Board Hearings, and four (4) sent directly to the City Administrator as staff recommendations. On average, the Board heard and voted on five (5) complaints per board meeting. Complaints resolved in 2016 involved an average of 3.43 allegations per complaint (within a range of 1-17 allegations for each complaint closed). Closed-Session portions of Board meetings during which each complaint was discussed averaged 2 hours and 10 minutes, (within a range of 40 minutes to 7 hours), for an average board discussion of 26 minutes per complaint. Additionally, prior to voting on each complaint, Board members reviewed investigative summaries prepared by staff consisting of all relevant transcripts of interviews and video footage, police documentation, and relevant case law. These investigative summaries averaged 19 pages in length (within a range of 2 to 80 pages) for Administrative Closures, and 279 pages for the full evidentiary packets associated with Board Hearings. Therefore, in addition to their public duties, a Board member attending all scheduled meetings in 2016 would have been expected to read 2,929 pages of investigative summaries and hearing materials associated with CPRB complaint closures during the calendar year.

Based on their review of the 112 complaints (consisting of 384 separate allegations) closed during the 2016 calendar year, the Board sustained 49 separate allegations with disciplinary recommendations of which 34 were upheld at least in part by the City Administrator. Nine (9) officers involved in CPRB investigations left the department prior to completion of the investigation.

In addition to specific disciplinary findings, the Board generated eight (8) separate policy and training recommendations based on their review of community complaints and several complaints led to changes in OPD procedure.

The following pages detail statistics relating to the non-public work of the CPRB resolving complaints and investigating allegations of officer misconduct.

## Number of Complaints Filed with the CPRB

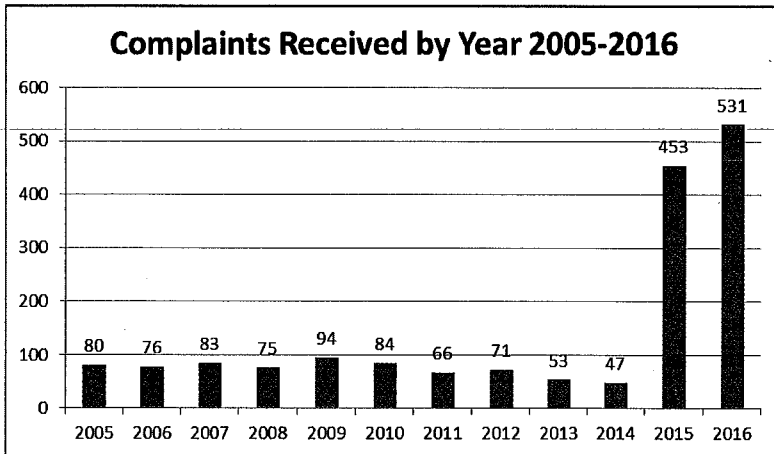


Figure 1

In 2016, the CPRB received 531 complaints. *Figure 1* shows the total number of complaints filed with the CPRB from 2005. *Figure 2* shows the method by which 2016 complaints were filed. *Figure 3* shows the number of complaints filed by month in 2016.

The increase in the number of CPRB complaints filed in 2015 and 2016 reflect a change in complaint reporting. Prior to 2015, the CPRB received a limited number of complaints forwarded from the OPD Internal Affairs Division (IAD). Beginning that year (2015), IAD forwarded 432 cases to the CPRB, and an additional 21 complaints were filed by walk-in complainants directly, leading to the total of 453. In 2016, IAD forwarded 437 complaints, which formed by far the largest proportion of the 531 total complaints received.

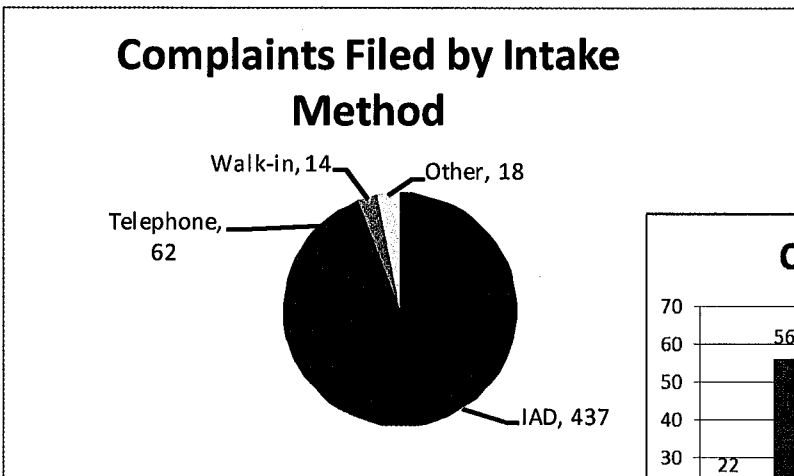


Figure 2

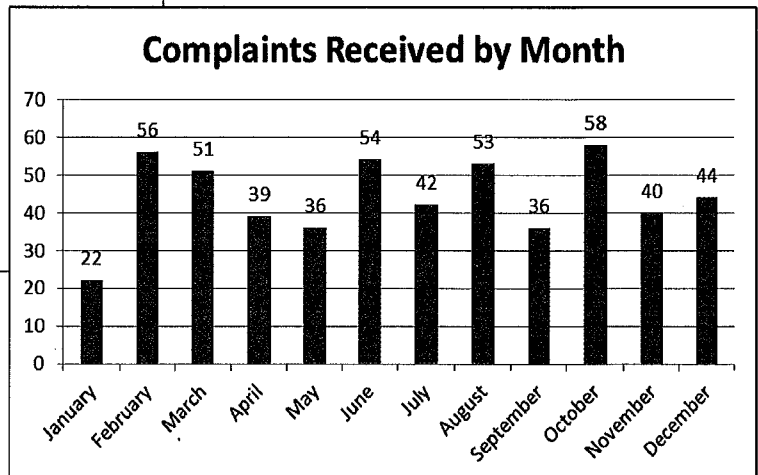


Figure 3



### Complainant Demographics

#### Complaints Received by Race (Self-Reported)

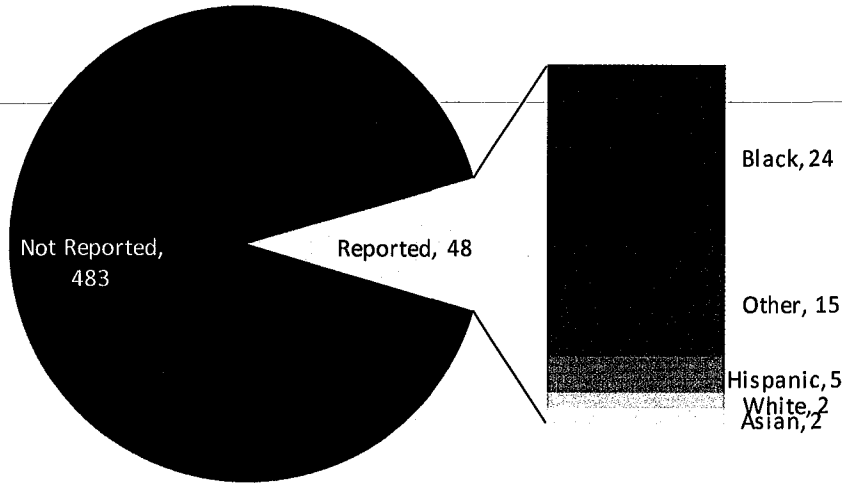


Figure 4 gives the racial breakdown of complainants who identified their race on their complaint forms.

The majority of self-identified complainants were African-American.

Figure 4

#### Complaints Received by Gender (Self-Reported)

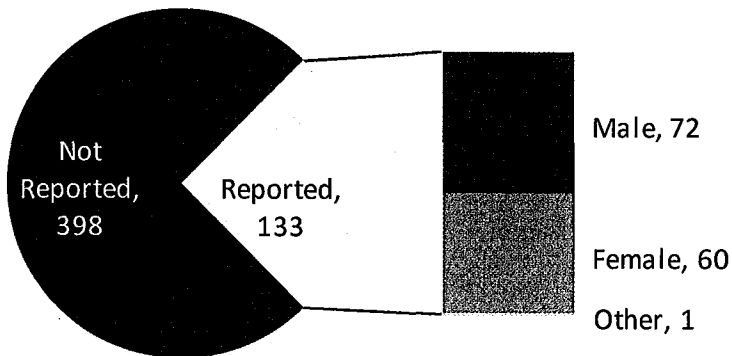


Figure 5 shows that, of the complainants who identified their gender, a slightly larger percentage of men filed complaints than women.

Figure 5

### Complaint Incident Location

Complaints received by the CPRB include address information about the location of the incident that generated the complaint. *Figure 6* (below) is a map of this location information for complaints filed in 2016.

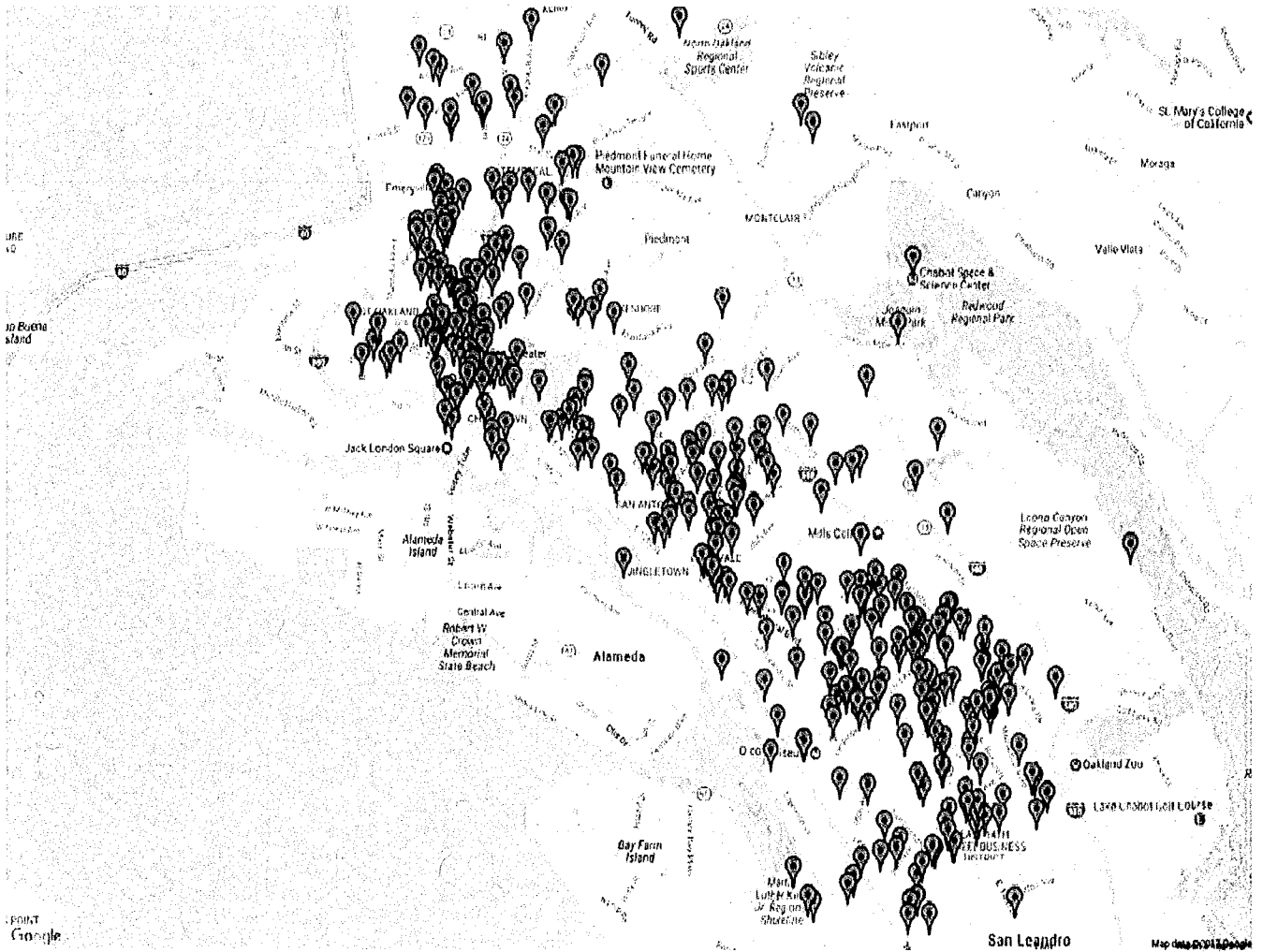


Figure 6

### Complaints Not Assigned for Investigation

Of the 531 complaints received in 2016, 58 were assigned to CPRB investigators for further investigation, and 20 remained unassigned at the end of the calendar year. This constituted 15% of all complaints. The other 453 complaints received were declined for a number of reasons. These included complaints in which clear evidence existed that the complaint was unfounded because the incident did not occur, complaints that did not constitute violations of the OPD Manual of Rules (MOR), officers who were exonerated because the incident generating the complaint was found to have occurred but the officer’s actions were lawful and necessary, lack of cooperation by complainants, instances in which specific officers were not identified, and issues of jurisdiction. *Figure 7* shows the breakdown of all declined complaints by the reason that they were declined. Cases listed as Other were most likely to have been resolved through informal complaint resolution between officer and complainant prior to investigation, and include instances of officer conduct which did not rise to the level of a MOR violation.

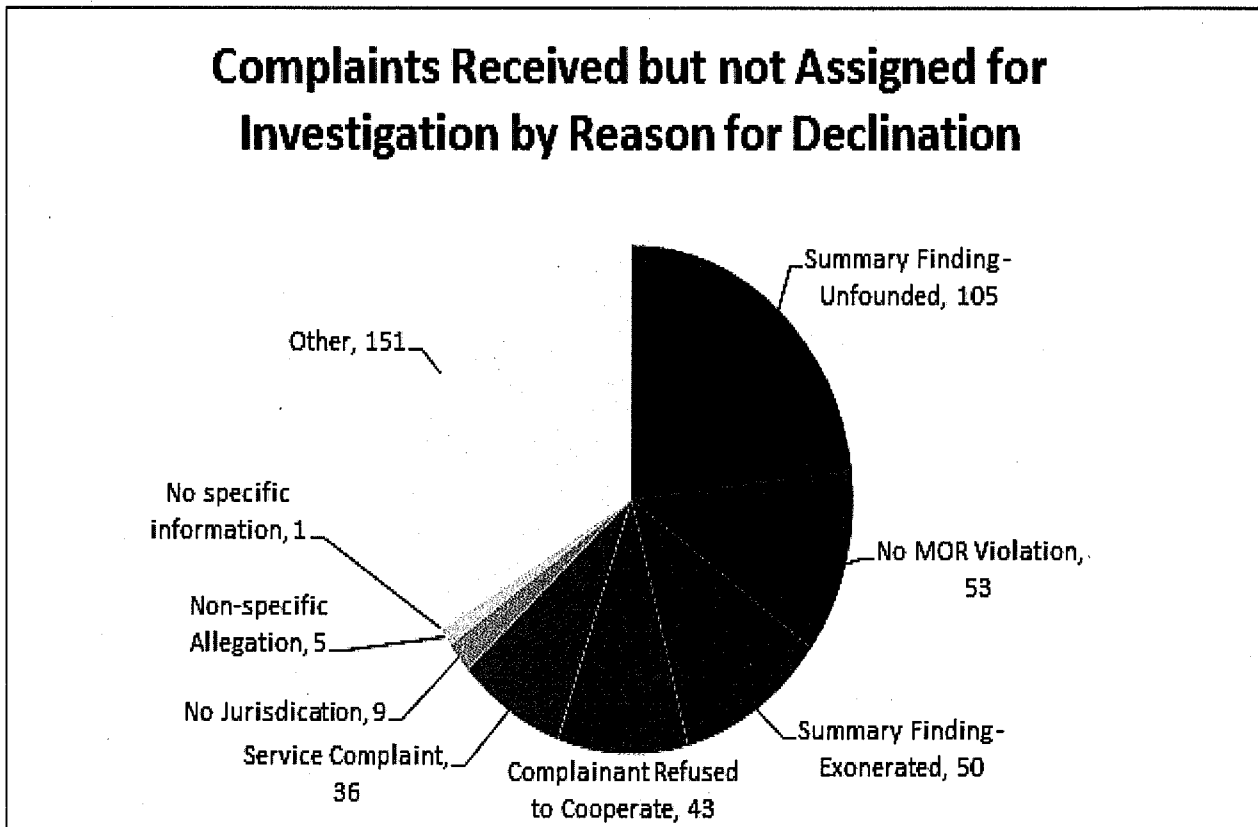


Figure 7

## Cases Assigned for Investigation

Complaints that involve use of force, profiling, in which the CPRB legitimately believes that there is a basis for a positive finding of a MOR violation, or that the Director deems appropriate for further investigation are assigned to the professional investigative staff of the CPRB. Individual investigations include a review of all police documents and reports, camera footage (where available), and interviews with complainants, witnesses and officers named. Each complaint may generate numerous allegations of misconduct involving one or many officers, and each allegation is thoroughly investigated to determine whether the incident took place and whether it complied with existing OPD policy and training. Individual complaints therefore vary in their complexity depending on the number of allegations and available evidence, from relatively simple complaints involving single complainants and officers and a limited number of allegations to major incidents which may involve dozens of witnesses and officers and hundreds of hours of video evidence. Complaints are categorized based on their complexity at intake and assigned to investigators according to their availability.

Fifty-eight (58) complaints were assigned for further investigation in 2016.

<b>Cases Assigned for Investigation 2016</b>	
<b>Involving use of force/bodily injury</b>	<b>36</b>
1 Minimal effort to complete	2
2 Average complexity	22
3 Most complex	12
<b>Improper detention (profiling)</b>	<b>4</b>
1 Minimal effort to complete	1
2 Average complexity	3
<b>Service/Response/Reporting</b>	<b>18</b>
1 Minimal effort to complete	10
2 Average complexity	7
3 Most complex	1
<b>Grand Total</b>	<b>58</b>

### Officer Compliance with CPRB Investigations

Officers must cooperate with CPRB investigations by responding to Interview Requests (Notices) and by appearing at hearings when subpoenaed. Non-compliance in either area is a violation of Oakland Police Department General Order M-3.2 and can result in discipline. In 2016, nine (9) Officers left the OPD during the course of a CPRB investigation.

#### Officer Interview Notices

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

#### Officer Appearances at Hearings

When officers receive Administrative Subpoenas from the CPRB, they must attend a scheduled hearing or make special arrangements for their absence. Officers who fail to appear at CPRB hearings without making 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 can result in discipline.

<b>OPD Officer Compliance with CPRB Investigations</b>	
Involved in CPRB Investigations as Witnesses or Subjects	250
Statements Released in Response to Interview Notices	184
Interviewed by the CPRB	18
Investigator did not Proceed with Interview	11
Legitimately Unavailable for Interview*	7
Non-compliant	8
<b>CPRB HEARINGS</b>	
Subpoenaed to Appear at Board Hearing	19
Legitimately Unavailable for Hearing*	3

\* Includes officers on extended medical or military leave or who are no longer employed by the OPD.

### Resolved Complaints

The CPRB resolved 112 separate complaints in 2016, 105 by administrative closure, three (3) by Evidentiary Hearing, and four (4) by Staff Recommendation brought directly to the City Administrator. Staff Recommendation is another method to bring findings to the City Administrator when a hearing cannot be held, for example, because of pending litigation or unavailability of parties.

the City Administrator.

The number of resolved complaints in a given year is related to both the number of complaints filed that year and the number of complaints filed in the previous year. *Figure 8* (below) shows the number of resolved complaints in each year since 2005.

By contrast, in 2015, 42 separate complaints were resolved: 36 by Administrative Closure, six (6) by Evidentiary Hearing, and zero (0) by Staff Recommendation brought directly to

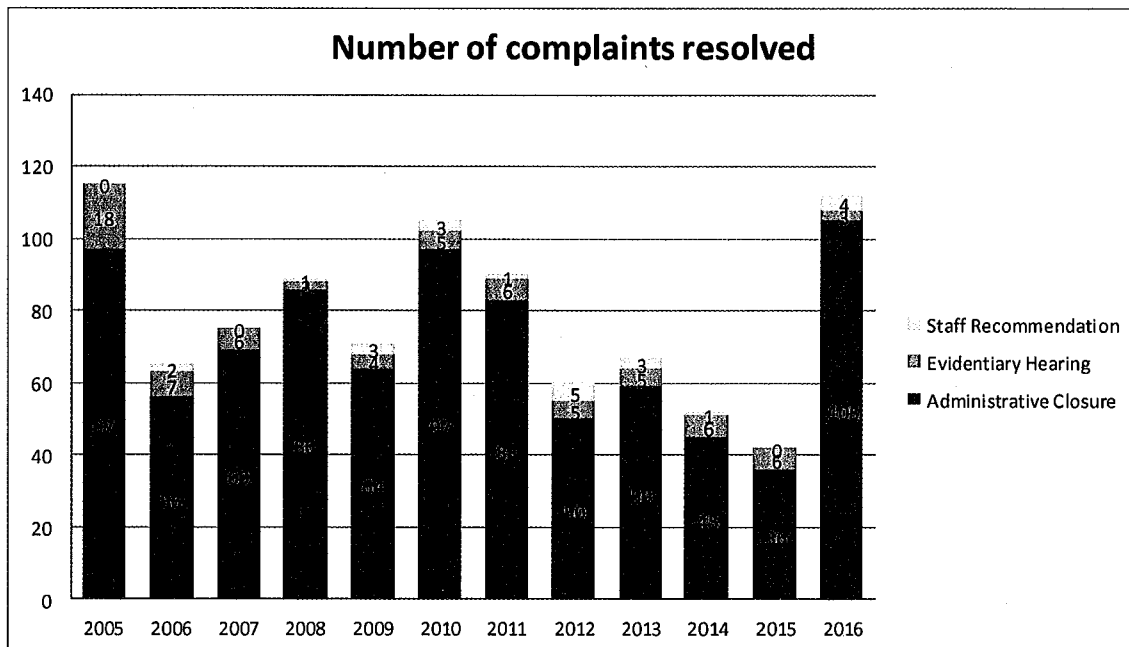


Figure 8

### Board Findings for Resolved Allegations

In 2016, the CPRB was able to determine findings in 341 of the allegations underlying complaints that were investigated. In ten percent (10%) of those allegations, CPRB investigators were unable to reveal sufficient evidence to affirm whether an officer's actions were either appropriate or inappropriate resulting in a finding of Not Sustained. In the remaining 90% of these allegations, CPRB investigations revealed sufficient evidence for positive findings regarding incidents that were subject to citizen complaint. Forty-nine (49) allegations (13%) were sustained and generated disciplinary recommendations (Recommendations shown on page 24).

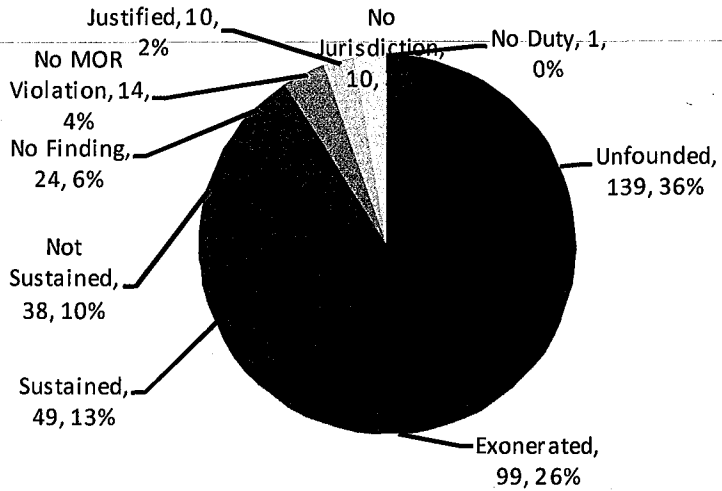


Figure 9

### Explanation of Board Findings

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

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

A finding of Sustained affirms that the officer acted inappropriately, and findings of Exonerated or Unfounded affirm that the officer acted appropriately. These findings require the vote of five Board members. A Not Sustained finding makes no judgment about the behavior of the officer; a majority of Board members present may reach a finding of Not Sustained.

## Allegation Categories and MOR Violations

Each complaint consists of allegations of misconduct against specific officers. Misconduct is defined as a violation of the Oakland Police Department Manual of Rules (MOR), and is characterized by both the category of violation and the specific rule that the officer is alleged to have violated. The nature and number of allegations in a complaint sometimes change over the course of investigating a case. Each complaint may name multiple officers and each officer may be the subject of multiple allegations. In 2016, the average complaint consisted of 3.43 allegations.

Allegations by MOR Violation	Count Sustained		
234.00-1 Commanding Officers - Authority and Responsibilities - Gross dereliction of duty	1		
285.00-1 Supervisors - Authority and Responsibilities - Gross dereliction of duty	1		
285.00-2 Supervisors - Authority and Responsibilities	5	3	60.0%
314.03-2 General Conduct	8	6	75.0%
314.04-1 Conduct Toward Others - Harassment and Discrimination	33	1	3.0%
314.07-2 Conduct Toward Others - Demeanor	38	4	10.5%
314.30-1 Insubordination - Failure or Refusal to Obey a Lawful Order	1	1	100.0%
314.38-1 Obstructing the Internal Affairs Process	1		
314.39-1 Performance of Duty - Intentional, Search, Seizure, or Arrest	5	1	20.0%
314.39-1 Performance of Duty - Miranda Violation	3	1	33.3%
314.39-2 Performance of Duty - Care of Property	14		
314.39-2 Performance of Duty - General	56	6	10.7%
314.39-2 Performance of Duty - Personal Digital Recording Device (PDRD)	7	2	28.6%
314.39-2 Performance of Duty - Unintentional/Improper Search, Seizure, or Arrest	63	4	6.3%
314.42-1 Obedience to Laws - Driving Under the Influence	3	3	100.0%
314.42-1 Obedience to Laws - Felony/Serious Misdemeanor	1		
314.42-2 Obedience to Laws - Misdemeanor/Infraction	5	4	80.0%
314.48-1 Reporting Violations - Failure to Report Misconduct When Required	1		
314.69-1 Gifts, Gratuities - Soliciting or Accepting	1		
314.70-1 Use of Privileged Information	3	3	100.0%
328.63-1 Consumption of Intoxicants	2	2	100.0%
370.27-1 Use of Physical Force - Level 1-4	88		
370.27-1 Use of Physical Force - Level 3	1		
370.27-1 Use of Physical Force - Level 4	1		
370.36-1 Custody of Prisoners - Treatment and Maintaining Control	2		
398.73-1 Retaliation	3		
398.76-2 Failure to Accept or Refer a Complaint (Unintentional)	6	4	66.7%
398.77-1 Refusal to Provide Name or Serial Number	9	4	44.4%
No Duty/No MOR Violation	22		
<b>Grand Total</b>	<b>384</b>	<b>49</b>	<b>12.8%</b>



<b>Allegations by Category</b>	<b>Count</b>	<b>Sustained</b>	
Bias/Discrimination	17	1	5.9%
Excessive Force - Bodily Injury	3		
Excessive Force - Choking	1		
Excessive Force - Grab/push/shove/trip	29		
Excessive Force - Handcuffs too tight	10	1	10.0%
Excessive Force - Handcuffs unnecessary	8		
Excessive Force - Kicked or kneed	2		
Excessive Force - OIS	7		
Excessive Force - Other	16		
Excessive Force - Pointing of firearm	18		
Excessive Force - Strike w hand or unknown object	8		
Excessive Force - Strike w weapon	2		
Excessive Force - Taser	4		
Failure to Act - Failure to accept or refer a complaint	7	4	57.1%
Failure to Act - Failure to activate PDRD	7	2	28.6%
Failure to Act - Failure to identify self	9	4	44.4%
Failure to Act - Failure to investigate	4		
Failure to Act - Failure to properly obtain a search warrant	1		
Failure to Act - Failure to properly supervise	6	4	66.7%
Failure to Act - Failure to provide medical assistance	4	1	25.0%
Failure to Act - Failure to report misconduct	1		
Failure to Act - Failure to write a report	1	1	100.0%
Failure to Act - Other	16	4	25.0%
Harassment	11		
Improper Citation	3		
Improper Supervision	1		
Improper/Unlawful Arrest	17		
Improper/Unlawful Detention/Stop	15		
Improper/Unlawful Search - Other	13	2	15.4%
Improper/Unlawful Search - Person	14	2	14.3%
Improper/Unlawful Search - Vehicle	3		
Minors	3		
Other	51	19	37.3%
Property - Damaged/missing/seized	12		
Property Stolen	2		
Racial/Identity Profiling - Ethnicity	4		
Racial/Identity Profiling - Race	6		
Retaliation	2		
Service/Response/Reporting	3		
Sexual Misconduct	1		
Untruthfulness - Verbal statements	3		
Vehicle Towed/Impounded	2		
Verbal Misconduct - Other	5		
Verbal Misconduct - Profanity	4		
Verbal Misconduct - Rudeness	26	4	15.4%
Verbal Misconduct - Threats	2		
<b>Grand Total</b>	<b>384</b>	<b>49</b>	<b>12.8%</b>

### Administrative Closures

After an investigation is complete, a complaint is administratively closed and documented by a written Administrative Closure Report that is considered by the Board if a hearing on the complaint would not facilitate the fact-finding process. The Board votes on each allegation included in an Administrative Closure Report, and on proposed discipline in the case of sustained allegations of officer misconduct. **In 2016, the Board administratively closed 105 complaints.** Figure 10 (below) shows the reasons for all Administrative Closures in 2016. The following page defines the reasons complaints are administratively closed. The largest number of complaints are administratively closed because a hearing would not facilitate the fact finding process based on the evidence collected by staff.

#### 3304 Violation

In one (1) case closed through Administrative Closure in 2016, the investigation exceeded the 3304 Statute of Limitations date by two (2) days due to an investigator’s maternity leave. There were no sustained findings in this case and therefore the 3304 violation did not result in a change to officer discipline.

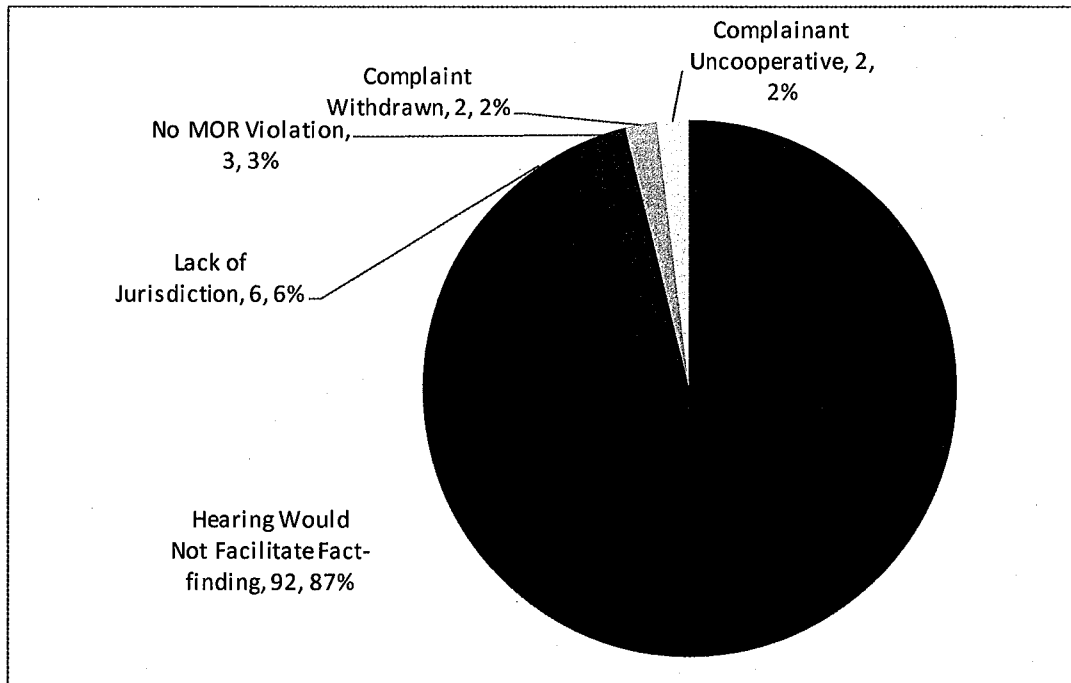


Figure 10

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## Reasons for Administrative Closures

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

The complaints that fall under this category include either those in which the investigator finds conclusive evidence to sustain an allegation, or those in which they are unable to find corroborating evidence of the allegations. If the investigator finds conflicting evidence, or if questions remain that would benefit from the gathering of additional sworn evidence, the case proceeds to the full Board Hearing procedure.

### ***No MOR Violation***

These complaints do not constitute a violation of OPD's Manual of Rules. Such complaints include actions lawful for officers to do in particular incidents which a complainant may be unaware of as being legal.

### ***Lack of jurisdiction***

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

### ***Service related***

A few complaints are filed with the CPRB which complain about the quality of service received, for example, the time it takes OPD to respond to a call for service. Such complaints are not individual acts of officer misconduct.

### ***3304 statute of limitations***

A one-year statute of limitations applies to bringing disciplinary action against a public safety officer (CA Government Code §3304). Therefore, investigations in which a full Board Hearing process would cause the case to exceed the statutory 3304 deadline are sometimes forwarded as Administrative Closures with an investigator recommendation in order to assure that the Board's findings and recommended discipline comport with state law.

### ***Complaint withdrawn***

If a complainant voluntarily withdraws his or her complaint, it is closed without a finding.

### ***Complainant uncooperative***

If a complainant repeatedly fails to respond to the investigator's request for an interview, the complaint is closed without a finding.

### ***Unable to identify officer(s)***

If an investigation cannot determine the identity of the officer involved in a complaint, it is closed without a finding.

### Evidentiary Hearings Conducted in 2016

Complainant(s) Hearing Date	Allegation	Allegation Category	Board Finding	Board Disciplinary Recommendations
Brandon Jones 1/28/2016	15-0221(01)	Improper/Unlawful Search - Person	Unfounded	
	15-0221(02)	Failure to Act - Failure to identify self	Sustained	Suspension
	15-0221(03)	Failure to Act - Failure to identify self	Sustained	Suspension
	15-0221(04)	Failure to Act - Failure to identify self	Sustained	Suspension
Kyle Robinson 2/25/2016	15-0248(01)	Harassment	Unfounded	
	15-0248(02)	Harassment	Unfounded	
	15-0248(03)A	Failure to Act - Failure to activate PDRD	Sustained	Suspension
	15-0248(03)B	Failure to Act - Failure to activate PDRD	Exonerated	
	15-0248(04)A	Failure to Act - Other	Sustained	Counseling/Training
	15-0248(04)B	Failure to Act - Other	Sustained	Counseling/Training
	15-0248(05)A	Failure to Act - Failure to accept or refer a complaint	Sustained	Written Reprimand
	15-0248(05)B	Failure to Act - Failure to accept or refer a complaint	Sustained	Written Reprimand
	15-0248(06)A	Verbal Misconduct - Rudeness	Sustained	Counseling/Training
	15-0248(06)B	Verbal Misconduct - Rudeness	Sustained	Counseling/Training
Carmen M. Johnson 7/28/2016	15-0749 (1)	Improper/Unlawful Detention/Stop	Exonerated	
	15-0749 (2)	Improper/Unlawful Detention/Stop	Exonerated	
	15-0749 (3)	Improper/Unlawful Search - Vehicle	Exonerated	
	15-0749 (4)	Improper/Unlawful Search - Person	Sustained	Written Reprimand
	15-0749 (5)	Improper/Unlawful Search - Other	Not Sustained	
	15-0749 (6)	Other	Exonerated	
	15-0749 (7)	Improper/Unlawful Search - Other	Sustained	Suspension
	15-0749 (8)	Improper/Unlawful Search - Other	Exonerated	
	15-0749 (9)	Bias/Discrimination	Sustained	Written Reprimand
	15-0749 (10)	Failure to Act - Failure to accept or refer a complaint	Sustained	Counseling
	15-0749 (11)	Improper/Unlawful Search - Person	Unfounded	
	15-0749 (12)	Improper/Unlawful Search - Other	Sustained	Written Reprimand
	15-0749 (13)	Other	Exonerated	

## Evidentiary Hearings

The Board uses several methods to review a complaint to determine the findings and appropriate discipline for the subject officers. In certain cases, complaints reviewed by CPRB investigators contain conflicting evidence, turn up issues that were not sufficiently addressed by the investigative documentation provided by the OPD Internal Affairs Division and investigator interviews, or for some other reason are determined to require the collection of sworn testimony during a formal evidentiary hearing process before the full board.

Prior to an Evidentiary Hearing, the board generally assigns two (2) members as Examiners. These board members meet prior to the full board hearing to review all existing available evidence and design questions meant to address specific board concerns. During the Evidentiary Hearing itself, Board Counsel describes the process for witnesses and their legal counsel (if applicable); swears in all witnesses and subject officers who are to provide testimony; and serves as court officer, after which the assigned board examiners engage directly with called witnesses. After the hearing, the Board convenes in Closed-Session to discuss the evidence in the case and any testimony provided during the hearing, and to make a determination as to their finding for each allegation contained in the complaint based on these discussions.

The table at left lists the complaints and allegations decided by the Board after an Evidentiary Hearing in 2016 .

### Board Disciplinary Recommendations for Sustained Findings

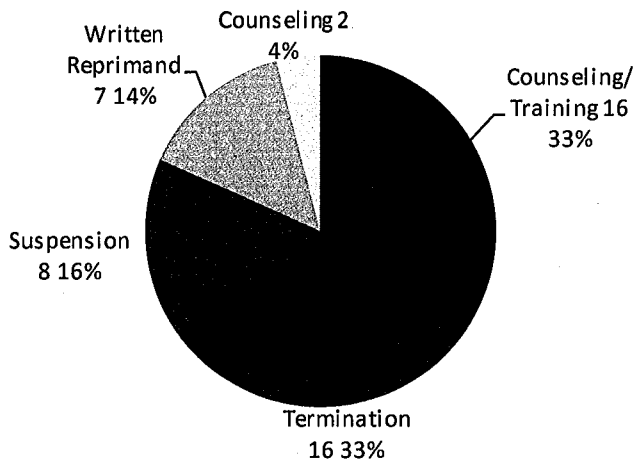


Figure 11

The Board recommended discipline in response to 49 individual allegations closed through Board Hearings and Administrative Closure Reports in 2016. Disciplinary recommendations ranged from counseling to termination. *Figure 11* shows all recommendations made by the Board in 2016.

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## **City Administrator's Decisions on Disciplinary Recommendations**

The Board forwards all officer disciplinary recommendations to the City Administrator and the Chief of Police. The City Administrator makes the final decision as to whether the Board's recommendations of discipline for officers are accepted. In 2016, the Board recommended individual officer discipline regarding 49 allegations with separate disciplinary recommendations.

In twenty-six (26) of the Board's recommendations, the sustained allegations aligned with the Oakland Police Department's proposed discipline for the subject officer. In six (6) of the 49 recommendations, the City Administrator agreed with the Board's recommendations for officer discipline. Fifteen (15) of the Board's recommendations were not accepted.

Additionally, the City Administrator requested changes to police training in response to ten (10) of the allegations in which the Board's recommendation was not accepted, and a review of police policy regarding one (1) recommendation which was not accepted. In one (1) Sustained allegation, the City Administrator enhanced the discipline recommended by the Board as well as requesting additional training.

Finally, in one instance in which the City Administrator did not initially accept the Board's recommendation, the conduct of officer(s) involved in the incident were later determined to have exceeded the boundaries of existing policy based upon a full examination of the CPRB case file by the City Attorney. This case led to changes in police policy and training as well as the potential for additional administrative action based on evidence regarding new allegations of misconduct not referenced in the initial complaint that were uncovered during the CPRB investigatory process.

Overall, 70% of the Board's disciplinary recommendations submitted to the City Administrator for consideration and approval were sustained, and allegations that were sustained by the CPRB led to discipline of individual officers and/or changes in police policy and training 90% of the time.

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## **CPRB Policy and Training Recommendations**

In addition to specific findings of misconduct, complaints about police misconduct investigated by the CPRB occasionally generate Board recommendations on police policy and training. In some cases, these result from instances in which police conduct does not violate any specific existing policy contained in the OPD Manual of Rules; however, the Board believes that a policy addressing a particular type of conduct should exist. In others, patterns of complaints and investigations highlight areas in which the Board believes existing police practice could be improved to provide more transparency or address specific community needs.

In 2016, the CPRB made eight (8) recommendations for changes to Oakland Police Department policy and training. Six (6) of these recommendations were forwarded to the Chief of Police as proposed changes to police policy, one (1) was determined to be a training issue and was forwarded as a training recommendation, and one (1) was determined to be an issue for the Alameda County District Attorney and not the OPD.

### **Religious Headwear Policy**

On 1/28/16, the CPRB Board heard Case #15-0191 in re Zelko regarding an officer's removal and search of complainant's hijab during a public protest. Based on the facts in this case, the CPRB developed a first-in-the-nation draft religious headwear policy which it forwarded to the Chief of Police on 4/19/16.

### **Insufficient Filming of Pre- and Post-Search Sites**

On 2/11/2016, the CPRB Board heard Case #15-0189 in re Dorsey. Based on the facts of the case, the board voted to forward revisions to OPD policy regarding filming/documentation of searched properties and to require steps to improve the quality of video taken by officers using Personal Digital Recording Devices (PDRDs). These recommendations were forwarded to the Chief of Police on 4/19/2016.

### **Documentation and Recordkeeping during Multi-jurisdictional Searches**

On 2/11/16, the CPRB Board review of Case #15-0189 in re Dorsey generated a new policy recommendation regarding multi-jurisdictional searches. Based on the facts of the case, the Board voted to recommend changes to existing policy to improve the documentation of the role(s)/task(s) of each entity/staff; and the preservation or listing of supporting documents (warrants, police reports, PDRDs, other recordings, photographs and operational plans) for multi-jurisdictional operations in order to improve transparency and facilitate oversight of such operations.

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## **CPRB Policy and Training Recommendations (continued)**

### **Ability to Review Affidavits in Support of a Search Warrant**

On 2/11/16, after review of Case #15-0185 in re Carson/Lewis and Case #15-0222 in re Kessee-Bridges, the Board requested the ability to review affidavits in support of search warrants allegedly obtained illegally/improperly. Upon review of counsel, this was later deemed to be an issue to negotiate with the Alameda County District Attorney and not the OPD.

### **Witness Statements**

On 2/25/16, after review of Case #15-0247 in re J. Lopez, the Board requested changes to OPD training to require officers to include observations or other details not provided by a witness in the supplemental portion of the officer's police report, not in official witness statements.

### **Police Identification**

On 3/24/16, after review of Case #15-0221 in re B. Jones, the Board recommended revisions to OPD policy requiring officers to provide badge numbers *as soon as feasibly* possible when requested by a civilian.

### **Police Documentation of the Basis for a Stop**

On 4/14/16, after review of Case #15-0604 in re McGee, the Board recommended changes to police policy to improve documentation of the basis for a police stop (e.g. PDRD videotape of a non-functioning brake light) to provide relevant evidence pertaining to allegations of misrepresentations and/or racial profiling by demonstrating the specific facts and circumstances that support reasonable suspicion or probable cause for stops. A letter detailing this proposal was forwarded to the Chief of Police on 4/19/2016.

### **Language Access: Statements Given in a Foreign Language**

On 5/12/16, after review of Case #15-0483 in re Lupian, the Board recommended a change in policy to require that an oral statement provided in a foreign language by a person with limited English proficiency should be written in that person's primary language/language spoken before obtaining his/her review and signature. A letter detailing this proposal was sent to the Chief of Police on 5/16/2016.



**2016 Board Member Attendance at Regular Meetings**

MEMBER	1/14/2016	1/28/2016	2/11/2016	2/25/2016	3/10/2016	3/24/2016	4/14/2016	4/28/2016	5/12/2016	5/26/2016	6/9/2016	6/23/2016	7/14/2016	7/28/2016	9/8/2016	9/22/2016	10/13/2016	10/27/2016	11/10/2016	12/8/2016
Ball				P	P	P	P	P	P	P	P	P	P	P	P	P	P	E		P
Bingham	P	E	P	P	P	P	P	E	P	P	P	P	P	P	P	P	E	P		P
Brisco	P	P	P																	
Brown	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P
Cameron	P	P	P	P	E	P	P	P	E	P	P	P	P	P	P	P	E	P		P
Dorado																		P	E	
Green	P	P	P	P	P	P	P	P	P	P	P	P	P	E	P	P	P	E		P
Harris	A	P	P	P	P	E	P	P	P	A	E	P	P	A	A	P	A	A		A
McPherson											P	E	P	E	P	E	P	P		P
Nasol	P	E	E	P	P	P	E	E	P	P	E	P	P	P						
Tevelson	E	P	P	E	P	P	P	E	P	P	E	P	P	E	P	P	P	P		P
Whitaker	E	P	P	E	P	P	E	P	E	P	A	A	P	P	E	P	E	P		P
Wilson				P	P	E	P	P	P	P	E	E	E	E	P	P	P	P		E
Yihdego	P	P	E	P	P	P	P	E	E											

MEETING WAS CANCELLED

P – Present      A – Absent      E – Excused (absent with permission)

### Administrative Closures by Board Meeting

Board Meeting	Case Number	Complainant
1/14/2016	15-0140	Andre Tatum
	15-0125	Deandre Currington and Kristy Zhang
	15-1073	David Ortiz-Tabullo, Rita Cardenas, Hermalinda Nuno
	15-0259	John Anderson
	15-0109	Jerry Mean
1/28/2016	15-0119	Carolyn Fields
	15-0147	Marcus Braud
	15-0161	James Berk
	15-0191	Laura Zelko
	15-0115	Markey Williams
2/11/2016	15-0133	Willie Mullins
	15-0185	Rico Carson and Rhonda Lewis
	15-0189	Stephanie Dorsey
	15-0222	Kelvin Kesssee-Bridges
	15-0233	Glen Ray Caldwell, Jr.
	15-0235	Brandon Jones
	15-0249	Porsha Monique Washington aka Porsha Thomas
	15-0247	Jaleen McKeller
	15-0513	Carolyn Young
	2/25/2016	15-0192
15-0236		Carroll Jones
15-0247		Jesus Lopez
15-0260		Faheem Hamed
15-0261		Ava Renee Whitmeyer Robinson aka Whitmeyer Nelson
3/10/2016	15-0183	Keith Davis
	15-0214	Chad Kemp and Ruby Ruelas
	15-0234	Braun Dexter
	15-0271	Alisio Williams
	15-0275	Natisha Bershell
	15-0294	Anthony Bryant
	15-0323	Dante Julian Cano
	15-0330	Edward Cervantes
	15-0237	Charles Jolivet
	3/24/2016	15-0291
15-0301		Albert Langelaar
15-0320		Clarence Cousian
15-0331		Elizabeth Enoch

### Administrative Closures by Board Meeting Continued

Board Meeting	Case Number	Complainant
3/24/2016 (cont.)	15-0332	Silvana Lobos
	15-0384	Elsie Hamilton
	15-0391	Elsie Hamilton
	15-0392	Elsie Hamilton
4/14/2016	15-0382	Peter Gwynn
	15-0389	Chanel Brown and Willie Owens
	15-0515	Sheree Christensen
	15-0565	Sharyne-Renee Bradley
	15-0610	Kevin Busack
	15-0793	Belinda Davis
	15-0604	Ramon McGee
	15-0687	Teresa Brooks
4/28/2016	14-0256	Aramiya Burrell
	15-0149	Rafael Valdez
	15-0446	Kenneth Ray Winston
	15-0447	Anthony Miller
	15-0448	Leo Bryant
	15-0750	Brittany Flentroy
	15-0806	Carina Ortiz
	15-0859	Norberto Hernandez
5/12/2016	15-0483	Sergio Z. Lupian
	15-0559	Denise Jeffries
	15-0645	OPD OIS – Nathaniel Wilkes (Decedent)
5/26/2016	15-0436	Demouria Hogg (Decedent)
	15-0462	Timothy Aaron Ellerby
	15-0536	Lacresha Smith
	15-0554	Anthony Burrel
	15-0596	Andryia Shackelford aka Jamelah Barron
	15-0623	Donald Mann
	15-0905	Linda Davis, Derrica Brown, John Powell, Rodney Latin
6/9/2016	15-0128	OIS – Corey Pollard, Rita Wiltz, Angel Wiltz
	15-0325	Meegan Sheehan
	15-0561	Marisol Martinez, Jerson Diaz aka Gerson Diaz Gramajo
	15-0633	James Wesley Ball
	15-0665	Brandon Jones
	15-0712	Rica La
	15-0680	Johnny Mai, Jonathan Vargasmadero

## Administrative Closures by Board Meeting Continued

Board Meeting	Case Number	Complainant
6/23/2016	15-0589	Sharron Yates
	15-0594	Miesha E. Singleton-Williams, Shaun Williams
	15-0737	Daniel Lo
	15-0747	Willis Owen
	15-0640	Gordial Venson, Lakeya Venson
7/14/2016	15-0650	Edward Cervantes
	15-0672	OIS - Mr. Yonas Amare Alehegne
	15-0784	Elmy Mohmed Abdel Kader aka Abdelkader
	15-0817	Kevin Ma
	15-0690	Gilberto Gonzales
	15-0693	Gilberto Gonzales
	15-0831	Kulele Owens, Lezor Chaxson, Le Owen and Chanel Brown
	15-0711	Dottie Moore
	15-0739	Russell Arias
	15-0829	Rufus Gupton
	15-0791	Ricky Bradford
	15-0655	Shanelle Woodard
	15-0763	Lisa Moore aka Lisa Moody
9/22/2016	15-0838	Jaimie Rodriguez
	15-0867	William Woodard
10/13/2016	15-0863	King James Holloway
	15-0876	Cynthia Howard
	15-0900	OPD-OIS – Richard Perkins (Decedent)
	15-0996	Gilberto Silva Medran (Jr.)
	15-0655	Shanelle Woodard
10/27/2016	15-0935	Alyce Winfield
	15-1001	Arthur Ladwight Williams
	15-0914	Concepcion Gonzalez
	15-0910	Brenda Venson, Lakeya Venson, and Shannon Delaney
	12/8/2016	15-0989
	15-0990	Ollie Elbert Syon
	15-0975	David Brown
	16-0018	Lanenna Joiner
	16-0021	Kamas Palmer
	16-0014	Charlie Lomack
	15-0977	Ayebawnemi DeWeaver and Excell McKinley

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## Report on CPRB Policy Recommendations 2000-2016

The Citizens' Police Review Board (CPRB) was originally created by Ordinance No. 9916 C.M.S., on April 15, 1980, for the purpose of reviewing certain complaints of conduct by police officers, conducting fact-finding investigations of these complaints, and thereafter making advisory reports to the City Administrator of the facts of these complaints. It was constituted in its current form on November 12, 2002, by City Ordinance No. 12454 C.M.S. which included language enabling the Board to, up to four (4) times per year, recommend in writing policy changes with regards to matters within its jurisdiction to the Office of the City Administrator and the Oakland Police Department (Ord. 12454 Section 6 No. 4). Under this mandate, the CPRB has periodically issued recommendations for changes to police policy, procedure, and training that it has identified as having especially problematic citizen impacts through its investigatory and hearing process.

On November 8, 2016, the citizens of Oakland voted to substantially restructure the City's civilian oversight of the Oakland Police Department through the passage of Measure LL, an initiative statute designed to transfer effective oversight of the OPD to an independent Police Commission and Community Police Review Agency from the CPRB. As the City negotiates the transition period from the CPRB to this new oversight structure, it is prudent to review the past history of CPRB policy recommendations both to ground the conversation in the existing record of recommended police reforms and to document the policy issues that the community review process has served to bring to light.

Policy recommendations made by the CPRB have historically arisen organically out of staff investigations and Board hearings into specific citizen complaints, and have been forwarded to appropriate OPD staff and the City Administrator's Office on an ad-hoc basis as they apply to these specific incidents. Therefore, compiling a full list of past recommendations is a complicated process involving both a review of past disciplinary recommendations and incident documentation, annual reports, and a search for additional policy documentation that exists within the office of the CPRB Policy Analyst – a process complicated by an inconsistent history of staffing of the Policy Analyst position with the CPRB. Likewise, as there are no formal requirements or processes with respect to official OPD responses to these recommendations, there has been no consistent documentation of these responses or of the effect of CPRB policy advice. In some cases, notes as to specific responses exist within CPRB records; in others it is possible to trace the implementation of specific recommendations to subsequent OPD Training Bulletins and Department General Orders. While it is impossible to know whether subsequent changes to official OPD policy is based on the recommendation of the CPRB or on internally generated feedback, the existence of policies responsive to the issues raised in specific recommendations is an indication that the recommendations were deemed to be valid by the OPD command staff and these directives have been noted. Because of these complications, it is possible that there exist additional CPRB policy recommendations that occurred during the studied period but that were missed in the review process; however the appended list should be considered the most definitive record of the CPRB policy role during the examined period. The full report is comprised of 40 Policies/Incidents which include 79 separate Policy Recommendations.

This informational report is meant to serve as the official record of the CPRB's Policy Recommendations from 2000-2016.

2001 Policies/ Incidents	Recommendations	OPD Response	Status
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
2002 Policies/ Incidents	Recommendations	OPD Response	Status
5150 Policies	1. The police department should immediately train and inform its officers that if an officer is unsure of whether a person meets the criteria of Section 5150, the officer has the option of telephoning the psychiatric emergency room at the John George Psychiatric Pavilion to obtain an expert medical opinion. All officers would be given cellular phones for this purpose.	Training complete, but unable to provide cellular phones.	Adopted in Part (The treatment of 5150 calls was substantially changed with the introduction of the OPD Crisis Intervention Program, DGO O-1.1 10/3/2014)
	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 (The treatment of 5150 calls was substantially changed with the introduction of the OPD Crisis Intervention Program, DGO O-1.1 10/3/2014)
	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 (The treatment of 5150 calls was substantially changed with the introduction of the OPD Crisis Intervention Program, DGO O-1.1 10/3/2014)

	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 continual professional training courses.	Adopted in Part (The treatment of 5150 calls was substantially changed with the introduction of the OPD Crisis Intervention Program, DGO O-1.1 10/3/2014)
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 departmental training bulletin I-O.3, which is entitled, <i>Legal Aspects of Searching Residences</i> , for the purpose of implementing this recommendation.	This recommendation will be considered in the issuing of business cards to all officers and in the future during the accreditation process.	Not Adopted
<b>2003 Policies/ Incidents</b>	<b>Recommendations</b>	<b>OPD Responses</b>	<b>Status</b>
Anti-War Demonstrations	1. The police department should eliminate its use of the wooden dowel.	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 risks of harm.	Included in Special Order No. 8098.	Adopted

<b>2004 Policies/ Incidents</b>	<b>Recommendations</b>	<b>OPD Responses</b>	<b>Status</b>
Carijama Festival	1. At the pre-incident planning meetings, include the Fire Department and ambulance personnel to support OPD's efforts to manage large crowds. The Board recognizes the vital role the ambulance and fire personnel play in situations of this nature	Included OPD Training Bulletin III -G.	Adopted
	2. Utilize fixed and/or mobile "First Aid Stations" and/or ambulance and fire personnel in situations of this nature.	Included in OPD Training Bulletin.	Adopted
	3. Include, in the crowd control policy, considerations of: occupied buildings in the area, businesses, e.g. hospital, 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 the 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 recommendations is that 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



<b>2005 Policies/ Incidents</b>	<b>Recommendations</b>	<b>OPD Responses</b>	<b>Status</b>
Ruses	1. The Board recommended OPD develop a policy regarding the creation, management, and implementation of ruses.	Declined.	Not Adopted
<b>2006 Policies/ Incidents</b>	<b>Recommendations</b>	<b>OPD Responses</b>	<b>Status</b>
Landlord/Tenant	1. The Board recommended OPD provide training to its officers on the landlord/tenant law.	Initial training occurred in officer line-ups and more formal training is being developed.	Adopted in Part
<b>2007 Policies/ Incidents</b>	<b>Recommendations</b>	<b>OPD Response</b>	<b>Status</b>
Vehicle Pursuits Policy	The CPRB engaged the public in a discussion on police vehicle pursuits in a policy hearing held on February 8, 2007. At this hearing, the Board proposed six policy recommendations to improve the Oakland Police Department's policy on police vehicle pursuits. Those recommendations are summarized as the following:		
	1. OPD should develop a more restrictive vehicle pursuit policy to permit the pursuit of fleeing suspects for "violent felonies only" based on a standard of reasonable suspicion. An exception should be made for all misdemeanor firearm related violations. Officer can pursue under this exception based on a standard of probable cause.	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. Included in OPD Department General Order J-4 (May 30, 2007).	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 pursuit policies.	Included in Departmental General Order J-4.	Adopted

<p>Vehicle Pursuits Policy (cont.)</p>	<p>4. OPD should review its pursuit tactics and technology for effectiveness and identify new technologies used by other jurisdictions.</p>	<p>Included in Departmental General Order J-4 (helicopter support) and Training Bulletin III-B.9 (May 30, 2007).</p>	<p>Adopted</p>
	<p>5. OPD should review the adequacy of its data collection and analysis regarding police pursuits.</p>	<p>Included in Departmental General Order J-4.</p>	<p>Adopted</p>
	<p>6. CPRB proposed the creation of a Vehicle Pursuit Task Force with representatives from the CPRB, Community Police Advisory Board (CPAB), and 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.</p>	<p>The task force met for three meetings and created recommendations.</p>	<p>Adopted</p>
<p>Officer Recusal Policy</p>	<p>An officer should consider the possible appearance of impropriety in dealing with a situation 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 from participating in the investigation of the case if he/she is on duty and should consider calling a 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.</p>		<p>Adopted</p>

2008 Policies/ Incidents	Recommendations	OPD Response	Status
<p>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.</p>	<p>These recommendations are offered as additions to current police department policies:</p> <p><b>Introduction</b> To ensure the safety of both peace officers and prisoners, and always maintain control, prisoners should always be positioned properly within the vehicle for transporting.</p> <p><b>General Procedures</b> Certain procedures always apply when positioning prisoners for transport.</p> <ul style="list-style-type: none"> <li>• Prisoners should be placed in and removed from a vehicle in a way that maintains control and advantage over the prisoner.</li> <li>• A second officer, if available, should act as a cover officer while the prisoner is being placed in the vehicle.</li> </ul>		
	<p>1. Prisoners should be seated in an upright position and wear seat belts during transport. 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 their person.</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>2. Proper placement of the prisoner in the vehicle is crucial for officer and prisoner safety purposes. Prisoners should be positioned in the vehicle to:</p> <ul style="list-style-type: none"> <li>a. Ensure the safety and welfare of the officers and prisoners.</li> <li>b. Allow for clear observation of the prisoners.</li> <li>c. If 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.</li> </ul>		<p>Adopted</p>

2008 Policies/ Incidents (cont.)	3. Peace officers must observe prisoners closely while transporting them. When transporting a prisoner: a. 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. b. If available, have a backup or cover officer in the vehicle to closely monitor the prisoner during transport.		Adopted
<b>2009 Policies/ Incidents</b>	<b>Recommendations</b>	<b>OPD Response</b>	<b>Status</b>
Availability of Less Lethal Weapons	1. 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.	Not Noted.	Adopted in Part
Availability of Less Lethal Weapons From the City Administrator Lineup Training on Domestic Disputes (potential gender bias)	2. OPD should make a concerted effort to train and equip all patrol sergeants and other designated personnel in the use of "Drag Stabilizer Flexible Baton Rounds" (bean bag rounds) which are fired from a 12 gauge shotgun.	Not Noted.	Status Unknown
	The City Administrator recommends that the Chief of Police work with CPRB in designing additional domestic violence training at line-ups.		
<b>2010 Policies/ Incidents</b>	<b>Recommendations</b>	<b>OPD Response</b>	<b>Status</b>
Language Access to OPD Services	OPD to provide language access services when encountering a limited English proficient (LEP) person consistent with federal, state, and local laws.		
Police Response to Sexual Assaults – Minors	1. If parents themselves are suspects, they should not be present during the child's interview.	Included in Training Bulletin VIII-R.	Adopted

Police Response to Sexual Assaults – Minors  No Covert Recordings	2. If parents are overly emotional and frighten the child, they should not be present during the interview.	In majority of cases, officers obtain a probable cause statement from the victim. An in-depth interview is left for the child abuse investigator, who coordinates with the victim, the victim’s family, Child Protective Services, and the Child Abuse Listening and Interviewing Coordinator Center. Interviews are taped and recorded. The Negotiated Settlement Agreement mandates that the Internal Affairs Division of OPD record interviews.	Pending
	3. Officers should never conduct the interview alone.		Not Adopted
	There should be NO covert recordings when a complainant specifically requests that the interview not be recorded.		
Vehicle Pursuits	Vehicle pursuits should only be initiated for violent felonies and violent firearm offenses	OPD adopted a new vehicle pursuit policy on January 2011 which does not include the CPRB’s recommendation.	Not Adopted
<b>2011 Policies/ Incidents</b>	<b>Recommendations</b>	<b>OPD Response</b>	<b>Status</b>
Maintain Updated Community Resource Lists. Define what constitutes a “pattern of misconduct.”	1. Replace old pamphlets with those from SEEDS Community Resolution Center.	Adopted in Full.	Adopted
	2. Update the TF 3083 Resource Guide.		
	3. Mention the changes at the lineup training.		
	4. Amend DGO M-3.1 to provide a quantitative definition of a “pattern of misconduct.”		

Align OPD police on dog shootings with ASPCA recommendations	Adopt a training bulletin on the use of force against animals.	Not Adopted.	Not Adopted/ Further Review Pending
Require Validation of CORPUS data	1. Adopt a training bulletin on the verification of parole status based on the Alameda County Sheriff's Department Training Bulletin 07-13.	Not Adopted.	Not Adopted/ Pending
	2. Discuss at line-up training.	Adopted in part.	Adopted in part
Retrain Officers to Recognize Hate Crimes	1. Require officers to review relevant policies and take an examination.	Adopted in Full.	Adopted
	2. Give training at line-ups.		
	3. Consider inclusion at next in-service training.		
<b>2012 Policies/ Incidents</b>	<b>Recommendations</b>	<b>OPD Response</b>	<b>Status</b>
Custody of Bicycles	Revise OPD Departmental General Order J-1, section B, to include the following language, underlined below: <i>"B. If an arrested person has possession of a bicycle that is not connected with the offense, the arresting officer shall attempt to get the arrestee's permission to release it to a responsible person <u>and get the name and address by some identifying document of the person to whom the bicycle was released, and include this information in the police report. If such arrangements cannot be made, the officer shall take the bicycle in for safekeeping, note that information on the arrest and offense reports, and order an extra copy of the report package for the Bicycle Unit."</u></i>	Not Noted.	Not Adopted as of 12/16/15 revision of DGO K 4.1
Use of Canines	When K-9 officers make an announcement to release a dog to perform a search they will:	Not Noted.	Exists in Part
	1. Make the announcement at each residence location as the canine begins searching that area, allowing people and children to enter their homes and to retrieve their pets safely.		
	2. Make the announcement loud enough so that people in proximity to the canine can reasonably hear it. Use the PA system in patrol cars when available.		

Obsolete Brochure	Officers should stop distributing the pamphlet on Conciliation Forums of Oakland, as the organization no longer exists and the phone number has been disconnected. Officers should obtain updated information from SEEDS Community Resolution Center and distribute its brochure in cases of neighbor disputes.	Not Noted.	Adopted
Hate Crimes	1. OPD officers should receive additional training and information about the existing OPD Departmental policy related to hate crimes.	Not Noted.	Status Unknown
	2. Information about the OPD hate crime policy should be distributed throughout the police department.	Not Noted.	Status Unknown
Clarity and Accuracy in Reporting	1. Police officers should not write, "No witnesses" in a report unless they are certain of that fact. An officer should list all witnesses in the report. If the officer does not know whether there were witnesses, the officer should either refrain from commenting on the presence of witnesses or write, "no known witnesses."	Not Noted.	Status Unknown
	2. When an officer of evidence technician is tasked with photographing an individual, that officer should ensure that the photographs capture any injuries that individual sustained. For example, the photographer should remove spit masks covering an individual's face, if doing so does not violate privacy or create safety risks.	Not Noted.	Status Unknown
	3. Use of Force reporting should contain specific information about not only what kind of force was used, but also how that force was employed and why it was necessary.		
<b>2013 Policies/ Incidents</b>	<b>Recommendations</b>	<b>OPD Response</b>	<b>Status</b>
Participation in OPD's Major Incident and Force Review Board	OPD Department General Order k-4.1, Force Review and Executive Force Review Board should be amended to include the CPRB Executive Director as a non-voting member of OPD's Major Incident Board of Review and Force Review and Executive Force Review Boards.	N/A.	Pending

<b>Policy and Training Recommendations Arising out of Occupy Oakland as of 3/19/13</b>			
In re Susie Cagle, Case #12-0158	1. Recommendation that OPD and the City of Oakland work on updating their definition of the Press.		
	2. Recommendation Reiterated for an OPD Policy to be developed regarding videotaping, photographing, and filming of officers by the general public.		
In re Hargraves, Case #11-1177 (Chanin & Burris)	1. Recommendation that OPD expand the instances when a PDRD must be activated by an Officer.		
	2. Recommendation that OPD develop a separate PDRD MOR Violation.		
	3. Training Recommendation that OPD develop a training document for commanders, with the highlights of crowd control policy rules and regulations for delivery prior to engagement with protestors.		
In re Kayvan Sabehgi, Case #11-1179	1. Training Recommendation for IAD Investigators re: preconceived notions of officer misconduct.		
	2. Reiteration of Policy Recommendation for the use of PDRDs.		
	3. Reiteration of policy recommendation for omitting a lone mass use of force report writer.		
	4. Policy recommendation for the mass use of force policy to be in writing.		
In re Scott Campbell, Case #11-1193	1. Recommendation for in-depth K-3 Policy training on the use of force in line-in-the-sand order situations and immediate threats.		
<b>2014 Policies/ Incidents</b>	<b>Recommendations</b>	<b>OPD Response</b>	<b>Status</b>
Cross-Jurisdiction Misconduct Reporting	In process <b>Board REWRITE/REVISE REQUEST (2/11/16).</b>	N/A	Not Adopted
Limiting Officers with Problematic Complaint Histories from Certain Planned Crowd Control Assignments	Under discussion.	N/A	Pending



Special Committee on Post-Copley Hearing Procedures	Establish a process that the Board members can more actively engage in the discussion and selection of cases for hearing.	According to CPRB Enabling Ordinance No. 12454, CPRB members had the ability to provide input in the selection of cases for hearing. This policy change gives the opportunity for the Board to engage in and participate more in the discussion for cases selected for hearing.	Process confirmed by City Ordinance
<b>2015 Policies/ Incidents</b>	<b>Recommendations</b>	<b>OPD Response</b>	<b>Status</b>
Interrupted PDRD footage/lack of pertinent footage  In re Davis, Case #15-0032 In re Lupian, Case #15-0483	Requested clarification regarding when PDRDs are to be activated or deactivated and the exceptions as to when officers must have their PDRDs on under OPD policy, DGO I-15.1. In particular, has training been provided to clarify 1) whether the serving of a search or arrest warrant, which requires the PDRD activation, includes all activity from the arrival on the scene (i.e., before actually presenting the search/arrest warrant) to the officers' departure; and 2) what is deemed to be a discussion of "administrative, tactical or law enforcement sensitive information" necessitating the deactivation of PDRDs.		Emails to Training and IAD; 4/19/16 letter to the Chief of Police  Adopted as part of revised PDRD policy DGO I 15.1 7/16/15
Video surveillance in the PAB lobby  In re McNaulty, Case #14-0996		THIS IS NOT A POLICY MATTER	N/A
<b>2016 Policies/ Incidents</b>	<b>Recommendations</b>	<b>OPD Response</b>	<b>Status</b>
Removal of hijab by a male officer  In re Zelko, Case #15-0191	New policy regarding search of religious headwear.		4/19/16 letter with draft policy to the Chief of Police
Insufficient filming of pre- and post-search sites  In re Dorsey, Case #15-0189	New/revised policy regarding required (not encouraged) filming/documentation of properties, pre- and post-search... (see Training Bulletin IV -O "Investigative Procedure for Search Warrant Service") AND require steps to improve the quality of video taken by officers (e.g., lighting, pace).		4/19/16 letter to the Chief of Police

Documentation and recordkeeping during multi-jurisdictional searches  In re Dorsey, Case #15-0189	New policy re: multijurisdictional searches to improve the documentation of the role(s)/task(s) of each entity/staff; and the preservation or listing of supporting documents (warrants, police reports, PDRDs, other recordings, photographs, and operational plans) for multi-jurisdictional operations.		4/19/16 email from CPRB Director to IAD Captain
No ability to review affidavits in support of search warrants allegedly obtained illegally/improperly  In re Carson/Lewis, Case #15-0185 In re Kessie-Bridges, Case #15-0222)	THIS IS A MATTER TO DISCUSS WITH THE DISTRICT ATTORNEY, NOT OPD.		N/A
Witness statements  In re J. Lopez, Case#15-0247	TRAINING ISSUE (for Executive Director Finnell to follow up): Observations or other details not provided by a witness should not be included in his/her official witness statement; those details should be included in the supplemental portion of the officer's police report. THIS IS NOT A POLICY MATTER.		N/A
Police identification (in response to CAO response to CPRB disciplinary recommendations)  In re B. Jones, Case #15-0221	Revised policy requiring officers to provide badge numbers <i>as soon as feasibly possible</i> when requested by a civilian.		N/A
Police documentation of basis for a stop  In re McGee, Case #15-0604	Documentation of the basis for a police stop (e.g., PDRD videotape of a non-functioning brake light) could refute allegations of police misrepresentations and/or racial profiling by demonstrating the specific facts and circumstances that support reasonable suspicion or probable cause for stops.		4/19/16 letter to the Chief of Police
Language access: statements given in a foreign language  In re Lupian, Case #15-0483	An oral statement provided in a foreign language by a person with limited English proficiency should be written in the person's primary language/language spoken before obtaining his/her review and signature. (See Training Bulletin VIII-R "Language Access").		5/12/16 letter to the Chief of Police