

OFFICE OF THE CITY ADMINISTRATOR

CITY OF OAKLAND



2007 APR 12 PM 5:30

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Office of the City Administrator  
Deborah A. Edgerly  
City Administrator

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April 24, 2007

**PUBLIC SAFETY COMMITTEE**  
Oakland, California

Chairperson Reid and Members of the Committee:

Subject: **CITIZENS' POLICE REVIEW BOARD 2006 ANNUAL REPORT**

Pursuant to City of Oakland Ordinance number 12454 C.M.S. adopted on November 12, 2002, the Citizens' Police Review Board must produce a semi-annual and annual report. The Citizens' Police Review Board submits its 2006 annual report pursuant to section 6, paragraph C, subdivision 3 of the ordinance.

Respectfully submitted,

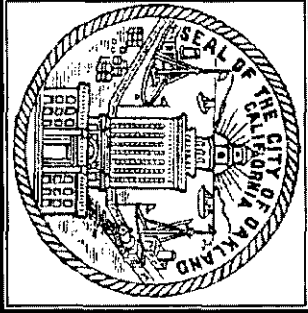
A handwritten signature in black ink, appearing to read "Joyce M. Hicks", written over a circular scribble.

JOYCE M. HICKS  
Citizens' Police Review Board  
Executive Director

FORWARDED TO THE  
PUBLIC SAFETY COMMITTEE:

A handwritten signature in black ink, appearing to read "Cheryl A. Shoup", written over a horizontal line.  
OFFICE OF THE CITY ADMINISTRATOR

Item: \_\_\_\_\_  
Public Safety Committee  
April 24, 2007



Citizens' Police  
Review Board

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Deborah Edgerly, City Administrator  
Joyce M. Hicks, Executive Director

February 22, 2007

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 2006 Annual Report. Despite legal challenges created by the *Copley* decision, the Board continues to process complaints in a timely manner and now, under post-*Copley* procedures, conducts disciplinary hearings of citizen complaints behind closed doors. In response to the California Supreme Court's decision in *Copley Press v. Superior Court*, the Board ensures officers' identities remain confidential.

In 2006, complainants filed seventy-seven complaints with the CPRB. The Board resolved sixty-five complaints, with seven through evidentiary hearings, two by staff recommendation and fifty-six by administrative closures. Of the seven hearings held, the Board forwarded disciplinary recommendations from four complaints. The City Administrator upheld one and denied three of the Board's recommendations in 2006.

One policy recommendation was made by the Board on landlord/tenant training. This policy recommendation was accepted with initial training occurring in officer roll calls. Officer compliance with CPRB investigations continues to improve, resulting in faster resolutions of complaints and minimal cancellations of Board hearings.

The CPRB engaged in more extensive community outreach projects in response to the results of a citywide survey on police services and filing complaints. The Board will continue to engage more with the community and participate in additional outreach activities in 2007. The CPRB plans to educate the public about our recent changes to our investigative process.

The Board and staff thank you for your continued support in the investigation and resolution of citizens' complaints of police misconduct and in the improvement of police policies.

Sincerely,

Corey Dishmon, CPRB Chair

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

Corey Dishmon	February 15, 2008
Angela Cheung	February 15, 2008
Jamilah Scates	February 15, 2008
Charliana Michaels	February 15, 2007
Barbara Montgomery	February 15, 2007
Beneba Thomas	February 15, 2007
Cara Kopowski	February 15, 2008
Renee Harwood (alternate)	February 15, 2008
Andrew Radlow (alternate)	February 15, 2008

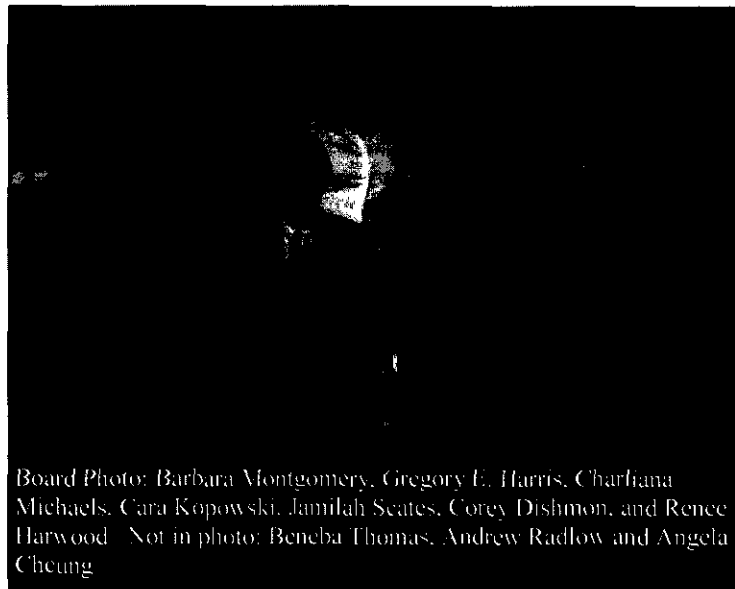
## **CPRB Independent Counsel**

Antonio Lawson	Board Counsel
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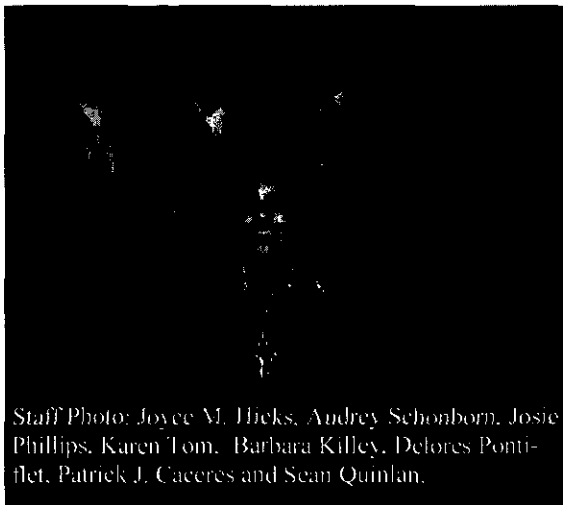
## **CPRB Staff**

Joyce M. Hicks	Executive Director
Patrick J. Caceres	Policy Analyst / Outreach Coordinator
Audrey Schonborn	Investigator
Sean P. Quinlan	Investigator
Karen Tom	Investigator
Barbara Killey	Administrative Hearing Officer (CAO)
Delores Pontiflet	Executive Assistant to the Director
Josie Phillips	Administrative Analyst

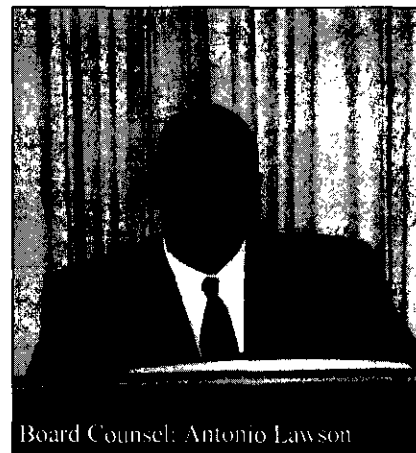
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Board Photo: Barbara Montgomery, Gregory E. Harris, Charliana Michaels, Cara Kopowski, Jamilah Seates, Corey Dishmon, and Renee Harwood. Not in photo: Beneba Thomas, Andrew Radlow and Angela Cheung



Staff Photo: Joyce M. Hicks, Audrey Schonborn, Josie Phillips, Karen Tom, Barbara Killey, Delores Pontiflet, Patrick J. Caceres and Sean Quinlan.



Board Counsel: Antonio Lawson

### **CPRB Mission Statement**

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

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## 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 2006, the Board received 77 complaints, filed by 82 individuals. These individuals were primarily African-Americans, between the ages of 25 and 54 years old. In 2006, the number of complainants between the ages of 25 and 34 reported the largest number of complaints. In 2006 (77 complaints), remained nearly constant with those received in 2005 (78 complaints).

The allegations most frequently filed with the Board were: (1) excessive use of force; (2) officers' failure to act; and (3) improper verbal conduct. The alleged incidents occurred most frequently in City Council Districts 3 and 7.

Also in 2006, the Board resolved 65 complaints; 7 complaints through evidentiary hearings, 2 by staff recommendation and 56 through administrative closures. At evidentiary hearings, the Board sustained 19% of the allegations it heard and voted to exonerate 39%. The Board also found that 26% of the allegations it

heard did not occur and voted not to sustain 16%. For 2006, the most sustained allegations were for failures to write reports.

The Board forwarded four disciplinary recommendations for sustained allegations to the City Administrator. She has upheld one and denied three of these recommendations.

Officer compliance with interview notices and hearing subpoenas continues to improve. Ninety-six percent of officers replied to interview notices in a timely manner and all officers subpoenaed for hearings have appeared.

In 2006, the Board made one policy recommendation to OPD on landlord/tenant training, which was accepted. The CPRB is seeing the results of board policy recommendations implemented by OPD in 2005 by the reduction in the number of complaints regarding crowd management matters and ensuring the safety of drivers' after their vehicles are towed.

On November 9, 2006, after twenty-five years of holding open hearings on police misconduct, the Board revised its hearing procedures to provide for closed misconduct hearings as required by an August 31, 2006, California Supreme Court decision, *Copley Press v. San Diego Superior Court* (2006) 39 Cal4th 1272.

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**Purpose of this Report**

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

**CPRB History**

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

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

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

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



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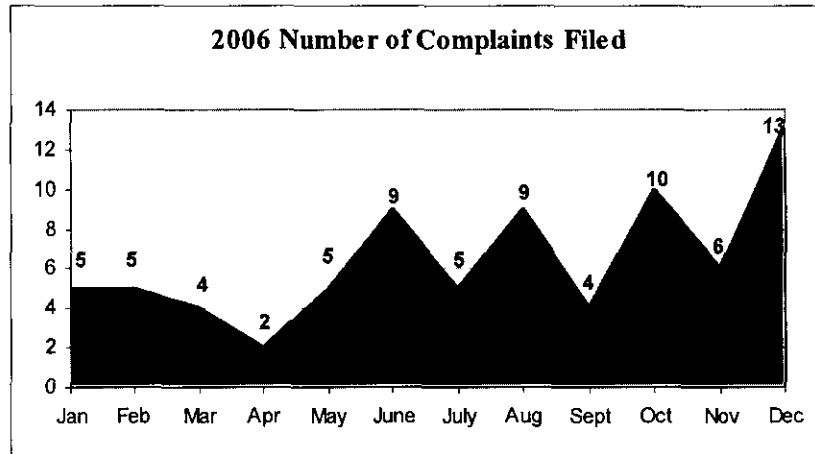
Also, on July 30, 2002, the City Council added a policy analyst to the Board's staff and required the Board to make complaint forms available to members of the public at libraries, resource centers, and recreation centers. (City of Oakland Ordinance #12444 C.M.S., §§ 6 subd. (E)(1) and 5(B).)

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

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

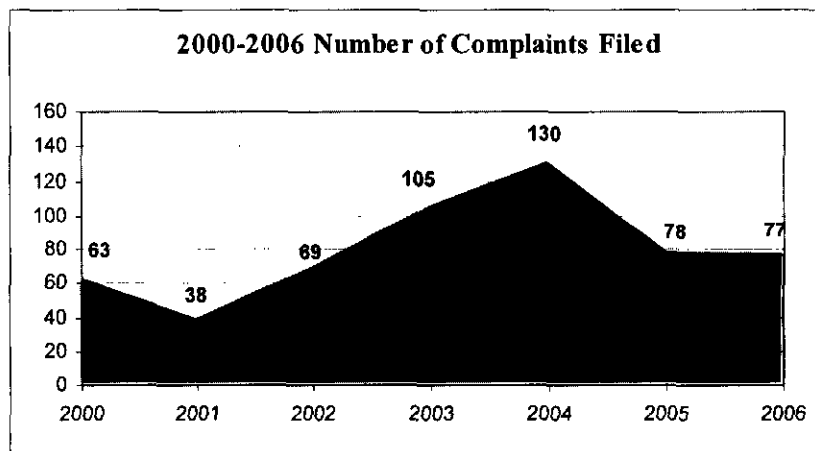
**Number of Complaints Filed**

In 2006, the CPRB received 77 complaints filed by 82 individuals. *Figure 1* displays the number of complaints that were filed for each month. October and December were the months when the most complaints were filed.



*Figure 1*

*Figure 2* shows the number of complaints filed per year from 2000 to 2006. The 77 complaints filed in 2006 is a 1% decrease compared to the 78 complaints filed in the previous year.



*Figure 2*

### Race and Gender of Complainants

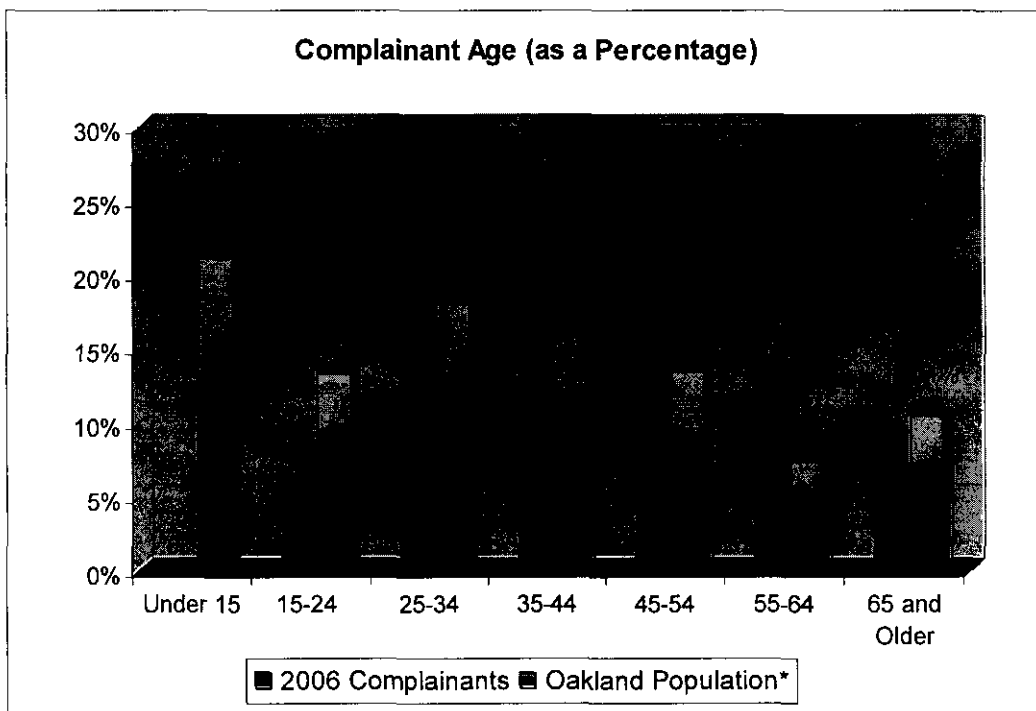
Among the complainants who provided information about their race, 74% of the 2006 complainants were African-American, and 46% of the complainants were African-American males. Caucasians comprised 15% of the complainants, Hispanic-Americans 7% and Asian-Americans 3%.

Race	Gender	No. of Complainants	Percent
African-American	F	21	28%
African-American	M	34	46%
Asian-American	F	0	0%
Asian-American	M	2	3%
Caucasian	F	2	3%
Caucasian	M	8	11%
Caucasian	Unknown	1	1%
Hispanic-American	F	2	3%
Hispanic-American	M	3	4%
Other	F	0	0%
Other	M	1	1%

*Figure 3*

### Age of 2006 Complainants

Among the complainants who provided information about their age, the greatest number of complainants fell within the age categories: 25-34 years old and 35-44 years old. See *Figure 4* for a comparison of the complainants' ages with the Oakland population.

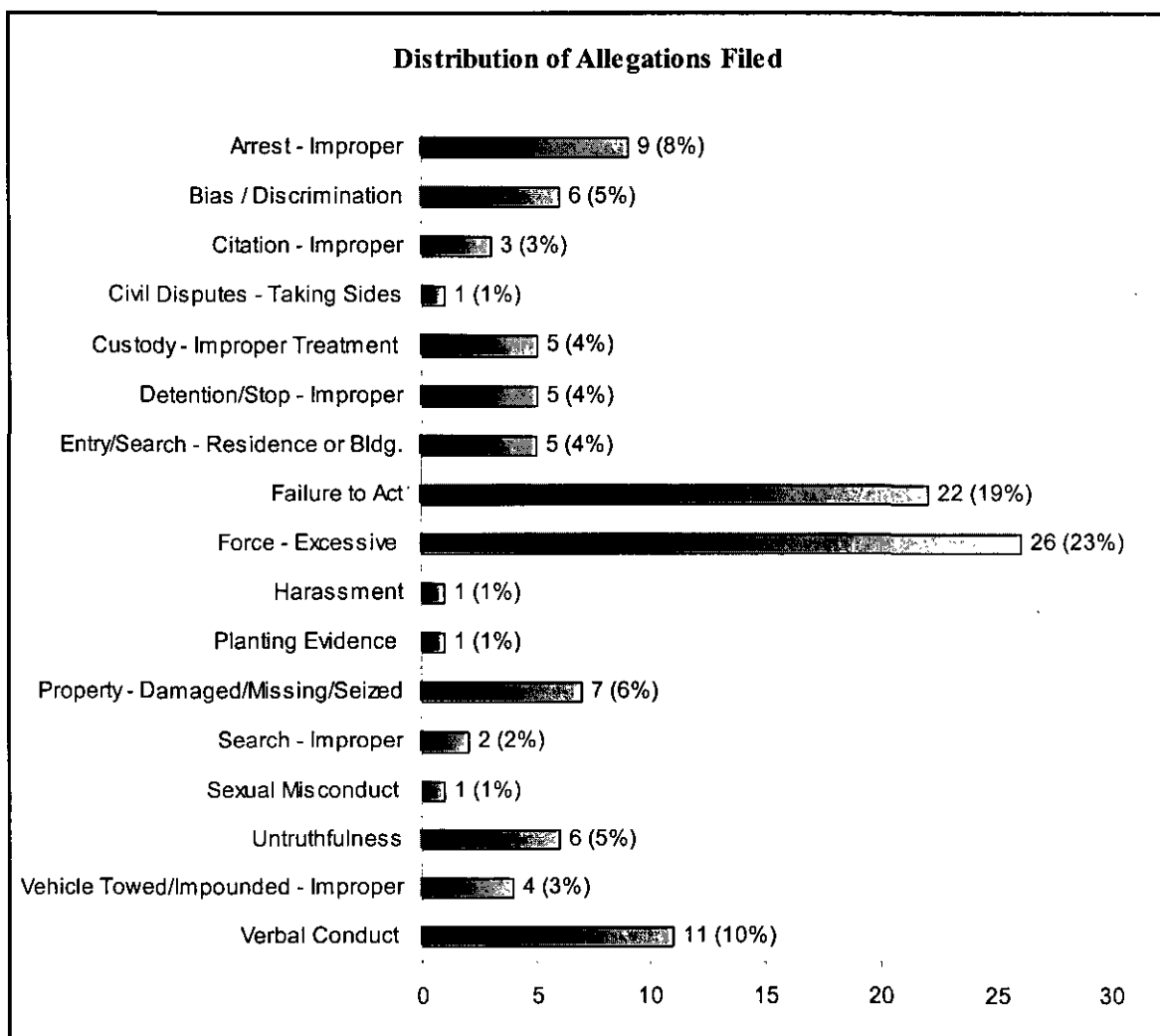


\*Source: U.S. Census Bureau, Census 2000.

Figure 4

### Allegations Filed in 2006

In 2006, complainants most frequently alleged: (1) excessive use of force; (2) failure to act; and (3) improper verbal conduct. The “failure to act” category includes six sub-categories. See page 7 for a more detailed list of “failure to act” allegations.



*Figure 5*

### Allegations Filed in 2006

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

Types of Allegations Filed	Distribution	%
Arrest - Improper	9	8%
Citation - Improper	3	3%
Custody - Improper Treatment	5	4%
Entry/Search - Residence or Bldg.	5	4%
Failure to Act - To Enforce Restraining Order	1	1%
Failure to Act - To Investigate	8	7%
Failure to Act - To Write A Report	8	7%
Force		
Force - Handcuffs Unwarranted	1	1%
Force - Shooting Gun at Person or Animal	1	1%
Force - Strike w Hand or Unknown Object	3	3%
Force - Twisting of Wrist	2	2%
Force - Pointing of Firearm	2	2%
Planting Evidence	1	1%
Search		
Search - Vehicle	1	1%
Truthfulness - Reporting	3	3%
Vehicle Towed/Impounded - Improper	4	3%
Verbal Conduct - Profanity/Rude Statements	9	8%
<b>Total Allegations Filed</b>	<b>115</b>	<b>100%</b>

Figure 6

### 2006 Alleged Incidents by City Council District

In 2006, the greatest number of alleged incidents occurred in City Council Districts 3 (30%) and 7 (16%). *Figure 7* provides the percentage of alleged incidents that occurred in all City Council Districts in 2006.

Council District	No. of Complaints	% of Complaints
One	3	4%
Two	9	12%
Three	22	30%
Four	4	5%
Five	10	14%
Six	11	15%
Seven	12	16%
Outside Oakland	3	4%
<b>Total</b>	<b>74</b>	<b>100%</b>

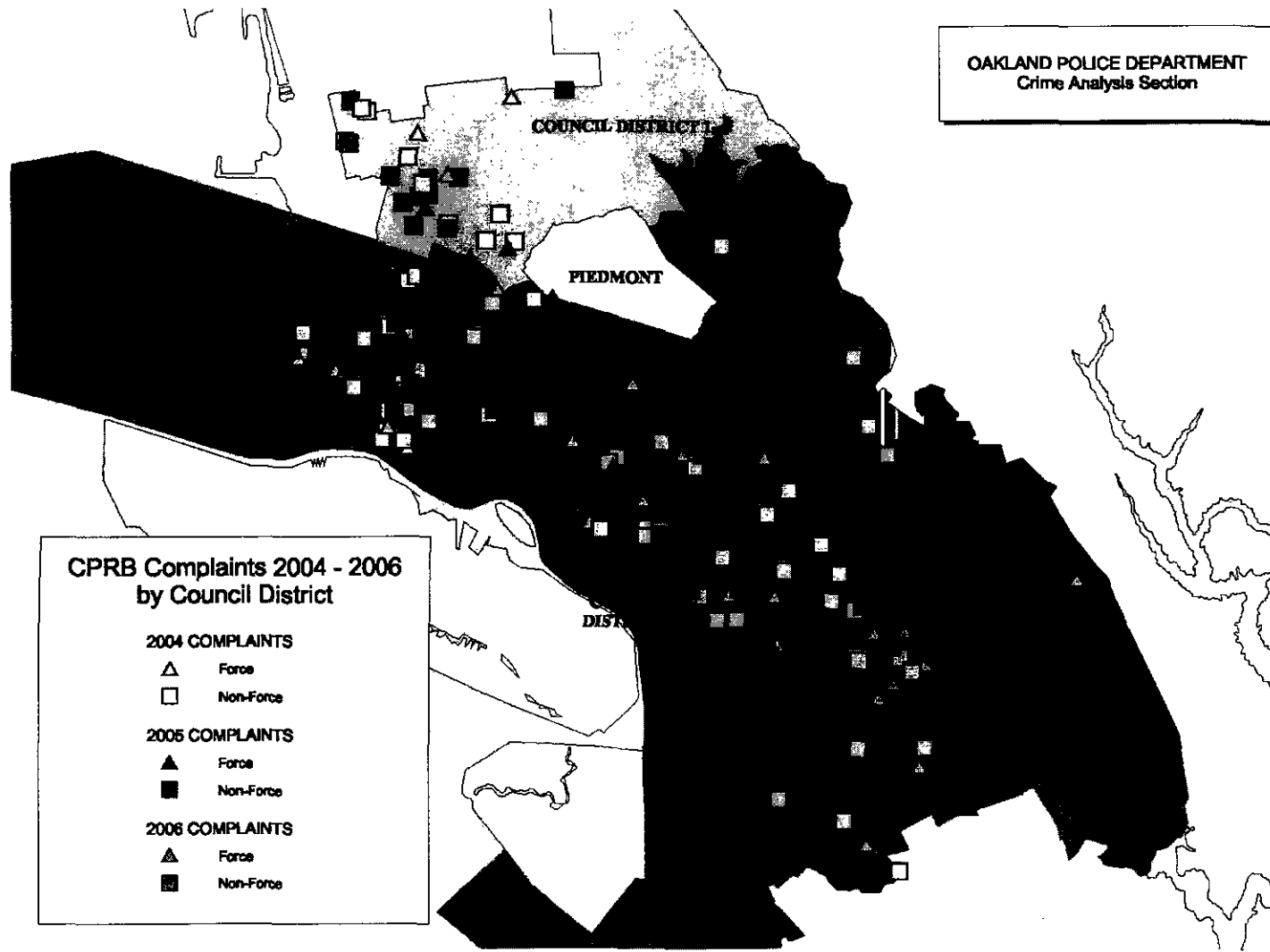
*Figure 7*

### Locations of Alleged Incidents from 2004—2006

*Map 1* shows the alleged incident locations from 2004-2006 complaints. This map depicts within each City Council District concentrated areas where alleged incidents occurred. *Map 1* shows the largest cluster of complaints occurred from incidents in the eastern part of City Council District 3.

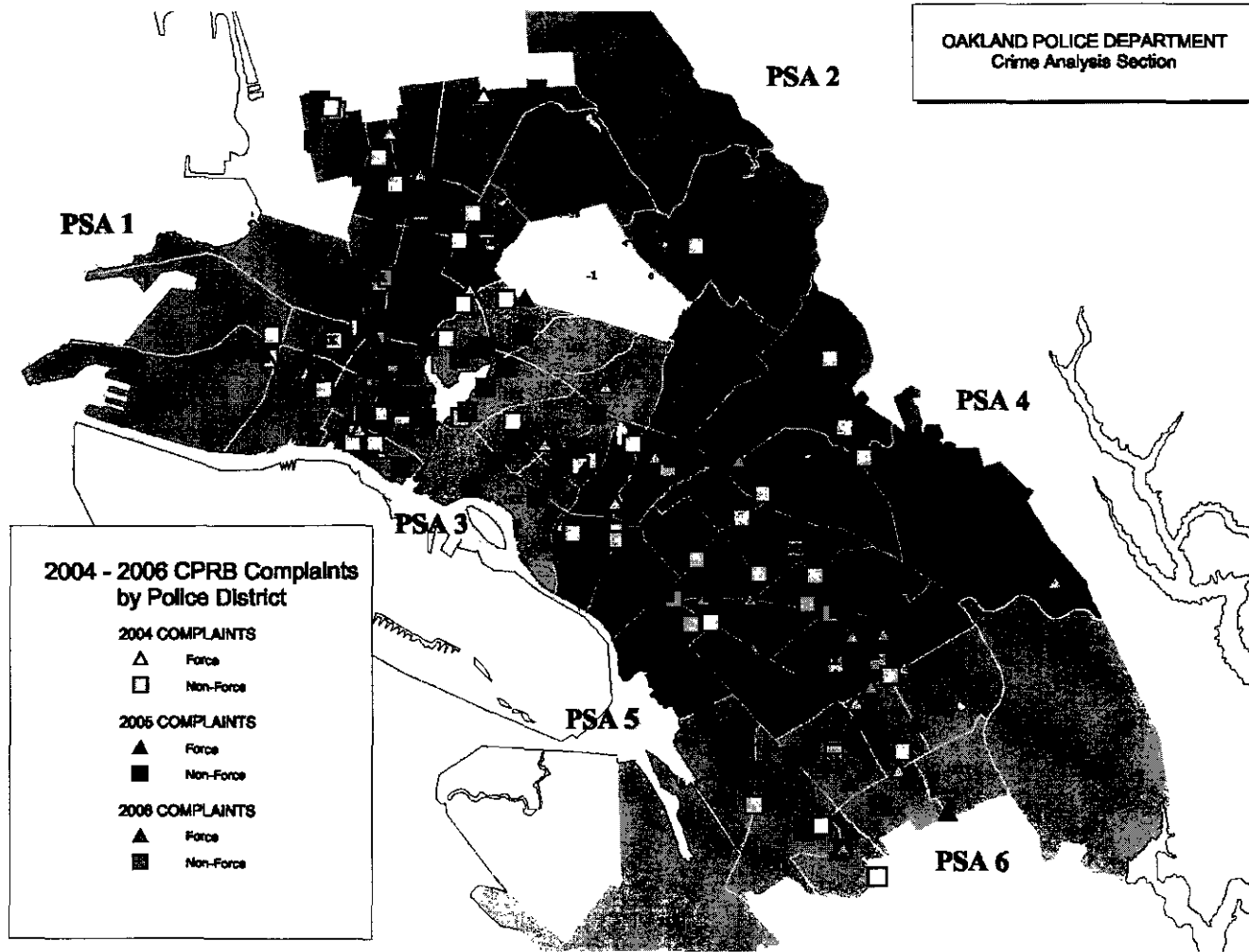
*Map 2* on page 10, depicts the same data according to Police Service Areas and Police Beats. The same area of concentration in City Council District 3 correlates with the eastern part of Police Service Area 1 (PSA 1).

ANALYSIS OF COMPLAINTS FILED FROM 2004 - 2006



Map 1





Map 2

### **2004-2006 Disposition of Complaints by City Council District**

The most sustained complaints over this three-year period occurred in City Council District 7. Six complaints of the thirty-nine filed from 2004-2006 in District 7 led to at least one sustained allegation. Of the six complaints sustained two were for excessive use of force, one for bias/discrimination, one for the disposition of property, one for traffic collision investigations and the last for untruthful verbal statements.

<b>Council Districts</b>	<b>Hearing (At Least One Allegation Sustained)</b>	<b>Hearing (No Allegations Sustained)</b>	<b>Investigation Pending</b>	<b>Administrative Closure</b>	<b>Tolled</b>	<b>Total Complaints</b>
One	3	2	2	25	0	32
Two	0	1	9	16	0	26
Three	4	2	18	63	0	87
Four	1	1	3	16	2	23
Five	3	1	6	18	1	29
Six	3	2	10	27	0	42
Seven	6	1	11	19	2	39
<b>Total</b>	<b>20</b>	<b>10</b>	<b>59</b>	<b>184</b>	<b>5</b>	<b>278</b>

### Time of Alleged Incidents

Figure 8, below, shows the time the alleged incidents occurred for complaints filed in 2006. The greatest number of incidents occurred at approximately 5 p.m. and 9 p.m.

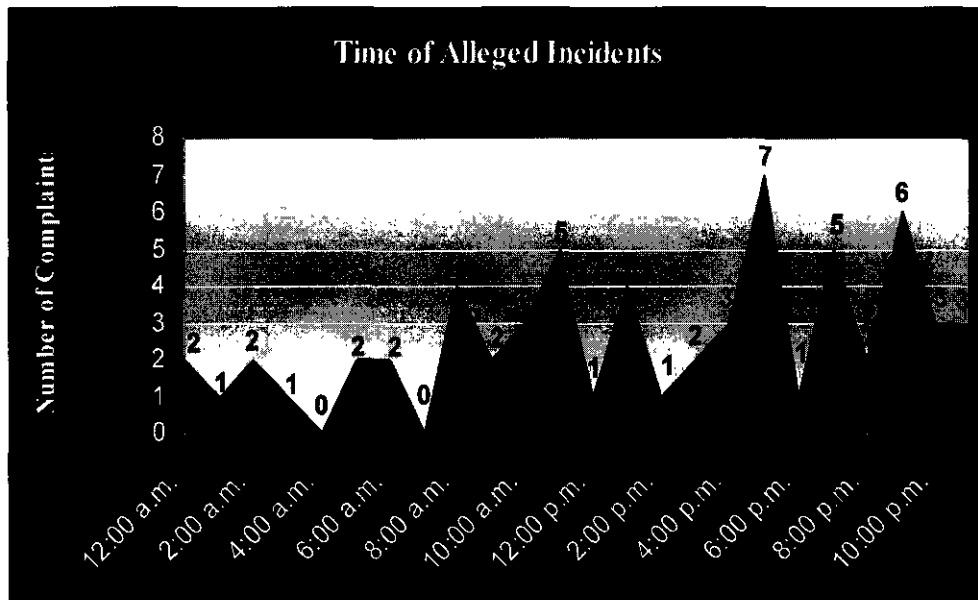


Figure 8

#### Police Watches

First Watch starts at 9pm and 10pm and ends at 7am and 8am.

Second Watch starts at 6:30am and 7:30am and ends at 4:30pm and 5:30pm.

Third Watch starts at 2pm and 3pm and ends at 12am and 1am.

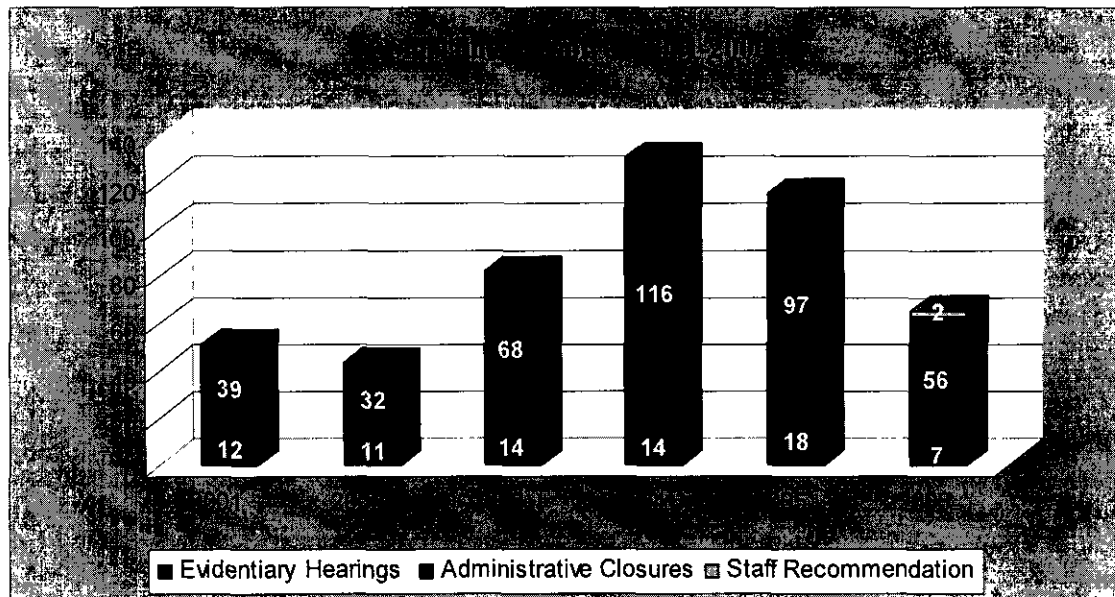
A comparison of the time of alleged incidents with Police Watches show that the most complaints, 36, came from incidents during the Third Watch, 27 complaints came during the Second Watch and 22 complaints during the First Watch.

## 2006 Resolved Complaints

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

In 2006, the Board resolved 65 complaints. The Board heard 7 complaints by evidentiary hearings, 2 complaints were reviewed by the City Administrator through staff recommendations and 56 complaints were closed through administrative closures. *Figure 9* shows the number of complaints resolved each year since 2001.

This year, three hearings were cancelled because of officer actions and administrative hearing procedural changes. The first hearing was cancelled because an officer failed to give CPRB a timely interview. Two other hearings were cancelled because the CPRB had not yet established new post-Copley procedures and the statute of limitations on the complaints were quickly approaching. These hearings were cancelled and instead sent directly to the Chief of Police and City Administrator for review as staff recommendations. The CPRB's new hearing procedures were enacted on November 9, 2006.



*Figure 9*

## 2006 Resolved Complaints

For most of 2006, the CPRB operated with only two investigators, as compared to the three investigators assigned to complaints from 2003-2005. The vacant investigator position was kept vacant to realize salary savings for the '05-'06 fiscal year. As a result of having only two thirds of its investigative staff, the CPRB was not able to resolve as many cases as in the past three years. The CPRB is now currently staffed with three investigators and is working to increase the number of resolved cases up in 2007. However, it is unlikely that investigators will be able to generate the same number of reports of investigation an-

nually as in past years because the *Copley* closed hearing requirements have added a time consuming level of complexity to the hearing packets. Much of the information that was previously public now must be redacted before hearing packets are released. Different versions of hearing packets must be produced to protect the identity of the officers. Now, only the Board, its attorney and limited City staff receive the unredacted confidential version of the hearing packet.

A copy of the Pending Case List dated January 3, 2007, can be found in *Appendix E*.

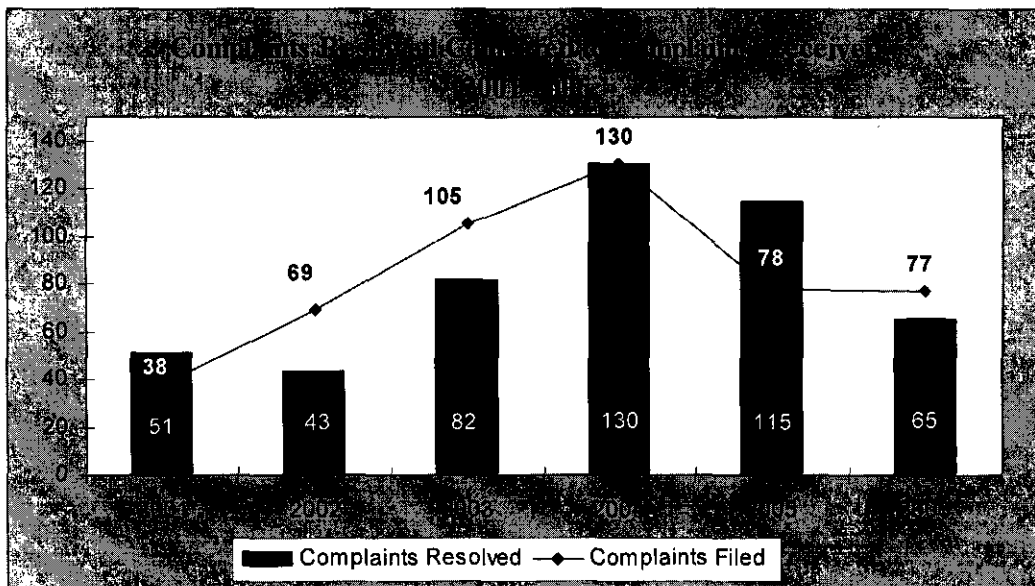


Figure 10

### Allegations Before the Board at Evidentiary Hearings

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

Hearing Date	Complainant (#)	Number and Type of Allegation Heard
3/9/06	Jeffrey Hall (05-621)	1 Failure to Act - To Enforce Restraining Order 1 Failure to Act - Explanation for Citizens' Arrest
3/28/06	Jacques (05-178)	2 Failure to Act - To Write A Report 1 Failure to Act - To Investigate 1 Failure to Act - Explanation for Citizens' Arrest
4/6/06	Mae Walker (06-030)	2 Failure to Act - To Write A Report 1 Force - Push 1 Entry/Search - Residence or Bldg.
6/29/06	Dominic Nguyen (06-083)	6 Failure to Act - To Write A Report 1 Verbal Conduct - Profanity/Rude Statements 3 Failure to Act - To Investigate 3 Failure to Act - Explanation for Citizens' Arrest 3 Failure to Act - To Enforce Restraining Order
10/30/06	Veronica (06-050)	1 Failure to Act - To Write A Report 1 Failure to Act - To Investigate 1 Failure to Act - Explanation for Citizens' Arrest

Figure 11

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## Board Findings at Evidentiary Hearings

The Board findings at evidentiary hearings are based on investigative reports prepared by CPRB investigators which contain officer and witness interview summaries, a list of allegations, disputed and undisputed facts and relevant police policies and laws. At the evidentiary hearings, the Board hears testimony from the officers, complainants and witnesses. The Board then deliberates on the evidence presented at the hearings and rules on each allegation. Sustained allegations by the Board include disciplinary recommendations. See the chart on page 17 for the Board findings for the complaints heard in 2006.

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## Definitions for Board Findings

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

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

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

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

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

**Board Findings at Evidentiary Hearings**

Complainant's Hearing Date	Board Findings	Allegation Category	Board Disciplinary Recommendations
Jeffrey Hall 03/09/2006	Exonerated Exonerated	Failure to Act - To Enforce Restraining Order Failure to Act - Explanation for Citizens' Arrest	None - No sustained allegations
Mae Walker 04/06/2006	2 Sustained Not Sustained Exonerated	Failure to Act - To Write A Report Force - Push Entry/Search - Residence or Bldg.	The Board recommends the subject officer receives a written reprimand for failing to document property damage and an injury to Ms. Walker in his report.
Dominic Nguyen 06/29/2006	Sustained Not Sustained 3 Not Sustained No Motion Made 2 Exonerated 3 Exonerated 3 Exonerated	Failure to Act - To Write A Report Verbal Conduct - Profanity/Rude Statements Failure to Act - To Investigate Failure to Act - To Write A Report Failure to Act - To Write A Report Failure to Act - Explanation for Citizens' Arrest Failure to Act - To Enforce Restraining Order	The Board recommends the subject officer receives a written reprimand for not writing a crime report for the incident involving Mr. Nguyen's restraining order.
Veronica Daniels 11/02/2006	6 Unfounded 1 Unfounded 1 Exonerated 2 Exonerated	Failure to Act - To Write A Report Failure to Act - To Write A Report Failure to Act - To Write A Report Failure to Act - To Write A Report	None - No sustained allegations



### Board Findings by Allegation Category

Figure 13 shows the Board's findings by allegation category. In 2006, the Board sustained 19%, and voted to not sustain, unfound or exonerate 81% of the allegations they heard. The most sustained allegations were for two complaints where the Board found the officers used excessive force in the arrest of Mr. Morgan. Another complaint resulted in five failure to act allegations sustained against officers in the handling of Ms. Nelson's landlord/tenant dispute.

Allegation Category	Sustained	Not Sustained	Unfounded	Exonerated	Total
Arrest - Improper	1		5	3	9
Bias / Discrimination			7		7
Citation - Improper					0
Custody - Improper Treatment			2	2	4
Detention/Stop - Improper					0
Entry/Search - Residence or Building				1	1
Failure to Act - To Enforce Restraining Order				4	4
Failure to Act - To Investigate	2	6		1	9
Failure to Act - To Write A Report	6	1		2	9
Failure to Act - Other				4	4
Force - Choke	2				2
Force - Grab/Push/Shove/Trip				7	7
Force - Kick					0
Force - Other		2			2
Force - Strike w/ Hand or Unknown Object	1				1
Force - Strike w/ Weapon					0
Force - Use of Chemical(s)					0
Property - Damaged/Missing/Seized			1	1	2
Search - Vehicle					0
Truthfulness - Reporting					0
Truthfulness - Verbal Statements			1		1
Vehicle Towed/Impounded - Improper					0
Verbal Conduct - Profanity/Rude Statements		1	1		2
Verbal Conduct - Threats					0
<b>Totals</b>	<b>12 (19%)</b>	<b>10 (16%)</b>	<b>17 (26%)</b>	<b>25 (39%)</b>	<b>64</b>

Figure 13

## Disposition of Allegations Heard by the Board

CPRB agrees with University of Nebraska Professor *emeritus*, Sam Walker, an expert in police practices, who asserts that the percentage of sustained allegations is not an effective performance measure. Instead what is important is the disciplinary process as a whole. However, for informational purposes the CPRB has kept a record of its sustained rates. A better measure of the investigative and decision-making process is the percentage of allegations that receives a definitive ruling, such as unfounded, exonerated or sustained. The problem with not

sustained findings is that there is not enough evidence to prove or disprove the allegation giving neither party a definitive ruling.

The number of sustained allegations as a percentage of the total disposition of allegations remained relatively steady at 19% from 2005 to 2006. The number of allegations not sustained significantly decreased from 2005 to 2006, while the number of unfounded and exonerated allegations has continually increased over the last four years. See the complete voting records for 2006 by Board member in *Appendix B*.

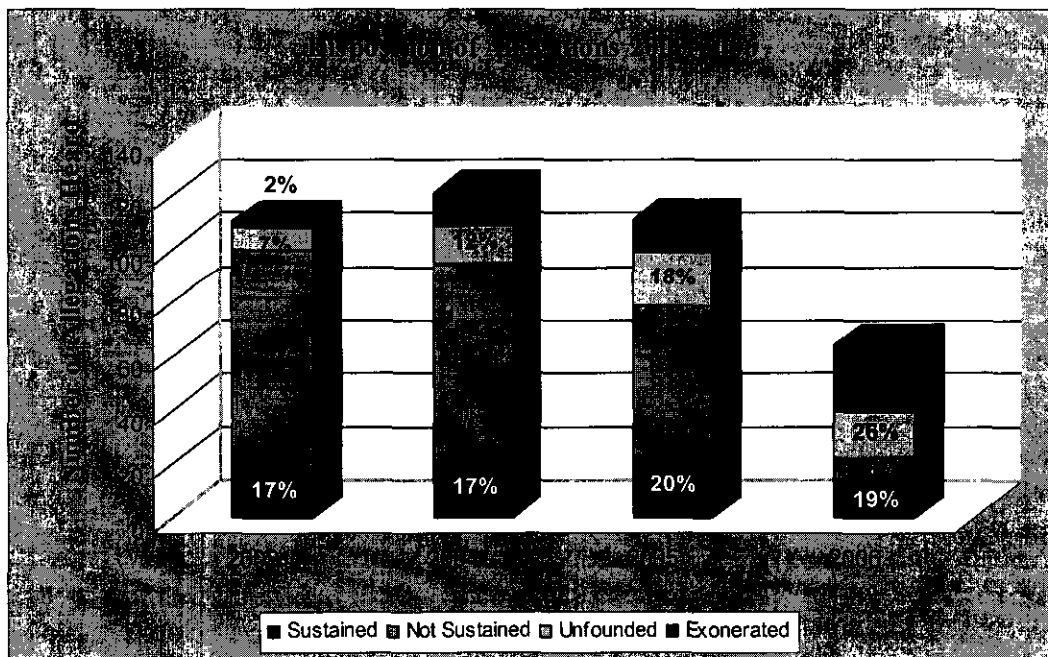


Figure 14

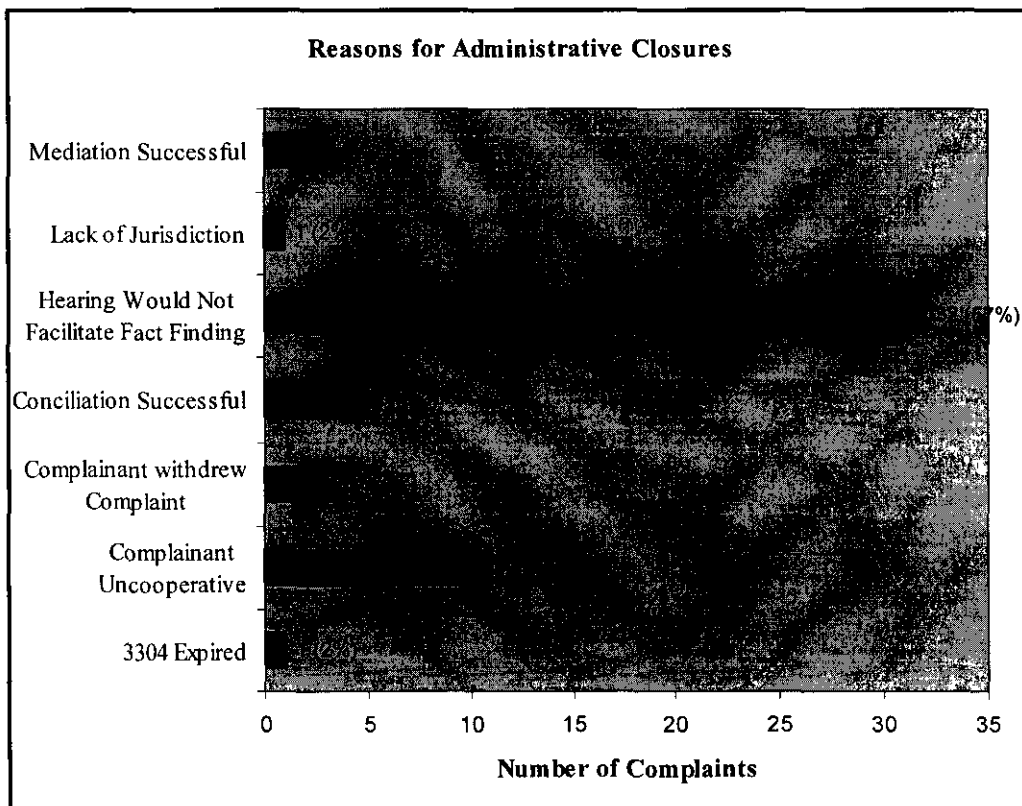
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### **Disciplinary Recommendations and the City Administrator's Decisions**

If the Board determines officer misconduct has occurred, the Board will forward recommendations to the City Administrator who, with the Chief of Police, makes the final decision regarding officer discipline. In 2006, the Board forwarded disciplinary recommendations arising from four complaints. The City Administrator upheld one and denied three of the Board's recommendations.

### 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 2006, the Board administratively closed 56 complaints. *Figure 15*, below, provides the reasons for the administrative closures.



*Figure 15*

**Mediation Was Successful**

CPRB staff conducted three successful mediations in 2006.

**Lack of Jurisdiction**

One complaint was administratively closed because the complaint was against a civilian employee and the CPRB does not have jurisdiction over non-sworn OPD personnel.

**Hearing Would Not Facilitate Fact-Finding Process**

The Board determined that a hearing was unnecessary in thirty-two 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**

Five CPRB complaints were resolved through an informal resolution between the complainant and the subject officer, without CPRB staff involvement.

**Complainant Withdrew Complaint**

Three complaints were withdrawn by request of the complainants.

One complainant moved from the area in question and did not wish to pursue further action. Another complainant was satisfied with the City's inspection of his lodging and did not wish to pursue further action. The third complaint was withdrawn by the complainants because they no longer wished to pursue their complaint.

**Complainant was Uncooperative**

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

**3304 Statute of Limitations**

One complaint was administratively closed because the one-year statute of limitations for bringing disciplinary action against a peace officer had expired. The CPRB made every attempt to resolve the matter through mediation and administrative closure, but the complainant was dissatisfied with the process and hearings were continued to provide the Board with additional information. Eventually, the statute expired but the investigation revealed no officer misconduct.

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## **Officer Compliance with CPRB Investigations**

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

### **Interview Notices**

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

### **Appearances at Hearings**

In previous years, due to the failure of officers to attend evidentiary hearings, the CPRB has cancelled hearings or held them without the officers present. Officers who fail to appear at CPRB hearings and who do not make special arrangements for their absence are non-compliant with the CPRB hearing process. Such actions are in violation of the Oakland Police Departmental General Order M-3.2.

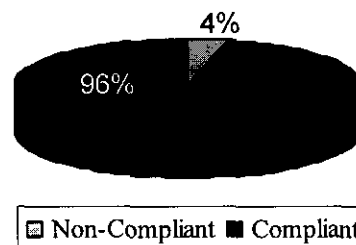
## Officer Compliance Data

Officer compliance was collected on one hundred four complaints investigated in 2006. Officer compliance for interviews and hearing subpoenas for 2006 occurred with minimal delays.

### Interview Notices

Number of Complaints: 104  
 Number of Officers Identified: 197  
 Number of Interview Notices Sent: 114  
 Scheduled Interviews: 37  
 Outstanding Notices: 19  
 Number of Officers Non-Compliant: 4

### Officer Compliance with Interview Notices



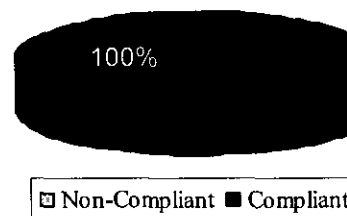
### Interview Summary

In 2006, 96% of officers replied to interview notices in a timely manner. Three officers did not comply by inaccurately noting on their interview notices that they had released statements to the Internal Affairs Division. The fourth officer failed to provide a statement in a timely manner leading to the cancellation of a scheduled Board hearing.

### Hearing Subpoenas

Number of Hearings: 7  
 Number of Officer Hearing Subpoenas: 24  
 Number of Officers Attended: 22  
 Number of Officers Excused: 2  
 Number of Officers Non-Compliant: 0

### Officer Compliance with Hearing Subpoenas



### Hearing Summary

In 2006, 100% of the officers subpoenaed complied with the conditions of the subpoena. 22 of 24 officers subpoenaed attended hearings, while two officers who did not attend were excused because one was on injured leave and another was ill on the date of the hearing. These two officers were excused prior to the date of the hearing.

### **Number of Officers with One or More Complaints from January 1, 2006 to December 31, 2006**

The CPRB tracks the number of complaints against each officer. *Figure 16*, below, lists the number of officers with one or more complaints made against them in 2006. Each year, a small number of officers receive multiple complaints in this short period of time. CPRB tracks this data to be aware of potential recurring problems with specific officers. This year there are eleven officers with multiple complaints in twelve months. However, these complaints are only allegations of misconduct at this time and are all currently being investigated.

	No. of Officers	% of Officers with Complaints
Officers with Four Complaints	1	1%
Officers with Three Complaints	1	1%
Officers with Two Complaints	9	8%
Officers with One Complaint	101	91%
<b>Total</b>	<b>111</b>	<b>100%</b>

*Figure 16*



### Number of Officers with One or More Complaints between June 30, 2004 and December 31, 2006

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

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

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

(Section VII (B)(6)).

In keeping with the spirit of this policy, *Figure 17*, below, provides the number of officers who have had one or more CPRB complaints filed against them between June 30, 2004 and December 31, 2006.

	No. of Officers	% of Officers with Complaints
Officers with Six Complaints	1	0.4%
Officers with Five Complaints	0	0%
Officers with Four Complaints	7	3%
Officers with Three Complaints	15	5%
Officers with Two Complaints		
Officers with One Complaint		
Total	261	100%

*Figure 17*

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## Board and Staff Updates

### **Copley Decision - Closed Hearing Process**

On August 31, 2006, a decision of the California Supreme Court in *Copley Press v. Superior Court* (2006) 39 Cal.4th 1272, barred access to police discipline records from administrative appeals, including the identity of officers, unless officers waived their right to privacy.

As a result of this ruling, all CPRB disciplinary hearings are now held behind closed doors to keep the officers' identities confidential. The CPRB held its first disciplinary hearing behind closed doors on November 11, 2006. See *Appendix C* for a copy of the new hearing process adopted by the board on November 9, 2006.

Despite these legal challenges, the Oakland Citizens' Police Review Board continues to investigate complaints, make findings and recommend officer discipline.

### **New Staff**

A new investigator joined the CPRB on September 19, 2006. This new hire returns the number of complaint investigators to three.

### **Citizens Police Academy**

Three CPRB Commissioners and the Executive Director attended the twelve week Citizens Police Academy which is organized through the Oakland Police Department to acquaint members of the community and the Board with OPD operations.

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## Community and Police Outreach

### **Citizen Academy Presentations**

In 2006, the Citizens' Police Review Board participated in two of the City of Oakland's Equal Access Citizen Academies.

On May 15 and May 24, 2006, staff provided information on CPRB operations to the members of the Oakland Citizens' Academy and the Oakland Cantonese Speaking Academy, respectively. Of particular note at the May 15, 2006 presentation, were questions about patrol officers' knowledge of landlord/tenant law. CPRB staff was able to respond that this issue had come before the Board at an April 6, 2006 Board hearing and the need for training has been brought to OPD's attention.

### **Community Meetings**

The CPRB held one community meeting and participated in two community meetings in 2006. On June 16, 2006, the Board held a community forum at the East Oakland Senior center. On February 4, 2006, CPRB staff attended a town hall meeting held by City Councilmember Jane Brunner. Lastly, On March 4, 2006, CPRB Chairperson Corey Dishmon and CPRB staff presented information about the CPRB to attendees at a community speak out organized by PUEBLO.

### **Brochures**

New brochures detailing the CPRB modified procedures will be produced and distributed to libraries, recreation centers and resources centers throughout Oakland in 2007.

### **Future Outreach**

In the first half of 2006, CPRB distributed brochures and attended a number of community meetings. However, in the second half of 2006, the *Copley* decision led to a change in hearing procedures. Outreach was temporarily delayed during this transition while the CPRB established its new process. With the new process in place, outreach in the community, particularly to youth, will increase in 2007.

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## Policy Updates

### **Landlord Tenant Training**

In 2006, the Board made one policy recommendation regarding landlord/tenant disputes. The Board heard complaint #05-178 from Jacqueline Nelson on March 23, 2006 and discovered through CPRB investigations that Oakland police officers were not receiving adequate training on handling disputes between landlords and tenants.

The Board recommended that the two subject officers receive additional training. The Board also recommended that all Oakland police officers receive training on landlord/tenant law. The Board voted unanimously and the department-wide recommendation along with the individual officer recommendations for training were forwarded to the City Administrator and Chief of Police.

The policy recommendation for department-wide training made by the Board was adopted. Initial training on landlord/tenant disputes has occurred at officer roll calls and more formal training is being developed.

### **Policy Compliance**

In 2006, training was completed and department policies were implemented for crowd control, towing and officer compliance with investigations. The following provides the status of these implemented recommendations and their effects on citizens complaints in 2006.

#### *Crowd Management*

In 2006, there were no citizen complaints filed with the CPRB due to tactics used by the Oakland Police Department to manage large crowds. In the late spring, there were immigration protests with more than two thousand residents participating and there were no CPRB complaints filed against the police for these events.

#### *Towing*

One complaint was filed in 2006 with the CPRB regarding failures to ensure the safety of drivers or passengers after a tow.

#### *General Order M-3.2*

In 2006, 96% of all officers contacted for interviews by the CPRB complied and 100% of all officers subpoenaed to appear at CPRB hearings attended.

See *Appendix D* for a full list of policy recommendations made by the Board between 2001-2005.

**Conclusion**

Despite the legal challenges the Board faced under the *Copley* decision in 2006, in collaboration with the Oakland Police Officers Association, the Oakland City Attorney's Office and CPRB, the Board was able to effectively adopt new post-*Copley* hearing procedures. During the establishment of these new procedures minimal delays occurred in the processing of complaints. The CPRB will continue to conduct disciplinary hearings while ensuring officers' identities remain confidential. The CPRB looks forward to 2007 and continually refining this new hearing process. Our next steps include outreach to the public to educate members of the community on the new procedures.

### Board Member Attendance at Board Hearings

Date	Andrew	Brian	Cheng	John	Harris	Scott	Michael	Monte	John	Wood	Allyate
1/12/06	Yes	Excused	Yes	Yes	Yes		Yes	Yes	Yes	Yes	
2/9/06	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes
2/23/06	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Excused	
3/9/06	Yes	Excused	Excused	Yes	Yes		Yes	Yes	Yes	Yes	Yes
3/23/06	Yes	Excused	Yes	Excused	Yes		Yes	Excused	Yes	Yes	Yes
4/6/06*	Yes						Yes	Yes			
4/13/06	Yes	Yes	Yes	Yes	Excused		Excused	Yes	Yes	Yes	Yes
5/11/06	Yes	Excused	Excused	Excused	Yes		Yes	Yes	Yes	Yes	Yes
6/15/06**	Yes	Yes	Excused	Yes	Excused		Excused	Excused	Absent	Yes	Yes
6/29/06*				Yes	Yes				Yes		
7/13/06			Excused	Yes	Yes	Yes	Yes	Yes	Excused	Yes	Yes
8/24/06			Excused	Yes	Yes	Yes	Yes	Yes	Yes	Excused	Yes
9/14/06			Excused	Excused			Yes	Yes	Yes	Yes	Yes
10/26/06			Excused	Yes		Yes	Yes	Excused	Yes	Excused	Yes
11/9/06			Excused	Yes		Yes	Yes	Yes	Yes	Excused	Yes
11/30/06*						Yes	Yes			Yes	
12/14/06			Excused	Yes		Yes	Yes	Excused	Yes	Excused	Yes

\* Three-member-panel hearing    \*\* Community Meeting    Excused - Member asked to attend, but excused    Absent- Unexcused

### 2006 Board Member Voting Record on Allegations Heard

BOARD MEMBER	Sustain votes	%	Exonerate votes	%	Unfounded votes	%	Not Sustain votes	%	Abstain votes	%	TOTAL votes
Andrews	11	31%	8	24%	16	45%	12	33%	1	3%	34
Batarse	3	43%	0	0%	2	29%	2	29%	0	0%	7
Chenig	18	72%	0	0%	3	12%	2	8%	0	0%	18
Dishmon	7	20%	18	51%	2	6%	8	23%	0	0%	35
Harris	7	13%	22	41%	13	24%	17	31%	0	0%	52
Harwood	3	7%	16	39%	16	39%	5	12%	1	2%	41
Korowski	0	0%	10	45%	10	45%	0	0%	0	0%	22
Michaels	9	39%	7	30%	5	22%	2	9%	0	0%	23
Montgomery	8	17%	22	42%	6	13%	16	29%	0	0%	62
Radlow	8	42%	6	32%	4	21%	1	5%	0	0%	19
Scates	17	30%	17	30%	18	32%	4	7%	0	0%	56
Thomas	9	47%	6	32%	3	16%	1	5%	0	0%	19

**Citizens' Police Review Board (CPRB)  
Administrative Hearing Procedures  
Adopted November 9, 2006**

**ATTACHMENT 5**

- Step 1 In Open Session, the Board Chair will call the case, by name and number, and welcome the parties to the proceedings. The Board Chair will explain that after public comment the hearing will be a closed hearing and no disclosure of information from the hearing prohibited by law from disclosure will be made at the conclusion of the hearing.
- Step 2 Public comment prior to the commencement of the hearing. Speakers will be limited to 3 minutes.
- Step 3 At the conclusion of public comment, the Board Chair will announce that the hearing will be closed to individuals other than the Complainant and Subject officers and their legal representatives. All members of the public, including the media will be excused from the room. Witnesses, including witness officers will wait outside the hearing room until they are called to testify. The Board Chair will explain that witnesses are not allowed to discuss their testimony with any other witnesses until after they have testified. Furthermore, witnesses who have completed their testimony should not discuss or speak about the case with any witnesses who have not yet testified.
- Step 4 The CPRB Secretary will ensure that the parties, witnesses, and representatives have filled out the appearance sheets so the CPRB has a record of the persons who appeared at the hearing. The CPRB Secretary will also ensure that the parties, witnesses, and representatives have signed confidentiality statements which will be reviewed by the Hearing Officer at the commencement of the hearing.
- Step 5 The Board's Legal Advisor, who is the Hearing Officer, will explain the hearing process:
- This is not a court of law but testimony will be given under oath, which means the parties and witnesses will be asked to swear or affirm that the testimony they will give is true and correct to the best of their ability and belief.
  - The Board has copies of any statements previously given by the party or witness, which have been entered into evidence. The party or witness will not be asked to repeat what was in the statement but will be asked questions by the other parties and Board members.
  - Parties may object to questions posed by other parties or Board members; the Hearing Officer will decide whether the questions may be asked. The Hearing Officer will also monitor the parties' and Board members' questions to ensure they are appropriate and will redirect the questioning if repetitive, irrelevant, or inappropriate.



- The Hearing Officer also will decide procedural questions and what can be presented at the hearing.
- There is one microphone to be used when speaking from the table the parties need to pass it back and forth or come up to the podium to make objections so that the objections may be recorded.

- Step 6 The Hearing Officer will explain how the hearing will proceed:
- The Board's Investigator will summarize the key facts of the case, highlighting the facts that are disputed and not disputed, and will summarize the police procedures and policies involved.
  - The Complainant provides testimony.
  - The Complainant may be questioned by the Hearing Officer, the Board members, and then the Subject Officers or the Subject Officers' representative.
  - The Complainant may present additional evidence, including additional witnesses. If Complainant has brought any materials with him/her that are not included in the distributed packet, such as photographs, drawings, additional medical records, Complainant must first show them to the Subject Officers or the Subject Officers' Representative and then to the Hearing Officer, who will decide whether to allow it to be considered, asking questions as necessary.
  - Additional witnesses for Complainant will be questioned by the Hearing Officer, the Board members and the Subject Officer or the Subject Officers' Representative. Should the Subject Officers choose to be sequestered during Complainant's witnesses' or nonparty witnesses' testimony they will be excused from the hearing to wait in another room until it is time for them to present their case.
  - The Subject Officer(s) will present his/her/their case, repeating the same steps. The Subject Officers and their witnesses may be questioned by the Hearing Officer, the Board members and the Complainant or his/her representative.
  - Closing Statements: After all the parties and witnesses have been questioned, the Complainant and/or his/her representative and Subject Officer(s) and/or their representative may provide a 3 minute summary of their case.
  - Deliberative Session: The Board will hold a deliberative session to deliberate on the evidence and vote regarding the allegations. No announcement of the Board's decision will be made at the conclusion of the deliberative session.
  - Within seven days of the hearing, CPRB staff will mail a copy of the Board's findings to the Complainant and Subject Officers as permitted by law.

- Step 7 The Chair will ask the Investigator to give the staff summary.

- Step 8 Complainant will be called forward and sworn in by the Hearing Officer.
- Step 9 Complainant will be asked whether he or she has additional documents or witnesses to present. The Hearing Officer will decide whether the documents or witnesses will be allowed, deciding whether it is relevant and whether it is cumulative because it is already in the record.
- Step 10 The Hearing Officer may ask questions of Complainant.
- Step 11 Board members may ask questions of Complainant. The Chair will recognize Board members one-by-one to question the party or witness, starting to the right of the Chair, and continuing to the left, with the Chair questioning last. Board members should attempt to limit their initial questioning to 4 minutes. After all Commissioners have questioned the party or witness, the Chair will recognize Board members in the same manner for follow-up questions. Board members should attempt to limit any follow-up questions to 1 minute. Board members may pass if they have no questions and may cede their time to other Board members, in their own discretion. The Chair, in his/her discretion, may allow additional time or additional questioning.
- Step 12 The Subject Officers or the Subject Officers' Representative may ask questions of Complainant.
- Step 13 Additional witnesses on behalf of Complainant are called forward, sworn in, and questioned by the Hearing Officer, the Board members and the Subject Officers or the Subject Officers' Representative. Subject Officers may sequester themselves during witness testimony.
- Step 14 The Investigator summarizes any other evidence in support of Complainant's contentions, if any, not presented by the Complainant.
- Step 15 One Subject Officer is called forward and sworn in by the Hearing Officer.
- Step 16 The Hearing Officer may ask questions of the Officer.
- Step 17 Board members may ask questions of the Subject Officer. The Chair will recognize Board members one-by-one to question the party or witness, starting to the right of the Chair, and continuing to the left, with the Chair questioning last. Board members should attempt to limit their initial questioning to 4 minutes. After all Commissioners have questioned the party or witness, the Chair will recognize Board members in the same manner for follow-up questions. Board members should attempt to limit any follow-up questions to 1 minute. Board members may pass if they have no questions and may cede their time to other Board members, in their own discretion. The Chair, in his/her discretion, may allow additional time or additional questioning.

- Step 18 The Complainant or his/her representative may ask questions of the Subject Officer.
- Step 19 Other Subject Officers and then Witness Officers or other witnesses on behalf of the Subject Officers are called forward, sworn in, and questioned by the Hearing Officer, the Board members and the Complainant or the Complainant's Representative.
- Step 20 The Investigator summarizes any other evidence in support of the Subject Officers' contentions, if any, not presented by the Subject Officers.
- Step 21 A Representative from the Oakland Police Department designated by the Chief of Police, is offered the opportunity to present a statement of policies, rules and procedures, and training in effect which relate to the officers' conduct under the circumstances of the case. The Board urges the Chief of Police to provide a representative knowledgeable in OPD policies, rules, and training at Board hearings to respond to Board questions as necessary.
- The Hearing Officer, the Board members, the Complainant, and then the Officers' or the Officers' representative may ask questions in the same manner as explained above.
- Step 22 Complainant and Subject Officers may supplement the record regarding the issues raised by the Chief's representative. The Hearing Officer will decide whether to allow the supplemental materials.
- Step 23 Closing Statements: After all the parties and witnesses have been questioned, the Complainant and/or his/her representative and officer(s) and/or their representative may provide a 3 minute summary of their case. At the conclusion of closing statements the Complainant and/or his/her representative and officer(s) and/or their representative will be excused from the room.
- Step 24 Deliberative Session: The Board will then hold a deliberative session. The Legal Advisor will review the Internal Affairs file on this matter, if any, and determine whether the Board may review any matters contained in that file. The Board will deliberate on the evidence, with advisement from the Legal Advisor regarding the facts that legally need to be decided, and the OPD policies, procedures and/or rules that are involved. The Board will vote on the allegations. The hearing will conclude at the end of the vote. No disclosure of information from the hearing prohibited by law from disclosure will be made at the conclusion of the hearing.

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- Step 25** Within seven days of the hearing, the Board's staff will send written notice to the Complainant and the Subject Officers of the Board's recommended disposition of the complaint. The notice will advise whether the allegations in the complaint have been sustained, not sustained, exonerated or unfounded. Should discipline be recommended, the written notice to the Complainant will not contain the type of discipline recommended but only a statement of whether discipline was recommended.
- Step 26** The Board's staff will prepare written findings of fact and legal conclusions and prepare a report to the City Administrator within 30 days of the hearing.
- Step 27** Within 10 days of City Administrator's disposition on the Board's findings, the Board's staff will send written notice to the Complainant and the Subject Officers the City Administrator's actions on the Board's recommendations. The notice will advise whether the allegations in the complaint have been sustained, not sustained, exonerated or unfounded. Should discipline be recommended, the written notice to the Complainant will not contain the type of discipline recommended but only a statement of whether discipline was recommended.

### Citizens' Police Review Board Policy Recommendations

Date / Incident	Recommendations	OPD Responses	Status
2005 Ruses	1. The Board recommends OPD develop a policy regarding the creation, management and implementation of ruses.	Declined	Not adopted
2004 Carijama Festival	1. At the Pre-incident Planning Meetings, include the Fire Department and ambulance personnel to support OPD's efforts to manage large crowds. The Board recognizes the vital role the ambulance and fire personnel play in situations of this nature.	Included in OPD Training Bulletin III-G	Adopted
	2. Utilize "First Aid Stations fixed and/or mobile and/or ambulances" in the event that chemical agents must be deployed: plan for disabled, elderly and children, the safety of bystanders, evaluate availability of other public safety resources, and anticipate potential medical resources.	Included in OPD Training Bulletin III-G	Adopted
	3. Include in the crowd control policy considerations of: occupied buildings in the area, businesses, e.g. hospitals, schools, senior centers, family restaurants, vehicular traffic, and age, health and mobility of those present.	Included in OPD Training Bulletin III-G	Adopted in Part
	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 <i>penetrate the crowd given officer safety</i> . <i>Private security</i> must be part of the Pre-incident Planning Meetings.	Included in OPD Training Bulletin III-G	Adopted in part
	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. The Oakland Police Department should also obtain a better public address system and repeat their dispersal orders every city block.	Included in OPD Training Bulletin III-G	Adopted in part

## Citizens' Police Review Board Policy Recommendations

Date / Incident	Recommendations	OPD Responses	Status
2003 Anti-War Demon- strations	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 Policies	1. The Police Department should immediately train and inform its officers that if an officer is unsure of whether a person meets the criteria of section 5150, the officer has the option of telephoning the psychiatric emergency room at the John George Psychiatric Pavilion to obtain an expert medical opinion. All officers should be given cellular phones for this purpose.	Training complete, but unable to provide cellular phones.	Adopted in Part
	2. The Police Department should begin tracking information about 5150 detentions to determine the circumstances under which such detentions are made, the locations of these detentions, and the training needed by officers to correctly use section 5150 to detain individuals.	Declined – the current training is satisfactory given limited resources.	Not adopted

## Citizens' Police Review Board Policy Recommendations

Date / Incident	Recommendations	OPD Responses	Status
	<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 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>
<p>Searching Residences</p>	<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</i>, for the purpose of implementing this recommendation.</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>
<p>2001 OPD Hearing Attendance</p>	<p>1. The Police Department should revise General Order M-3.2 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.</p>	<p>Included in final draft of the General Order M-3.2</p>	<p>Adopted</p>

## Citizens' Police Review Board Policy Recommendations

Date / Incident	Recommendations	OPD Responses	Status
	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 Crisis Response Team as a co-instructor.	Adopted in Part
	4. The Police Department should expand its officer training on mental illness and 5150 detentions to 40 hours. The 40-hour training program should occur post-Academy and should include training on distinguishing mental illness from mental retardation, which is not a ground for a 5150 detention.	The Sergeants training has been completed and the officers are receiving their training through Continuing Professional Training courses.	Adopted in Part
Searching Residences	1. Officers should be required to fill out a "notification" form when conducting warrantless searches. The Chief of Police should issue a Special Order revising Department Training Bulletin I-O.3, which is entitled, <i>Legal Aspects of Searching Residences</i> , for the purpose of implementing this recommendation.	This recommendation will be considered in the issuing of business cards to all officers and in the future during the accreditation process.	Not Adopted
2001 OPD Hearing Attendance	1. The Police Department should revise General Order M-3.2 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



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05-497	Carl Gooden	AM	Filed w/AD on 1/10/05 filed w/CPRB 1/25/06	7/22/2007 (closed during legal proceedings)	1/10/2005	#1 Force	C alleges officers wrongly accused him of being a suspect, he was beaten and arrested. C also alleges officers did not call for an ambulance because they transported him to the hospital. C further alleges while he was under heavy medication officers had him sign a statement and he needed to be released from the hospital. C signed the statement and was transported to jail.	Investigation pending.
05-0911	Santhan Q. Williams	KT	Filed w/AD on 1/24/06 filed w/CPRB on 1/11/06	1/27/2006	1/19/2005	#3 Procedure	C alleges her car was illegally towed and a hold was placed on it for five months and sold.	Investigation pending.
06-043	David Ward	SQ	2/28/2006	2/27/2007	1/27/2005	#2 Contact and untruthfulness	C alleges officers intentionally filed false police reports and believe there is a plot to close down Great American Night Club by the police.	Will propose for administrative closure on 1/25/07.
06-058	Brenda Bailey	SQ	Filed w/AD 2/8/06 filed w/CPRB 7/27/06	2/9/2007	1/23/2005	#3 Procedure	C alleges several discrepancies and omissions were written in a traffic accident report.	Will propose for administrative closure on 1/23/07.
06-139	Lion E. Parker	AM	2/27/2006	2/28/2007	2/4/2006	#1 Force, procedure and conduct	C alleges a female officer pointed her gun at him and another officer grabbed and kicked him causing two of his teeth to get chipped. While on the ground C alleges the officer put his knee in his side and used profanity and refused to identify himself. C went to Eastmont station where he had a conversation with the officer who changed his badge and asked for his badge number and name. C spoke with a female officer and was given a number to call to make a complaint. C also alleges he was not informed nor were photos taken of his injuries and nothing was written on his behalf at the time.	Investigation pending.
06-172	Linda Burgess	SQ	3/1/2006	3/9/2007	2/18/2006	#3 Procedure	C alleges she was awoken from her home and received a call from her daughter informing her to call her home security company (Brinks), because her alarm went off. C called Brinks and also CPD and was told they did not know when someone would be dispatched to her home. C also alleges she arrived home 15 minutes after the police had come and found an empty house which was "responded to alarm, found house unlocked and found a door". C alleges the police did not write that the house had been broken into, there was broken glass, bent bars and an empty gun case on the floor. C further alleges she called CPD back to file a report and it took them over three hours to return.	Investigation pending.
06-216	Veronica Daniels	AM	Filed w/AD 1/11/2006 Filed w/ CPRB 3/26/2006	1/11/2007	1/6/2006	#1 Force	C alleges she went to pick up her four month old son from his father's home when she was assaulted by him. C called police who called the family violence intervention unit who took her son away and placed him in their care. C also alleges she asked that the child be left with Veronica Gibbs who had taken care of the child since he was six weeks old but her son was taken away.	Three member panel closed session hearing held on 11/28/06 on 1/21/06 Consent Calendar.

Priority Legend: #1: Complaints involving force, sexual misconduct, discrimination, minors or racial profiling. #2: Complaints involving improper search, untruthfulness or theft. #3: All other complaints.

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06-0232	Freddie Duque	KT	Filed w/AD on 4/9/2007 w/CPRB on 1/24/08		3/12/2006	#3 Untruthfulness	C was arrested for possession of marijuana and alleges an OPI officer planted the marijuana on him.	Investigation pending.
06-250	Arulake Stevens	SO	4/20/2006	4/18/2007	1/10/2005	#2 Untruthfulness	C alleges he was falsely arrested and did five months in prison for a parole violation. C also alleges a police officer was untruthful at his parole hearing.	Investigation pending.
06-0252	Leslee Kamrath	SO	Filed w/AD on 4/18/08 w/CPRB 7/18/08	7/12/2007	4/19/2008	#1 Discrimination, procedure & conduct	C alleges he was stopped by police officers, racially profiled and harassed. C alleges officers searched him and his vehicle and did not find anything. C also alleges an officer asked to see all the phone numbers in his cell phone and the C refused and told the officer his phone numbers were confidential. C also alleges officers called him a "nigger." C asked officers what was the reason for being stopped and was allegedly told he was following too close to an undercover officer in a stop. C was given a ticket for not stopping at a stop sign and not using his horn signal which the C said he did both. C further alleges he asked a uniformed officer what is this all about and very rudely told "I could tell you but I would have to kill you."	Investigation pending.
06-319	Jerrone Harris	AM	3/18/06 filed w/AD - filed w/CPRB on 5/22/08	3/15/2007	3/16/2008	#5 Conduct	C alleges the officer cut her off on purpose with a butcher knife and told her to get out of her car. C told police what happened and the officers arrested her for assault with a deadly weapon. C also alleges officers failed to arrest the defendant or send her to John George Hospital for evaluation as he had requested.	Investigation pending.
06-412	Linda Rodriguez (Melicia Castaneda)	SQ	Filed w/AD 5/27/06 Filed w/CPRB 6/29/06	5/26/06	5/27/2006	#3 Procedure	C alleges her daughter died due to a high speed police chase.	Investigation pending.
06-423	Della Branch III	SO	5/30/2006	5/25/2007	5/6/2008	#5 Procedure and untruthfulness	C alleges he was pulled over and told his music was too loud. C was then instructed to get out of his vehicle and was handcuffed and placed in a police vehicle. C also alleges his car was impounded and towed to another location by an officer. C further alleges when he went to get a release from OPI he was charged \$250.00 for "Side Show" activity. C alleges he was not in a side show and his music was not loud, he was the only person on the scene. C says he spent close to \$450.00 to get his car back because the police did.	Investigation pending.
06-440	Anita T. Rollins	SO	7/17/2006	7/19/2007	6/9/2008	#1 Force, Discrimination, procedure and conduct	C alleges an officer shot and almost killed her son for no reason. C also alleges the officer hit her son on the ground covered with a sheet for 30 minutes before calling paramedics. C further alleges her son was paralyzed and has a broken neck and will never walk again.	Investigation pending.

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06-443	Juanita Onite	AM 8/14/2006	8/13/2007	3304	8/22/2006	76 Procedure	C alleges she was at home when about 15 Oakland Police officers came with their guns out and pointed at her backdoor. C alleges she immediately responded "what did I do." C alleges she was told the Police officers had a search warrant and to open the door, which she did out of fear and was told to get her hands up while guns were pointed her. Her child asked if the police were going to shoot her. C asked to see the search warrant and was told by the officers that they were waiting for someone to bring it because they had the wrong address.	Investigation pending.
06-475	Richard & Nola Fields	AM 8/8/2006	8/7/2007		12/1/2006	81 Procedure and Unlawfulness	C's do not want to complain against any specific officer. Their complaint is against CPD procedure only. Their complaints are 1) CPD did not notify the family that their daughter had died. 2) CPD improperly failed to preserve evidence and permitted an unidentified person to have access to the car and remove evidence from it. 3) Officers failed to arrest the driver who had been driving while under the influence of alcohol and drugs, but instead cited him and permitted him to go free. 4) CPD failed to provide the family with a copy of the police report in a timely manner. C's could not obtain a copy of the report until approximately five months after the incident and 5) CPD did not forward a copy of the crime report to the District Attorney for use in the prosecution of the driver.	Investigation pending.
06-521	Janet Gardner	AM 8/21/2006	8/20/2007		8/7/2006	81 Force	C alleges he was physically abused and verbally assaulted by Oakland police officers and AMS medical transportation company. C also alleges he was humiliated by officers' sticking and probing him with needles and talked about maling his body parts to foreign countries. C spent the next two days at John George Psychiatric Hospital.	Investigation pending.
06-522	Demetrius L. Harvey	AM 8/23/2006	8/22/2007		12/27/2006	76 Conduct	C alleges CPD knew he was not one of the individuals on a video tape and was falsely arrested and charged with a crime he did not commit.	Investigation pending.
06-537	Andri N. Toj	SO 8/18/2006	8/17/2007		5/23/2006	81 Force and procedure	C alleges officers came to his place of business assaulted and arrested him for no reason.	Investigation pending.
06-538	Derek Johnston	AM 7/14/2006	7/13/2007		5/7/2006	81 Discrimination and procedure	C alleges he was stopped by police officers for a violation of registration and was believed to be a drug dealer. C also alleges the car was searched and towed. C further alleges he was treated like a criminal.	Investigation pending.
06-537	Thurman Lewis	AM 8/23/2006	8/27/2007		8/24/2006	76 Procedure	C who is an armed security guard had a domestic dispute with his wife. Police arrived and C's wife informed police the C supported her and C was taken to jail for domestic violence. C alleges his service revolver was taken and he was not given a report or documentation.	Investigation pending.

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06-674	Malik Al Muhammad	SO	09/13/2006	07/22/2007	07/16/2006	#3 Conduct	C alleges a police officer concealed misconduct by verbally publishing and shouting to be published derogatory statements to the officer that C had been prosecuted to resign from employment with the City of Oakland.	Investigation pending.
06-683	Ira Hannon	SO	04/24/2006	06/22/2007	7/19/2006	#1 Force	C's son (Michael Owens) allegedly went into convulsions after an apparent OD of narcotics. Owens' girlfriend called 911 for EMT response. CPD officers arrived and attempted to physically subdue Owens while EMT stood by. The male officer allegedly kicked Owens while he was on the ground and the female officer put her knee on Owens' head. Owens was transported to ACH and was DOA.	Investigation pending.
06-674	Audain N. Bowles	SO	7/17/2006	7/17/2007	3/30/2006	#3 Procedure	C alleges that persons belonging to him and his father were taken from a local garage and truck reports were filed with the police department. C also alleges after four inquiries he found out that the reports were never filed or investigated.	Investigation pending.
06-618	David Kately	AM	Filed via IAD on 7/27/06 Filed via CPDRB on 9/19/2006	7/28/2007	7/28/2006	#3 Procedure	C alleges his rights were violated when an officer walked up to his vehicle and demanded his identification. C alleges he provided the officer with his drivers license and was ordered out of the vehicle and handcuffed. C also alleges the officer searched his vehicle without explanation or consent.	Investigation pending.
06-671	Cheranya Lichell	AM	08/22/2006	08/22/2007	7/15/2006	#1 Force, discrimination, and procedure	C alleges an unidentified Sergeant used excessive force in grabbing her, reaching her, flipping her bottom and throwing her to the ground. C alleges the Sergeant was racist in his demeanor and his actions.	Investigation pending.
06-672	Colin Johnson	AM	07/10/2006	09/20/2007	7/22/2006	#3 Procedure	C alleges after being recruited out of the courtroom by six officers for no reason one of the officers asked if he was there with someone else. C informed the officer that yes he was. The officer allegedly took an envelope that contained ticket stubs out of the C pocket and informed the C he would go to the station and inform his family what happened and why the C would not be returning to his seat. C called his family from his cell phone and found out the officer never informed his family. C looked in his envelope and the ticket stubs were missing. The A's were giving away free pizzas that night and you needed your ticket stub to obtain the pizza.	Investigation pending.
06-674	Marlene Alton	AM	07/15/2006	07/14/2007	07/14/2006	#3 Procedure and conduct	C vehicle was stolen. Georgia State officials had identified the suspect. C attempted to contact a Sgt. or police by telephone and left several messages that went unanswered. C wanted a warrant and extradition ordered by CPD for the suspect. C flew to Southern California he drove to Oxnard from San Diego and went to the Esplanade station. C was not admitted in the locked building. C called the Sergeant from the cell phone and the Sergeant refused to meet with C physically to speak with him. C alleges he was told by the Sergeant that the DA would not issue a warrant and he would refer the matter to the DA's office and would call the C back the next day. C has not received the call back.	Investigation pending.

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Case #	Complainant	Inv.	Date Complaint Filled	3304	Date of Incident	Priority	Brief Description of Complaint	Notes
06-678	Adolphus B. Morgan	SQ	8/30/2006		8/18/2006	#1 Procedure	C alleges he was harassed by officers when given a ticket for driving in a bike lane. C also alleges officers accused their power when they followed him with their spot lights shining on his vehicle after giving him a ticket.	Investigation pending.
06-735	Graberley Dawson	SQ	9/6/2006		1/25/1998	#3 Procedure	C alleges her son was hit by a vehicle and the driver left the scene of the accident. C also alleges police came to her home to take a report but did not file the report, appropriately or seek to find the driver.	Investigation pending.
06-736	Charmaine McNeil	SQ	8/30/2006		8/29/2006	#1 Force, procedure and conduct	C alleges an officer appeared angry and very aggressive with her when he issued her a ticket for possession of marijuana. C also alleges the officer failed to identify himself. C was given a ticket which she tipped up.	Investigation pending.
06-0712	Joyce Bowen Forbes	SQ	Filed WAD on 8/29/06 Filed WCFRB on 11/2/06		7/24/2006	#3 Conduct & procedure	C alleges he was falsely arrested when he and his girlfriend had a consensual dispute and police were called. C further alleges one of the officers prompted his girlfriend to say he had touched her during the dispute and C was arrested.	Investigation pending.
06-0714	Lawrence Hamilton	KT	Filed WAD on 8/29/06 Filed WCFRB on 10/12/06		2/24/2006	#1 Procedure	C alleges his wife was harassed after asking for and being denied an attorney while being interrogated. C also alleges he was kept in the interrogation room for over eight hours without food.	Investigation pending.
06-0720	Adita Labossiere	KT	Filed WAD on 8/31/06 Filed WCFRB on 10/6/06		4/22/2006	#1 Bias, procedure and conduct	C alleges she has a disability where she cannot walk correctly, has a wheelchair and her speech is somewhat slow. C alleges she was on her way to the store when she was pulled over by an officer who allegedly did not let her enter the store. A police officer who was pulled up and a woman officer said the C was drunk. C was taken to the hospital where she had pain services which she did not receive. C also alleges she had to show the officers documents regarding her medical condition. They would not listen to her. C requested a blood test and was taken to a hospital. C was taken to jail and never told the results of the test. C was released the next morning. C alleges she tried for months to get a copy of the police report but could not obtain one.	Investigation pending.
06-0726	John Ergon	KT	Filed WAD on 8/30/06 Filed WCFRB on 10/19/06		5/22/2006	#3 Procedure	C alleges he was threatened twice on the street and each time he reported it to a certain police officer who allegedly did not make file police reports.	Investigation pending.
06-0728	Edward V. Ray, Jr.	KT	Filed WAD on 8/27/06 Filed WCFRB on 11/29/06		8/27/2006	#1 Force	C alleges he was thrown to the ground, hit on the side of his head with a shotgun that produced a cut. C also alleges he was bused before, during and after being handcuffed.	Investigation pending.

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06-0748	Charmay McNeil	AM	9/11/2006	9/13/2007	9/8/2006	§3 Conduct	C alleges she was being followed by her estranged father and was digital. C ran across 14th & Broadway to where two officers were standing. C alleges an officer told her "You can't be jaywalking," and that no one was following her. C also alleges one of the officers told her to "Get on the bus."	Investigation pending.
06-0768	Lisa Shtinsky	KT	9/14/2006	9/13/2007	3/23/2006	§3 Procedure	C alleges she was stopped at the intersection of High Street and International Blvd when Oakland police were in pursuit of a stolen vehicle that he her. C alleges she has heard nothing from the City regarding her vehicle and also alleges four citizens have lost their lives since her accident in high speed police pursuits.	Investigation pending.
06-0793	John Engel	KT	Filed w/AD 9/7/06 Filed w/ CPRB 11/03/06	9/8/2007	1/19/2006	§3 Procedure	C alleges there was a fire in his neighborhood and he informed an officer he thought there was a fire bag. C also alleges officers are terrified after the home of his suspicions.	Investigation pending.
06-0805	Emilio Perquet	KT	10/4/2006	10/3/2007	10/2/2006	§3 Procedure	C alleges she had to move out of her home due to a fire and since then someone has been sleeping in her vehicle that was left at the property. C also alleges she called police to remove the squatters from her vehicle and believes that is when her vehicle was towed.	Investigation pending.
06-0813	Raymond Coleman		Filed w/ AD on 8/25/2006 Filed w/ CPRB on 12/14/06	9/29/2007	12/14/2006	§3 Procedure	C alleges his dogs were put to sleep without any notice.	Investigation pending.
06-0816	Miranda Y. Auctis	KT	10/10/2006	10/9/2007	9/12/2006	§1 Force after procedure	C alleges while she was giving the heat of her son police officer's entered her home and inside everyone got on the floor and threatened them. C alleges she asked what was going on and was threatened by officers that they were looking for a gun. No gun was found. C also alleges her son was killed because he took police officers to buy water and the people who sold the water to the officers who were arrested and C believes they were responsible for her sons death.	Investigation pending.
06-0833	Jenifer Ken	KT	10/18/2006	10/15/2007	6/25/2006	§3 Conduct & untruthfulness	C alleges she is filing a report to stop the police from harassing and filing false charges against her grandson. C also alleges whenever certain police officers see her grandson they try to find something to arrest him for.	Investigation pending.
06-0851	Jamiah Briggs	KT	Filed w/AD on 9/7/06 Filed w/ CPRB on 12/28/06	9/8/2007 9/8/2006	9/8/2006	§1 Discrimination, procedure & untruthfulness	C alleges two incidents occurred. On 5/8/06 C alleges police harassed their police report regarding the incident. On 8/23/06 C alleges no report was ever made of this incident by police. C alleges the police are trying to help her because of her mother, one was killed and another brother is incarcerated. C also believes the failure to protect her is due to racial profiling.	Investigation pending.

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06-0869	Michael Fata	KT	10/28/2006	10/25/2007	10/20/2006	#1 Force and procedure	C alleges she witnessed a child riding his bike on the sidewalk at 14th & Broadway when a officer approached the child and told him to get off the bike. C alleges the officer did not give the child a chance to get off the bike when the officer grabbed the child by his clothing and got in the face and asked him to get off the bike. The child allegedly told the officer "You don't have to grab me like that". C further alleges she went to OPD about 20 minutes after the incident requesting several times for a complaint form and to speak to both officers at the front desk. After waiting for 45 minutes with no response, C asked again for a complaint form or telephone number to call back. C has stated she has often seen white African American youth riding their bikes or skateboards at 14th & Broadway and does not believe that Caucasian youth by the police and back strongly that the officer mistreated his authority.	Investigation pending.
06-0879	Nathaniel Carter	SQ	10/26/2006	10/24/2007	1st Incident - 2 yrs ago & 2nd Incident 9-10 months ago	#1 Force	C has two incidents one approximately two years ago. He never officially filed by an officer multiple times with a. C was in parking a bus with a broken window a homeassistant police officer. C the bus was stuck with the road with the traffic and still called OPD for help. C the bus was stuck with the road for the facility. C was transported to John George at 1500 west. C was held there for three hours. The second incident C alleges he was grabbed by a man with a white shirt and a black jacket. C was held in the ground and handcuffed him with his body weight and also pulled his jacket over his head. BMT applied a force to C to keep him from spitting.	Investigation pending.
06-0882	Johanna Houston	SQ	10/27/2006	10/26/2007	10/26/2006	#3 Procedure	C alleges OPD and her gas into her home, breaking windows and a sliding glass patio door. C also alleges she asked what was going on but no one said anything. C later found out OPD later searched the wrong apartment.	Investigation pending.

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06-0882	Anthony Williams	SQ	10/27/2006	10/28/2007	10/28/2006	3 Procedures and conduct	C alleges as he was leaving his apartment he saw a police officer in the bushes directly across from his front door pushing a gun in his direction. When he reached an intersection in the apartment complex he was allegedly confronted by police officers who took his back bag and pulled him down, and to put his hands behind his back and asked where did he come from. C stated what was going on and C was given an answer as "you know what is going on". C was also asked how long he had lived in the apartment and he told the officer 20 years. C further alleges one of the officers was very rude. After everything was over C asked the officers where were they targeting because he and his mother live in apartment 1037 and the officer responded apartment 1044. C returned home to check on his mother and his apartment windows of their gas which burned their eyes.	Investigation pending.
06-0883	Lanwood Washington	KT	Filed WMAA on		10/25/2006	1 Force and conduct	On 10/25/06 C's mother heard a noise and when she opened her front door police officers and detective allegedly barged in with guns drawn and ordered C's mother and brother to get on their knees. C's son was allegedly taken outside C heard his mother screaming and crying and asked an officer to take him to his mother. C alleges the officer told him to "Shut the Fuck Up" and then slapped him.	Investigation pending.
06-0885	Lanwood Washington, Jr.	KT	12/6/2006	12/7/2007	10/25/2006	1 Force	C alleges a search warrant was enforced and the officer in charge of detaining his 17 yr. old son allegedly slapped him when he asked the officer if he could be taken to the stairs room that his grandmother was in.	Investigation pending.
06-0887	Jorge Bowen Forbes	SQ	Filed W/AD on 1/12/06 and W/CRS on 1/13/06	1/11/2007	1/12/2006	3 Conduct	C alleges he called WAD to lodge a complaint against a certain officer. In doing so C alleges the officer he spoke with was rude to him.	Investigation pending.
06-0814	Syron Franklin	AM	1/17/2006	1/11/2007	1/17/2006	3 Procedures	C alleges he and his wife were pulled over by police and told to exit their vehicle with his hands up. After exiting his vehicle the C alleges his leg was kicked for no reason, asked harassing and unnecessary questions and a police officer already bent his hand at the wrist joint. C further alleges his vehicle was ransacked by police all for no reason.	Investigation pending.
06-0814	Rhodes Franklin	AM	1/11/2006	1/11/2007	1/11/2006	3 Procedures	C alleges she and her husband were pulled over by police and told to put their hands up. C alleges she asked several times what was going on and her question was never answered. C was handcuffed and placed in the back seat of a patrol vehicle for several minutes. C further alleges she was told the vehicle she and her husband were in fit the description of a vehicle the police were looking for.	Investigation pending.

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08-0826	Arnold Wallace	KT	11/17/2006	11/19/2007	11/21/2006	#3 Procedure	C alleges an officer pulled him over because she saw him throw a piece of paper out the window of the vehicle he was driving which he said he did not do. C was given a citation for flaring. C also alleges the officer's behavior was discourteous.	Investigation pending.
08-0842	Larry Clark	KT	Filed w/MAD on		12/31/2006	#3 Conduct	C alleges an officer did not display proper police conduct when he harassed, screamed and hit the ground while confronting the C and his three other family members.	Investigation pending.
08-0944	Marshall Dubon	KT	12/17/2006	11/30/2007	12/1/2006	#1B and procedure	C alleges police were called to the home of a husband and wife who worked for the C and his wife in a woodwork construction business. The C and his wife were asked to terminate the business relationship and tried to retrieve their things from the garage of the employees. Two officers arrived and were aggressive towards the C and his wife to remove the materials when a third officer arrived who was Hispanic and spoke with the wife who is also Hispanic and took her side. The C and his wife were told to unload and return the materials to the garage of their employees.	Investigation pending.
08-0944	Fergie Mabi	KT	12/1/2006	11/30/2007	12/1/2006	#1 Bias and procedure	C alleges a Hispanic officer was hit toward her and her husband and took the side of a Hispanic person when the C and her husband were chased the night to pick up their work materials.	Investigation pending.
08-0971	Johney Banks	KT	12/7/2006	12/8/2007		#1 Discrimination	C alleges on several occasions he has been denied a special events permit for his parents have been cancelled at the last minute by a certain police officer. C alleges this officer is discriminating against him and other African American event promoters who are also being denied permits. C alleges non-Black promoters are being approved for their permits. C further alleges the police officer has allegedly said "these events will bring drugs" and also "your group is not welcome in Oakland."	Investigation pending.
08-0972	Marshall Schwartz	KT	12/1/2006	12/10/2007	11/28/2006	#3 Conduct	C received a traffic ticket that he believes was given to him because the officer needed to meet his quota. C also alleges the officer was very aggressive and rude to him.	Investigation pending.
08-0981	Alexander Clanton	SG	12/14/2006	12/15/2007	9/21/2003	#1 Force and procedure	C alleges while he was exiting a store he was detained and when he tried to walk away he was taken to the ground, punched multiple times and had his face ground into the ground. C also alleges an officer pulled some of his hair out. C further alleges he was taken to Highland Hospital where he was allegedly told he had a minor concussion. C also says the left eye was scoped out.	Investigation pending.

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Case #	Complainant	Inv.	Date Complaint Filed	3204	Date of Incident	Priority	Brief Description of Complaint	Notes
05-0982	Kevin Szalay	AM	12/14/2005	12/19/2007	12/19/2007	§3 Procedure and conduct	C alleges an officer was rude and unprofessional when giving him a traffic citation.	Investigation pending.
05-0984	Andrew Vincent	AM	Filed WAD on 12/18/06 Filed WCPRS on 12/22/06	12/17/2007	12/16/2006	§3 Conduct	C alleges he tried to leave a TPO on his former tenant. The police were called by a neighbor and when the officer arrived C alleges the officer was rude and threatened to arrest him and told C to leave the neighborhood. C informed the officer that he owned the building.	Investigation pending.
05-1005	Sandy Sanders a.k.a. (Marshall Sanders)	KT	12/23/2006	12/27/2007	10/10/2006	§3 Procedure and conduct	C alleges he was given a ticket after leaving an A3 game. C alleges he was talking with a dozen other people who were waiting to cross the intersection at 66th and Coliseum when officers were supposed to be monitoring the flow of traffic. C also alleges the officers never made their presence known and after waiting and pressing the pedestrian cross button the C and others attempted to cross the street assuming the light was broken. After getting half way across the intersection C further alleges two officers came out from behind the traffic and started beating them and demanded they come over to them and be searched.	Investigation pending.

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Case #	Complainant	Inv.	Date Complaint Filed	3304	Date of Incident	Priority	Brief Description of Complaint	Notes
HEARING HELD, PENDING CLOSURE - 3 CASES								

Priority Legend: #1: Complaints involving force, sexual misconduct, discrimination, minors or racial profiling. #2: Complaints involving improper search, unfrankness or theft. #3: All other complaints.

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Case #	Complainant	Inv.	Date Complaint Filed	3304	Date of Incident	Priority	Brief Description of Complaint	Notes
TRACKING - 4 CASES								
Tracking No. 200802-060	Alan Weatherby	SQ	3/21/2006	3/26/2007	Unit		C alleges a helicopter and police are following him and entering his property and also intercepting his telephone calls.	
Tracking No. 200806-035	Erwin D. Benjamin	SQ	4/7/2006	4/6/2007	12/26/2006		C alleges a burglary occurred in which a computer was stolen and had an investigation occurred the reports or crimes and encouragement to the community and his family would not have occurred. C also alleges there was a suspicious reoccurrence of a person who was Lufft or Willis who was a member of the Fire Department Downtown Oakland as well as seen on UC Berkeley Campus. C further alleges during the investigation he was forced to withdraw from UC Berkeley and lost his job and residence and also involves several 9150's involving John George and French Hospital.	
Tracking No. 200803-048	Erwin D. Benjamin	AM	5/2/2006	5/1/2007	3/7/2006		C alleges assault and threats by individuals, failure to act by Berkeley Police, San Francisco Police, theft of mail and assault by San Leandro hospital staff and MART police and also that cameras have been installed in electric equipment.	
Tracking No. 200811-005	Chameys Michell	SQ	11/8/2006	11/7/2007	8/24/2006		C alleges she bought a pair of basketball shoes and was not pleased with them. C returned to the store on several occasions and on September 24, 2006 she had words with the store manager and admitted slapping him. Police were called and C was arrested.	

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Case #	Complainant	Inv.	Date Complaint Filed	3304	Date of Incident	Priority	Brief Description of Complaint	Notes
01-15	Denise Cargnan (deceased - William Wilcox)	SQ	4/30/2001	492/2002 TOLLED - Civil Litigation 42401 (US D.C. COI-1102 MHC, Plaintiff Kelly Wilcox) Trial 10/28/02	1/11/2001	#1 Force resulting in serious injury	Officers shot and killed Officer William Wilcox.	TOLLED. Subject officer has been excused for military duty on 1/28/02.
01-27	Brian Bowman	SQ	7/18/2001	8/10/2002 TOLLED 12/5/01	9/22/2001	non-priority (force & supplemental issues)	The C alleges that he was "slammed" to the pavement and hit his elbow on the ground. C also alleges the loss of property (jumper) and use of profanity and vulgar/insulting language.	TOLLED.
01-37	William Drury III	AM	11/29/2001	11/29/2002 TOLLED - Complaint filed Superior Ct. 2002-044710.	4/4/2001	#1 Excessive force (serious injury)	C alleges that his girlfriend N.N. The OPD responded and he was arrested. He alleges that the officers use excessive force to affect the arrest.	Tolled.
03-148	Michael Ray Henry, Jr., AM & Anna Wiley (mother)	AM	03/06/05 (CFRB) 8/17/05 (AND)	TOLLED CIV litigation filed USD CT C-04-07086 - EDL.	8/10/2003	#1 Excessive Force	C alleges he was intentionally chased and hit by an Oakland patrol car driven by Lt. Michael Todd, resulting in a broken leg. C alleges he was also choked by an officer.	TOLLED.
03-148	Elbert J. Noble (Minor)	AM	7/9/2003	TOLLED CIV litigation filed USD CT C-04-07085 - EDL.	8/10/2003	#1 Excessive Force	C took pictures of a friend, who was hit by a police car. C alleges officers took his camera, choked N.N. Two officers grabbed his person, and used profanity during DEA investigation. C's mother alleges one officer strangled her when she inquired about the arrest of her son.	TOLLED. Case settled in April 2006.
04-242	Sara Sheald	SQ	7/30/2004	TOLLED - Criminal case pending Alameda County Superior Court #137881 filed 1/27/00	10/7/1999	#2 Procedure, search and unfair/unfairness	C alleges he was arrested and an illegal search of his premises was done by police officers.	TOLLED. Investigation pending
05-208	Lewis Neil Oliver	SQ	8/18/2005	TOLLED	8/5/2003	#1 Excessive force and improper procedures	C alleges that officers used excessive force in the shooting death of her mentally disabled brother, Glenn Wilk. Officers responded to a 911 call from C to do a welfare check on her brother. The contact resulted in Glenn Wilk stabbing an OPD officer and the death of C's brother.	TOLLED.

Priority Legend: #1: Complaints involving force, sexual misconduct, discrimination, minors or racial profiling. #2: Complaints involving improper search, unfair/unfairness or theft. #3: All other complaints.

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TOLLED - IN CASES								
01-15	Darisa Caripyan (deceased) - Wilson (Witness)	SC	4/30/2001	TOLLED - Civil Litigation 424/01 (US D.C. C-01-1102 MAMC Plaintiff Kelly Wilson) Trial 10/28/02	1/11/2001	#1 Force resulting in serious injury	Officers shot and killed Officer William Williams.	TOLLED. Subject officer has been activated for military duty on 1/28/03.
01-27	Edwin Bowman	SC	7/16/2001	TOLLED 12/8/01	6/22/01	non-official force & supplemental issues	The C alleges that he was "summed" to the pavement and hit his elbow on the ground. C also alleges the loss of property (bag) and use of profanity and demeaning language.	TOLLED.
01-37	William Drury III	AM	11/28/2001	TOLLED. Complaint filed Superior Ct. 2002-044719.	4/4/2001	#1 Excessive force (serious injury)	C alleges that his girlfriend hit him. The OPD responded and he was arrested. He alleges that the officers use excessive force to effect the arrest.	Tolled.
03-148	Michael Ray Henry, Jr. (CPRB) & Anna Wiley (mother)	AM	9/23/03 8/17/03 (RAD)	TOLLED Civil Litigation filed USD CT C-04-01065 - EDL	8/10/2003	#1 Excessive Force	C alleges he was intentionally chased and hit by an Oakland patrol car driven by Lt. Michael Youst, resulting in a broken leg. C alleges he was also choked by an officer.	TOLLED.
03-148	Elise L. Noble (minor)	AM	7/8/2003	TOLLED Civil Litigation filed USD CT C-04-01065 - EDL	8/10/2003	#1 Excessive Force	C took pictures of a friend, who was hit by a police car. C alleges officers took his camera, choked him, the officers grabbed his person and used profanity during DEA investigation. C's mother alleges one officer choked at her when she inquired about the arrest of her son.	TOLLED. Cases settled in April 2008.
04-342	Sally Swaid	SC	7/30/2004	TOLLED - Criminal case pending Alaska County Superior Court #137881 filed 1/27/06	10/1/1999	#2 Procedure, search and untruthfulness	C alleges he was arrested and an illegal search of his premises was done by police officers.	TOLLED. Investigating officer pending
03-209	Lavita Nell Osher	SC	8/16/2003	TOLLED	8/6/2003	#1 Excessive force and improper procedures	C alleges that officers used excessive force in the shooting death of her mentally disabled brother, Glenn Willis. Officers responded to a 911 call from C to do a welfare check on her brother. The contact resulted in Glenn Willis stabbing an OPD officer and the death of C's brother.	TOLLED.

Priority Legend: #1: Complaints involving force, sexual misconduct, discrimination, minors or reckless profiling. #2: Complaints involving improper search, untruthfulness or theft. # 3: All other complaints.

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Case #	Complainant	Inv.	Date Complaint Filed	3304	Date of Incident	Priority	Brief Description of Complaint	Notes
03-329	Ortiz Alvarez	SQ	11/15/2003	TOLLED	11/26/2003	#1 Excessive force, procedure, conduct	C alleges he was attending a Raiders game when a common broke out. C alleges he saw police officers grabbing and throwing people to the ground. C also alleges he was standing about 10 feet away and an officer yelled "take him down". C was grabbed from behind by two officers and forced face down on the ground handcuffed and taken to jail for 5 hours and released.	TOLLED.
03-329	Ruben Ramirez, Sr.	SQ	11/22/2004	TOLLED	11/26/2003	#1 Excessive force, procedure, conduct	C alleges he was attending a Raiders game with his sons and was told he was arrested by police officers when asked why the officer allegedly grabbed him. C by the fact he was pushed and pulled him against a wall and another officer put handcuffs on him. C further alleges that on the way to the police station the officer screaming him allegedly told this C "that it was because of Special Ops that the Raiders games were so P---ed up". After being taken out of jail C went to Kaiser Hospital and was allegedly told his right hand was sprained.	TOLLED.
03-329	Ruben Ramirez, Jr.	SQ	11/22/2004	TOLLED	11/26/2003	#1 Excessive force, procedure, conduct	C attended a Raiders game with his father and brother and allegedly saw that a police officer allegedly used his hands around his, father's throat and then towards him including the collar of his shirt. C then alleges that he was slapped and jumped on top of him a force to his back by police officers and the head was slammed onto the concrete, handcuffed and punched four times on the left side of his face.	TOLLED.
03-329	Ryan Ramirez	SQ	11/22/2004	TOLLED	11/26/2003	#1 Excessive force, procedure, conduct	C attended a Raiders game with his father and brother and saw that a police officer allegedly had his hands around his father's throat and then towards his chest and was allegedly taken down by a blow to his head. C further states that two officers ran him with a knee to his head and back and another officer continued hitting him in his face while the was on the ground with handcuffs on.	TOLLED.
03-328	Tianwa Murphy	AM	11/17/2003	TOLLED: pending US District Court, decision # 03-3082-TER filed 7/8/04	10/23/2003	#1 Excessive force, property damage, improper procedure, handcuffing	C states that her brother told her that he was sitting on the porch when police drove up and flashed a light in the face. The police got out of their car and told him to open his mouth. An officer grabbed him by the throat and choked him until he couldn't breathe. The C brother further told her that he pushed the officer off him and ran. An officer was right behind him when he was on top of a fence, the officer grab his foot and pushed him over the fence and he landed on his head. He immediately screamed that he couldn't feel his legs. The officers handcuffed and rolled him over several times and in the process of rolling him over he was being hit. Also the C brother alleges that one of the officers took \$750.00 from his pocket.	TOLLED.
03-328	Sherry Hayes, Murphy (Aunt of Penny Murphy)	AM	11/17/2003	TOLLED: pending US District Court, decision # 03-3082-TER filed 7/8/04	10/23/2003	#1 Excessive force, harassment, improper procedure and retaliation	C alleges harassment by a police officer who has conducted searches on her home and arrested her neighbor. C further alleges that two officers choked her neighbor and shoved her over a fence and rolled him over at least three times even though her neighbor stated that he couldn't feel his legs. C also alleges that the officers tried to make her neighbor stand up and when he couldn't they called for an ambulance.	TOLLED.

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04-231	Darrell Foster	AM	CPRB 11/4/05 WVAD 7/28/04	TOLLED; pending Federal Court Action #005-03110 M-S-P filed 8/1/05	2/27/2004	§2 Search	C alleges he was approached by two officers and one of the officers embarrassed and humiliated him by pulling his pants and underwear down to his knees and doing a "butt search" in broad daylight while handcuffed. Nothing was found and the C was driven a few blocks and allegedly told by one of the officers "if I were to give you \$10 would you risk your life or jeopardize it by buying cocaine or weed from a drug house." C refused and was allegedly told by the officer "the only way you are getting out of this car and not going to jail is by signing a pleading ticket, which the C did.	TOLLED.
04-237	Uganda Kneippe	SO	8/11/2004	TOLLED; Case # 0052905	8/10/2004	§1 Excessive force and §2 Infringement and bias	C is a counselor at a facility for developmentally disabled adults. He called 911 because a patient threatened to kill himself. The patient ran out of the facility into oncoming traffic. The C pushed the patient down to save him when OPD brought the C allegedly assaulted the patient. The officer checked the C and looked his arm and briefly detained then released him when the facility's supervisor arrived at the scene.	TOLLED.
05-121	Casey Johnson	AM	4/1/2005	TOLLED; Wiley C. 3/31/2005 Mental Courtroom, Dept. 104 Docket # 507943	3/31/2005	§1 Force, procedure and §2 Conduct	C alleges an officer pulled him off a motorcycle by his hair, took him to the ground and held his right arm against the motorcycle leg pipe causing an approximately 4 inch burn. The C was then punched, kicked and struck with his baton. C's right forearm was fractured when the officer pulled him to a standing position by the handcuffs.	TOLLED.
05-363	Rodrick Smith & Tonisha Jackson	AM	10/24/2005	TOLLED; Federal District Court Case #05-00781 MLJ filed 1/25/06	5/19/2005	§1 Force	C alleges he was shot by an officer for no reason and that officers wrote a false police report. C also alleges officers did not talk the truth in court.	TOLLED.
05-388	Eda B. Henry	AM	10/22/2005	TOLLED; Federal District Court Case #05-02865 A. filed 5/24/06	5/22/2005	§3 Procedure	C alleges Oakland Police officers and Fremont Task Force officers rushed into her home with guns drawn aiming at her son. C asked the officers what they were doing and they replied that they were looking for a man that was supposedly paroled and living at this address. C informed the officers that she has lived at this address for 22 months and the person they were looking for does not live there. After searching the house C states the officers walked out without apologizing.	TOLLED.

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06-047	John L. Sauter	SO	4/19/2006	TOLLED: Nevada County Superior Court, Reno C. Courthouse Case #RSGC_260850	8/22/2005	#1 Force and Race/Discrimination	C alleges he was physically assaulted and injured. C also alleges he was told to "put the fuck up" and statements allegedly made such as "fuck you, you little black son of a bitch" and "I am your white devil" and arrested by police officers for no reason.	TOLLED.
06-156	Melissa Cook	SO	Filed w/AD 2/17/06 filed w/CPRB 3/2/2006	TOLLED: US District Court Case # 06-4337 filed 3/14/06	2/17/2005	#1 Force and conduct	C alleges an Oakland police officer pulled his gun out and threatened her children and threatened to "jury the block." C also alleges the officer punched her son on the side of his face and her son is afraid the officer will come to their home and assault the family. The officer was arrested by the Brentwood Police Dept.	TOLLED.
06-0787	Robert Graham	WV	9/21/2006	TOLLED: US District Court Federal Case # CR05-00932 MJJ	4/15/2006	#1 Force	C alleges his son took police and when he was captured and placed in handcuffs he was kicked in the eye by one of the police officers, was hit with a baton over the other officer placed his knee on the side of his neck and held him down. C also alleges at this point he was kicked in the face again and when he started screaming for help both of the officers allegedly beat him until he passed out. C further alleges he was taken to jail and was told by the Sheriff of Horn County they could not let him go because he would have to be cleaned by the nurse who did the crime for his skin to be washed. The doctor at the hospital allegedly said the C had a broken bone around the eye, a fracture neck and bruised ribs. C also states the officers wrote in their report: "It should be noted that Graham was not struck with any impact weapons or hand fetters."	TOLLED.

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