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Office of the City Administrator
Deborah A. Edgerly
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April 11, 2006

PUBLIC SAFETY COMMITTEE
Oakland, California

Chairperson Reid and Members of the Committee:

Subject: **CITIZENS' POLICE REVIEW BOARD 2005 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 2005 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".

JOYCE M. HICKS
Citizens' Police Review Board
Executive Director

FORWARDED TO THE
PUBLIC SAFETY COMMITTEE:

A handwritten signature in black ink, appearing to read "Deborah A. Edgerly".

OFFICE OF THE CITY ADMINISTRATOR

Item: _____
Public Safety Committee
April 11, 2006

1251

JANUARY 1, 2005 - DECEMBER 30, 2005



1251
Office of the City Administrator

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Citizens' Police Review Board

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

February 14, 2006

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 CPRB's 2005 Annual Report. 2005 was a productive year in terms of the number of hearings held and Board policy recommendations implemented by the Oakland Police Department. Officer compliance with CPRB investigations has also improved, resulting in faster resolutions of complaints and less cancellations of Board hearings. The current challenges facing the Board involve community outreach and educating the citizens of Oakland about our services.

In 2005, the Board resolved 115 complaints, with eighteen through evidentiary hearings and ninety-seven by administrative closures. Eighteen evidentiary hearings are the most hearings held by the CPRB in one year. Of the eighteen hearings held, the Board forwarded disciplinary recommendations from twelve complaints. The City Administrator upheld eight in whole or in part and denied four of the Board's recommendations.

The Oakland Police Department has addressed all of the Board's past policy recommendations in 2005. There are no policy recommendations currently pending. Policy recommendations were implemented regarding towing vehicles, crowd control and officer compliance with CPRB investigations. The Oakland Police Department is currently conducting training on these new policies.

The Board will focus on ways to improve community outreach. Some residents are not aware of the services provided by the Citizens' Police Review Board. Other residents are unaware of the difference between filing a legal complaint versus filing a complaint with the Citizens' Police Review Board or Internal Affairs. The Board and staff are developing a strategic plan for 2006 to help address these concerns.

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

Sincerely,

A handwritten signature in cursive script that reads "Jamilah Scates".

Jamilah Scates, CPRB Chair

Board Members and Term Expiration Dates

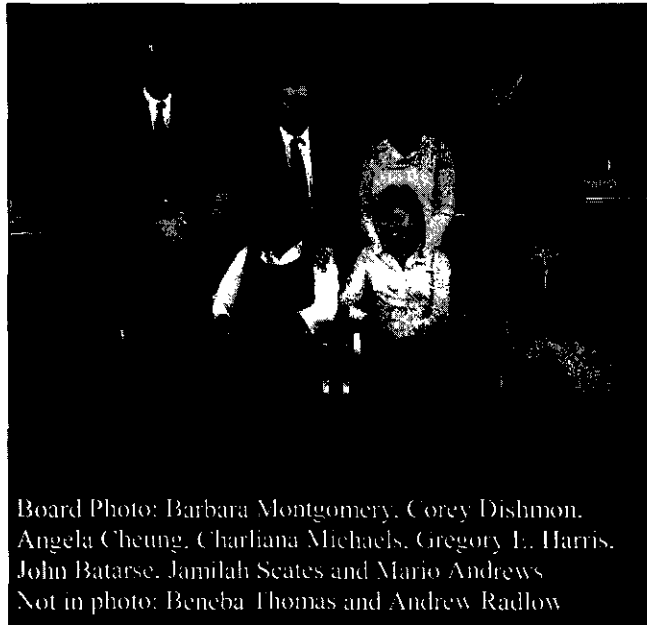
Mario Andrews	February 15, 2006
John Batarse	February 15, 2006
Angela Cheung	February 15, 2006
Corey Dishmon	February 15, 2006
Gregory E. Harris	February 15, 2007
Jamilah Scates	February 15, 2006
Charliana Michaels	February 15, 2007
Barbara Montgomery	February 15, 2007
Beneba Thomas	February 15, 2007
Cheryl Anderson (alternate)	February 15, 2006
Andrew Radlow (alternate)	February 15, 2006

CPRB Independent Counsel

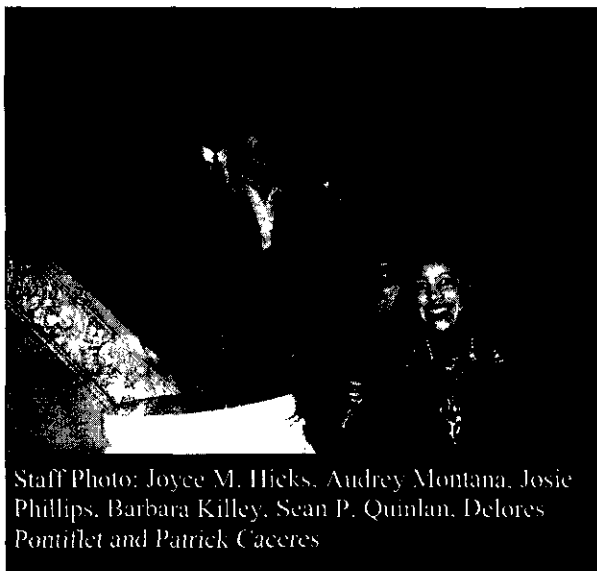
Antonio Lawson	Board Counsel
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CPRB Staff

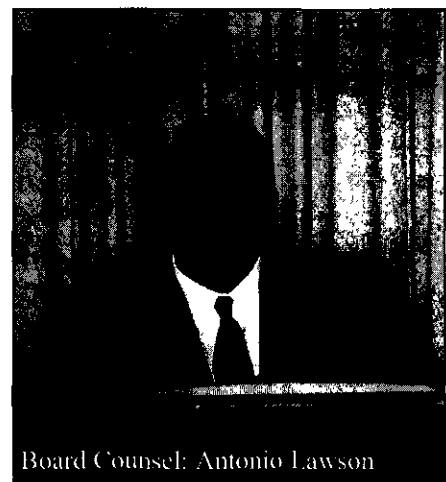
Joyce M. Hicks	Executive Director
Patrick J. Caceres	Policy Analyst / Outreach Coordinator
Audrey Montana	Investigator
Sean P. Quinlan	Investigator
Barbara Killey	Administrative Hearing Officer (CAO)
Delores Pontiflet	Executive Assistant to the Director
Josie Phillips	Administrative Analyst



Board Photo: Barbara Montgomery, Corey Dishmon, Angela Cheung, Charliana Michaels, Gregory E. Harris, John Batarse, Jamilah Seates and Mario Andrews
Not in photo: Beneba Thomas and Andrew Radlow



Staff Photo: Joyce M. Hicks, Audrey Montana, Josie Phillips, Barbara Killey, Sean P. Quinlan, Delores Pontiflet and Patrick Caeres



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 public forum to air its concerns on policy matters and individual cases alleging police misconduct.

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 2005, the Board received 78 complaints, filed by 81 individuals. These individuals were primarily African-Americans, between the ages of 25 and 54 years old. In 2005, the number of complainants between the ages of 45 and 54 reported the largest number of complaints. The number of complaints received is 40% less than the number of complaints received in 2004.

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

Also in 2005, the Board resolved 115 complaints; 18 complaints through evidentiary hearings and 97 through administrative closures. At evidentiary hearings, the Board sustained 20% of the allegations it

heard and concluded that the officers were justified in their actions for 11% of the allegations. The Board found that 20% of the allegations it heard did not occur and voted not to sustain 51% of the allegations. For 2005, the most sustained allegations were for failures to act, either to write reports or to investigate.

The Board forwarded twelve disciplinary recommendations for sustained allegations to the City Administrator. She has upheld eight in whole or in part and denied four of the Board's recommendations.

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

In 2005, the Board made one policy recommendation to OPD on conducting ruses, which has been declined. Regarding past policy recommendations, the OPD crowd control policy, transport of vehicle occupants if their vehicles are towed due to OPD actions and instructions on officer compliance with CPRB investigations were adopted in whole or in part.

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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).)

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).)

Finally 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).)

Number of Complaints Filed

In 2005, the CPRB received 78 complaints filed by 81 individuals. *Figure 1* displays the number of complaints that were filed for each month. March and April were the months when the most complaints were filed.

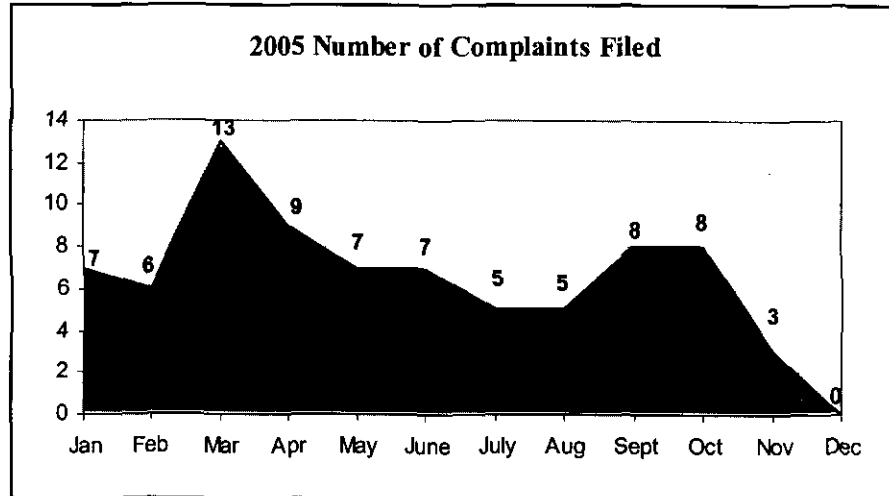


Figure 1

Figure 2 shows the number of complaints filed per year from 2000 to 2005. The 78 complaints filed in 2005 is a 40% decrease compared to the 130 complaints filed in the prior year.

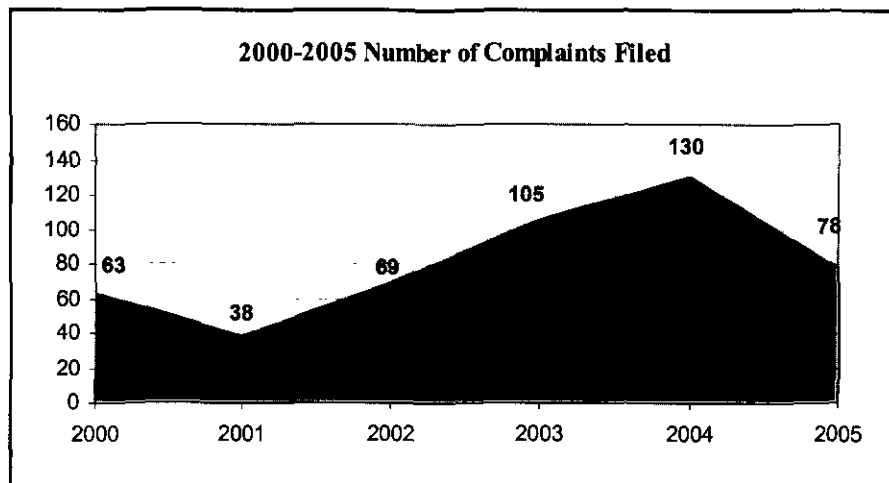


Figure 2

Race and Gender of Complainants

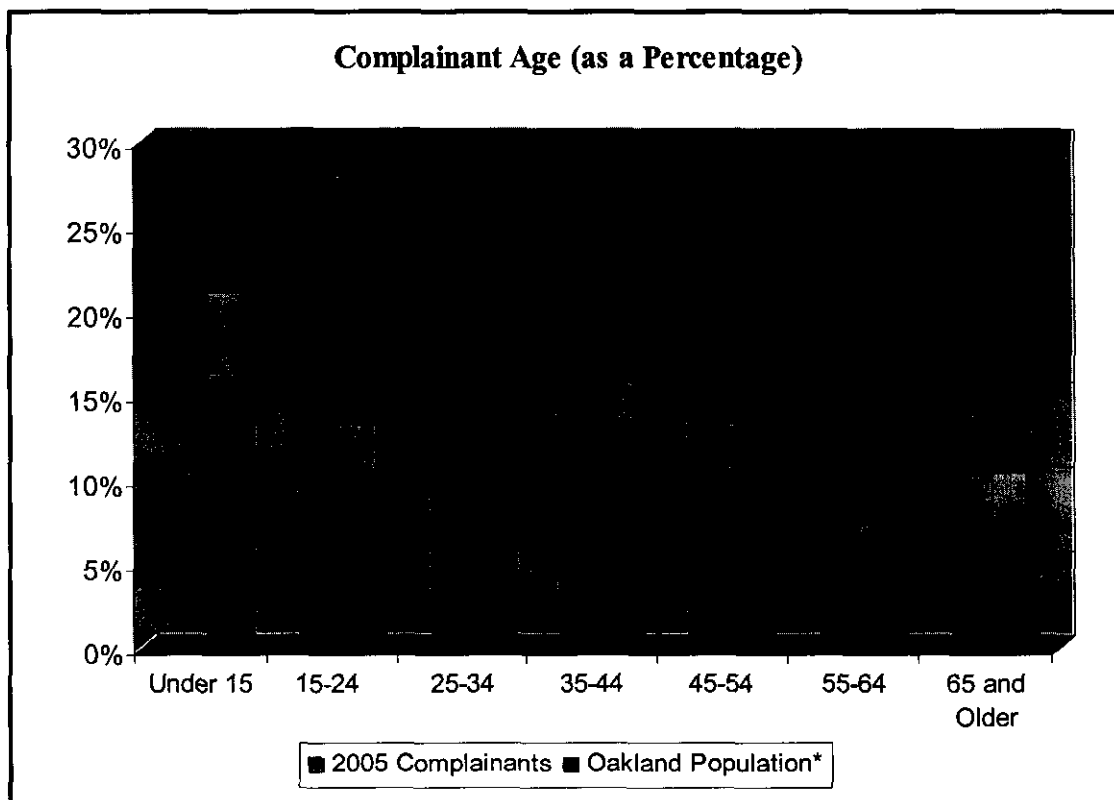
Among the complainants who provided information about their race, 70% of the 2005 complainants were African-American, and 48% of the complainants were African-American males. Caucasians comprised 15% of the complainants, Hispanic-Americans 7% and Asian-Americans 1%.

Race	Gender	No. of Complainants	Percent
African-American	F	16	21.3%
African-American	M	36	48%
African-American	Unknown	1	1.3%
Asian-American	F	0	0%
Asian-American	M	1	1.3%
Caucasian	F	4	5.3%
Caucasian	M	7	9.3%
Hispanic-American	F	0	0%
Hispanic-American	M	4	5.3%
Hispanic-American	Unknown	1	1.3%
Other	F	1	1.3%
Other	M	4	5.3%

Figure 3

Age of 2005 Complainants

Among the complainants who provided information about their age, the greatest number of complainants fell within two age categories: 45-54 years old and 25-34 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 2005

In 2005, complainants most frequently alleged: (1) failure to act; (2) excessive use of force; 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.

The percentage of excessive use of force allegations has decreased from 29% in 2004 to 14% in 2005. 2005 is the first year in a five year database that “failure to act” allegations are a greater percentage of the total allegations filed than excessive use of force. Failure to act allegations have increased, from 13% in 2004 to 22% in 2005.

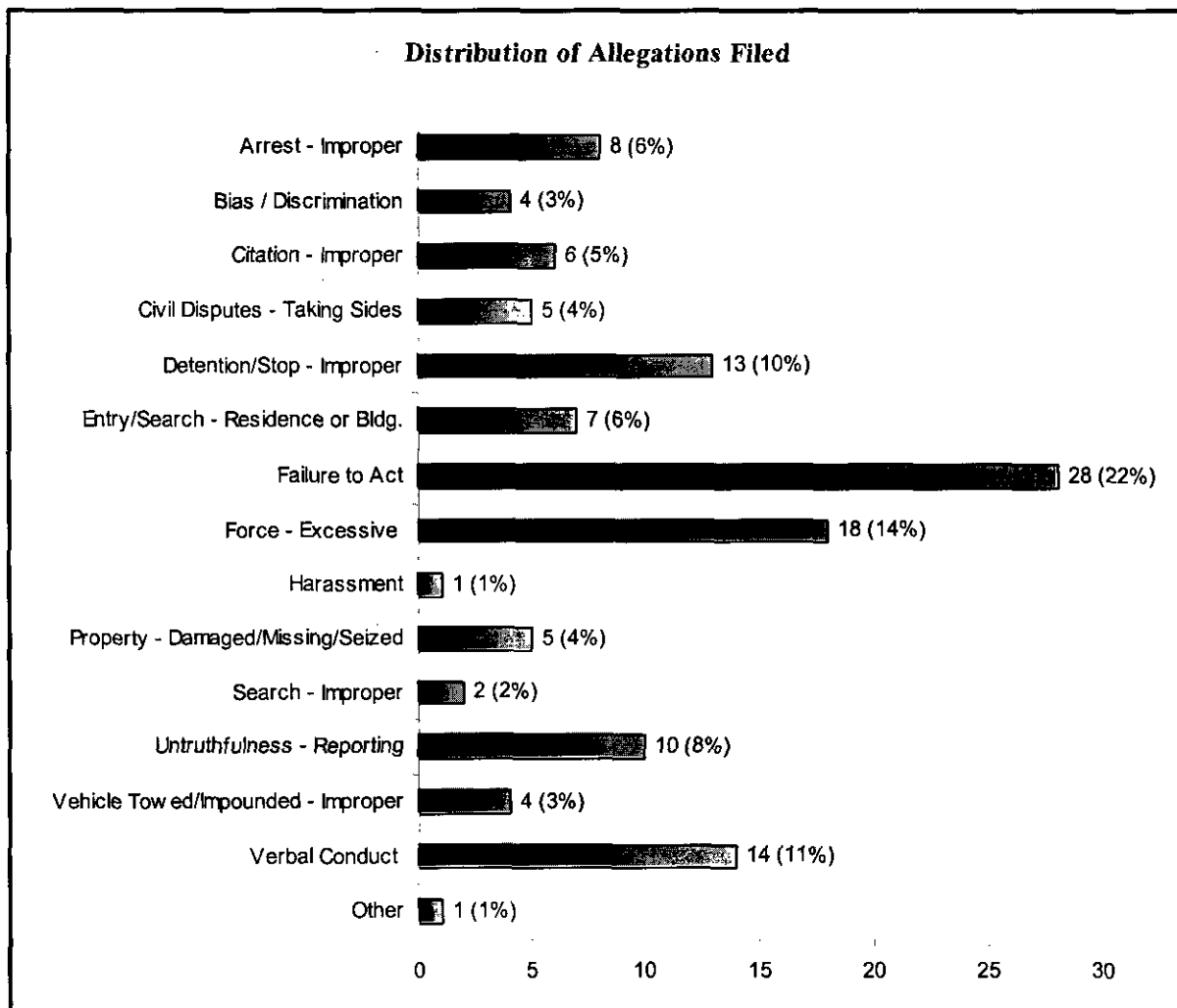


Figure 5

Allegations Filed in 2005

Figure 6, below, lists the number of complaints for each allegation into more specific categories. A failure to act allegation was the allegation most filed in 2005, specifically for complainants' perception of officers' failure to investigate. These complaints mostly alleged failures to investigate an auto accident or property theft.

Types of Allegations Filed	Distribution	%
Arrest - Improper	8	6%
Citation - Improper	6	5%
Detention/Stop - Improper	13	10%
Failure to Act		
Failure to Act - To Ensure Safety After Car Tow	3	2%
Failure to Act - To Provide Identification	2	2%
Failure to Act - Other	7	6%
Force - Choke	1	1%
Force - Handcuffs Too Tight	1	1%
Force - Shooting Gun at Person or Animal	1	1%
Force - Strike w Hand or Unknown Object	3	2%
Force - Use of Canine to Bite Person	1	1%
Force - Other	1	1%
Property - Damaged/Missing/Seized	5	4%
Search - Person	1	1%
Truthfulness - Reporting	10	8%
Verbal Conduct		
Verbal Conduct - Threats	3	2%
Total Allegations Filed	125	100%

Figure 6

Alleged Incidents by City Council District

In 2005, the greatest number of alleged incidents occurred in City Council Districts 3 (22%) and 1 (18%). Since 2004, the percentage of complaints from incidents occurring in District 1 has increased from 10% in 2004 to 18% in 2005. During this same period, complaints in District 3 have decreased from 34% in 2004 to 22% in 2005. All other City Council Districts' complaints have remained relatively consistent for the past two years. *Figure 7* provides the percentage of alleged incidents that occurred in all City Council Districts in 2005.

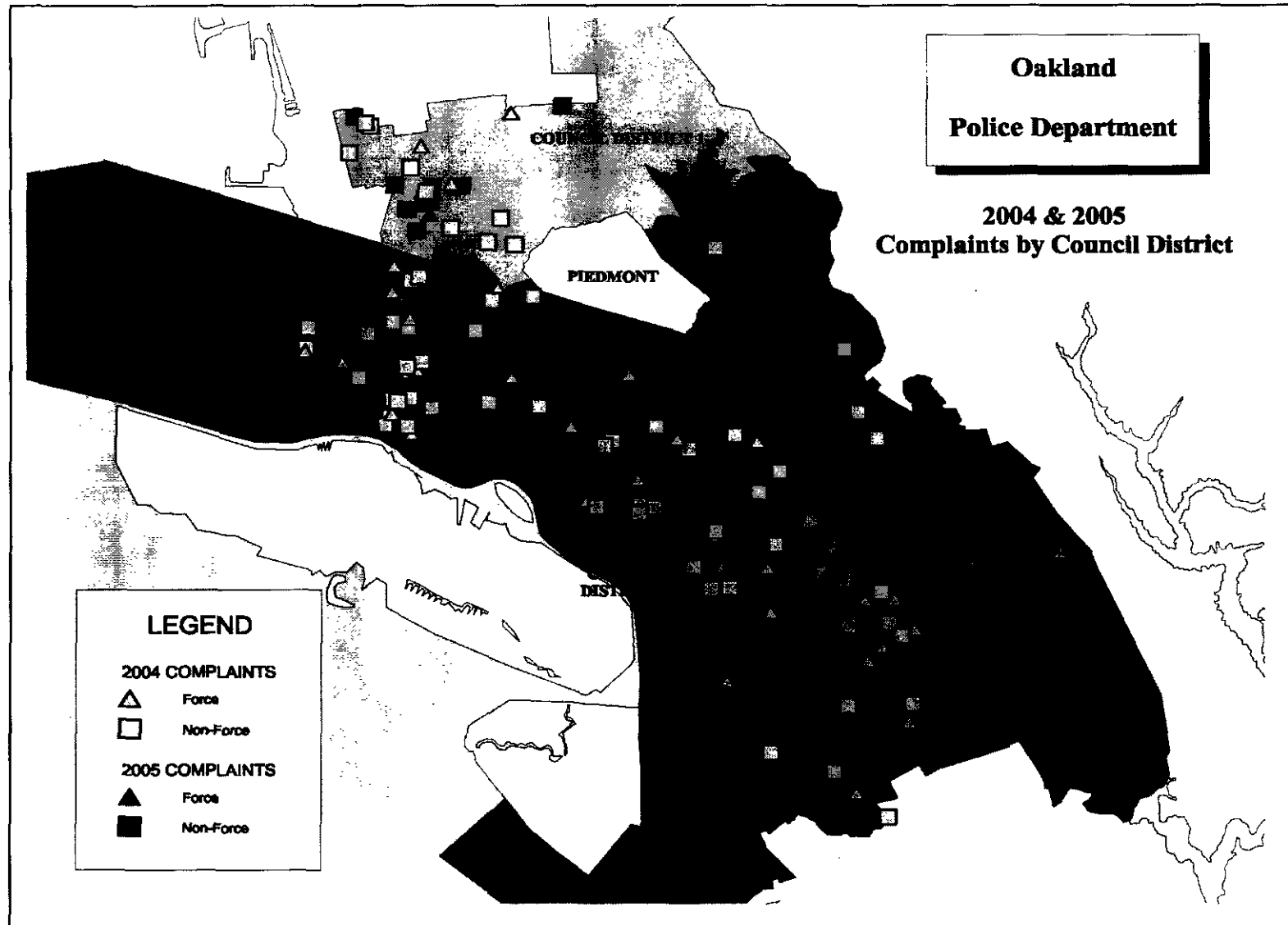
Council District	No. of Complaints	% of Complaints
1	14	18%
2	7	9%
3	17	22%
4	5	6%
5	5	6%
6	10	13%
7	9	12%
Insufficient Information	11	14%
Total	78	100%

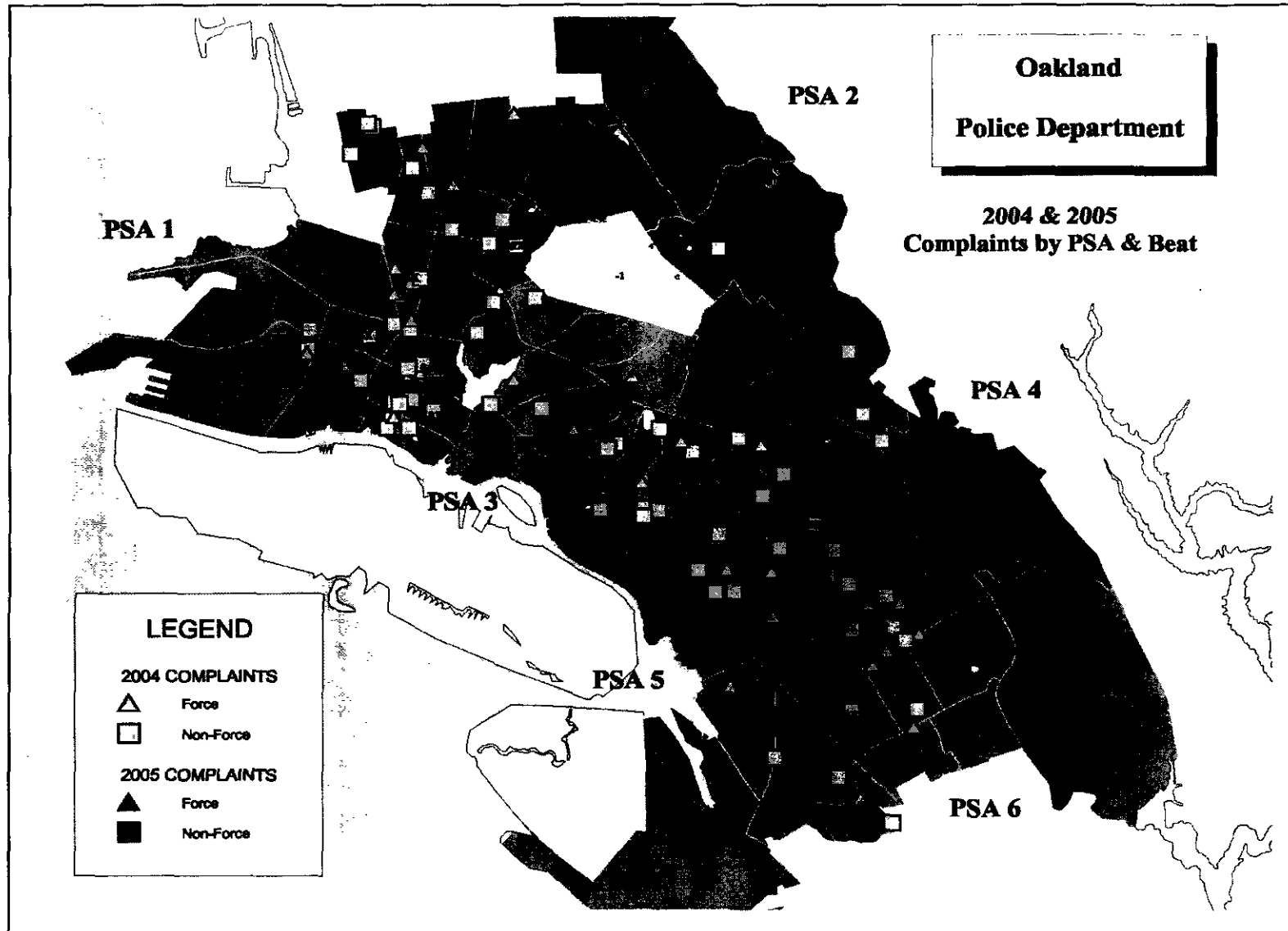
Figure 7

Locations of Alleged Incidents in 2004 and 2005

Map 1 shows the alleged incident locations from 2004 and 2005 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).





Map 2

Time of Alleged Incidents

Figure 8, below, shows the time the alleged incidents occurred for complaints filed in 2005. The greatest number of incidents occurred at approximately 3 p.m. and 7 p.m.

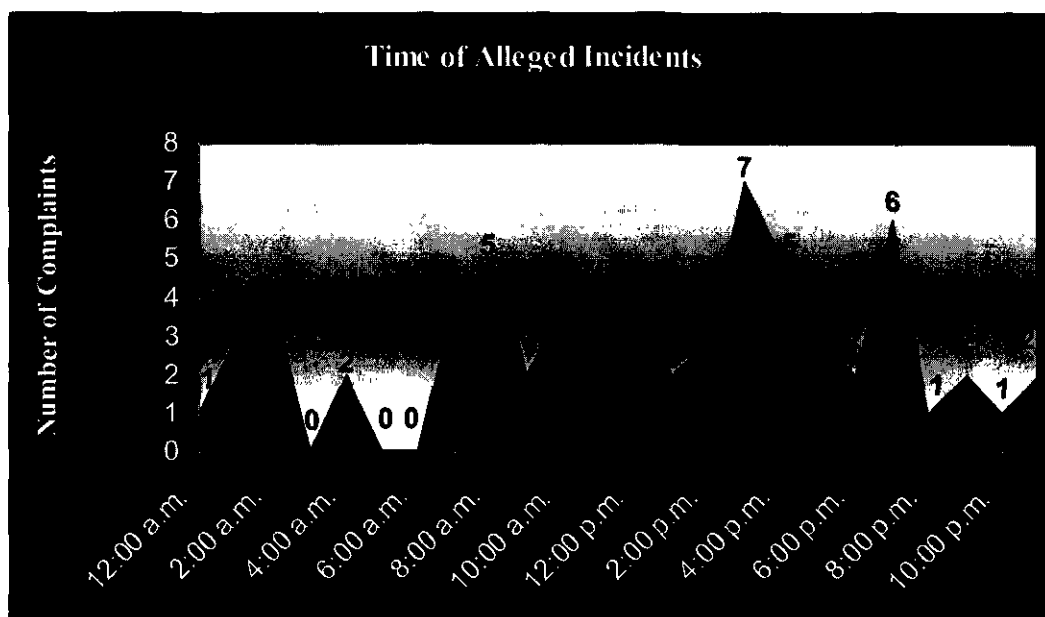


Figure 8

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, 38, came from incidents during the Second Watch, 36 complaints came during the Third Watch and 25 complaints during the First Watch.

2005 Resolved Complaints

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

In 2005, the Board resolved 115 complaints. The Board heard 18 complaints by evidentiary hearings and closed 97 complaints through administrative closures. *Figure 9* shows the number of complaints resolved each year since 2001.

The eighteen evidentiary hearing held in 2005 are the most hearings held from 2001-2005. Each year hearings are cancelled for a number of reasons. This year, three hearings were cancelled or postponed because of either complainant or officer actions. The first hearing was cancelled because the complainant withdrew the complaint a few days prior to the hearing. The second complainant cancelled the hearing because he decided to file a lawsuit right before the scheduled hearing. The third hearing was cancelled and then rescheduled because an officer failed to complete his interview prior to the date of the scheduled hearing.

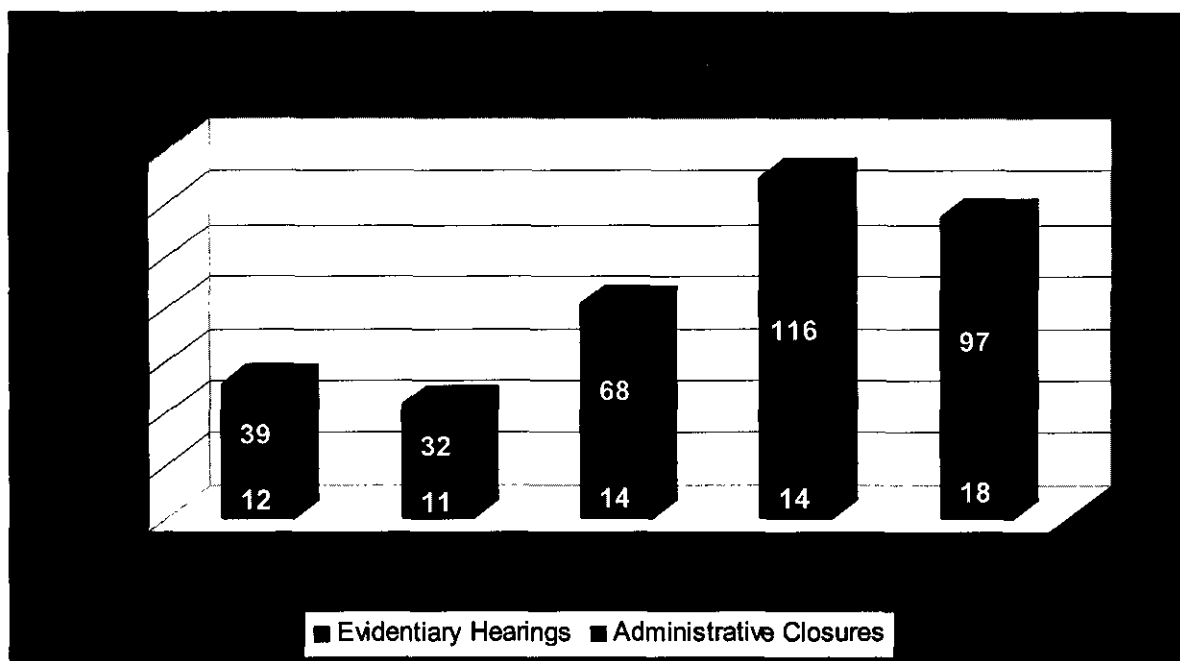


Figure 9

2005 Resolved Complaints

Not since 2001 has the CPRB resolved more complaints than were filed for the year. In 2005, the CPRB was able to reduce its caseload by thirty seven complaints, or 41% of our active and pending complaints. The CPRB investigators were able to reduce

a growing caseload from 2002-2004. The reduction in cases creates more time for investigations per case and helps expedite the resolution of complaints. A copy of the Pending Case List dated January 10, 2006, can be found in *Appendix D*.

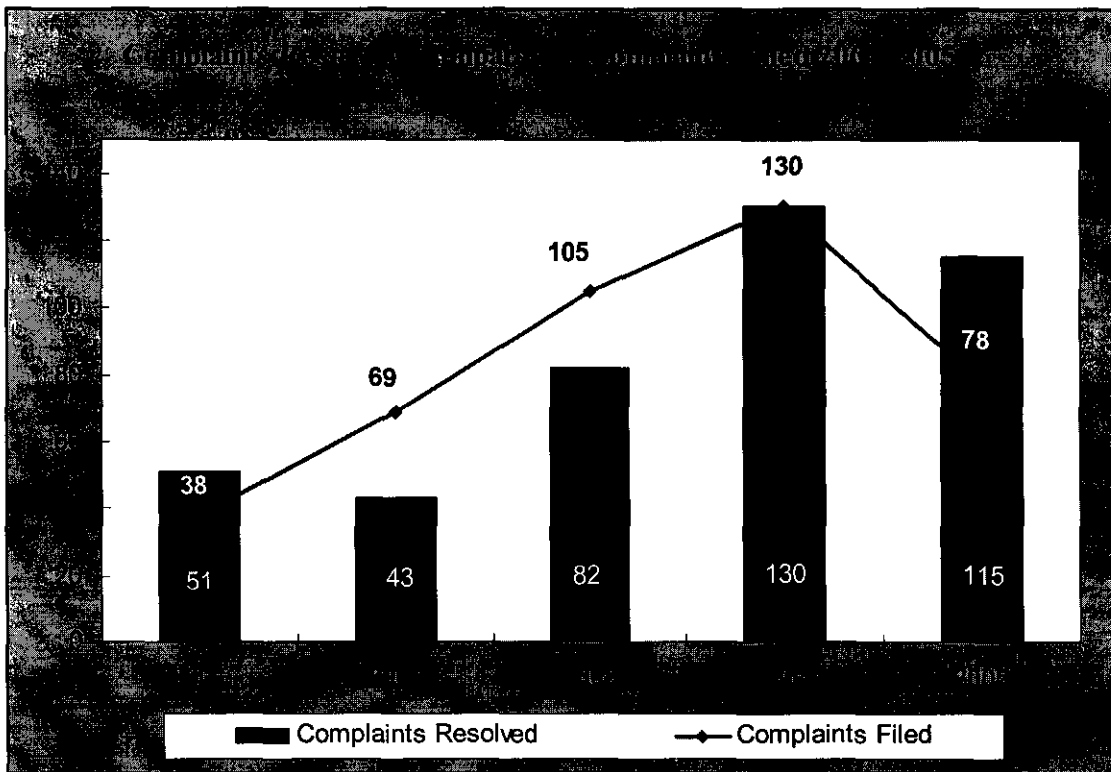


Figure 10

Allegations Before the Board at Evidentiary Hearings

Figures 11 and 12, list the types of allegations heard at each of the Board's hearings.

Hearing Date	Complaint (#)	Number and Type of Allegation Heard
02/17/2005	Dehlia Williamson (04-246)	4 Failure to Act - To Investigate; 2 Failure to Act - To Write A Report
03/31/2005	Devin Coakley (04-408)	1 Force - Strike with Weapon; 1 Force - Choke; 1 Force - Use of Chemical(s); 2 Force - Grab/Push/Shove/Trip; 2 Verbal Conduct - Profanity/Rude Statements
04/28/2005	Mark Thuesen (04-214)	1 Bias/Discrimination; 1 Citation - Improper; 1 Search - Vehicle; 3 Verbal Conduct - Profanity/Rude Statements
05/19/2005	Martin Alexander (04-174)	1 Search - Vehicle; 1 Vehicle Towed/Impounded - Improper; 1 Verbal Conduct - Profanity/Rude Statements
06/23/2005	Danny Armstrong Jr. (04-413)	1 Verbal Conduct - Profanity/Rude Statements; 1 Force - Strike with Hand or Unknown Object; 1 Force - Other - Restraint Technique Used

Figure 11

Allegations Before the Board at Evidentiary Hearings (cont'd)

Hearing Date	Complainant (#)	Number and Type of Allegation Heard
08/25/2005	Shade Ibrionke (05-033)	<ul style="list-style-type: none"> 1 Arrest - Improper 3 Search - Person 1 Vehicle Towed/Impounded - Improper 1 Detention/Stop - Improper 2 Failure to Act - To Ensure Safety After Car Tow 1 Citation - Improper 1 Search - Vehicle 1 Verbal Conduct - Profanity/Rude Statements
09/08/2005	Timothy Woodworth (05-335)	<ul style="list-style-type: none"> 2 Failure to Act - To Investigate
09/29/2005	Teddro Kittling (05-326)	<ul style="list-style-type: none"> 1 Arrest - Improper 1 Bias / Discrimination 1 Force - Use of Patrol Vehicle 1 Verbal Conduct - Profanity/Rude Statements 2 Detention/Stop - Improper
10/13/2005	Danny Reginald Wilcox (05-085)	<ul style="list-style-type: none"> 2 Arrest - Improper 1 Bias / Discrimination 1 Failure to Act - To Ensure Safety After Car Tow 2 Failure to Act - Other (provide medical assistance) 1 Failure to Act - To Investigate 2 Truthfulness - Reporting
12/15/2005	Timothy Woodworth (05-335)	<ul style="list-style-type: none"> 2 Failure to Act - To Investigate

Figure 12

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 charts on pages 17 and 18 for the Board findings for the complaints heard in 2005.

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.

Complainant's Hearing Date	Board Findings	Allegation Category	Board Disciplinary Recommendations
2/19/2005			
Dehlia Williamson 2/17/2005	3 Sustained 2 Sustained Not Sustained	Failure to Act - To Investigate Failure to Act - To Write A Report Failure to Act - To Investigate	The Board recommends Officer Johnson receives training and counseling regarding Traffic Collision Investigations.
3/23/2005			
Devin Coakley 3/31/2005	Sustained Sustained Sustained Sustained Not Sustained 2 Not Sustained	Force - Strike with Weapon Force - Choke Force - Use of Chemical(s) Force - Grab/Push/Shove/Trip Force - Grab/Push/Shove/Trip Verbal Conduct - Profanity/Rude Statements	The Board recommends Officer Nichelini receives a 4-day suspension for the four sustained allegations of excessive force.
4/28/2005			
Mark Thuesen 4/28/2005	Not Sustained Not Sustained Not Sustained Unfounded Unfounded Exonerated	Verbal Conduct - Profanity/Rude Statements Citation - Improper Search - Vehicle Verbal Conduct - Profanity/Rude Statements Bias/Discrimination Verbal Conduct - Profanity/Rude Statements	None - No sustained allegations
5/19/2005			
Martin Alexander 5/19/2005	Not Sustained Exonerated Exonerated	Search - Vehicle Vehicle Towed/Impounded - Improper Verbal Conduct - Profanity/Rude Statements	None - No sustained allegations
6/23/2005			
Danny Armstrong Jr. 6/23/2005	Not Sustained Not Sustained Not Sustained	Verbal Conduct - Profanity/Rude Statements Force - Strike with Hand or Unknown Object Force - Other (restraint technique used)	None - No sustained allegations

Complainant's Hearing Date	Board Findings	Allegation Category	Board Disciplinary Recommendations
Yolanda Hill Shawn Hill 07/14/2005			
Shade Ibranke 08/25/2005	Sustained 2 Not Sustained 2 Not Sustained Not Sustained Not Sustained Exonerated Exonerated Exonerated Exonerated	Search - Person Search - Person Failure to Act - To Ensure Safety After Car Tow Verbal Conduct - Profanity/Rude Statements Citation - Improper Vehicle Towed/Impounded - Improper Search - Vehicle Arrest - Improper Detention/Stop - Improper	The Board recommends Officer Staggs receives training for improperly searching Ms. Willis.
Teddro Kittling 09/29/2005	Sustained 2 Not Sustained Not Sustained Not Sustained Unfounded	Arrest - Improper Detention/Stop - Improper Bias / Discrimination Force - Use of Patrol Vehicle Verbal Conduct - Profanity/Rude Statements	The Board recommends Sgt. O'Rourke receives a written reprimand for improperly arresting Mr. Kittling.
Danny Reginald Wilcox 10/13/2005	Sustained 2 Not Sustained 2 Not Sustained Not Sustained Not Sustained Not Sustained Not Sustained	Failure to Act - Reporting Failure to Act - (provide medical assistance) Arrest - Improper Failure to Act - To Ensure Safety After Car Tow Failure to Act - To Investigate Bias / Discrimination Truthfulness - Reporting	The Board recommends Officer Koster receives training and a written reprimand for inaccurately writing information in his police report.
Brain Eubank			
Timothy Woodworth 12/15/2005	Not Sustained Exonerated	Failure to Act - To Investigate Failure to Act - To Investigate	None - No sustained allegations

Board Findings by Allegation Category

Figure 13 shows the Board's findings by allegation category. In 2005, the Board sustained 20%, and did not sustain, unfound or exonerate 80% of the allegations they heard. The most sustained allegations were for two complaints where the Board found the officers failed to properly write reports of the incidents. Another complaint resulted in four excessive force allegations

sustained against an officer.

The allegation category most heard by the Board in 2005 were for untruthfulness in reporting. The Board did not sustain any of these allegations. The Board determined 11 of 15 allegations, or 73%, of untruthfulness in reporting were unfounded.

Allegation Category	Not			Total	
	Sustained	Sustained	Unfounded Exonerated		
Arrest - Improper	2	4	1	7	
Bias / Discrimination		3	1	4	
Citation - Improper		2		2	
Custody - Improper Treatment		1		1	
Detention/Stop - Improper		3	1	2	6
Failure to Act - Other	1	2		3	
Failure to Act - Safety After Car Tow		3		3	
Failure to Act - To Investigate	3	2	2	7	
Failure to Act - To Provide Identification		1		1	
Failure to Act - To Write A Report	6	2		8	
Force - Choke	1			1	
Force - Grab/Push/Shove/Trip	2	4	1	1	8
Force - Handcuffs Too Tight	1			1	
Force - Kick			1	1	
Force - Other - Restraint Technique Used		1		1	
Force - Strike w Hand or Unknown Object		2		2	
Force - Strike w Weapon	1	1		2	
Force - Use of Chemical(s)	1			1	
Force - Use of Patrol Vehicle	1	1		2	
Property - Damaged/Missing/Seized	1	1		2	
Search - Person	1	2		3	
Search - Vehicle		3	2	5	
Truthfulness - Reporting		4	11	15	
Truthfulness - Verbal Statements	1	3	1	5	
Vehicle Towed/Impounded - Improper			3	3	
Verbal Conduct - Profanity/Rude Statements		9	3	2	14
Verbal Conduct - Threats		3		3	
Totals	22 (20%)	57 (51%)	20 (18%)	12 (11%)	111

Figure 13

Disposition of Allegations Heard by the Board

The number of sustained allegations as a percentage of the total disposition of allegations rose from 17% in 2004 to 20% in 2005. The number of allegations not sustained has steadily decreased from 2003

to 2005, while the number of unfounded and exonerated allegations has increased over the same three year span. See the complete voting records by Board members in *Appendix B*.

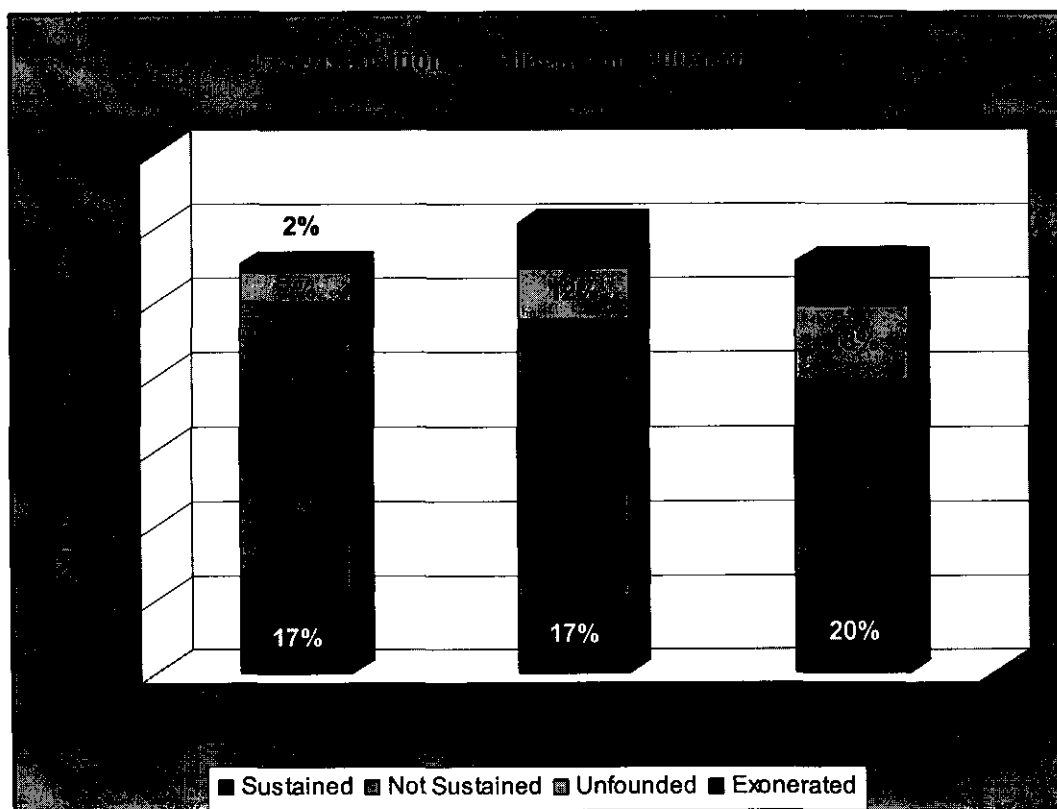


Figure 14

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 2005,

the Board forwarded disciplinary recommendations arising from twelve complaints. The City Administrator upheld eight in whole or in part and denied four 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 2005, the Board administratively closed 97 complaints. *Figure 15*, below, provides the reasons for the administrative closures.

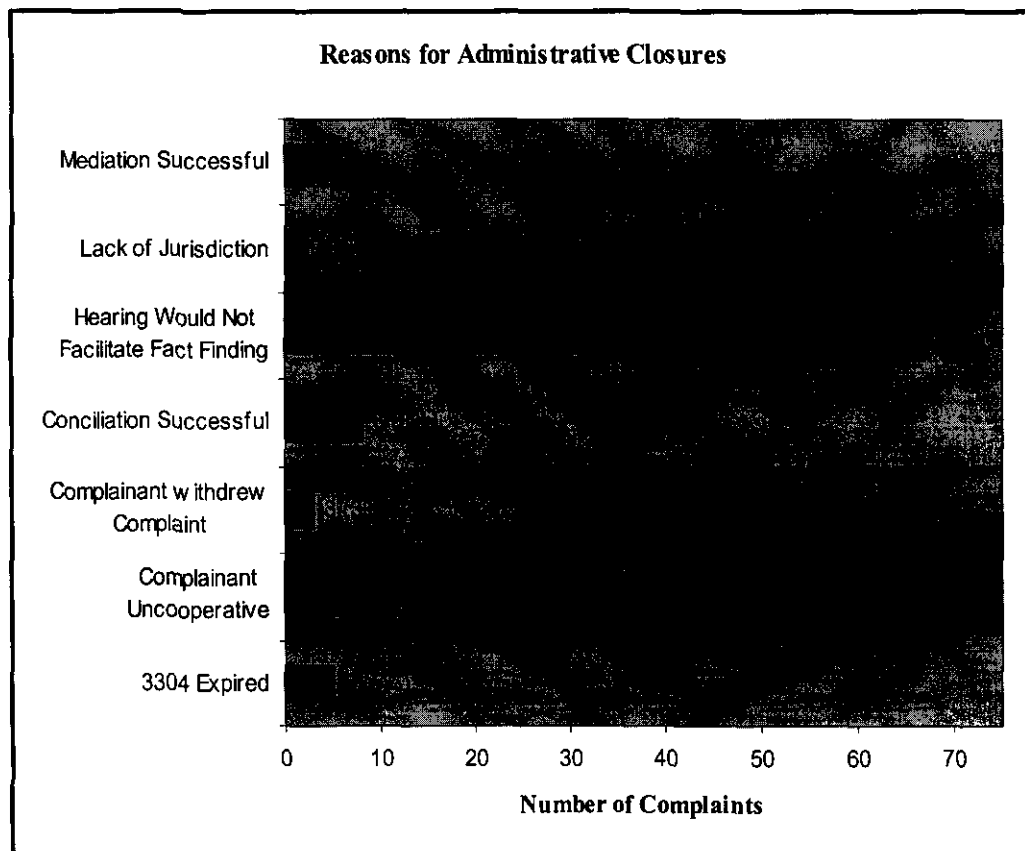


Figure 15

Mediation Was Successful

CPRB staff conducted six successful and two unsuccessful mediations in 2005.

Lack of Jurisdiction

One complaint was administratively closed because the complaint was against California Department of Corrections personnel. The CPRB does not have jurisdiction over the California Department of Corrections.

Hearing Would Not Facilitate Fact-Finding Process

The Board determined that a hearing was unnecessary in sixty-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

Eight CPRB complaints were resolved through an informal reso-

lution 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 was satisfied with the dismissal of his disputed citation and decided not to pursue his complaint further. Another complainant was satisfied with the interview statements of the officers and realized the misunderstanding. The third complaint was withdrawn by the complainant because he wanted reimbursement for his towing expenses. He was advised that CPRB investigations do not provide reimbursements.

Complainant was Uncooperative

In twelve 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.

Officer Compliance with CPRB Investigations

In 2005, the CPRB Policy Analyst restructured officer compliance data so reports focused on the specifics of the investigation process and are easily understood. Officer compliance with investigations can be summarized into two areas: responding to interview notices and attending hearings.

Interview Notices

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

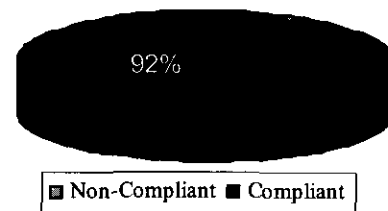
Officer Compliance Data

Officer compliance data was collected on fifty of the seventy-eight complaints filed in 2005. Investigations had not started on the remaining twenty-eight complaints. Officer compliance for interviews and hearing subpoenas for complaints filed in 2005 are continuing with minimal delays.

Interview Notices

Number of Complaints: 50
 Number of Officers Identified: 97
 Number of Interview Notices Sent: 87
 Scheduled Interviews: 55
 Outstanding Notices: 20
 Number of Officers Non-Compliant: 5

Officer Compliance with
Interview Notices



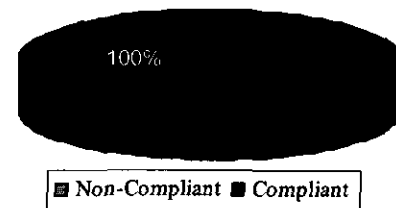
Interview Summary

In 2005, 92% of officers replied to interview notices in a timely manner. The current 8% who have not replied are over four months late on average. These delays cause investigations of complaints to be incomplete. One officer's non-compliance with the interview notice caused the cancellation of a hearing.

Hearing Subpoenas

Number of Hearings: 18
 Number of Officer Hearing Subpoenas: 53
 Number of Officers Attended: 51
 Number of Officers Excused: 2
 Number of Officers Non-Compliant: 0

Officer Compliance with Hearing
Subpoenas



Hearing Summary

In 2005, 100% of the officers subpoenaed complied with the conditions of the subpoena. 51 of 53 officers subpoenaed attended hearings, while two officers who did not attend were excused because one was on injured leave and another was on vacation.

Number of Officers with One or More Complaints between June 30, 2003 and December 31, 2005

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 employee who receives three (3) or more citizen complaints during a 30-month

period . . . shall be identified as a subject for PIMS intervention.”

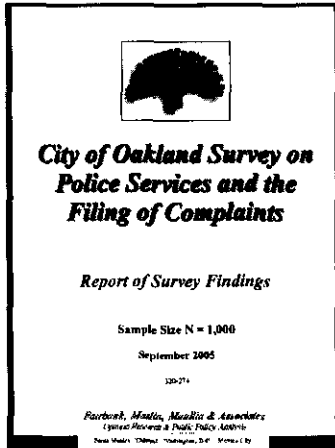
(Section VII (B)(6)).

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, 2003 and December 31, 2005. Data on sustained allegations and complaint status for officers with three or more complaints can be found in *Appendix C*.

	No. of Officers	% of Officers with Complaints
Officers with Six Complaints	1	0.4%
Officers with Five Complaints	1	0.4%
Officers with Four Complaints	7	3%
Officers with Three Complaints	14	5%
Officers with Two Complaints	51	20%
Officers with One Complaint	186	72%
Total	258	100%

Figure 17

Board and Staff Updates



Citywide Survey

Beginning in 2002, the CPRB Executive Director and Policy Analyst worked on a task force with People United for a Better Oakland (PUEBLO), the City Attorney's Office and the Oakland Police Department whose purpose was to administer a Citywide survey regarding customer satisfaction with police services and the reporting of complaints.

The survey findings were completed by consultants, Fairbank, Maslin, Maullin and Associates. The following are some highlights of the thousand people surveyed:

- Two out of three Oakland residents surveyed had a positive impression of their most recent contact with the Oakland police.
- White, affluent, and older resi-

dents were more likely to have a positive impression of their most recent police contact than were African-American, less affluent, or younger residents.

- Respondents with a negative impression of their experience most often indicated that the officer was "discourteous or rude" (42%).
- One in ten respondents who said that they had a negative experience with an Oakland police officer indicated that they had filed a complaint with the Citizens' Police Review Board or the Police Department's Internal Affairs Division.
- Most of those who filed a complaint said they did so because of the officer's behavior (47%, including harassing, rude, or insensitive behavior) or because the officer was 'physically abusive' (17%).
- One-quarter of the residents who had a negative experience with the police said they did not know about the Review Board.
- Just over half of the residents who had contact with the police do not know the difference between filing a legal complaint versus filing a complaint with the Citizens' Police Review Board or Internal Affairs.

Community and Police Outreach



Photo: Participants of the Cantonese Speaking Citizens Academy with CPRB Executive Director, Joyce Hicks

Citizens Academy Presentations

In 2005, the Citizens' Police Review Board participated in two of the City of Oakland's Equal Access Citizen Academies.

The first presentation on May 2, 2005, Executive Director Joyce Hicks and Policy Analyst Patrick Caceres presented information on the history of the CPRB and how to file citizen complaints.

The second presentation on November 7, 2005, was for a Cantonese speaking audience. With assistance from a translator, Joyce Hicks and Patrick Caceres shared information on the CPRB complaint process with the audience.

Analyzing Complaint Statistics

In an effort to improve the Citizens' Police Review Board's statistical analysis, a current graduate student of the University of California, Berkeley's Goldman School of Public Policy is researching methods to collect and analyze police complaint statistics. His research will include a five-month study of statistics and other oversight materials that measure performance and agency productivity.

Police Academy Training

On August 29, 2005, Executive Director Joyce Hicks, Policy Analyst Patrick Caceres and Investigator Victoria Urbi presented information to new Oakland Police Academy recruits on the CPRB investigative process.

Outreach Planning for 2006

Forty-three facilities including libraries, recreation centers and resource centers throughout Oakland will receive copies of brochures and complaint forms in February 2006.

The Citizens' Police Review Board is scheduled to speak at town hall and community meetings in District 1 and 6 in 2006. The CPRB is planning future town hall meetings in the other districts to share information with citizens about the services of the CPRB.

Policy Recommendation Updates

In 2005, a number of outstanding Board policy recommendations were considered and implemented by the Oakland Police Department. There are currently no outstanding policy recommendations awaiting the Police Department's response.

Crowd Control

Anti-War Demonstrations - On April 10, 2003, and subsequently on December 11, 2003, the Board heard testimony from members of the public regarding police conduct during an anti-war protest that took place at the Port of Oakland on April 7, 2003. The protestors complained that they were engaging in a non-violent protest and the police used excessive force in attempting to disperse the crowd. Many protestors alleged injuries. At the conclusion of the meeting, the Board made three policy recommendations. The Oakland Police Department has adopted these three recommendations as part of their department's policy on crowd control.

Carijama Festival - On October 28, 2004, the Board heard testimony from members of the public regarding OPD's use of CS gas to disperse the crowd and stop a fight, at the conclusion of the Carijama Festival in Oakland's Frank Ogawa Plaza. Eleven citizen complaints were filed by persons affected by the use of CS gas outside Wendy's Restaurant on May 31, 2004. These persons were patrons inside Wendy's and not the individuals involved in the alterca-

tion. At the conclusion of the meeting, the Board made seven policy recommendations. The Oakland Police Department has adopted these seven recommendations in whole or in part as part of their department's policy on crowd control.

Towing

In 2003, the Board heard three complaints alleging police officers were towing individuals' cars but leaving the drivers and the passengers in the streets without a ride. Since 2003, a total of seven complaints were filed related to this practice. On December 6, 2005, the Oakland Police Department approved Special Order No. 8098 that includes the Board's recommendations ensuring drivers' safety after their vehicles are towed by OPD.

General Order M-3.2

The Oakland Police Departmental General Order M-3.2 includes instructions and directions to officers about their obligation to cooperate with the CPRB. A final draft of the policy is complete, and the recommendation to specify the grounds for being relieved from compliance with CPRB subpoenas was adopted. Department-wide training in the police department on the M-3 series is near completion.

See pages 31-34 for a full list of policy recommendations made by the Board between 2001 and 2005.

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: <i>occupied buildings in the area, businesses, e.g. hospitals, schools, senior centers, family restaurants, vehicular traffic, and age, health and mobility of those present.</i>	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 penetrate the crowd given officer safety. Private security must be part of the Pre-incident Planning Meetings.	Included in OPD Training Bulletin III-G	Adopted 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>

Conclusion

This year marks CPRB's twenty-fifth year of continuous service to the citizens of Oakland. In 2005, CPRB enhanced productivity and built stronger community and police relations by:

- Holding the most evidentiary hearings in one year -- eighteen.
- Improving officer compliance with interviews and appearances at hearings.
- Working with the Police Department to implement outstanding Board policy recommendations.
- Reducing CPRB's caseload by resolving more complaints than the number of complaints filed for the year.
- Engaging in outreach activities with the community and the police.

Board Member Attendance at Board Hearings

Meeting Date	Member 1	Member 2	Member 3	Member 4	Member 5	Member 6	Member 7	Member 8	Member 9	Member 10	Member 11	Member 12	
1/27/05	Yes	Excused	Yes	Excused		Yes		Yes	Yes	Yes	Excused	Yes	Excused
2/10/05*		Yes	Yes						Yes				
2/17/05*						Yes		Yes			Yes		
2/24/05	Yes	Yes	Excused	Excused		Yes		Yes	Yes			Excused	Excused
3/10/05	Yes	Yes	Yes	Yes		Yes		Yes	Excused			Yes	Yes
3/24/05*			Yes	Yes								Yes	
3/31/05	Yes	Yes	Yes	Yes		Excused		Yes	Yes			Yes	Excused
4/14/05	Yes	Yes	Yes	Yes		Excused		Yes	Yes			Excused	Yes
4/28/05*	Yes	Yes										Yes	
5/12/05*		Yes						Yes					Yes
5/19/05*						Yes		Yes	Yes				
5/26/05	Yes	Excused	Excused	Yes	Yes	Yes	Yes	Excused	Excused			Excused	Yes
6/15/05	Yes	Excused	Yes	Yes	Yes	Yes	Yes	Yes	Yes				Yes
6/23/05	Yes	Yes	Excused	Yes	Yes	Yes	Yes	Yes	Yes				
7/14/05	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes				
7/28/05	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Absent			
8/25/05*	Yes				Yes								Yes
9/8/05	Yes	Yes	Excused	Yes	Yes	Yes	Yes	Yes	Yes	Yes			
9/22/05	Yes	Yes	Yes	Yes	Excused	Yes	Excused	Yes	Yes			Excused	Excused
9/29/05*			Yes	Yes			Yes						
10/6/05*	Yes							Yes				Yes	
10/13/05	Yes	Yes	Excused	Excused	Excused	Yes	Yes	Yes	Yes				Yes
11/10/05	Yes	Yes	Yes	Absent	Excused	Yes	Yes	Yes	Yes				Yes
12/8/05	Yes	Yes	Yes	Excused	Yes	Excused	Yes	Yes	Yes	Yes			
12/15/05*		Yes			Yes	Yes							

* Three-member-panel hearing

Excused - Member asked to attend, but excused

Absent- Unexcused absence

2005 Board Member Voting Record on Allegations Heard

BOARD MEMBER	Sustain		Exonerate		Unfound		Not Sustain		Abstain		TOTAL votes
	votes	%	votes	%	votes	%	votes	%	votes	%	
Anderson	11	19%	6	11%	26	46%	14	25%	0	0%	57
Andrews	13	30%	3	9%	2	5%	15	35%	0	0%	43
Batarse	12	17%	7	10%	12	17%	39	56%	0	0%	70
Cheney	16	27%	1	2%	1	2%	35	60%	0	0%	59
Dishmon	21	27%	4	5%	25	32%	24	31%	4	5%	78
Harris	11	26%	1	2%	1	2%	25	59%	0	0%	42
Scates	17	40%	5	12%	1	2%	20	47%	0	0%	43
Winters	17	21%	8	10%	7	9%	49	60%	0	0%	81
Reddy	11	26%	1	2%	1	2%	25	59%	0	0%	42
Thomas	13	22%	4	7%	7	12%	30	52%	4	7%	58
Wan	4	38%	1	9%	0	0%	5	42%	0	0%	10

The Status of Complaints for Officers with Three or More Complaints between June 30, 2003 and December 31, 2005

Officer	Hearing (At Least One Allegation Sustained)	Hearing (No Allegations Sustained)	Investigation Pending	Administrative Closure	Tolled	Total Complaints
Officer J. Kim		1	2	3		6
Officer Francis			2	2	1	5
Officer Bergeron	1			3		4
Officer Cardoza				3	1	4
Officer Estrada				3	1	4
Officer Igualdo				4		4
Officer Joshi				4		4
Officer McGuinn				4		4
Officer M. Nichelini	2			2		4
Officer Arvizu	1		1	1		3
Officer Baker			1	2		3
Officer Borjesson				3		3
Officer Clifford				3		3
Officer Crabtree				3		3
Officer Crum			1	2		3
Officer Gysin				3		3
Officer Hart	1			2		3
Officer E. Joyner III				3		3
Officer K. Kim			1	2		3
Officer Koster	2			1		3
Officer Ha.Nguyen				3		3
Officer M. Osanna Jr.	1		1	1		3
Officer Saeparn		1	2			3
Totals	8	2	11	57	3	81

**CITIZENS' POLICE REVIEW BOARD
PENDING CASES [Page 1 of 11]
as of January 10, 2006
(Total Cases - 68)**

FOR EXTERNAL USE ONLY

Case #	Complainant	Inv.	Date Complaint Filed	3304	Date of Incident	Priority	Brief Description of Complaint	Notes
ACTIVE AND PENDING - 49 CASES								
04-385	Tom Jensen	AM	CPRB 1/6/05 W/AD 9/7/04	5/6/2005	9/3/2004 & 9/7/04	#3 Procedure	(1) C alleges an unidentified officer failed to give emergency medical assistance (CPR) to C's friend who had collapsed due to a heart attack and stopped breathing. The C's friend died. (2) C also alleges IAD did not respond to C about two complaints he had filed.	Will propose for administrative closure on 1/12/06.
04-384	Jehal Bay	SQ	CPRB 11/17/04 W/AD 11/8/04	11/17/2005	11/17/2004	#1 Force, bias, procedure & conduct	C alleges two officers made slanderous remarks against him and he was kidnapped and also assaulted and held against his will for being intoxicated which C says he was not.	Will propose for administrative closure on 2/9/06.
04-441	Rocheil Hall	AM	12/22/2004	12/21/2005	12/23/2004	#3 Procedure and conduct	C alleges her brother complained to officers that his stomach, head and chest were hurting. C also alleges that when asked to see a nurse or doctor officers thought her brother was joking and allegedly laughed at him. C's brother was allegedly refused medical treatment and collapsed on the floor. An ambulance was called and as C's brother was receiving medical attention from OPD he died. C alleges OPD failed to immediately notify the family. C states that the family was notified 24 hours later.	Will propose for administrative closure on 1/12/06.
05-014	Robert Moseley	SQ	1/24/2005	1/29/2006	1/20/4/06	#3 Procedure and conduct	C alleges OPD threatened to tow his car but it turns, is registered and is also moved every 72 hours. C also alleges the task force gave him a ticket ordering him to move the car and tried to enter his home.	Will propose for administrative closure on 1/12/06.
05-015	Gregory Pilling	AM	1/21/2005	1/20/2006	12/1/2004	#1 Force and conduct	C alleges he went to the police station to retrieve his bike and complained to an officer that 45 minutes of his time was wasted. C alleges the officers told him "I don't give a shit" and the C said "Fuck you" and proceeded to walk out of the police station when his arm was grabbed by another officer and then he was tackled by more officers and taken to jail.	Will propose for administrative closure on 1/28/06.
05-036	Calvin Morris	SQ	2/4/2005	2/3/2006	12/30/2004	#3 Procedure	C believes he was targeted for eviction from the Subler Hotel as retaliation for filing a complaint regarding the "unsafe" living conditions. A Subler Hotel manager called OPD and the responding officers told the C to leave the premises. C is now homeless.	Will propose for administrative closure on 1/12/06.
05-048	Ken Hines	SQ	2/18/2005	2/17/2006	2/13/2005	#3 Procedure	C alleges he witnessed a police car running a stop sign and driving recklessly.	Will propose for administrative closure on 2/9/06.
05-047	Ronald G. Freeman	AM	2/22/2005	2/21/2006	2/6/2005	#3 Procedure	C alleges he was assisting a friend in a wheelchair cross the street when an officer stopped him and was asking him questions. C believes he was racially profiled and was cited for not crossing at a 45 degree angle.	Will propose for administrative closure on 2/9/06.
05-055	Oлга Brown	AM	3/7/2005	3/6/2006	1/16/2005	#3 Procedure and conduct	C alleges her car was towed illegally.	Will propose for administrative closure on 2/23/06.

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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**CITIZENS' POLICE REVIEW BOARD
PENDING CASES [Page 2 of 11]
as of January 10, 2006
(Total Cases - 68)**

Case #	Complainant	Inv.	Date Complaint Filed	3304	Date of Incident	Priority	Brief Description of Complaint	Notes
05-056	Abdi R. Gwlad	SQ	3/2/2005		3/2/2005	#3 Procedure and conduct	C alleges he had a dispute with a neighbor who accused him of hitting his car. The police were called and the officer allegedly sided with the neighbor and instructed the C to settle the case with his neighbor or the C car would be towed. The car was not towed.	Will propose for administrative closure on 2/28/06.
05-065	Joseph V. Walker	SQ	3/10/2005		11/12/2004	#1 Force and procedure	C alleges he was arrested on a case of mistaken identity. C also alleges he was handcuffed and placed in the back seat of a patrol car and a White officer twisted his hand until it broke. C was taken to Highland Hospital and a cast was applied. C further alleges he was beaten in his head by an Asian officer.	Will propose for administrative closure on 2/28/06.
05-105	Dario Campos Villar	AM	3/21/2005		1/18/2004	#3 Procedure	C alleges police broke down his door on a report of flooding in his apartment. C did not make a report. CPD did not secure the C's apartment and their were items missing. C tried to call CPD non emergency number but no one answered the telephone. An officer in car #1115 refused to go to the C's apartment or tow a car in his parking space.	Investigation pending.
05-121	Cesar Johnson	AM	4/1/2005		3/9/2005	#1 Force, procedure and conduct	C alleges an officer pulled him off a motorcycle by his back, took him to the ground and held his right arm against the motorcycle tail pipe causing an approximately 4 inch burn. The C was then punched, kicked and struck with batons. C's right forearm was fractured when the officer pulled him to a standing position by the handcuffs.	Investigation pending.
05-128	Winston G. Davis	SQ	4/21/2005		3/23/2005	#3 Procedure and conduct	C alleges he called 911 regarding a burglary that was taking place on his property and the police did not respond in a timely manner.	Investigation pending.
05-138	Brendy J. Oase	AM	Filed WIAD 4/4/05 with CPRB 4/14/05		4/2/2005	#3 Procedure	C alleges her vehicle was struck by another vehicle and two patrol officers drove by and did not stop to render aid or assist with the traffic that had built up nor did they radio in for another officer. The incident turned into a hit and run. The other driver jumped into his van and sped off.	Investigation pending.
05-178	Jacqueline Nelson & Elaine Smith	AM	4/15/2005		10/6/2004	#3 Procedure	It is alleged that officers enforced an illegal eviction against complainants. C's belongings were allegedly removed from the apartment and as a result became victims of identity theft and the police have allegedly failed to investigate.	Investigation pending.
05-198	Oliver Wright	AM	4/21/2005		3/21/05 & 4/3/05	#3 Procedure and conduct	C alleges he was wrongfully given a ticket on two occasions by the same officer for the same offense.	Investigation pending.

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05-236	Frank Medina, Jr & Brenda Medina	SQ	5/3/2005	5/22/2006	4/7/2005	#3 Conduct	C alleges that an officer had a bad attitude and rude. Both C and his wife got a ticket from the officer who indicated that they crossed the street while the light was red.	Investigation pending.
05-258	Michael Henderson	SQ	7/17/2005	7/10/2006	5/22/2005	#3 Procedure	C alleges he was stopped by police and not read his rights and was falsely arrested and frisked because he was on probation. C further alleges that his property was left and or lost where he was stopped and its value is \$2500.	Investigation pending.
05-266	Larry Sloan	SQ	5/12/2005	5/17/2006	5/17/2005	#1 Force and procedure	C was arrested, handcuffed, shackled and had a hood placed over his head. C was transported to John George for a \$150 bond. C's main complaint is that his wallet was not returned to him.	Will propose for administrative closure on 1/12/06.
05-285	Warren Wintram	AM	5/27/2005	5/29/2006	5/26/2005	#3 Procedure and conduct	C alleges OPD was apathetic, disinterested and failed to be available to take updated information on his robbery case, where he was the victim. Suspects allegedly used his credit cards, but no one in OPD would take his information. Suspects also assaulted C.	Mediation pending.
05-303	Curtis Dwayne Smith	AM	10/18/2005	11/07/2006	5/27/2005	#1 Force	C alleges he was alarmed to the ground, kicked and punched from all directions by several officers. C also alleges he screamed and pleaded with them to stop.	Investigation pending.
05-343	Teresa Marshall	SQ	6/2/2005	9/1/2006	5/27/2005	#3 Conduct	C alleges she was pulled over for not coming to a complete stop at a stop sign and was spoken to in a very rude manner. C feels the officer was trying to provoke her by asking her "What are you looking at and do we have a problem."	Mediation pending.
05-377	Erwin Benjamin	AM	9/12/2005	9/17/2006		#3 Procedure, discrimination & untruthfulness	C alleges law enforcement officers refused to investigate his claims and that the officers are assisting in these crimes.	Investigation pending.
05-383	Roderick Smith	AM	10/24/2005	10/23/2006	5/18/2005	#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 tell the truth in court.	Investigation pending.
05-388	Wendy Hamon	SQ	7/6/2005	7/6/2006	6/24/2005	#3 Procedure and conduct	C alleges she was detained by police officer's who refused to let her go inside a house to retrieve her ID. C also alleges her truck was towed and she had asked one of the officer's to give the tow truck driver her ignition key only, but the officer gave the tow truck driver her entire set of keys and C stated she had mail with her home address inside the truck and someone could have easily gone inside her home.	Investigation pending.

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05-389	Edie B. Henry	AM 9/23/2005	9/22/2005		5/3/2005	#3 Procedure	C alleges Oakland Police officer's and Fremont Task Force officers rushed into her home with guns drawn aiming at her son. C asked the officer's what did they want 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 officer's walked out without apologizing.	Investigation pending.
05-381	Faleha Robinson-West	SO 10/19/2005	10/18/2006		9/7/2005	#1 Force and procedure	C alleges officers entered her home through a window without a search warrant. C also alleges officers did not provide her with their identification when she called for it. C further alleges she tripped and fell on one of the officers from items that were thrown on the floor by the officers. C states she heard one of the officers say "she's attacking him." C also alleges each time she tried to get up someone kept knocking her back down. C alleges she was thrown on an iron bed, had her arms twisted even though she had informed the officer she just had surgery. C also was having a asthma attack and was unable to use her inhaler because her hands were handcuffed behind her.	Investigation pending.
05-398	Sandra Burgle & Johnny Burgle	AM 9/8/2005	8/7/2006		8/2/2005	#3 Procedure	C #1 alleges her son was arrested on false charges and officer's did not read him his rights. C also alleges officers arrested her son at his job site causing him to lose his job. C#2 alleges his name police officer called and spoke to his wife letting her know that he would be coming to the home for a visit. Around 4:30 p.m. C received a call letting him know that Oakland Police Task Force came to his son's job and arrested him.	Investigation pending.
05-428	Jamere Evans	SO 7/15/2005	7/14/2006		7/11/2005	#2 Untruthfulness	C alleges a police officer wrote a false report accusing him of car jacking people. C also alleges that he did 12 weeks in prison because of the false report.	Investigation pending.
05-455	Lamont Robinson & Rashiedah Muhammad	SO 7/16/2005	7/17/2006		5/4/2005	#1 Force and procedure	C Rashiedah is filing on behalf of her brother who is in Santa Rita. C alleges her brother fled from police and when he was caught a police dog bit her brother in the head several times.	Investigation pending.
05-458	Khalim Koufman	AM 7/12/2005	7/12/2005		7/12/2005	#3 Procedure	C alleges two officers had a warrant entered her home looking for someone whose name is similar to hers and put handcuffs	Investigation pending.
05-488	Average Hayes	SO 8/2/2005	8/1/2006		1/14/2005	#3 Procedure and untruthfulness	C alleges Oakland police officers lied on field reports, harassed him and used illegal procedures to arrest him.	Investigation pending.

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05-533	Gustavo Sosa	AM	8/9/2005	8/8/2006	8/9/2006	#3 Procedure	C alleges a probation officer called him asking for his address. Later, his mother called to tell him police came to her house without a search warrant looking for him, even though he gave the probation officer his new address. The probation officer said they would go to his new address, but the never came. C wants to know why police searched his mother's house without a search warrant.	Investigation pending.
05-561	Abraham O. Sule	SQ	8/15/2005	8/14/2006	5/29/2005	#3 Procedure	C alleges after his vehicle was stolen from his driveway he notified OPD who failed to notify him when his vehicle was recovered. C further alleges OPD has assessed fees in excess of the vehicle worth.	Will propose for administrative closure on 1/12/06.
05-566	Arenia Healy	AM	8/12/2005	9/11/2006	8/8/2005	#1 Force and procedure	C alleges that officers beat her son and delayed in providing him medical treatment.	Investigation pending.
05-601	Shirley Brooks	SQ	8/7/2005	8/8/2006	8/7/2005	#3 Procedure	C alleges she was unjustly detained by two police officers who was unprofessional, insulting and rude for a traffic stop that was not warranted. C believes her basic civil liberties and rights were violated without cause.	Investigation pending.
05-621	Jeffrey Hall	SQ	8/26/2005	8/25/2006	8/22/2005	#3 Procedure	C alleges three OPD officers failed to enforce a TRO against his tenant and failed to accept his citizen's arrest of his tenant for her violation of the order.	These member panel hearing on 1/28/06.
05-622	T. James Weber	AM	8/14/2005	8/13/2006	9/14/2005	#3 Procedure	C alleges OPD has his name on a list in which officers use to issue pending violation notices. C alleged fees targeted by police.	Investigation pending.
05-626	Michael Morgan	SQ	8/26/2005	8/25/2006	9/15/2005	#1 Force, procedure and conduct	C alleges officers contacted him on his grandmother's porch because they thought he had swallowed narcotics. The C was allegedly choked, punched and kicked by an officer. The C also alleges one of the officers cut and scratched his mouth and face by attempting to force open the his mouth.	Investigation pending.
05-682	Olis Joyner	SQ	10/6/2005	10/6/2006	8/8/2005	#3 Procedure	C alleges there is a truck parked near his home filled with garbage that he believes to be hazardous and it is in close proximity to a school. C also alleges he has called police five times and nothing has happened.	Investigation pending.

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05-670	Dante Chaboin	AM	10/14/2005	10/13/2005	4/15/2005	#1 Force	C alleges he bought a car from a seller who moved to New York. The seller's nephew reported to police that C stole the car. The police stopped the C who alleged police beat his arm, grabbed and choked him and threw him against the car. Police later learned that C purchased the car and it wasn't stolen. BUCC was arrested for possession of cocaine. C further alleges he has not received the car even though he had all the documents.	Investigation pending.
05-671	Sherril Williams	SQ	10/19/2005	10/19/2006	10/17/2005	#1 Force	C's fiancée who was arrested for possession of narcotics and he asked C to contact CPRB to file a complaint alleging he was beaten and had to be taken to Highland Hospital. He is currently in Santa Rita.	Investigation pending.
05-689	Shirley Thomas	AM	10/20/2005	10/19/2006	10/7/2005	#3 Procedure	C alleges officers came to her mother-in-law's home and did a per se search. C also alleges officers searched and rechecked her vehicle and tipped over her child's backpack without her permission.	Investigation pending.
05-703	Major A. Roberts, Jr.	SQ	10/24/2005	10/23/2006	9/3/2005	#3 Procedure	C was involved in a traffic accident, where a female hit his vehicle. C believed she may have been intoxicated. They both went to the hospital in the same ambulance, but she left without providing her name. C thought the police officers took her information because there were 10 officers at the scene and they took his statement. When C tried to get the police report, the Records Department informed the C that no report was filed. C believes the female was an officer and they're covering it up.	Will propose for administrative closure on 11/2/06.
05-721	Kimberly L. Shipp	AM	11/1/2005	10/5/2006	10/7/2005	#3 Procedure	C alleges OPD raided her apartment and in her purse was a small baggie that contained a gold ring with four diamonds in it. C also alleges an officer told her she would get the ring back but when she went to claim her property from the evidence room an officer told her there was no gold ring.	Investigation pending.
05-744	Jerome Harris	AM	11/8/2005	11/8/2006	10/31/2005	#1 Force	C alleges he was falsely arrested, picked up and body slammed onto the hood of a car and had his legs kicked apart by police officers. C also alleges he was injured.	Investigation pending.
05-748	Stacia Ready	SQ	11/17/2005	11/18/2006	11/18/2004	#3 Procedure	C alleges he was the victim of a robbery and the officer who investigated the case closed the case do to "no investigative leads." C hired a private investigator who allegedly found several leads to the case. C also alleges the officer was not truthful and did not do a proper job of investigating his case.	Investigation pending.
08-007	Chuck Kirkendall	AM	1/6/2006	1/5/2007	7/22/2005	#3 Conduct	C mother came to CPRB to submit this complaint for her son who alleges certain police officers are continuously and physically tormenting him in retaliation of a lawsuit the C filed against them.	Investigation pending.

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HEARING HELD, PENDING CLOSURE - 4 CASE								
05-326	Tedro Kothig	AM 18/1/2005	6/27/2005		5/28/2005	#1 Force and procedure	C alleges he was wrongfully detained and arrested. A Oakland police officer used profanity and allegedly slammed the police car door on C's foot. The officer also allegedly refused to bail C or his family why C was being detained.	Three Member Panel Hearing held 8/29/05.
05-202	Eric A. Foye	SQ CPRB 5/24/05 Med w/ IAD 4/27/05	4/28/2005		2/8/2005	#1 Force, discrimination and conduct	It is alleged that C was wrongfully detained, physically abused and discriminated against by an Oakland Police officer.	Three Member Panel Hearing held 10/6/05.
05-085	Danny Wilcox	AM 2/25/2005	2/24/2005		1/4/2005	#3 Procedure and untruthfulness	C alleges he was stopped although he carried a red sticker in the window. C was asked for his license and proof of insurance which he gave to the officer. The officer found out the C was on probation and told the C to get out of the car and was searched and his prescription medication was found in his pocket and he was arrested.	Full Board Hearing held on 10/13/05.
05-204	Brian Eubanks	SQ 4/25/2005	4/25/2005		3/6/2005	#3 Procedure, conduct and untruthfulness	C alleges his vehicle was involved in a collision with another vehicle that was parked and he called 911 for an officer to come and take a collision report. C also alleges he waited over three hours and when an officer did arrive he wrote a false police report making the collision report out stating that it was the C's fault.	Full Board Hearing held on 12/6/05.

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TORT CLAIMS FILED - 1								
05-010	Rocklan Searcy	AM	3/30/2005	1/R/2006	1/1/2005	# Force and procedure	C alleges he was listening to music in his apartment when a female officer shined her flashlight in his window. C further alleges he went downstairs to speak with the officer and asked her why she was harassing him. C also alleges the officer grabbed his arm and hit him in the face several times and he was arrested.	Claim Filed 9/27/05. Will propose for administrative closure on 1/12/06.

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TOLLED - 14 CASES								
00-35	Willis Wilson Jr.	SQ	11/24/2000	8/24/2001 TOLLED Civil Litigation Supr. Ct. 00-89283. Litigation dismissed 3/18/04.	2/27/2000	non-priority (supplemental jurisdiction)	Car stolen	Tolling expired 3/18/04. Civil litigation.
01-15	Denise Cardigan (deceased - William Wilkins)	SQ	4/30/2001	4/30/2002 TOLLED - Civil Litigation 424/01 (US D.C. C-81- 1102 IMKC. Plaintiff Kelly Wilkins) Trial 10/28/02	1/11/2001	#1 force resulting in serious injury	Officers shot and killed Officer William Wilkins.	TOLLED. Subject officer has been activated for military duty on (1/2/02).
01-27	Brian Bowman	SQ	7/18/2001	8/10/2002 TOLLED 12/6/01	8/2/2001	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 (paper) and use of profanity and name-calling language.	TOLLED.
01-34	Jane Allison	SQ	10/10/2001	Original 3304 date 10/9/02 but date was tolled when that case filed 8/23/02 1850 CT 02-2851 SL Case settled on 8/7/03. New 3304 date 12/29/03.	10/9/2001	#1 Excessive force	C alleges that she was thrown to the ground, kicked in the face and had her stomach stepped on. The C was also handcuffed too tightly and had the police car door "slammed" on her left foot causing injury.	Tolling expired on 8/7/03 when case settled. Will propose for administrative closure.
01-37	William Drury III	AM	11/26/2001	11/26/2002 TOLLED - Complaint filed 3/30/02. Superior Ct. 2002- 044710.	4/4/2001	#1 Excessive force (serious injury)	C alleges that he offleaved hit him. The OPD responded and he was arrested. He alleges that the officers use excessive force to effect the arrest.	Tolled.
02-35	Michael Cole	SQ	8/22/2002		8/7/2002	#1 Excessive force	C alleges excessive force and planting of evidence.	TOLLED. Criminal investigation pending. Will propose for administrative closure on 1/23/06.

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03-073	Jennifer Hansen	SQ	4/11/2003	TOLLED Civil litigation filed USD CT C-03-2361-TEH	4/7/2003	#1 Excessive Force	(Port case) C alleges she was hit in the back with a concussion grenade or bean bag while trying to leave the Port of Oakland antiwar protest.	TOLLED.
03-148	Michael Ray Henry, Jr. & Anna Wiley (mother)	AM	6/30/03 (CFR6) 6/17/03 (IAD)	TOLLED Civil litigation filed USD CT C-04-01065-EDL	6/10/2003	#1 Excessive Force	C alleges he was intentionally chased and hit by an Oakland patrol car driven by Lt. Michael Yost, resulting in a broken leg. C alleges he was also choked by an officer.	TOLLED.
03-148	Elcott J. Noble (Minor)	AM	7/6/2003	TOLLED Civil litigation filed USD CT C-04-01066-EDL	6/10/2003	#1 Excessive Force	C took pictures of a friend, who was hit by a police car. C alleges officers took his camera, choked him, five officers grabbed his person, and used profanity during DEA investigation. C's mother alleges one officer shouted at her when she inquired about the arrest of her son.	TOLLED.
04-242	Sala Swaid	SQ	7/30/2004	TOLLED - Criminal case pending Alameda County Superior Court #137861 filed 1/27/00	10/17/99	#2 Procedure, search and untruthfulness	C alleges he was arrested and an illegal search of his premises was done by police officers.	TOLLED. Investigation pending
03-209	Lynita Nell Oliver	SQ	6/18/2003	TOLLED	6/6/2003	#1 Excessive force and improper procedure	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.
03-329	Omar Alvarez	SQ	12/15/2003	TOLLED	11/30/2003	#1 Excessive force, procedure, conduct	C alleges he was attending a Raiders game when a commotion 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	1/6/2004	TOLLED	11/30/2003	#1 Excessive force, procedure, conduct	C alleges he was attending a Raiders game with his son and was told he was arrested by police officers when asked why the officer allegedly grabbed the C by the throat with two hands and pushed him against a wall and another officer put handcuffs on him. C further alleges that on the way to the police van the officer escorting him allegedly told the C "that it was because of Spidee like him that the Raider games were so F---ed up." After being booked out of jail C went to Kaiser Hospital and was allegedly told his right hand was sprained.	TOLLED.
03-329	Ruben Ramirez, Jr.	SQ	1/6/2004	TOLLED	11/30/2003	#1 Excessive force, procedure, conduct	C attended a Raiders game with his father and brother and allegedly saw that a police officer allegedly had his hands around his father's throat and ran towards him shouting he didn't do anything. C then alleges that he was trapped and jumped on top of with a knee to his back by police officers and his head was slammed onto the concrete, handcuffed and punched four times on the left side of his face.	TOLLED.

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03-329	Ryan Ramirez	SQ	1/6/2004	TOLLED	11/30/2003	#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 ran towards his dad and was allegedly taken down by a blow to his head. C further states that two officers were on him with a knee to his head and back and another officer combated hitting him in the face while he was on the ground with handcuffs on.	TOLLED.
03-288	Therese Murphy	AM	11/17/2003	TOLLED; pending US District Court, docket # C04-3062 TESH filed 7/8/04	10/23/2003	#1 Excessive force, care of property, demeaning, improper procedures, harrasment	C states that her brother told her that he was sitting on the porch when police drove up and flashed a light in his 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 of 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 \$700.00 from his pocket.	TOLLED.
03-288	Sherry Hayes Murphy (Aunt of Randy Murphy)	AM	11/12/2003	TOLLED; pending US District Court, docket # C04-3062 TESH filed 7/8/04	10/23/2003	#1 Excessive force, harassment, improper procedures and retaliation	C alleged harassment by a police officer who has conducted searches on her home and arrested her nephew. C further alleges that two officers choked her nephew and shoved him over a fence and rolled him over at least three times even though her nephew stated that he could not feel his legs. C also alleges that the officers tried to make her nephew stand up and when he couldn't they called for an ambulance.	TOLLED.
04-231	Darnell Foster	AM	CPRB 1/7/05 WIAD 7/29/04	1/25/2005	2/27/2004	#2 Search	C alleges he was approached by two officers and one of the officers enticed 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.
04-257	Uganda Knapp	SQ	8/11/2004	TOLLED; Case # C052835	8/10/2004	#1 Excessive force and procedure and bias	C is a contractor 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 thought the C allegedly assaulted the patient. The officer choked the C and held his arm and briefly detained them released them when the facility's supervisor arrived at the scene.	TOLLED.

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