



FILED
OFFICE OF THE CITY CLERK
OAKLAND

2015 APR 16 AM 1:54

AGENDA REPORT

TO: JOHN A. FLORES
INTERIM CITY ADMINISTRATOR

FROM: Anthony Finnell

SUBJECT: CPRB Report
January 2013 through December 2014

DATE: April 6, 2015

City Administrator
Approval

Date

4/15/15

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Staff recommends that the Public Safety Committee accepts the *CPRB Report from January 1, 2013 through December 31, 2014.*

OUTCOME

The Public Safety Committee accepting this report fulfills the mandates required by the Ordinance 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. Ordinance No. 12454 C.M.S. amended prior governing legislation of the CPRB on November 12, 2002. The Citizens' Police Review Board was established by ordinance by the City Council of the City of Oakland for the purpose of reviewing certain complaints of misconduct 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.

ANALYSIS

The analysis of the complaints filed with the CPRB for the years 2013 and 2014 are contained in the attached *CPRB Report from January 1, 2013 through December 31, 2014.*

Item: _____
Public Safety Committee
April 28, 2014

PUBLIC OUTREACH/INTEREST

A draft version of the *CPRB Report 2013 and 2014* was presented and discussed during the March 26, 2015 CPRB meeting. The presentation and discussion of the report was open to the public.

COORDINATION

Coordination of the investigations contained in the attached report occurred with the Oakland Police Department and Office of the City Attorney. The Controller's Bureau was consulted in the preparation and submission of this report.

COST SUMMARY/IMPLICATIONS

There are no costs associated with the report.

SUSTAINABLE OPPORTUNITIES

Economic: None

Environmental: None

Social Equity: None

For questions regarding this report, please contact Anthony Finnell, Executive Director, at (510)238-3159.

Respectfully submitted,



Executive Director
Citizens' Police Review Board

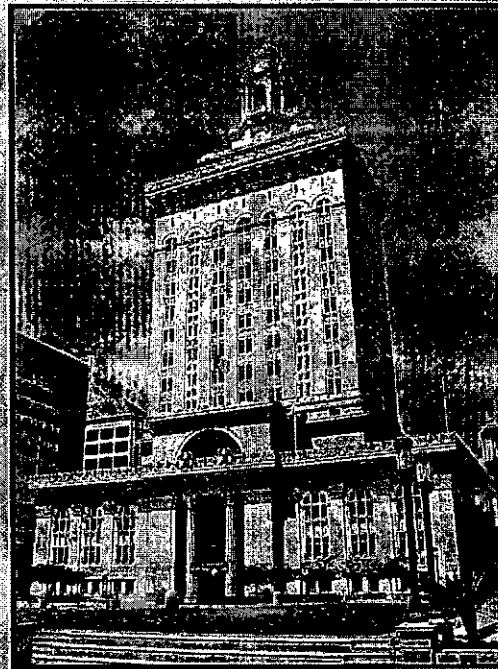
Prepared by
Patrick J. Caceres, Policy Analyst/Manager
Citizens' Police Review Board

Attachments A – *CPRB Report from January 1, 2013 through December 31, 2014*

Item: _____
Public Safety Committee
April 28, 2014

City of Oakland
**Citizens' Police
Review Board**
**2013 and 2014
Report**

JANUARY 1, 2013 - DECEMBER 31, 2014



OFFICE OF THE CITY ADMINISTRATOR

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

OFFICE (510) 238-3159 FAX (510) 238-7084

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



John Flores, Interim City Administrator

March 17, 2015

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 2013 and 2014 Report.

With funding from the Fiscal Year 2013-15 Budget, the CPRB successfully added staff including an Executive Director and three additional Complaint Investigator positions. This increase in staffing helps provide greater organizational leadership and resources to improve services to the community. The CPRB looks to be a national leader of civilian oversight and we thank the members of the City Council and community for their continued support.

On July 7, 2014, the Board and City of Oakland welcomed Mr. Anthony Finnell as the CPRB Executive Director. Director Finnell's hiring came after a national search and input from our Board members on the position description and participation on the interview panel. The Board is pleased to see that during his first six months on the job, Director Finnell immediately engaged the CPRB in numerous community outreach events and began the process of creating a Strategic Plan.

In 2014, the Board created two ad hoc committees to contribute particular focus and attention to the areas of community outreach and hearing procedures. The Board Members' leadership on community outreach has increased the visibility of the CPRB through our printed brochures and attendance at numerous events. The committee on hearing procedures is continuing to work on efforts to improve the transparency of the complaint process for those individuals filing complaints and participating in our hearings.

The Board resolved 67 complaints in 2013 and 52 complaints in 2014. In five cases in 2013 and four cases in 2014, the Board recommended discipline against individual officers ranging from multi-day suspensions to counseling and training. Of the nine disciplinary recommendations, in four cases, the City Administrator agreed with our recommended officer discipline. In four cases, the Board's recommendations were not accepted and in a single case the Board's recommendation for officer discipline was upheld in part.

Our Board continues to participate in the Oakland Police Department's Citizens Police Academy as part of our training and participation in ride-alongs. The Board received training on OPD's Use of Force policy and has been active in receiving and commenting on OPD's efforts with their collection and reporting of Stop Data.

Our Board has actively researched and adopted policy recommendations for the City Council's consideration on the reporting requirements for members of OPD to report misconduct when done by another agency within Oakland. Also, the Board has adopted a policy recommendation to amend the OPD Departmental General Order G.6 to include the participation of the CPRB Executive Director as a non-voting member at all OPD Major Incident Boards and Executive Force Review Boards. These recommendations are slated for future presentation to the Public Safety Committee in the coming months.

The future goals of the CPRB are to continue to move in a direction to consolidate intake of all citizen complaints. The Board hopes to simplify the complaint process for the community. As we continue into this new year, the Board will strive to provide a fair and efficient service to the public and members of the Oakland Police Department.

As always, our work is to improve relations between the members of the public and its police force by ensuring accountability for officer misconduct and recommending departmental policy changes when needed. Thank you for your continued support in these efforts.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sokhom Mao', with a long horizontal flourish extending to the right.

Sokhom Mao

Chairman, Citizens' Police Review Board

Executive Summary

In 2013 and 2014, the Board received 53 and 47 complaints, respectively. The number of complaints received is less than the number of complaints received for this same period in previous years. One possible explanation in the reductions of complaints has been the expanded use of the officers' Personal Digital Recording Devices (PDRD).

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

Also in 2014, the Board resolved 67 complaints compared to only 52 in 2013. The increase in staffing has helped to increase the number of resolved complaints and reduced the time which to complete investigations. Of the total complaints resolved for 2013 and 2014, eleven complaints were resolved through an evidentiary hearing, four through staff recommendations and 104 through administrative closures. The most sustained allegations were for failures to properly report and failures by officers to properly activate their PDRDs as required. In 104 total resolved complaints for 2013 and 2014, an average of 15% of the allegations were sustained, 17% were not sustained, 40% were exonerated and 28% were unfounded.

The Board forwarded nine disciplinary recommendations for sustained allegations and recommended discipline to the City Administrator. The City Administrator upheld four, disagreed with four and upheld one recommendation in part.

All officers, except one officer, complied with the CPRB Interview Notices. The officer received a sustained allegation for non-compliance and received discipline by the Oakland Police Department for his failure to properly cooperate with the CPRB investigation. These matters have since been resolved and corrected going forward. All subject officers scheduled to attend CPRB evidentiary hearings complied with subpoenas and attended all scheduled hearings.

In 2014, the CPRB made two new policy recommendations on OPD officers' procedures for reporting misconduct committed by other jurisdiction while in Oakland and revising OPD policies to include the CPRB Executive Director in the Major Incident and Force Review Boards. These recommendations are currently pending review and submission by the City Administrator and presentation to the City Council.

TABLE OF CONTENTS

I.	ABOUT THE CPRB	3
	Current Board Members and Staff	3
	Mission Statement	4
	CPRB Complaint Process	5
	Board Activities and Information (News)	6
II.	COMPLAINTS FILED IN 2013 AND 2014	8
	Number of Filed Complaints	8
	Complainant Demographics	9
	Allegation Categories	11
	City Council Districts	13
III.	COMPLAINTS RESOLVED IN 2013 AND 2014	14
	Number of Complaints Resolved	14
	Explanation of Board Findings	15
	Board Findings at Evidentiary Hearings and Staff Recommendations	16
	City Administrator's Decision on Disciplinary Recommendations	21
	Administrative Closures	22
	Board Findings for Resolved Allegations	23
	Sustained Findings by Allegations	24
IV.	OFFICER INFORMATION	26
	Officer Compliance with CPRB Investigations	26
V.	NEW POLICY RECOMMENDATIONS	28
VI.	LOOKING AHEAD	30
APPENDICES		
	Appendix A: Board Member Attendance at Board Hearings	31

Current Board members and term expiration dates

Sokhom Mao, Chair	February 15, 2016
Larisa Casillas, Vice Chair	February 15, 2015
Lawrence (Paul) Brisco	February 15, 2015
Chris Brown	February 15, 2016
Jason Takenouchi	February 15, 2015
Howard Tevelson	February 15, 2016
Almaz Yihdego	February 15, 2016
Brian Bingham (alternate)	February 15, 2016
Thomas Cameron (alternate)	February 15, 2016
Vacant	February 15, 2015
Vacant (youth, 18-25 years old)	February 15, 2016
Vacant (youth 18-25 years old) (alternate)	February 15, 2015

CPRB Independent Counsel

Antonio Lawson

CPRB staff

Anthony Finnell	Executive Director
Patrick Caceres	Manager/Policy Analyst
Karen Tom	Complaint Investigator
Joan Saupé	Complaint Investigator (Certified Spanish-speaking)
Victoria Urbi	Complaint Investigator
Nikki Greer	Complaint Investigator
Verdene Klasse	Office Assistant
Edwin Bonilla	ASSETS Intern
Rinny Yu	ASSETS Intern

CPRB mission statement

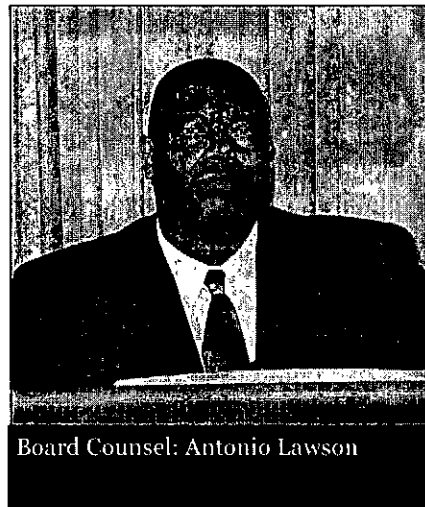
The Citizens' Police Review Board is committed to ensuring that Oakland has a professional police department whose members behave with integrity and justice. As representatives of the community, our goal is to improve police services to the community by increasing understanding between community members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



Board Photo: Brian Bingham, Paul Brisco, Almaz Yhidego, Sokhom Mao, Larisa Casillas, Chris Brown, Thomas Cameron, and Jason Takenouchi. Not in photo: Derrick H. Muhammad, Howard Tevelson and Reyes Avalos-Leon

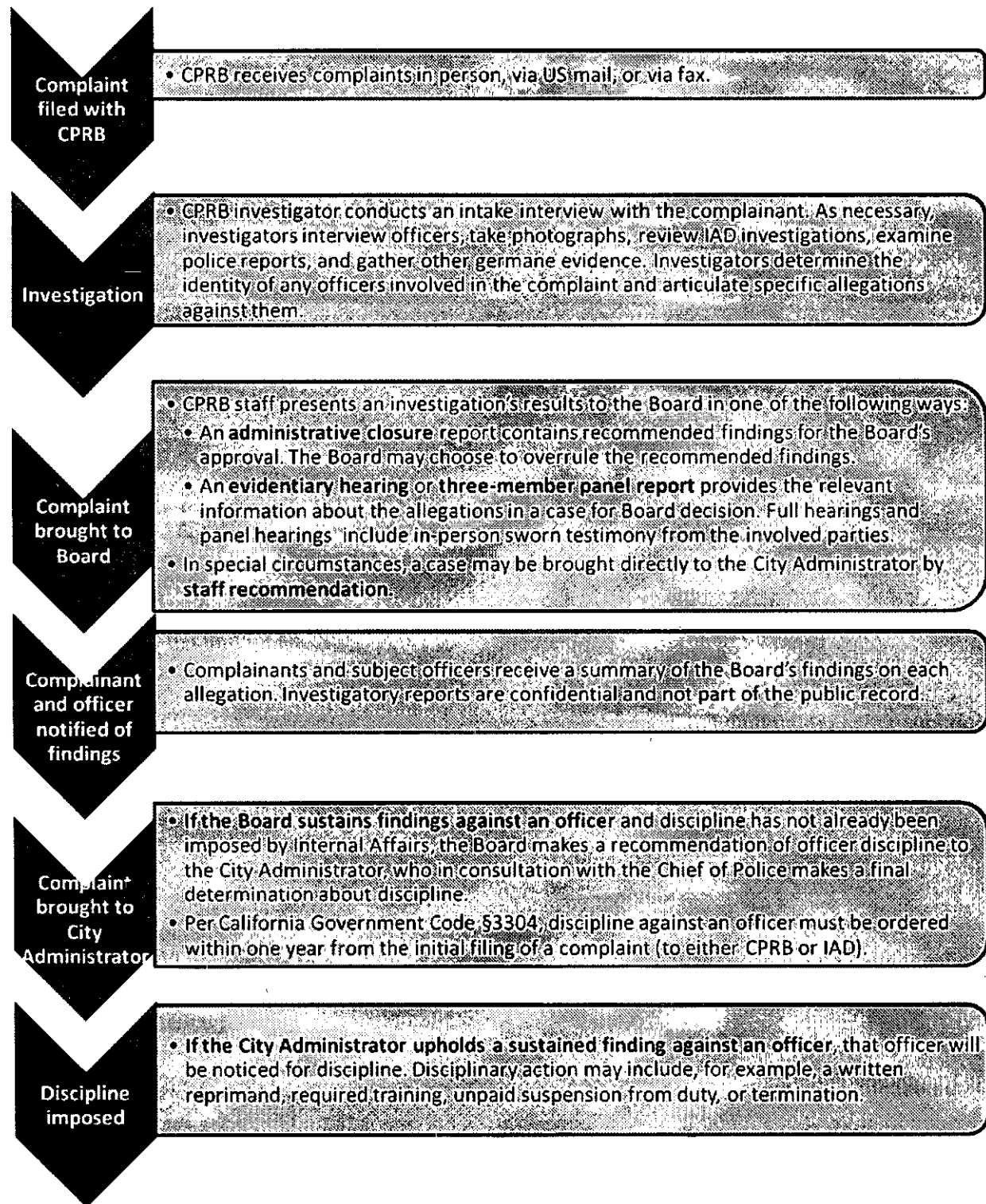


Staff Photo: Nikki Greer, Patrick Caceres, Karen Tom, Anthony Finnell, Verdene Klasse, Victoria Urbi and Rinny Yu. Not in photo: Edwin Bonilla



Board Counsel: Antonio Lawson

CPRB complaint process



Board Activities and Information

NEWS

CPRB Executive Director and New Investigators

On July 7, 2014, the CPRB hired CPRB Executive Director Anthony Finnell. CPRB also added two additional investigators to the staff: Victoria Urbi and Nikki Greer. The CPRB is near full staffing including the future hiring of a bilingual Cantonese-speaking Complaint Investigator for 2015.

New Office Location

The CPRB offices moved from Oakland's City Hall to 250 Frank H. Ogawa Plaza, Suite 6302 (6th Floor), Oakland, CA 94612. The new office location is just across the City Hall plaza. The location affords more space for the additional staff.

CPRB Strategic Plan

Executive Director Finnell, members of the CPRB Staff and Board began the process of creating a Strategic Plan on November 1, 2014. The initial work of identifying the SWOT (Strengths, Weaknesses, Opportunities and Threats) Analysis for the organization was completed. The Strategic Plan when completed will include: a Vision, SWOT Analysis, Needs

Assessment, Mission, Problem Statement, Strategies, Goals, Objectives, Action Plans and Evaluations. The meetings of the CPRB Strategic Plan Team are continuing into 2015 and a final report will be shared to the CPRB Board and at a future City Council Public Safety Committee meeting.

Staff and Board Training

The CPRB in 2013-2014 focused on providing some key training opportunities for the staff and Board. The CPRB staff attended Internal Affairs Investigation and Implicit Bias Training. The Board and Staff also received training on OPD's Use of Force policy and the Handling of Mental Health Calls. The CPRB's training is a major focus of the Strategic Plan and completed training will now be shared on the CPRB's website for the public's reference.

CPRB Code of Ethics

On December 4, 2014, Executive Director Finnell introduced a draft CPRB Code of Ethics for the Board's consideration and adoption. The document will be considered for further action at future CPRB meeting.

NEWS, Con't

Complaint Intake

Members of City Council continue to show an interest in revisiting the consolidation of complaint intake solely at the office of the CPRB. Future actions regarding this policy will be under consideration for City Council as part of the next Budget Development Process for Fiscal Years 2015-2017.

OPD Stop Data

CPRB regularly schedules presentations from the Oakland Police Department on the department's progress on the collection and reporting of police officers' STOP data. These updates help to share with the community the efforts and progress made by the Oakland Police Department to address this areas of implicit and explicit bias when conducting police stops.

Special Committee on Outreach

The CPRB formed a special ad hoc committee to specifically address and plan outreach activities and events. This four-person committee, chaired by Commissioner Yihdego, planned with the Executive Director the outreach events and materials shared in the community.

Special Post-Copley Meeting Procedures Committee

The CPRB formed a special ad hoc committee to address the public's concern for the desire to revisit the restrictions of information provided to the parties participating in hearings. This special committee was tasked with learning more about the legal restrictions of the *Copley Press* decision and the implications to the CPRB hearing process. The California State Supreme Court decision led to the CPRB's evidentiary hearings being held in close session and no longer open to the public, as well as, all the CPRB's investigative materials classified as confidential documents. This committee was tasked with looking at ways to provide greater transparency to the hearing process to the greatest extent within the law. The committee is led by Commissioner Brown and is continuing their efforts and focus into 2015.

Number of Filed Complaints

In 2014, the CPRB received 47 complaints filed. *Figure 1* shows the total number of complaints filed with the CPRB from 2004. *Figure 2* shows the number of complaints filed by month.

The reduction seen in the number of CPRB complaints filed are proportional to the reduction in the total overall complaints filed with the Oakland Police Department's Internal Affairs Division (IAD).

One possible explanation for this reduction in complaints is the expanded use of the PDRDs (Personal Digital Recording Devices) required to be worn by officers. This eliminates frivolous complaints, as well as works as a behavior modification for officers who know that their interactions can be easily reviewed by supervisors and other OPD Command Staff.

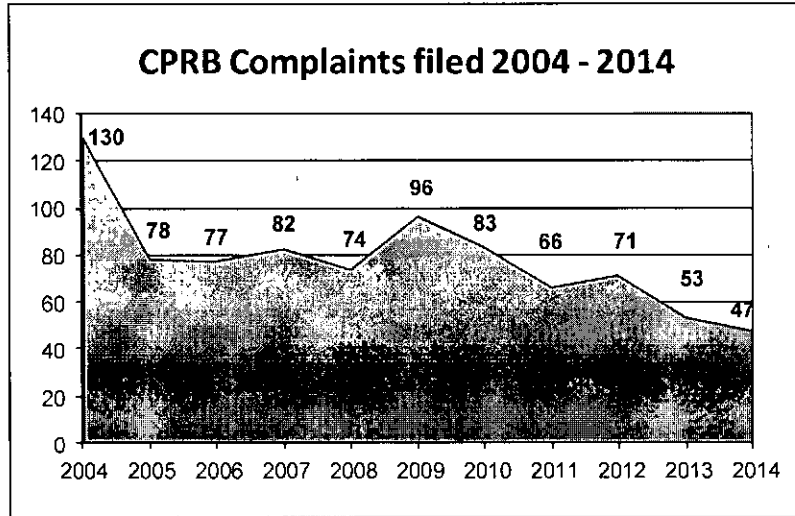


Figure 1

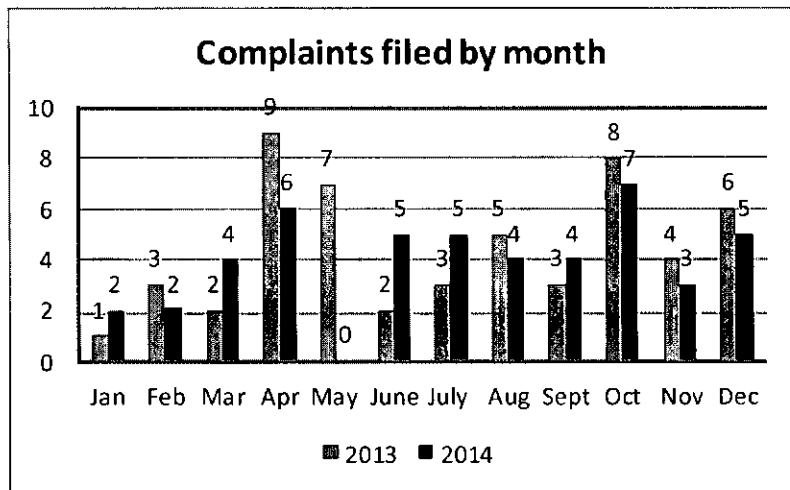


Figure 2

Complainant Demographics

Figure 3 gives the racial breakdown of complainants for the previous two years who identified their race on their complaint form. **The vast majority of complainants are African-American.**

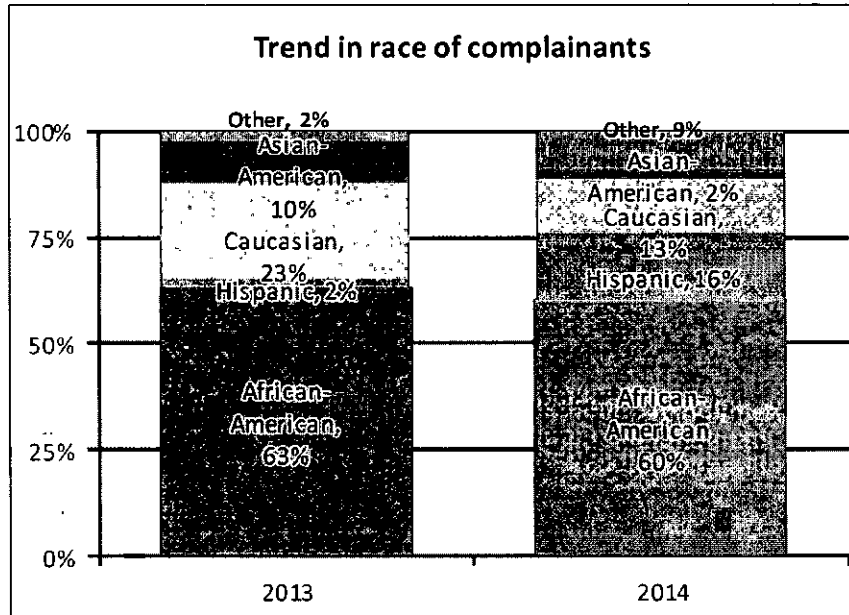


Figure 3

Figure 4 shows in 2013, that a larger percentage of female complainants filed complaints than male complainants. In 2014, the breakdown was more evenly split between the genders. **Historically, the complainants genders is relatively equal.** The differences in the gender of complainants in 2013 may be attributed to the kind of complaints filed which were largely for a failure to act allegations.

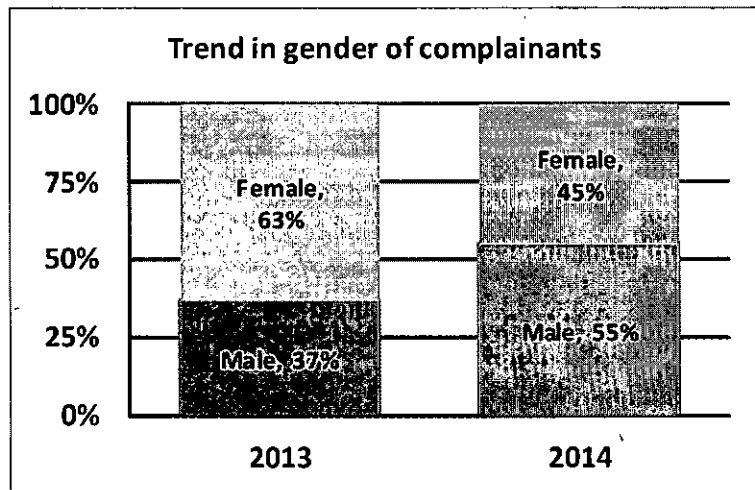


Figure 4

Complainant Demographics, Con't

Of the 91 CPRB complainants from 2013 and 2014 for whom age data was available, **nearly a third fell between the ages of 45 and 54. Youth and the elderly are underrepresented in CPRB complaints**, relative to their share of Oakland's population. For example in 2013, one person under the age of 24 filed a complaint.

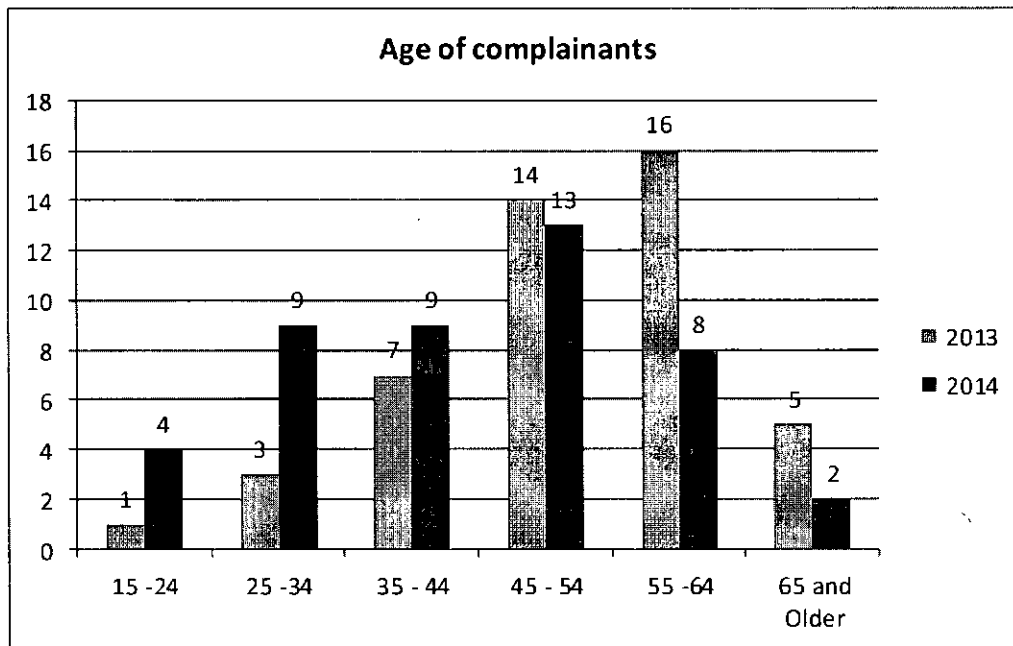


Figure 5

Allegation Categories

The top three allegations filed in 2013 and 2014 were failure to act, excessive force, and verbal conduct. In 2013, the CPRB saw a significant increase in failure to act allegations relative to the other allegations made. This trend did not continue in 2014. The allegations below involve cases which may still be under investigation. The nature and number of allegations in a complaint sometimes changes over the course of investigating a case. Also, one complaint may contain several allegations.

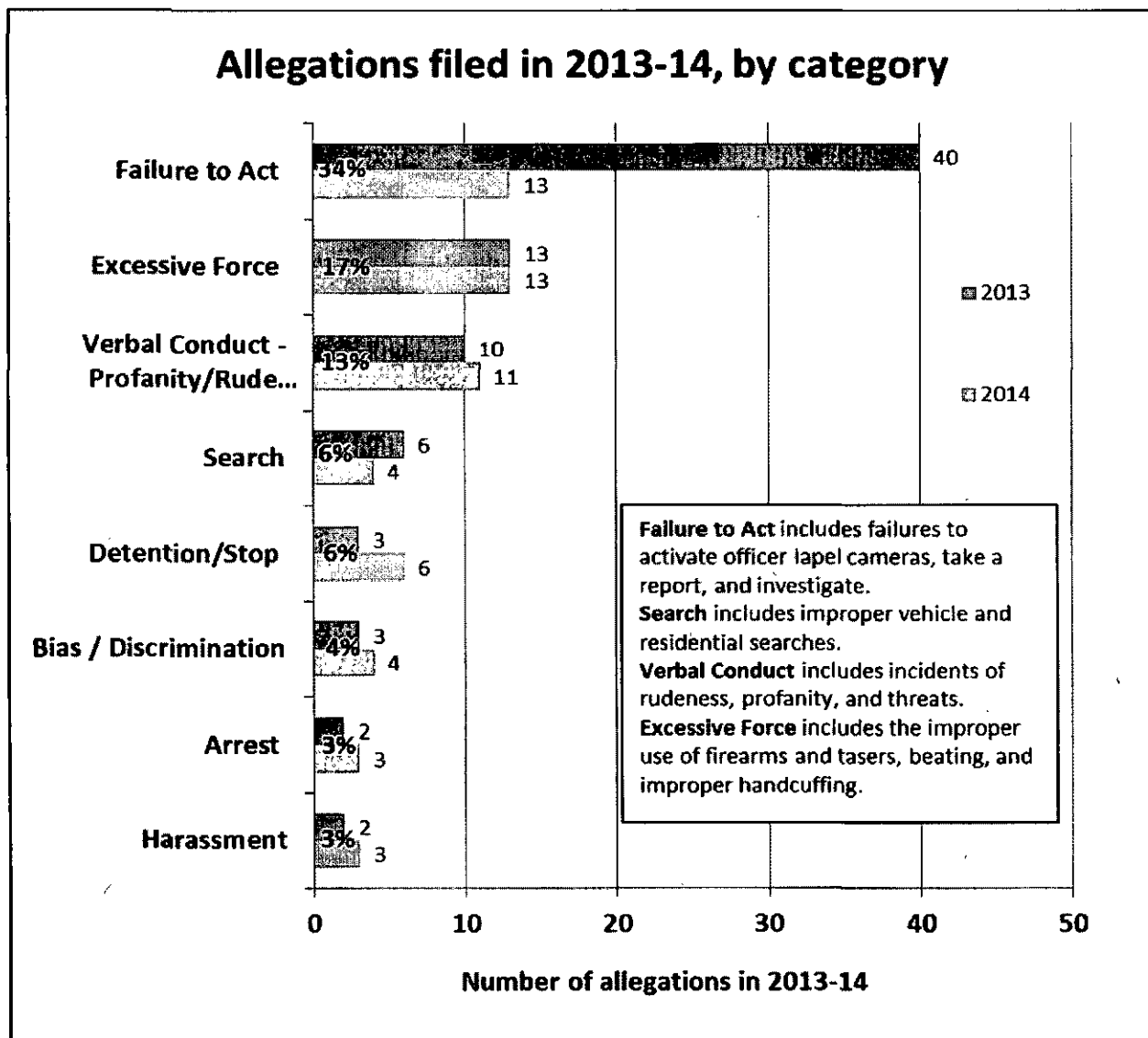


Figure 6.

Allegation Categories Con't

Table 1 shows trends in the five most common allegations over the past eight years. Because some years have more allegations than others, allegation categories are given as percentages. **In most years of the eight years, excessive force is the most frequently alleged form of police misconduct.**

	2007	2008	2009	2010	2011	2012	2013	2014
Excessive force	19%	17%	21%	15%	33%	19%	14%	20%
Arrest	6%	6%	8%	8%	16%	7%	2%	5%
Verbal conduct	8%	12%	3%	11%	12%	7%	11%	17%
Failure to act	15%	13%	7%	22%	5%	27%	43%	20%
Search	12%	5%	3%	6%	5%	5%	6%	6%

Table 1

Complaints by City Council District

Ninety-three of the complainants who filed in 2013-14 provided address information about the location of the incident. **District 3, the home of the Police Administration Building (a location where complaint incidents often occur), had the highest percentage, representing a third of all complaint incidents reported within the Oakland city limits.**

District	Councilperson As of Jan. 5, 2015	Complaints		Percent of Total 2013-2014
		2013	2014	
One	Dan Kalb	5	2	8%
Two	Abel J. Guillen	3	4	8%
Three	Lynette Gibson McElhaney	12	19	33%
Four	Annie Campbell Washington	5	2	8%
Five	Noel Gallo	2	10	13%
Six	Desley A. Brooks	13	3	17%
Seven	Larry Reid	7	6	14%
At Large	Rebecca Kaplan	47	46	100%

Table 2

Number of Resolved Complaints

The CPRB resolved 52 separate complaints in 2014, 45 by administrative closure, six by full board hearing and one by staff recommendation brought directly to the City Administrator. The CPRB resolved 67 separate complaints in 2013, 59 by administrative closure, five by full board hearing and three by staff recommendation brought directly to the City Administrator. Staff recommendations are another method to bring find-

ings to the City Administrator when a hearing cannot be held, such as due to pending litigation or unavailable parties.

The number of resolved complaints in a given year is highly related to the number of complaints filed in the year before. Also for much of 2013 and 2014, the CPRB was staffed with only two investi-

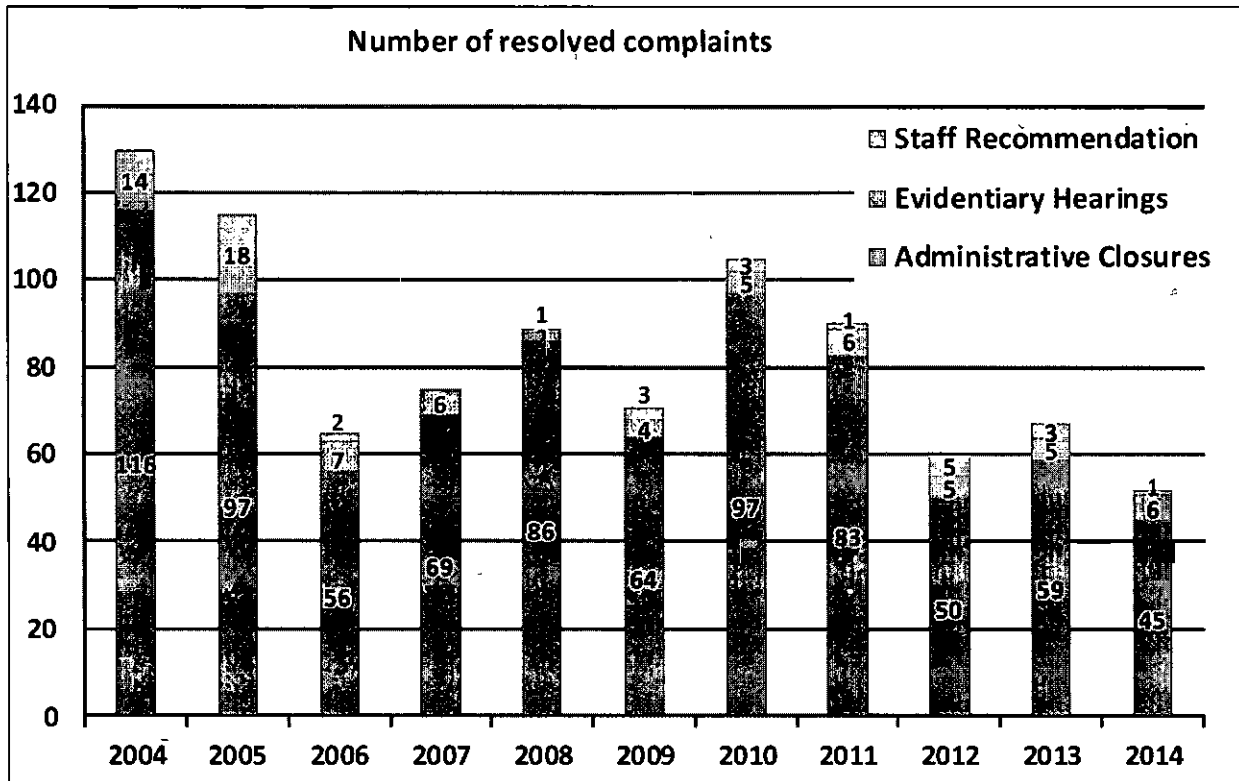


Figure 7

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 constitute 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 and Staff Recommendations

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 2013 and 2014 from either an evidentiary hearing or staff recommendation.

Complainant(s) Hearing Date	Allegation category	Allegation	Board Finding	Board Disciplinary Recommendations
S. Mills 01/16/2013	Failure to Provide Proper Dispersal Order	12-0152(01)	Not Sustained	No discipline recommended
	Improper Detention	12-0152(02)	Not Sustained	
	Improper Arrest	12-0152(03)	Not Sustained	
	Excessive Force - Chemical Agents	12-0152(04)	Exonerated	
	Excessive Force - Chemical Agents	12-0152(05)	Exonerated	
	Excessive Force - Chemical Agents	12-0152(06)	Exonerated	
T. Moloney 01/24/2013	Failure to Write a Report	12-0348(01)	Sustained	The Board recom- mendation for the one subject officer with sustained alle- gations was to re- ceive training on report writing and investigations.
	Failure to Investigate	12-0348(02)	Sustained	
	Failure to Write a Report	12-0348(03)	Unfounded	
	Failure to Investigate	12-0348(04)	Unfounded	
K. McClelland 03/14/2013	Improper Detention	12-0832(01)	Exonerated	No discipline recommended
	Bias - Discrimination	12-0832(2)	Exonerated	
	Improper Detention	12-0832(3)	Exonerated	
	Excessive Force— Handcuffs Unnecessary	12-0832(4)	Exonerated	
	Failure to Investigate	12-0832(5)	Exonerated	
	Verbal Misconduct - Rudeness	12-0832(6)	Exonerated	

Table 3

Board Findings at Evidentiary Hearings and Staff Recommendations, Con't

Complainant(s) Hearing Date	Allegation category	Allegation	Board Finding	Board Disciplinary Recommendations
D. Jones 06/13/2013	Excessive Force - Shooting	10-1568(01)	Not Sustained	The staff recommendation for discipline for the two subject officers was to receive multiple days suspensions.
	Excessive Force - Shooting	10-1568(02)	Not Sustained	
	Failure to Act - Tactics	10-1568(03)	Sustained	
	Failure to Act - Tactics	10-1568(04)	Sustained	
R. Clay 06/13/2013	Truthfulness - Reporting	12-0767(01)	Sustained	The staff recommendation for the two subject officers with sustained allegations was consideration of possible termination.
	Truthfulness - Reporting	12-0767(02)	Sustained	
	Truthfulness - Reporting	12-0767(03)	Sustained	
	Excessive Force - Push	12-0767(04)	Not Sustained	
	Arrest - Improper	12-0767(05)	Exonerated	
	Other	12-0767(06)	Closed Without Finding	
G. Dilling 06/13/2013	Failure to Act - Other	12-0977(01)	Unfounded	The staff recommendation for the two subject officers are written reprimands.
	Failure to Investigate	12-0977(02)	Not Sustained	
	Failure to Act - Other	12-0977(03)	Exonerated	
	Failure to Write A Report	12-0977(04)	Sustained	
	Failure to Activated PDRD	12-0977(05)	Sustained	
S. Mayfield 09/26/2013	Failure to Investigate	12-2414(01)	Sustained	The Board recommendation for discipline for the two subject officers was counseling
	Rude Statement	12-2414(02)	Sustained	
	Property not Secured	12-2414(03)	Exonerated	
	Failure to take a Complaint	12-2414(04)	Not Sustained	
	Failure to Properly Supervise	12-2414(05)	Sustained	
	Failure to take a Complaint	12-2414(06)	Not Sustained	
E. Ivy 12/12/2013	Excessive Force - Pulling	12-2578(01)	Not Sustained	The Board recommendation for discipline for one subject officer for the allegation of an improper arrest is training. The discipline recommended for the second subject officer for failing to properly report is a written reprimand.
	Improper Arrest	12-2578(02)	Sustained	
	Excessive Force - Handcuffs too Tight	12-2578(03)	Not Sustained	
	Failure to Activate PDRD	12-2578(04)	Not Sustained	
	Failure to Activate PDRD	12-2578(05)	Not Sustained	
	Failure to Properly Report	12-2578(06)	Sustained	
	Improper Detention	12-2578(07)	Not Sustained	

Table 4

Board Findings at Evidentiary Hearings and Staff Recommendations, Con't

Complainant(s) Hearing Date	Allegation category	Allegation	Board Finding	Board Disciplinary Recommendations
F. Raynor 3/13/2014	Excessive Force - Shooting	13-0500(01)	Sustained	The subject officer sustained for the excessive force and failure to act allegations was in the process of being disciplined prior to the CPRB hearing. However, the Board heard and recommended counseling and training for the other subject officer for the sustained allegation for verbal misconduct during the incident.
	Failure to Activate PDRD	13-0500(02)	Sustained	
	Rude Statement	13-0500(03)	Sustained	
H. Kuroiwa 3/13/2014	Rude Statement	13-0442(1)	Sustained	The Board recommended counseling and training for the subject officer sustained for the verbal misconduct allegation.
	Rude Statement	13-0442(2)	Not Sustained	
M. Miles 3/27/2014	Failure to Properly Supervise	13-0761(01)	Not Sustained	The Board recommended both counseling and a written reprimand for the subject officer for the two sustained allegation for a failure to write a report and activate his PDRD.
	Failure to Write A Report	13-0761(02)	Sustained	
	Failure to Activate PDRD	13-0761(03)	Sustained	

Table 5

Board Findings at Evidentiary Hearings and Staff Recommendations, Con't

Complainant(s) Hearing Date	Allegation category	Allegation	Board Finding	Board Disciplinary Recommendations
J. Crawford 6/12/2014	Retaliation	13-1084(01)	Not Sustained	The Board recommended a written reprimand for the subject officer for the sustained allegations of issuing an improper citation and displaying rude and demeaning behavior to the complainant.
	Improper Citation	13-1084(02)	Sustained	
	Rude Statements	13-1084(03)	Sustained	
C. Scarborough 6/26/2014	Improper Detention	13-1397(01)	Exonerated	No discipline recommended
	Excessive Force - Pointing of Firearm	13-1397(02)	Exonerated	
	Verbal Threats	13-1397(03)	Exonerated	
	Vehicle Search	13-1397(04)	Exonerated	
	Improper Detention	13-1397(05)	Exonerated	
	Excessive Force - Pointing of Firearm	13-1397(06)	Exonerated	
	Verbal Threats	13-1397(07)	Exonerated	
	Vehicle Search	13-1397(08)	Exonerated	
	Improper Detention	13-1397(09)	Exonerated	
	Rude Statements	13-1397(10)	Exonerated	
	Improper Detention	13-1397(11)	Exonerated	
	Improper Detention	13-1397(12)	Exonerated	
	Excessive Force - Pointing of Firearm	13-1397(13)	Exonerated	
	Verbal Threats	13-1397(14)	Exonerated	
	Person Search	13-1397(15)	Exonerated	

Table 6

**Board Findings at Evidentiary Hearings and
Staff Recommendations, Con't**

Complainant(s) Hearing Date	Allegation category	Allegation	Board Finding	Board Disciplinary Recommendations
L. Koch				No discipline recommended
7/10/2014	Failure to Investigate	13-1174(01)	Not Sustained	
	Failure to Write A Report	13-1174(02)	Not Sustained	
K. Jones	Improper Detention	14-0630(01)	Exonerated	No discipline recommended
11/13/2014	Failure to Investigate	14-0630(02)	Exonerated	
	Verbal Threats	14-0630(03)	Exonerated	

Table 7

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 2013 and 2014, the Board recommended individual officer discipline regarding nine complaints: six from evidentiary hearings and three directly from staff recommendations.

In four of nine complaints, the City Administrator agreed with the Board's recommendation for officer discipline. Also in four of nine complaints, the recommendations of the Board were not accepted. In a single complaint, the Board's recommendation was upheld in part.

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 2013 and 2014, the Board administratively closed 59 and 45 complaints, respectively.** The following page defines the reasons complaints are administratively closed. The largest number of complaints are administratively closed because a hearing would not facilitate the fact finding process based on the evidence collected and staff’s recommended findings presented to the Board.

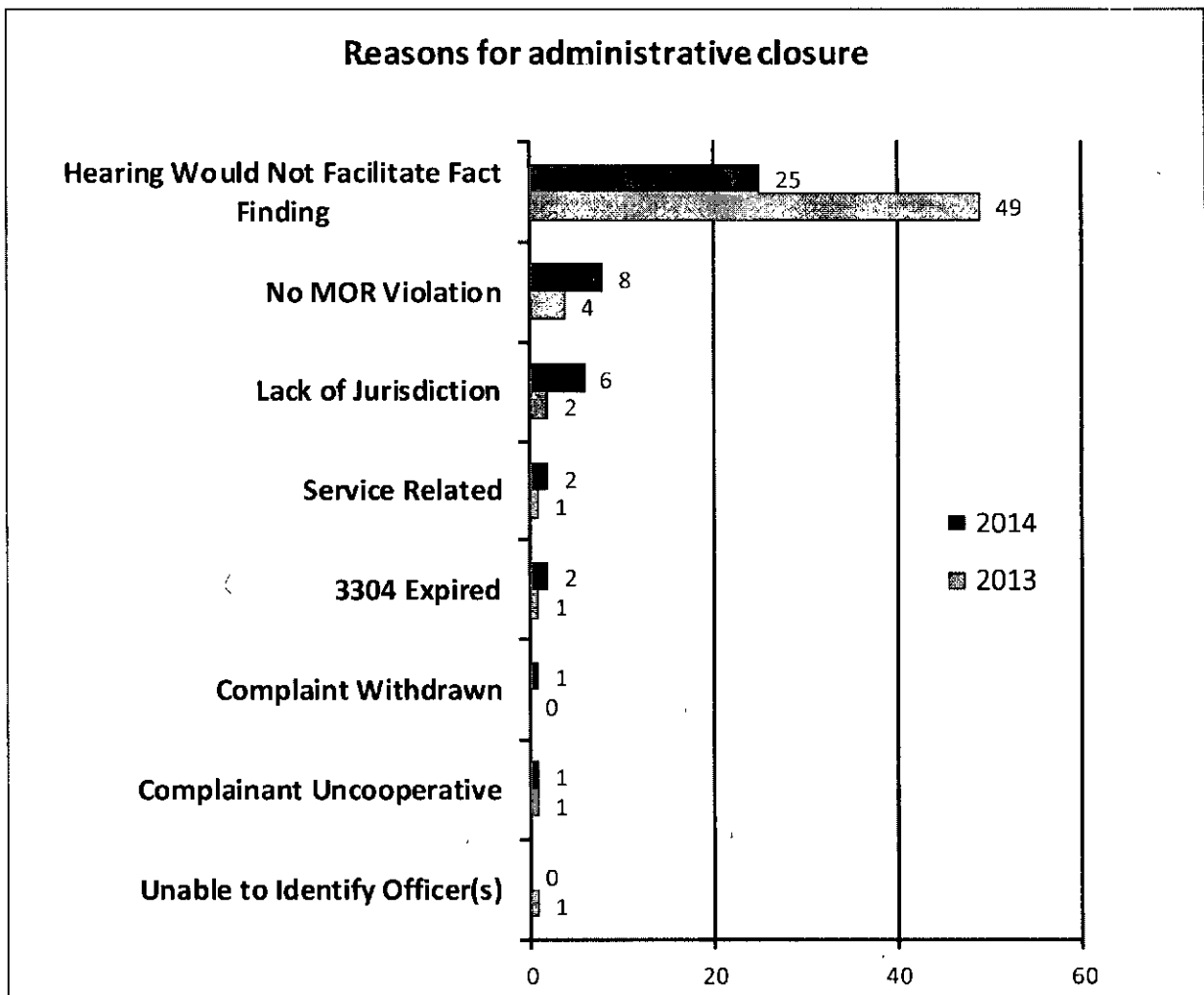


Figure 8

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 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 finding.

Service related

A few complaints are filed with the

CPRB which complain about the quality of service they receive particularly as it relates to time it takes to take a report or 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 peace officer. Investigations that are not completed within one year of being opened are closed without finding.

Complaint withdrawn

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

Complainant uncooperative

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

Unable to identify officer(s)

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

Board Findings for Resolved Allegations

In 2013–2014, the CPRB resolved 119 total complaints. The Board was able to determine findings in 216 of those allegations. **In 82% of those allegations, the 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.**

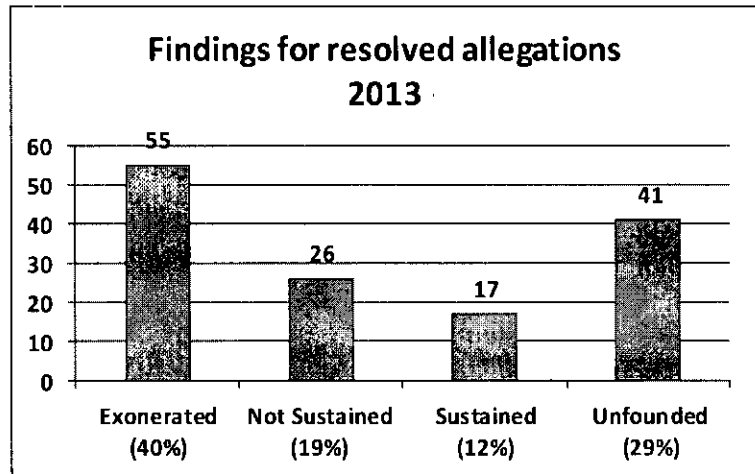


Figure 9

The average percent of sustained allegations for 2013-2014 was 15%. Thirty one total allegations were sustained. *Tables 8 and 9* on the next page show all the allegation categories in complaints where the Board returned a sustained finding.

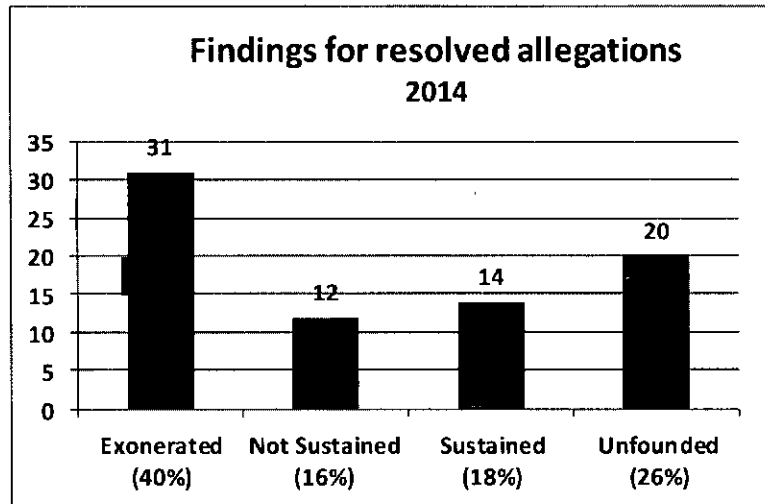


Figure 10

Sustained Findings by Allegations

In 2013 and 2014 several complaints highlighted the importance of the proper use of the Personal Digital Recording Devices (PDRDs) and led to sustained findings against a few subject officers. PDRDs are a significant innovation and piece of evidence for police oversight investigations. Failures to properly use PDRDs when required are important to identify and correct in the police department. The impact of investigations and whether a complaint is filed or not can depend on its proper use.

2013		
Allegation category	Total Sustained	Percentage
Failure to Act - To Investigate	3	18%
Truthfulness - Reporting	3	18%
Failure to Activate PDRD	2	12%
Failure to Act - Tactics	2	12%
Failure to Act - To Write A Report	2	12%
Failure to Properly Supervise	2	12%
Arrest - Improper	1	6%
Refusal to Take a Complaint	1	6%
Rude Statements	1	6%
Total	17	100%

Table 8

2014		
Allegation category	Total	Percentage
Failure to Activate PDRD	4	29%
Rude Statements	3	21%
Failure To Properly Supervise	2	14%
Excessive Force - Shooting Gun	2	14%
Improper Citation	1	7%
Failure to Act - Other	1	7%
Failure To Write A Report	1	7%
Total	14	100%

Table 9

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 2013 and 2014, 100% of officers complied with CPRB hearing subpoenas. All thirty-four subject, witness, and expert officers subpoenaed to appear attended CPRB hearings as scheduled.

Hearings and subpoenas		
YEAR	2013	2014
Hearings	5	7
Officer subpoenas	17	17
Officers attending	17	17
Officers excused	0	0
Officers non-compliant	0	0

Table 10

Officer Interview Notices

When officers are served with an interview notice, they must return the notice to the 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 2014, 66 of 67 officers complied with CPRB interview notices in a timely manner. However, in one instance, an officer who was noticed by CPRB failed to reply and give an interview to the CPRB investigator. This was a violation of policy and resulted in a delay of the investigation. A separate complaint was made with Internal Affairs for officer non-compliance and the officer was confirmed to have received discipline. This matter has since been resolved to prevent future delays.

Officer responses to Interview Notices		
YEAR	2013	2014
Released statements	52	53
Interviewed by CPRB	10	14
Legitimately unavailable*	7	6
Officer non-compliant	0	1

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

Table 11

New Policy Recommendations

OPD Cross-Jurisdictional Misconduct Reporting

On December 4, 2014, the CPRB voted to adopt a policy recommendation when a member of the Oakland Police Department (OPD) becomes aware of misconduct by a member of another law enforcement agency which occurs during the course of a joint operation with OPD and an outside law enforcement agency, then the OPD member must document the information learned or actions observed in an inter-office memorandum to be sent to through the officer's chain of command up to the Chief of Police.

The benefits identified of adopting this policy includes:

- Helping to build trust between the citizens and OPD by improving credibility
- Protecting the City of Oakland
- Protecting OPD officers
- Providing documentation in the event of an allegation of misconduct investigation
- Informing the assisting agency of the actions of their officers

The next steps for the Board's recommendation is for the CPRB Executive Director to present the policy recommendation to the City Administrator and the Chief of Police. If the policy is accepted, then the policy recommendation will be presented at a future Public Safety Committee meeting. If the recommendation is not accepted, the reasons for not accepting the recommendation and the action then taken by the Board will be included in the CPRB Semi-Annual and Annual Reports.

Participation in OPD's Major Incident and Force Review Boards

The Board is presently reviewing a draft policy submitted by Director Finnell to amend OPD Department General Order (DGO) G-6, Major Incident Board of Review and DGO k-4.1, Force Review and Executive Force Review Board to include the CPRB Executive Director as a non-voting member of OPD's Major Incident Board of Review and Force Review and Executive Force Review Boards.

New Policy Recommendations, Cont'd

Participation in OPD's Major Incident and Force Review Board (cont'd)

The benefits of adopting this policy recommendation includes:

- Helping to build trust between the citizens and OPD by improving credibility of OPD's internal review processes
- Increasing collaboration between OPD and the CPRB
- Improving independent oversight, accountability and transparency by providing impartial analysis of OPD's internal review processes through CPRB
- Adding to the sustainability efforts of the progress made under the NSA

The policy is still in draft form and being reviewed by the Board for possible adoption and presentation to the City Administrator for consideration.

Conclusion

2014 was a remarkable year for the CPRB. Major progress was made in establishing the organization's leadership and staffing. These efforts supported by the City and community, positions the CPRB to make major strides in being a more active contributor to civilian oversight of the Oakland Police Department in years to come.

In the coming months, the CPRB will complete our hiring for a bilingual-Chinese speaking investigator. This addition to the staff will improve our language access to Chinese-speaking complainants to better serve their needs. Additionally, the CPRB will work with the Mayor and City Council offices to recruit and appoint Oakland residents to the current vacancies on the Board.

Internally, the CPRB is working on completing our contract with the City Attorney's Office to secure our future Board Legal Counsel. Director Finnell

is also working on a number of office policies and procedures to align processes with best practices in civilian oversight investigations. Both Board members and staff will continue to seek and participate in regular and ongoing investigative training.

Externally, the CPRB's strategic plan will lay out the direction of the organization and engage the community by through increased outreach activities by the Board and staff. Also, the Board policy recommendations report will be presented to the public and shared at the City Council's Public Safety Committee meetings.

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

2014 Board Member Attendance

Member Last Name	1/23/2014	3/13/2014	3/27/2014	4/10/2014	4/24/2014	5/22/2014	6/12/2014	6/26/2014	7/10/2014	7/24/2014	9/11/2014	10/23/2014	11/13/2014	12/4/2014
Avalos-Leon	*	*	*	Ex	*	*	Ex	Ex	*	*	*	Ab	Ab	Ab
Bingham			*	*	*	*	*	*	*	*	*	*	*	*
Brisco								*	*	*	Ex	Ab	*	*
Brown	Ex	*	*	*	*	*	*	*	*	Ex	*	Ab	*	*
Cameron									*	*	*	Ab	Ab	*
Casillas	*	*	*	*	*	*	*	*	Ex	Ab	*	*	*	*
Mao	Ex	Ex	*	*	*	Ex	*	*	*	*	*	*	*	*
Muhammad	*	*	Ex	*	Ex	Ex	Ex	*	*	*	Ex	*	Ab	Ab
Sung	*													
Takenouchi			*	*	*	*	*	*	Ex	*	*	Ab	*	*
Tevelson			*	*	Ex	*	*	*	*	*	*	*	*	*
Top	*	*	Ex	Ab										
Yihdego	*	*	*	*	*	*	*	*	*	*	*	*	*	Ab

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