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2016 APR 28 PM 6:10

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Anthony W. Finnell
Executive Director

SUBJECT: Citizens' Police Review Board 2015
Annual Report

DATE: March 11, 2016

City Administrator Approval

Date:

4/28/16

RECOMMENDATION

Staff Recommends That The Public Safety Committee Receive The Attached Citizens' Police Review Board 2015 Annual Report.

EXECUTIVE SUMMARY

This informational report fulfills the mandates required by Ordinance No. 12454 C.M.S. and discloses for the public record the work and actions taken by the Citizens' Police Review Board for this reporting period.

BACKGROUND / LEGISLATIVE HISTORY

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

ANALYSIS AND POLICY ALTERNATIVES

The analysis of the complaints filed with the CPRB from January 1, 2015 through December 31, 2015 is contained in the attached "CPRB 2015 Annual Report" (**Attachment A**).

Item: _____
Public Safety Committee
May 10, 2016

FISCAL IMPACT

There are no costs associated with this report.

PUBLIC OUTREACH / INTEREST

A draft version of the "CPRB 2015 Annual Report" was presented and discussed during the March 10, 2016 CPRB meeting. The presentation and discussion of the report was open to the public for comment and discussion.

COORDINATION

Coordination of the investigations contained in the attached report occurred with the Oakland Police Department and Office of the City Attorney. In addition, this report was reviewed by the Controller's Bureau and the Office of the City Attorney.

SUSTAINABLE OPPORTUNITIES

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

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

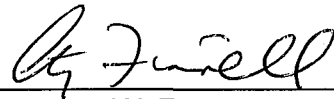
Social Equity: There are no identifiable social equity opportunities with this report.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the Public Safety Committee receive the attached Citizens' Police Review Board 2015 Annual Report.

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

Respectfully submitted,



Anthony W. Finnell
Executive Director, CPRB

Reviewed by:
Marti Paschal, Policy Analyst
CPRB

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

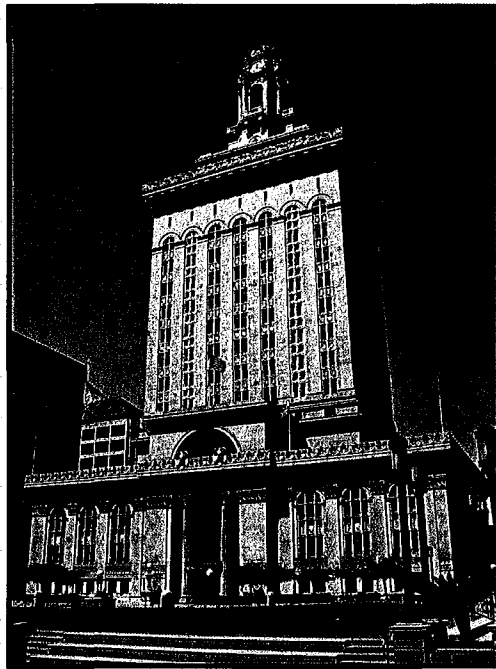
Attachment (A): CPRB 2015 Annual Report

City of Oakland
Citizens' Police
Review Board

2015

Annual Report

JANUARY 1, 2015 – DECEMBER 31, 2015



OFFICE OF THE CITY ADMINISTRATOR

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

OFFICE (510) 238-3159 FAX (510) 238-6834

WEBSITE: [HTTP://WWW2.OAKLANDNET.COM/GOV/CPRB](http://www2.oaklandnet.com/gov/cprb)

Citizens' Police Review Board

Office of the City Administrator
250 Frank Ogawa Plaza, Suite 6302
Oakland, CA 94612

Phone: 510-238-3159
Fax: 510-238-7084
TTY: 510-238-3724



March 11, 2016

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

On behalf of the members of the Citizens' Police Review Board (CPRB), I am pleased to share the 2015 Annual Report.

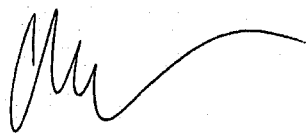
This is a crucial time to be involved with civilian oversight of law enforcement. Community awareness of the importance of police oversight, something historically clear to Oakland residents, is spreading throughout the United States and abroad. Sensitized by recent events, communities see the need to hold police departments and their members accountable to the responsibilities and obligations of the police oath of office.

The CPRB's goals are threefold— to educate the people of Oakland about the process by which they can seek redress and justice, to act as a fair, thorough, and impartial finder of fact, and to work with the Oakland Police Department to improve department policies and procedures. Our work requires a strong, diverse, independent, well-trained, and professional organization, including volunteer commissioners who represent a cross-section of Oakland's residents. Each Commissioner contributes unique talents and skills, and serves with dedication and enthusiasm. For their dedicated service, I want to thank former Commissioners Larissa Casillas, Jason Takenouchi, and former Chair Sokhom Mao. I also want to welcome our new Board members, Commissioners Sharon Ball, Charlette Green, Erica Harris, Ramon Nasol, Mya Whitaker, and Rev. Mauricio Wilson.

In 2016, the Board will continue to work to increase transparency, not only of police practices, but of the processes by which community members can pursue justice when they have concerns regarding police actions. The CPRB will distribute new materials to increase community members' awareness of how to use the CPRB to exercise their rights. In addition to meeting with community groups, CPRB's outreach committee will implement new ways of reaching underserved populations, all with the goal of establishing the CPRB as Oakland's mechanism for civilian oversight of the sworn members of the Oakland Police Department.

It is an exciting time to serve on the CPRB. We are proud to serve the people of Oakland and we thank you for your continued support.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chris Brown', with a long, sweeping horizontal stroke extending to the right.

Chris Brown

Chair, Citizens' Police Review Board

Executive Summary

In 2015, the Board received 432 complaints from OPD's Internal Affairs Division (IAD), of which 104 were assigned by the CPRB Executive Director to staff for investigation. The number of complaints received is significantly higher than those received in previous years (47 in 2014 and 53 in 2013) because of IAD's increased compliance with CPRB's enabling legislation which mandates that complaints filed at IAD be forwarded to the CPRB within 24 hours. In addition to the complaints received from IAD, CPRB received 21 walk-in complaints, for a total of 125 cases assigned for investigation in 2015.

The allegations most frequently filed with the Board were: (1) excessive force; (2) failure to act; and (3) verbal misconduct.

In 2015, the Board resolved 42 complaints compared to 67 in 2014. The increased number of complaints received in 2015 and the resultant increased workload impacted staff's ability to bring more cases to closure during the year. Of the total complaints resolved in 2015, six complaints were resolved through an evidentiary hearing and 36 through administrative closures. The most sustained allegations were for failure to properly supervise, failure to act, and verbal misconduct.

In 2015, 14% of the allegations were sus-

tained, 15% were not sustained, 22% were exonerated and 23% were unfounded. Four percent of the allegations were not within the CPRB's jurisdiction and 22% did not result in a finding (e.g., the allegation did not identify police misconduct).

The Board forwarded 31 disciplinary recommendations for sustained allegations to the City Administrator. The City Administrator upheld eight, disagreed with 17, and upheld six in part.

Two officers, who were properly noticed of a scheduled evidentiary hearing date and time, failed to appear as scheduled and did not notify the CPRB of their inability to appear pursuant to the directives as outlined in the OPD DGO M-3.2 *Citizens' Police Review Board*, section IV. Responsibilities, Subsection C.4. All other subject officers scheduled to attend CPRB evidentiary hearings complied with subpoenas and attended all scheduled hearings.

In 2015, the CPRB made a policy recommendation that OPD clarify its policy regarding "administrative, tactical or law enforcement sensitive information" necessitating the deactivation of PDRDs. This recommendation is currently pending review.

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CPRB mission statement

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

Current Board members and term expiration dates

Chris Brown, Chair	February 15, 2016
Charlette Green, Vice Chair	February 15, 2017
Sharon Ball	February 15, 2018
Brian Bingham	February 15, 2017
Lawrence Paul Brisco	February 15, 2015
Thomas Cameron	February 15, 2016
Erica Harris (Youth 18-25 years old)	February 15, 2017
Ramon Nasol	February 15, 2017
Howard Tevelson	February 15, 2016
Mya Whitaker (Youth—Alternate)	February 15, 2016
Rev. Dr. Mauricio Wilson	February 15, 2018
Almaz Yihdego	February 15, 2016



CPRB members: Erica Harris, Rev. Mauricio Wilson, Charlette Green, Ramon Nasol, Almaz Yihdego, Chris Brown, Thomas Cameron, Sharon Ball, and Brian Bingham.



Board member Mya Whitaker



Board members Lawrence Brisco and Howard Tevelson

CPRB independent counsel

Meredith E. Brown Board Counsel

CPRB staff

Anthony Finnell Executive Director

Marti Paschal Policy Analyst

Karen Tom Complaint Investigator

Joan Saupé Complaint Investigator (Certified Spanish-speaking)

Nikki Greer Complaint Investigator

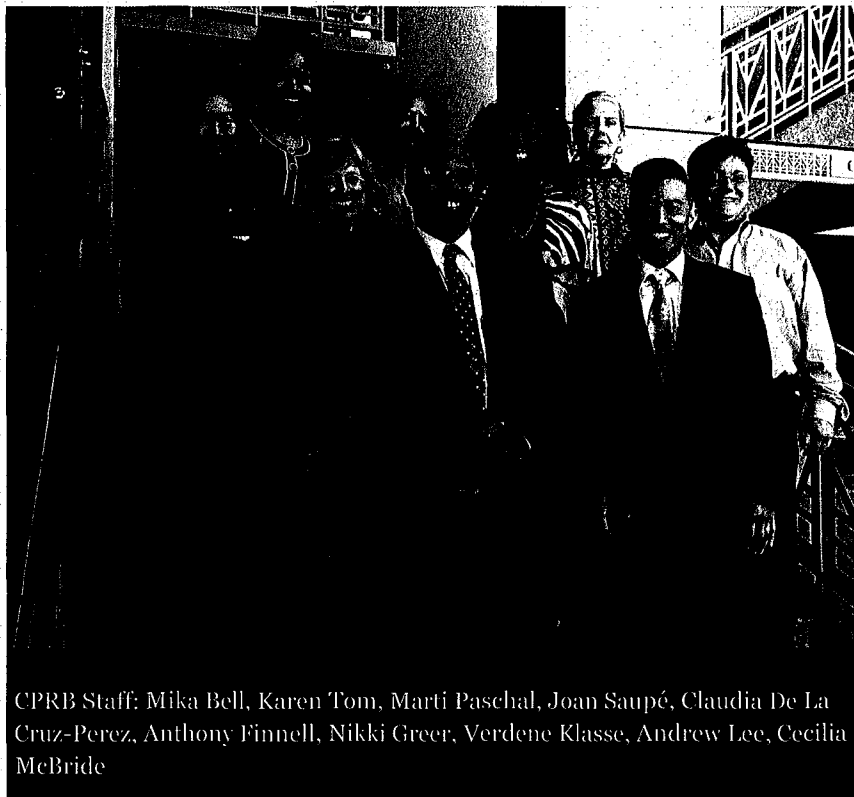
Andrew Lee Complaint Investigator (Certified Cantonese-speaking)

Claudia De La Cruz-Perez Intake Technician (Certified Spanish-speaking)

Mika Bell Intake Technician

Cecelia McBride Intake Technician

Verdene Klasse Office Assistant

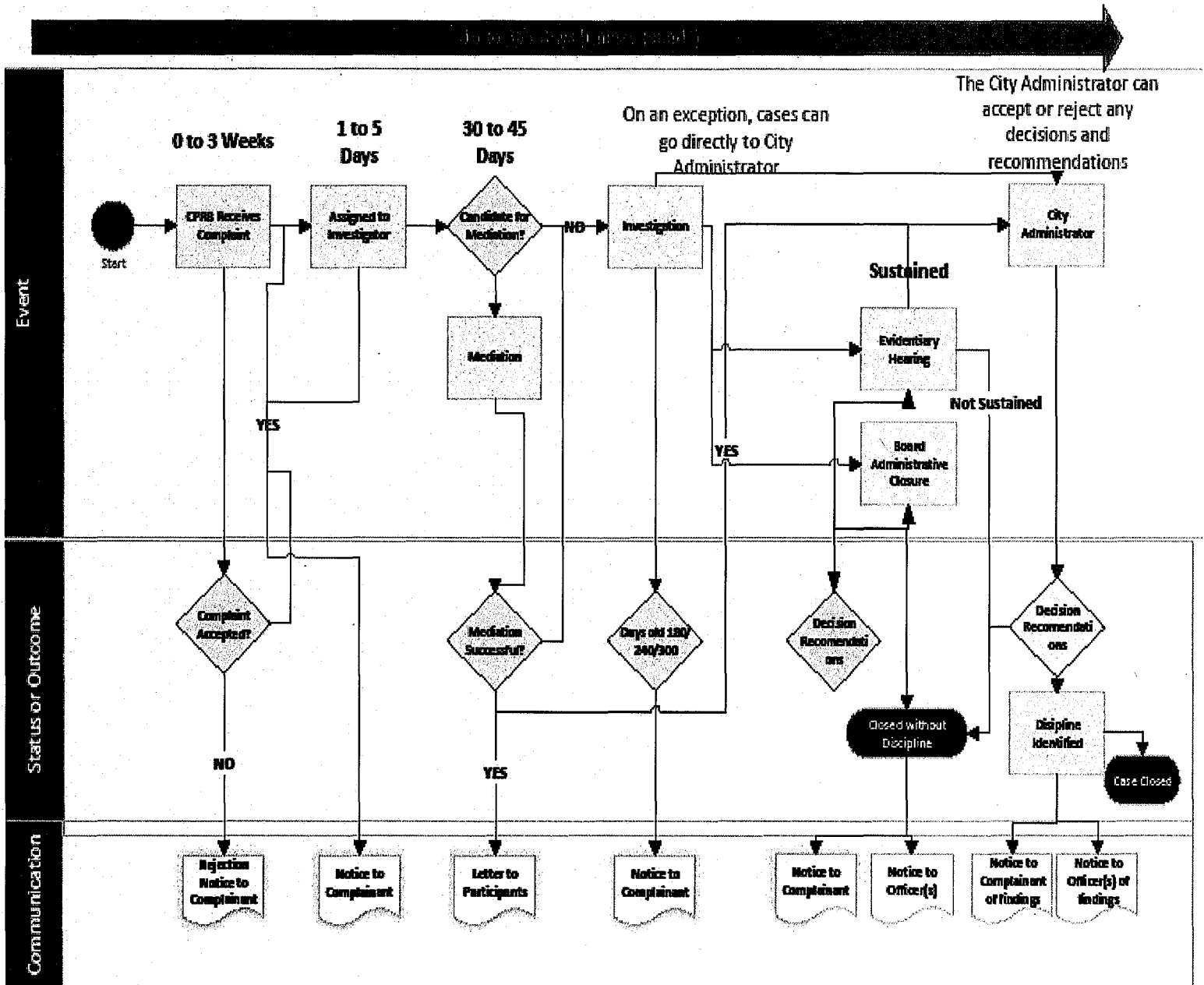


CPRB Staff: Mika Bell, Karen Tom, Marti Paschal, Joan Saupé, Claudia De La Cruz-Perez, Anthony Finnell, Nikki Greer, Verdene Klasse, Andrew Lee, Cecilia McBride



Board Counsel: Meredith Brown

CPRB Complaint Process



Board Activities and Information

CPRB New Hires

In 2015, the CPRB increased its permanent staff by hiring a bilingual Cantonese-speaking Complaint Investigator, an Office Assistant, a Policy Analyst, and three full-time Intake Technicians, one of whom is bilingual Spanish-speaking. With three bilingual staff, the CPRB is fully compliant with the City's Equal Access ordinance in providing equal access to its services for all Oakland residents, regardless of English proficiency.

Community Outreach

The CPRB Board and staff conducted more than 175 hours of community outreach, working to educate the community about their rights and the work of the CPRB. The CPRB outreach activities included hosting community events at the following locations: Acts Full Gospel Church, West Oakland Library, and Allen Temple Baptist Church. Other outreach activities included participation in the Mayor's State of the City Open House, the Art and Soul Festival, the annual Juneteenth Street Festival, presentations to the Spanish Citizens' Police Academy, the Oakland Youth Commission, and neighborhood district meetings. The CPRB also worked with 100 Black Men to develop an ad campaign, the 100 Cameras Education campaign, to inform the community of the mission and services of

the CPRB and the public's right to film and photograph police action.

Consolidation of Complaint Intake

On May 19, 2015, the City Council passed a resolution reaffirming its 2011 policy decision to consolidate the intake of all walk-in complaints against Oakland police officers at the CPRB. The resolution approved the deletion of a vacant Intake Technician position at OPD and the addition of an Intake Technician position at the CPRB. The CPRB has begun working with IT to develop a new data collection process and complaint management database and with OPD regarding office space and the relocation of the CPRB intake process to the current IAD location.

Staff and Board Training

The CPRB Board and staff completed more than 660 hours of training in an effort to improve the quality of its investigations and the services provided. Trainings included mediation and conflict resolution certification, interview and interrogation training, and participation at the National Association for Civilian Oversight of Law Enforcement annual conference.

Board Activities and Information Cont'd

CPRB Bylaws and Strategic Plan

The CPRB finalized a draft of its Bylaws in 2015. Once implemented, the Bylaws will govern the CPRB by providing structure and guidance for the Board, both now and in future years. The document will be presented to the City Council in 2016 for its approval. The CPRB is also in the final stages of completing its Strategic Plan. The final report will be shared with the CPRB Board and the City Council Public Safety Committee in 2016.

CPRB Mediation Program

The CPRB made significant strides in developing a mediation program to serve as an alternative to the CPRB complaint investigation process. Administrative General Order 4.0 was drafted to establish the CPRB's policy and procedures for the mediation process and the four CPRB investigators attended a 40-hour Conflict Resolution and Mediation Certification training at the SEEDS (Services that Encourage Effective Dialogue and Solutions) Community Resolution Center.

Number of Filed Complaints

In 2015, the CPRB received 125 complaints. *Figure 1* shows the total number of complaints filed with the CPRB from 2005. *Figure 2* shows the number complaints filed by month.

The increase in the number of CPRB complaints filed in 2015 reflects the increased number of complaints forwarded to the CPRB by IAD. In 2015, IAD forwarded 432 cases to the CPRB, 46% of which were forwarded within the mandated 24-hour period after receipt by IAD. Of the 432 cases received from IAD, 104 were assigned to CPRB investigators. In 2015, CPRB also received 21 walk-in complaints directly.

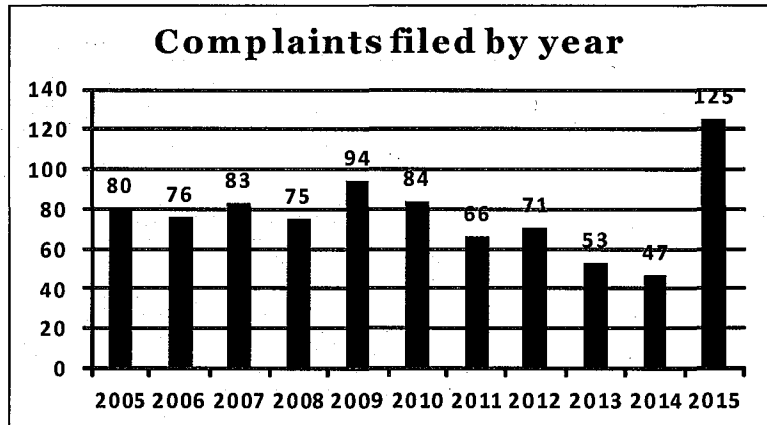


Figure 1

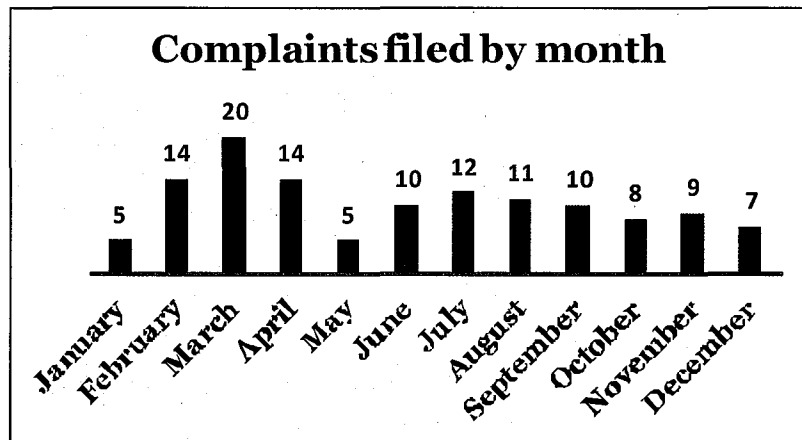


Figure 2

Complainant Demographics

Figure 3 gives the racial breakdown of complainants who identified their race on their complaint forms.

The vast majority of self-identified complainants are African-American (47%).

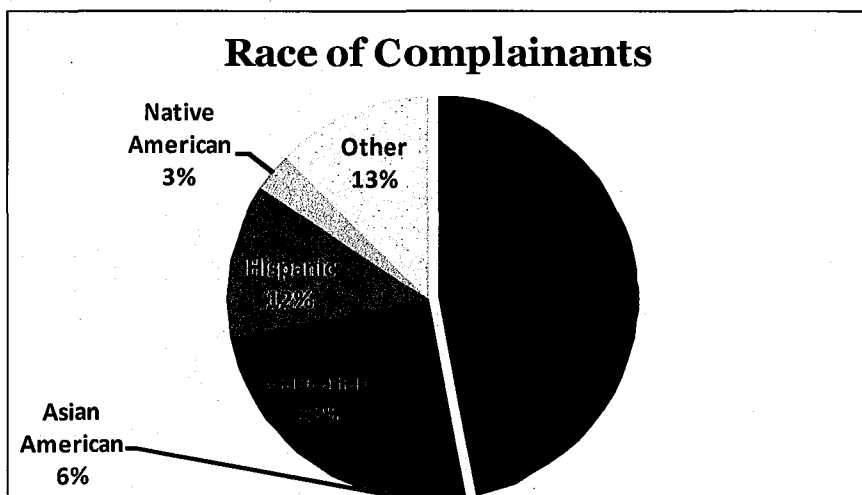


Figure 3

Figure 4 shows that, of the complainants who identified their gender, a slightly larger percentage of men (56%) filed complaints than women (44%).

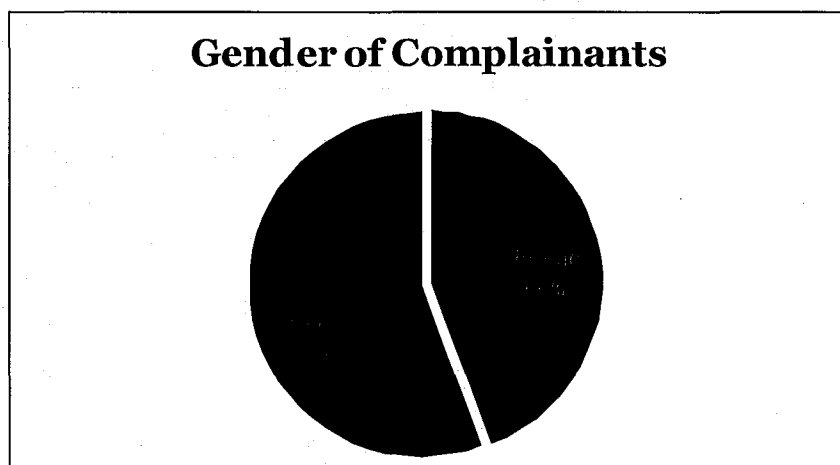


Figure 4

Complainant Demographics cont'd

Age data was available for only 25 of the 125 complainants. Of these complainants, **slightly more than a third fell between the ages of 55 and 64 (36%)** and 28% were between the ages of 25 and 34. Complaints by youth (ages 15–24), persons between the ages of 45–54, and those 65 and older were significantly less (8% , 8%, and 0%, respectively).

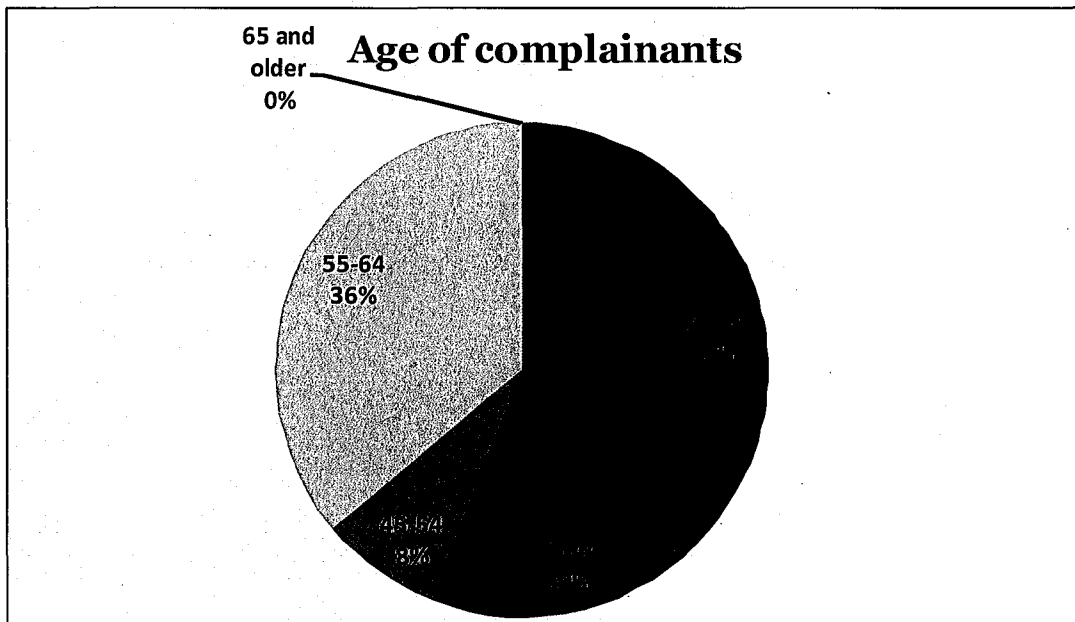


Figure 5

Allegation Categories

The top three allegations filed in 2015 were excessive force (20%), failure to act (20%), and verbal misconduct (15%). The nature and number of allegations in a complaint sometimes change over the course of investigating a case. Also, one complaint may contain two or more allegations.

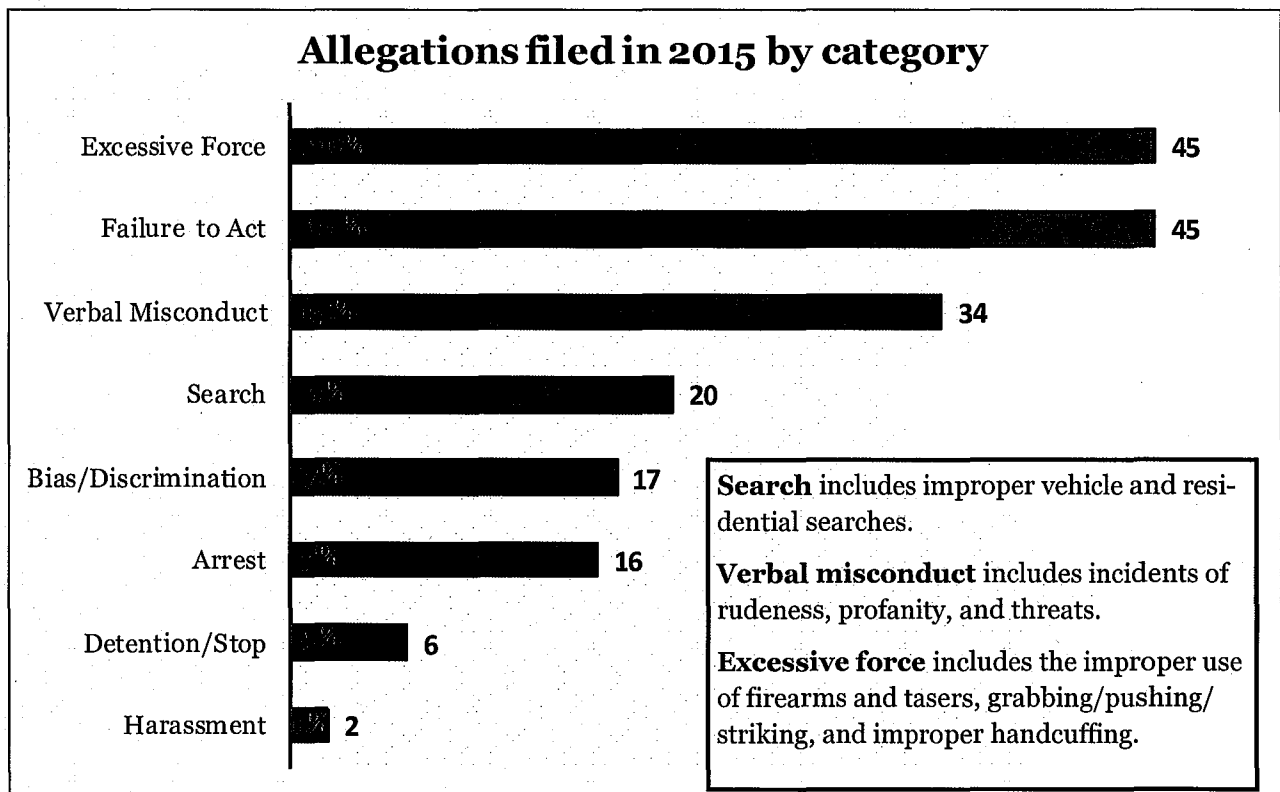


Figure 6

Allegation Categories cont'd

Table 1 shows trends in the five most common allegations since 2010. Because some years have more allegations than others, allegation categories are given as percentages. Excessive force and failure to act are the two most frequently alleged forms of police misconduct.

Most Common Allegations

	2010	2011	2012	2013	2014	2015
Excessive force	15%	33%	19%	14%	20%	20%
Arrest	8%	16%	7%	2%	5%	7%
Verbal conduct	11%	12%	7%	11%	17%	15%
Failure to act	22%	5%	27%	43%	20%	20%
Search	6%	5%	5%	6%	6%	9%

Table 1

Complaints by City Council District

One hundred nine of the complainants who filed in 2015 provided address information about the location of the incident. District 3 had the highest percentage, representing nearly one-fourth of all complaint incidents reported within the Oakland city limits.

Complaints by City Council District

District	Councilperson	# of Complaints in 2015	Percent of Total 2013 -2014
1	Dan Kalb	16	15%
2	Abel J. Guillen	13	12%
3	Lynette Gibson McElhaney	26	24%
4	Annie Campbell Washington	4	3%
5	Noel Gallo	16	15%
6	Desley A. Brooks	20	18%
7	Larry Reid	14	13%
At Large	Rebecca Kaplan	109	100%

Table 2

Number of Resolved Complaints

The CPRB resolved 42 separate complaints in 2015, 36 by administrative closure and six by full board hearing. There were no staff recommendations brought directly to the City Administrator. Staff recommendation is another method to bring findings to the City Administrator when a hearing cannot be held, for example, because of pending litigation or unavailable parties.

by full board hearing, and one by staff recommendation brought directly to the City Administrator.

The number of resolved complaints in a given year is related to both the number of complaints filed that year and the number of complaints filed in the previous year.

In 2014, 52 separate complaints were resolved, 45 by administrative closure, six

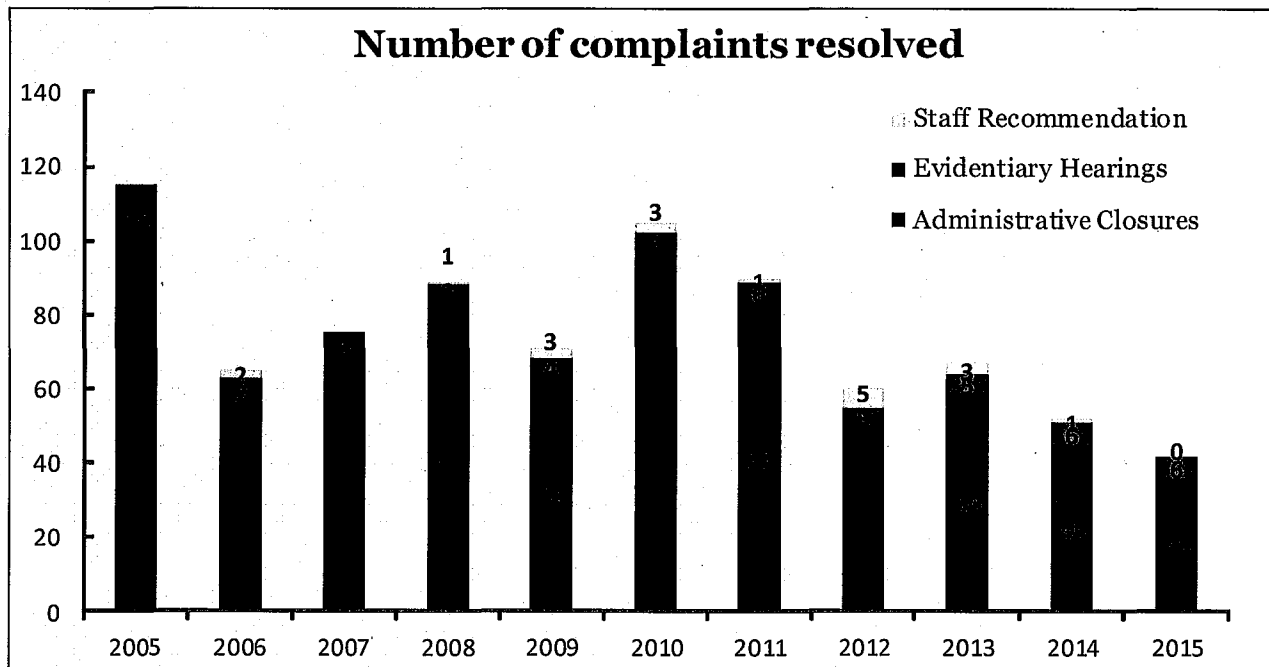


Figure 7

Explanation of Board Findings

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

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

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

Board Findings at Evidentiary Hearings

The Board uses several methods to review a complaint to determine the findings and appropriate discipline for the subject officers. The following tables list the complaints decided by the Board in 2015 from an evidentiary hearing. There were no staff recommendations brought directly to the City Administrator in 2015.

Complainant(s) Hearing Date	Allegation category	Allegation	Board Finding	Board Disciplinary Recommendations
Warren Aviles	Improper/Unlawful arrest	14-0067(01)	Exonerated	
01/08/2015	Improper/Unlawful arrest	14-0067(02)	Sustained	Written Reprimand
	Failure to investigate	14-0067(03)	Sustained	Suspension
	Verbal Misconduct - Rudeness	14-0067(04)	Not Sustained	
	Failure to Act - Other	14-0067(05)	Sustained	Counseling
	Failure to provide medical assistance	14-0067(06)	Sustained	Suspension
	Bias/Discrimination	14-0067(07)	Unfounded	
Esther Goolsby	Failure to properly supervise	14-0257(04)	Sustained	Suspension
et al	Failure to properly supervise	14-0257(07)	Sustained	Written Reprimand
03/07/2015	Improper Search - Person	14-0257(09)	Sustained	Counseling/Training
03/12/2015	Failure to Act - Other	14-0257(10)	Sustained	Counseling/Training
03/14/2015	Failure to properly supervise	14-0257(11)	Sustained	Written Reprimand
	Improper/Unlawful arrest	14-0257(13A)	Sustained	Written Reprimand
	Failure to properly supervise	14-0257(13B)	Sustained	Written Reprimand
	Failure to write a report	14-0257(15A)	Sustained	Counseling/Training
	Failure to write a report	14-0257(15B)	Sustained	Counseling/Training
	Failure to write a report	14-0257(15C)	Sustained	Written Reprimand
	Failure to activate PDRD	14-0257(16A)	Sustained	Suspension
	Failure to activate PDRD	14-0257(16B)	Sustained	Counseling
	Failure to properly supervise	14-0257(17)	Sustained	Suspension
	Failure to Act - Other	14-0257(18)	Sustained	Written Reprimand

Table 3

Board Findings at Evidentiary Hearings cont'd

Complainant(s) Hearing Date	Allegation category	Allegation	Board Finding	Board Disciplinary Recommendations
Trevel Adanandus Sr. et al 06/25/2015	Excessive Force - Other	14-0662(10)	Unfounded	
	Excessive Force - Handcuffs too tight	14-0662(02)	Exonerated	
	Excessive Force - Pointing of firearm	14-0662(03A)	Exonerated	
	Excessive Force - Pointing of firearm	14-0662(03B)	Exonerated	
	Excessive Force - Pointing of firearm	14-0662(03C)	Exonerated	
	Improper Detention/Stop	14-0662(04A)	Exonerated	
	Improper Detention/Stop	14-0662(04B)	Exonerated	
	Verbal Misconduct - Rudeness	14-0662(05)	Sustained	Counseling
	Verbal Misconduct - Profanity	14-0662(06)	Unfounded	
	Improper Search - Other	14-0662(07A)	Sustained	Written Reprimand
	Improper Search - Other	14-0662(07B)	Sustained	Suspension
	Improper Search - Other	14-0662(08A)	Not Sustained	
	Improper Search - Other	14-0662(08B)	Not Sustained	
	Bias/Discrimination	14-0662(09A)	Unfounded	
	Bias/Discrimination	14-0662(09B)	Unfounded	
	Excessive Force - Handcuffs too tight	14-0662(01A)	Exonerated	
	Excessive Force - Handcuffs too tight	14-0662(02B)	Exonerated	
Alivia Blount 09/03/2015	Racial/Identity Profiling - Race	14-0871(01)	Not Sustained	
	Failure to investigate	14-0871(10)	Sustained	Suspension
	Verbal Misconduct - Rudeness	14-0871(02)	Sustained	Counseling
	Verbal Misconduct - Rudeness	14-0871(03)	Sustained	Counseling
	Improper Citation	14-0871(04)	Not Sustained	
	Other	14-0871(05)	Unfounded	
	Other	14-0871(06)	Exonerated	
	Verbal Misconduct - Rudeness	14-0871(07)	Exonerated	
	Untruthfulness - Verbal statements	14-0871(08)	Not Sustained	
Untruthfulness - Verbal statements	14-0871(09)	Not Sustained		

Table 4

Board Findings at Evidentiary Hearings cont'd

Complainant(s) Hearing Date	Allegation category	Allegation	Board Finding	Board Disciplinary Recommendations
Kendall Anderson 11/12/2015	Failure to Act - Other	14-1024(01)	Not Sustained	
	Failure to Act - Other	14-1024(02)	Sustained	Counseling
	Verbal Misconduct - Rudeness	14-1024(03)	Sustained	Training
	Other	14-1024(04)	Exonerated	
	Failure to investigate	14-1024(05)	Unfounded	
	Failure to Act - Other	14-1024(06)	Sustained	Training
Desley Brooks 09/24/2015	Verbal Misconduct - Rudeness	15-0218(01)	Sustained	Suspension
	Verbal Misconduct - Rudeness	15-0218(02)	Sustained	Suspension
	Other	15-0218(03)	Unfounded	
	Failure to write a report	15-0218(04)	Unfounded	
	Other	15-0218(05)	Sustained	Suspension
	Failure to Act - Other	15-0218(06)	Unfounded	

Table 5

City Administrator's Decisions on Disciplinary Recommendations

The Board forwards all officer disciplinary recommendations to the City Administrator and Chief of Police. The City Administrator makes the final decision on whether the Board's recommendations for discipline for officers are accepted. In 2015, the Board recommended individual officer discipline regarding seven complaints: six (6) from evidentiary hearings and one (1) administrative closure. The seven (7) complaints contained 31 allegations with separate disciplinary recommendations.

In eight (8) of the 31 recommendations, the City Administrator agreed with the Board's recommendations for officer discipline. Seventeen (17) of the Board's recommendations were not accepted. Six (6) of the Board's recommendations were upheld in part.

Reasons for Administrative Closures

Hearing would not facilitate the fact-finding process

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

No MOR Violation

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

Lack of jurisdiction

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

Service related

A few complaints are filed with the CPRB which complain about the quality of ser-

vice received, for example, the time it takes OPD to respond to a call for service. Such complaints are not individual acts of officer misconduct.

3304 statute of limitations

A one-year statute of limitations applies to bringing disciplinary action against a public safety officer (CA Government Code §3304). Investigations that are not completed within one year of being opened are closed without a finding.

Complaint withdrawn

If a complainant voluntary withdraws her complaint, it is closed without a finding.

Complainant uncooperative

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

Unable to identify officer(s)

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

Board Findings for Resolved Allegations

In 2015, the CPRB resolved 42 complaints. The Board was able to determine findings in 166 of the underlying allegations. In 80 percent of those allegations, CPRB investigations revealed sufficient evidence to affirm whether an officer's actions were either appropriate or inappropriate with a finding of exonerated, unfounded, or sustained. Thirty-two (32) allegations (19%) were sustained.

Table 6 on the next page shows the allegation categories in complaints where the Board returned a sustained finding.

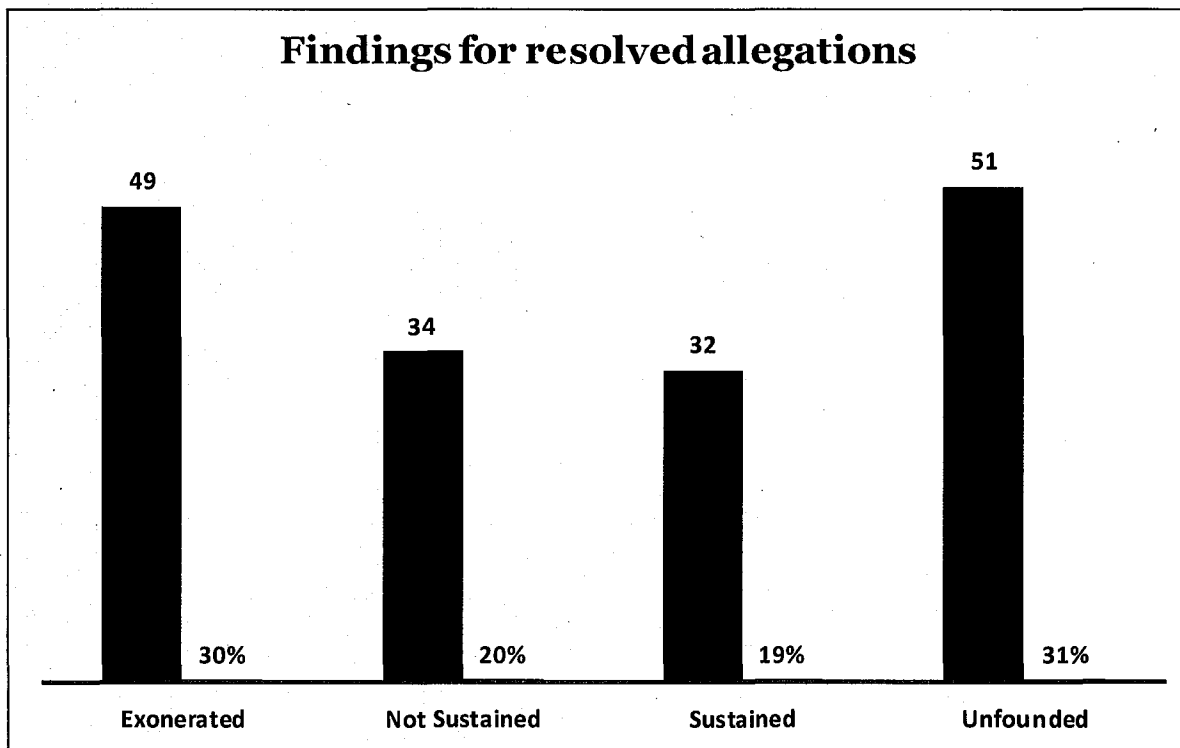


Figure 9

Sustained Findings by Allegations

In 2015, verbal misconduct, failure to properly supervise officers, and failure to act (encompassing lapses such as failure to advise a complainant of intent to arrest and failure to inform a complainant of her right to have a victim advocate present during an interview), were the most frequently sustained allegations. Sustained allegations regarding the failure to properly use Personal Digital Recording Devices (PDRDs), while lower than the previous year (4 sustained allegations in 2014), is still a matter of concern given the impact of proper usage on investigations.

Sustained Findings		
Allegation category	Total Sustained	Percentage
Verbal misconduct - Rudeness	6	19%
Failure to properly supervise	5	16%
Failure to act - Other	4	13%
Failure to write a report	4	13%
Improper Search	3	9%
Failure to activate PDRD	2	6%
Failure to investigate	2	6%
Improper arrest	2	6%
Excessive force	1	3%
Failure to provide medical assistance	1	3%
Property - Damaged/missing/seized	1	3%
Other	1	3%
Total	32	100%

Table 6

Officer Compliance with CPRB Investigations

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

Officer Appearances at Hearings

When officers receive subpoena notices from the CPRB, they must attend a scheduled hearing or make special arrangements for their absence. Officers that fail to appear at CPRB hearings without making special arrangements for their absence are non-compliant with the CPRB hearing process. Non-compliance in attending hearings is in violation of Oakland Police Department General Order M-3.2 and is subject to discipline. In 2015, 96 percent of officers complied with CPRB hearing subpoenas.

Hearings and subpoenas	
Hearings	6
Officer subpoenas	56
Officers attending	52
Officers excused	2
Officers non-compliant	2

Table 7

Officer Interview Notices

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

In 2015, 62 officers complied with CPRB interview notices in a timely manner.

Officer responses to Interview Notices	
Released statements	49
Interviewed by CPRB	13
Legitimately unavailable*	0
Officer non-compliant	0

* Includes officers on extended medical leave or who are no longer employed by OPD

Table 8

New Policy Recommendation

Clarification of OPD's PDRD Policy

On December 10, 2015, the CPRB voted to adopt a policy recommendation requesting clarification regarding the exceptions allowing officers to deactivate their Personal Digital Recording Devices (PDRDs) under OPD policy, DGO I-15.1. Current policy allows the deactivation of PDRDs during discussions of “administrative, tactical or law enforcement sensitive information.”

The benefits of clarifying OPD's policy include:

- Providing documentation for the investigation of an allegation of misconduct
- Helping to build trust between the citizens and OPD by improving transparency
- Protecting Oakland residents
- Protecting OPD officers
- Protecting the City of Oakland

Staff is presently awaiting a response from OPD regarding relevant training before determining the need to draft policy for consideration by the Board.

2015 Board Member Attendance

MEMBER	1/8/2015	1/22/2015	2/26/2015	3/12/2015	3/26/2015	4/9/2015	4/23/2015	5/14/2015	5/28/2015	6/11/2015	6/25/2015	7/9/2015	7/23/2015	9/10/2015	9/24/2015	10/22/2015	11/12/2015	12/10/2015	
Avalos-Leon	Ab	Ab																	
Bingham	*	*	*	Ex	Ab	*	Ab	Ab	*	*	*	*	*	*	*	*	Ex	*	
Brisco	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	Ex	
Brown	*	*	*	*	*	*	*	*	*	*	*	*	*	*	Ex	*	*	*	
Cameron	*	*	*	Ex	*	Ab	*	*	*	*	*	*	*	*	*	*	Ex	*	
Casillas	*	*	*	*	*	Ab	Ab	*	*										
Green														*	*	*	Ex	*	
Harris														*	Ab	*	*	Ex	
Mao	Ab	*	*	*	Ab	*	*	Ab	*	*	*	*	*	*	*	*			
Muhammad	*	*	Ab	Ex	Ab	Ab	Ab	Ab	Ab										
Nasol														*	*	Ab	*	*	
Takenouchi	*	*	*	*	*	Ab	Ab												
Tevelson	*	*	Ex	Ex	*	*	*	Ab	*	*	*	*	*	*	*	*	Ex	*	
Whitaker														*	Ab	*	Ex	*	
Yihdego	*	*	*	*	*	*	*	*	*	Ab	*	*	*	Ab	Ab	*	*	*	

* - present; Ab - absent; Ex - excused (absent with permission)