

CITY OF OAKLAND



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October 26, 2004

PUBLIC SAFETY COMMITTEE
Oakland, California

Chairperson Reid and Members of the Committee:

Subject: **CITIZENS' POLICE REVIEW BOARD 2004 SEMI-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 2004 semi-annual report pursuant to section 6, paragraph C, subdivision 3 of the ordinance.

Respectfully submitted,

JOYCE M. HICKS
Citizens' Police Review Board
Executive Director

FORWARDED TO THE PUBLIC
SAFETY COMMITTEE

OFFICE OF THE CITY ADMINISTRATOR

Item: _____
Public Safety Committee
October 26, 2004

Semi-Annual Report

January 1, 2004—June 30, 2004

CITIZENS' POLICE REVIEW BOARD

OAKLAND, CALIFORNIA



Board Members and Term Expiration Dates

Mario Andrews	February 15, 2006
John Batarse	February 15, 2006
Angela Cheung	February 15, 2004
Corey Dishmon	February 15, 2006
Anthony Loveday	February 15, 2005
Jamilah Jefferson-Scates	February 15, 2006
Barbara Montgomery	February 15, 2005
Beneba Thomas	February 15, 2005
Roland Walker	February 15, 2005
Cheryl Anderson (alternate)	February 15, 2006
Andrew Radlow (alternate)	February 15, 2006

CPRB Staff

Joyce M. Hicks	Executive Director
Wendy Jan	Policy Analyst / Outreach Coordinator
Audrey Montana	Investigator
Sean Quinlan	Investigator
Victoria Urbi	Investigator
Larry Carroll	Hearing Officer (CAO)
Delores Pontiflet	Executive Assistant to the Director
Josie Phillips	Administrative Analyst (CAO)

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. (Adopted by the Citizens' Police Review Board, January 8, 2004).

Citizens' Police Review Board

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

October 26, 2004

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) and the CPRB staff, I am pleased to present you with the CPRB's 2004 Semi-Annual Report. During the first six months of 2004 the Board welcomed three new Board members to replace three outgoing Board members as well as welcoming two new alternate Board members.

The Board and staff increased productivity in the first six months of 2004 by holding nine evidentiary hearings. This is an 80% increase over the five evidentiary hearings it held in the first six months of 2003. In total the Board resolved 59 complaints from January 1 through June 30, 2004; a 10% increase over complaints resolved during the same period in 2003. The Board saw a 43% increase in complaints filed during the first six months of 2004 over complaints filed in the same period in 2003. Sixty-six complaints were filed between January 1 and June 30, 2004, while fifty complaints were filed during the same period in 2003.

While the Board holds both policy and evidentiary hearings, it often makes policy recommendations as a result of evidentiary hearings it holds. As a result of receiving three illegal strip search complaints in 2003, the Board held hearings on two of the complaints. The Board found an illegal strip search in each of the hearings, recommended discipline and that the Oakland Police Department revise its strip search policy. The Board is pleased to report that effective May 27, 2004, the Police Department revised its policy on searches.

On January 8, 2004, the Board adopted its first mission statement. In keeping with the goals of the mission statement, we look forward to continuing to improve police services to the community by increasing understanding between community members and police officers and ensuring police accountability by providing the community with a public forum to air its concerns on policy matters and individual cases alleging police misconduct. Thank you for your continued support.

Sincerely,

A handwritten signature in cursive script that reads "Beneba Thomas".

Beneba Thomas
CPRB Vice Chair

Executive Summary

The Citizens' Police Review Board is authorized to "exercise jurisdiction over all citizen complaints concerning the conduct of Oakland Police Officers and Park Rangers that are filed with the Board or with the Oakland Police Department."

(Ordinance No. 12454 C.M.S., section 5(A).) Pursuant to this authority, the 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 to fulfill this requirement.

During the first six months of 2004, the Board received 66 complaints, filed by 69 individuals. These individuals were primarily African-Americans, under the age of 44 years old.

The allegations most frequently filed with the Board were: (1) excessive force (27% of the complaints); (2) improper verbal conduct (21% of complaints); and (3) officers' failure to act (10% of complaints). The alleged incidents occurred most frequently in Council District 3 and Council District 6.

During the first six months of 2004, the Board resolved 59 complaints,

either through evidentiary hearing or administrative closure. Nine complaints were resolved through evidentiary hearings and 49 through administrative closures. One three-member panel hearing from 2003 was ratified.

The Board found: 15% of the allegations it heard did occur, officers were justified in 9% of the allegations, 2% of the allegations did not occur, and there was insufficient evidence to determine whether 74% of the allegations occurred.

The Board forwarded disciplinary recommendations arising from four complaints to the City Administrator. The City Administrator acted on the Board's disciplinary recommendations from three of those complaints and her decision on the fourth complaint is pending.

During the first six months of 2004, the Board welcomed three new Board members to replace three outgoing Board members. Additionally, it welcomed two new members to fill the newly created alternate Board member positions.

The first six months of 2004 have been productive. The Board held two evidentiary hearings on strip searches resulting in OPD's adoption of a new training bulletin on

searches. The Board also created and adopted a mission statement while staff participated on numerous task forces and continued to improve methods for identifying problem officers, practices, and policies. The Board and its staff look forward to the remainder of the year and the many opportunities to improve police and community relations.

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INTRODUCTION

Purpose of this Report

Oakland City Council Ordinance Number 12454 C.M.S., section 6(C)(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 semi-annual report is submitted pursuant to that requirement.

CPRB History

Oakland's City Council established the Citizens' Police Review Board in April 1980, with the purpose of reviewing certain complaints of misconduct by police officers or park rangers, conducting fact-finding investigations, and making advisory reports to the City Manager. 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) communications of bias based upon an individual's legally protected status (race, gender, national origin, religion, sexual orientation or disability). (Ordinance No. 11905 C.M.S., section 5(A)(1).) Simultaneously, the City Council also granted the Board supplemental jurisdiction over other non-force conduct (Ordinance No. 11905 C.M.S., section 5(B)(1)), subpoena power over police officers and park rangers (Ordinance No. 11905 C.M.S., sec-

tion (G)(2)), and authorization to mediate final and binding resolution of complaints. (Ordinance No. 11905 C.M.S., section 7.)

In 2002, Oakland's City Council further expanded the Board's jurisdiction and powers. On July 30, 2002, pursuant to Ordinance Number 12444 C.M.S., the City Council granted the Board original jurisdiction over all complaints filed against an Oakland police officer or park ranger and expanded the Board's size from nine members to twelve members, with three of the nine members to serve as alternates. (Ordinance No. 12444 C.M.S., section 5(A).) Additionally, the City Council granted the Board the option of holding evidentiary hearings via three-member panels (Ordinance No. 12444 C.M.S., section 6(G)(11)) and permitted Board members to review confidential records from the Oakland Police Department (OPD) in closed session. (Ordinance No. 12444 C.M.S., section 6(F)(4).) Finally, 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. (Ordinance No. 12454 C.M.S., sections 6(E)(1) and 5(A).)

On November, 12, 2002, pursuant to Ordinance Number 12454 C.M.S., the City Council further refined the

amendments to the CPRB ordinance and legislated the following: the CPRB staff may make recommendations to the City Manager regarding cases that are in litigation Ordinance No. 12454 C.M.S., section 6(G)(10)(b)); CPRB investigations may take up to 180 days from the initial date of filing as opposed to the previously legislated 60 days (Ordinance No. 12454 C.M.S., section 6(G)(8)); and OPD's Internal Affairs Division and the CPRB will use the same complaint form with sequential numbering. (Ordinance No. 12454 C.M.S., section 5(B).)

ANALYSIS OF COMPLAINTS

Number of Complaints Filed

Between January 1 and June 30, 2004, the CPRB received 66 complaints. These complaints were filed by 69 individuals. *Figure 1* displays the number of complaints that were filed each month.

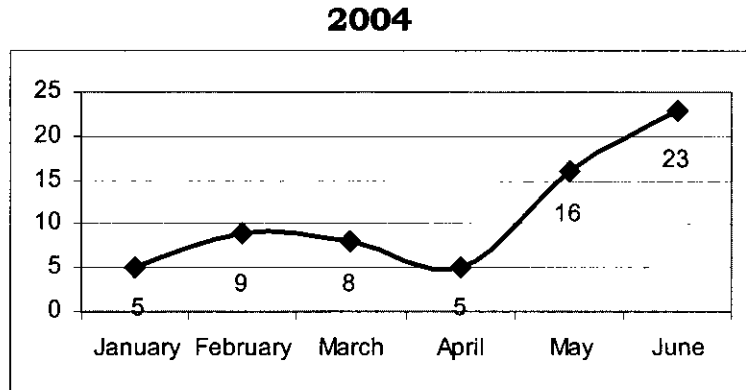


Figure 1

Figure 2 shows the number of complaints filed per month during the same time period in 2003. In 2003, the Board received 48 complaints during the first six months. These complaints were filed by 53 individuals.

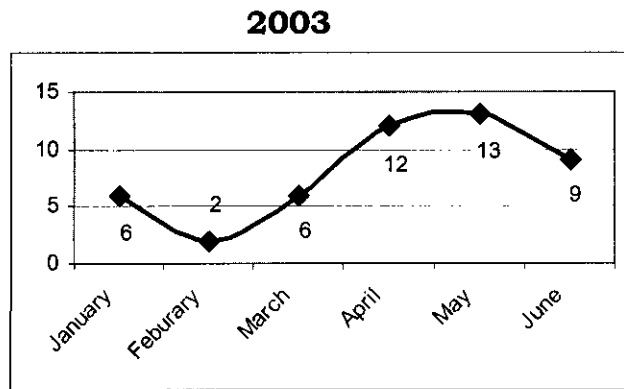


Figure 2

Race and Gender of Complainants

Among those who filed complaints within the first six months of 2004, 63% were African-American. The complainants were equally divided by gender.

Race	Gender	No. of Complainants	Percent
African-American	F	23	33%
African-American	M	21	30%
Asian-American	F	2	3%
Asian-American	M	1	1%
Caucasian	F	3	4%
Caucasian	M	5	7%
Hispanic-American	F	2	3%
Hispanic-American	M	5	7%
Other	F	1	1%
Other	M	3	4%
Unknown	F	1	1%
Unknown	M	2	3%
Total		69	100%

Figure 3

Age of Complainants

Figure 4, below, lists the ages of the complainants at the time of the alleged incidents. Among the complainants who provided information about their ages, the greatest number of complainants fell within two age categories: 18-24 years old and 35-44 years old.

Complainants' Ages	No. of Complainants	% of Complainants
Under 18	1	1%
18-24	15	22%
25-34	9	13%
35-44	16	23%
45-54	9	13%
55-64	7	10%
65 and Older	2	3%
Unknown	10	14%
Total	69	100%

Figure 4

Allegations Filed with the Board

In the first six months of 2004, complainants most frequently alleged: (1) excessive force (27% of complaints); (2) improper verbal conduct (21% of complaints); and (3) officers' failure to act (10% of complaints).

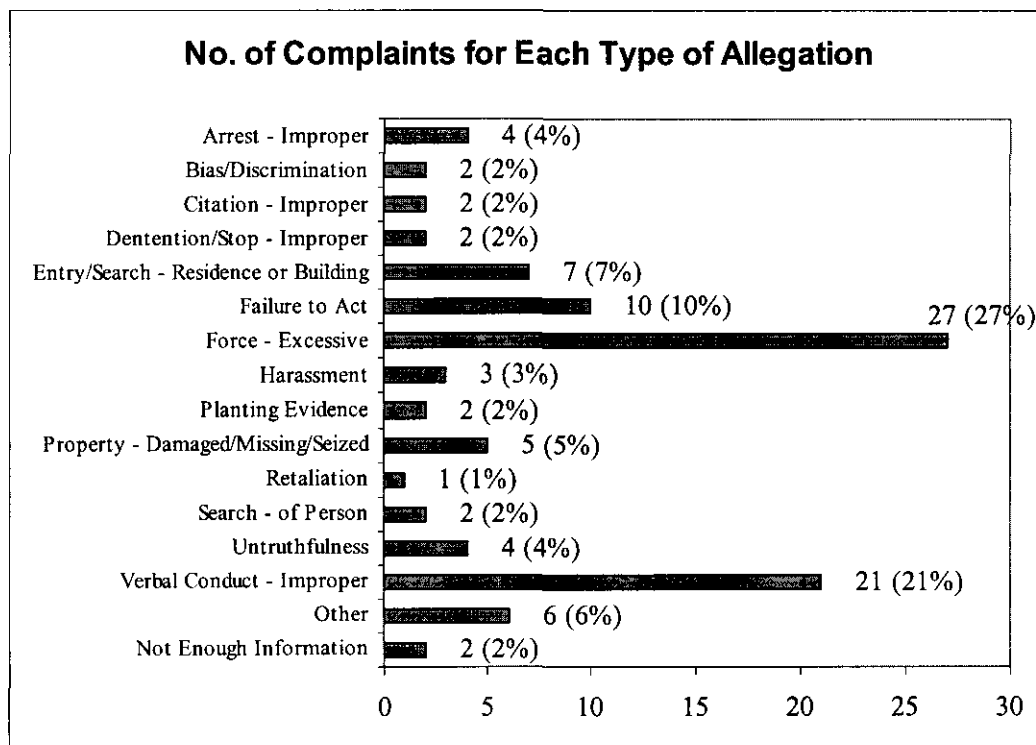


Figure 5

Figure 6, below, lists the number of complaints for each allegation category and it breaks down the general categories into more specific categories. For example, the general category of untruthful-

ness" has been broken down into the two more specific categories of: (1) untruthfulness in verbal statements; and (2) untruthfulness in reporting.

Allegations	No. of Complaints	% of Complaints
Arrest - Improper	4	4%
Bias / Discrimination	2	2%
Citation - Improper	2	2%
Detention/Stop - Improper	2	2%
Entry/Search - Residence or Bldg.	7	7%
Failure to Act	10	10%
During Car Chase	(1)	(1%)
To Investigate	(2)	(2%)
To Provide Identification	(1)	(1%)
To Write A Report	(4)	(4%)
Other	(3)	(3%)
Force - Excessive	27	27%
After Handcuffed	(4)	(4%)
Choke	(2)	(2%)
Grab/Push/Shove/Trip	(5)	(5%)
Handcuffs Unwarranted	(1)	(1%)
Other	(3)	(3%)
Specifics Unknown	(2)	(2%)
Strike w Hand or Unknown Object	(2)	(2%)
Strike w Weapon	(1)	(1%)
Use of Chemical(s)	(11)	(11%)
Use of Gun to Threaten	(1)	(1%)
Harassment	3	3%
Planting Evidence	2	2%
Property - Damaged/Missing/Seized	5	5%
Search - Person	2	2%
Retaliation	1	1%
Untruthfulness	4	4%
Reporting	(2)	(2%)
Verbal Statements	(2)	(2%)
Verbal Conduct - Improper	21	21%
Profanity/Rude Statements	(17)	(17%)
Threats	(5)	(5%)
Other	6	6%
Not Enough Information	2	2%

Figure 6

Locations of Allegations Incidents

During the first six months of 2004, the greatest number of alleged incidents occurred in City Council Districts 3 (36%) and 6 (14%). *Figure 7*, provides the percentage of alleged incidents that occurred in all City Council Districts.

Council District	No. of Complaints	% of Complaints
1	4	6%
2	5	8%
3	24	36%
4	5	8%
5	6	9%
6	9	14%
7	5	8%
Insufficient Information	8	12%
Total	66	100%

Figure 7

Time of Alleged Incidents

Figure 8, below, shows the time the alleged incidents occurred during the day. The spike in alleged incidents occurring at 6:00p.m. is the result of 9 complaints filed because of complaints of tear gassing and failure to provide assistance on May 31, 2004, at the Carijama Festival.

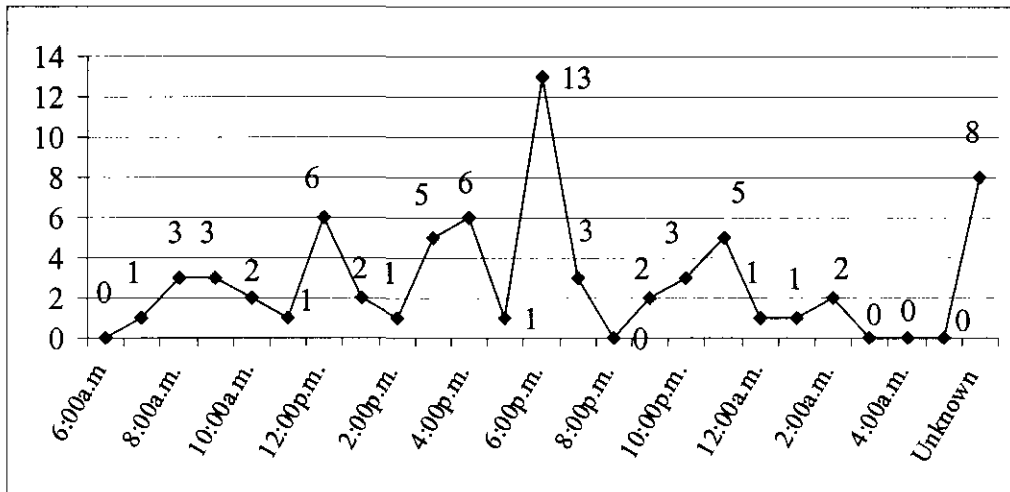


Figure 8

RESOLVED COMPLAINTS

Number of Complaints Resolved

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 fact and make disciplinary recommendations regarding officer behavior.

In an effort to increase the number of hearings, the Board began to offer 3-member-panel hearings in addition to its full Board hearings. Board members are assigned to the 3-member-panels through a lottery system. The findings of the 3-member-panels must be ratified by the full Board to become final. The Board began holding 3-member-panel hearings in November, 2003.

During the first six months of 2004, the Board resolved 59 complaints. The Board heard three complaints at full-Board hearings and it heard six complaints at 3-member-panel hearings. The full Board ratified the findings from the six complaints heard by 3-member-panels and it also ratified the findings from a seventh complaint which was heard at the end of 2003. Additionally, the Board closed 49 complaints through administrative closure. *Figure 9*

below shows the number of complaints closed per calendar quarter.

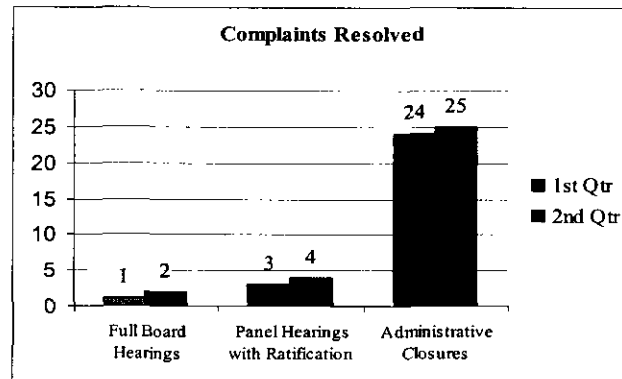


Figure 9

Evidentiary Hearings

Figure 10, on the following page, lists the types of allegations heard at each of the Board's hearings.

Allegations Before the Board at Evidentiary Hearings

Hearing Date	Type of Hrg.	Complaint	No. of Allegations and Type of Allegation
01/22/2004	3-Member-Panel	Craig Morgan (03-130)	4 Failure to Act-Write a Report; 4 Failure to Act-Other; 4 Force-Kick; 5 Force-Other; 1 Harassment
01/29/2004	3-Member-Panel	Jason Ward (03-043)	1 Failure to Act-Other; 1 Force-Shooting Gun at Person or Animal
02/05/2004	Full Board	Lisa Dodson (03-103)	1 Entry/Search; 3 Failure to Act-Provide Identification; 1 Failure to Act-Other; 2 Force-Shooting Gun at Person or Animal
04/08/2004	3-Member-Panel	Veronique Perry (03-238)	1 Failure to Act-Conduct Investigation; 1 Failure to Act-Provide Identification; 3 Failure to Act-Other
04/15/2004	3-Member-Panel	Leslie May and Erika Raulston (03-106)	1 Failure to Act-Write Report; 3 Failure to Act-Other; 1 Property- Damaged/Mission/Seized
04/22/2004	Full Board	Freddie Davis (03-236)	1 Harassment; 1 Search of Person; 1 Verbal Conduct-Profanity/ Rude Statements; 1 Verbal Conduct-Threats
05/20/2004	3-Member-Panel	Yancie Young (03-263)	1 Failure to Act; 1 Search of Person; 1 Verbal Conduct
06/17/2004	3-Member-Panel	Esmá Bolden and Alonzo Evans (03-316)	1 Failure to Act-Investigate; 7 Interference with CPRB Investigation
06/24/2004	Full Board	Donte Johnson and Jovan Johnson (03-201)	6 Verbal Conduct-Sexual Misconduct; 2 Other

Figure 10

Board Findings at Evidentiary Hearings

As previously stated, findings of fact and disciplinary recommendations made by a 3-member panel are not final unless they are ratified by the full Board. The full Board ratified the findings from seven panel hearings — six of the panel hearings were held in 2004 and one was held

in 2003. *Figure 11*, on the following page, lists the Board's findings.

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.

RESOLVED COMPLAINTS

Hearing Date	Complaint	Sustained	Board Recommendation	Not Sustained	Unfounded or Exonerated	Total Allegations
11/24/2003	Hannah Moore and Bianca Watkins (02-61)	1 Verbal Conduct - Profanity/Rude Statements	Officer Medina should attend training in the area of "conduct toward others -- demeanor."	4		5
01/22/2004	Craig Morgan (03-130)			19		19
01/29/2004	Jason Ward (03-043)			1	1 Exonerated – Failure to Give Warning to Dog	2
02/05/2004	Lisa Dodson (03-103)			4	3 Exonerated – Failure to Act – to Provide Identification	7
04/08/2004	Veronique Perry (03-238)			3	1 Exonerated – Failure to Provide Identification; 1 Exonerated – Failure to Provide Contact Information	5
04/15/2004	Leslie May and Erika Raulston (03-106)			5		5
04/22/2004	Freddie Davis (03-236)	1 Search of Person	Officer Koster should receive training. Officer Koster should receive an oral reprimand.	2	1 Unfounded – Verbal Conduct – Profanity/Rude Statements	4
05/20/2004	Yancie Young (03-263)	1 Search of Person	Officer Bergeron should be given training and an oral reprimand.	2		3
06/17/2004	Esma Bolden and Alonzo Evans (03-316)	1 Failure to Act- Investigate; 3 Interference with CPRB Investigation	Officer Padilla should receive training. Lt. Tracey should receive training.	4		
06/24/2004	Donte Johnson and Jovan Johnson (03-201)	3 Verbal Conduct – Sexual Misconduct	Sgt. Del Rosario should receive training, counseling and an oral reprimand.	5		8
Total		10 (15%)		49 (74%)	7 (11%)	66 (100%)

Figure 11

Board Findings by Allegation Category

Figure 12, below, provides the same information as Figure 11 but by allegation category instead of by complainant. It shows the Board sustained allegations involving: the failure to investigate, interference with a CPRB investigation, the search of individuals, and improper

verbal conduct. Additionally, the Board concluded one allegation of verbal misconduct did not occur and that officers were justified with regard to allegations of their failure to act.

Allegation Categories	Sustained	Not Sustained	Unfounded	Exonerated	Total
Bias/Discrimination		2			2
Entry/Search - Residence or Building		1			1
Failure to Act - To Ensure Safety After Car Tow		1			1
Failure to Act - To Investigate	1	1			2
Failure to Act - To Provide Identification				4	4
Failure to Act - To Write a Report		5			5
Failure to Act - Other		11		2	13
Force - After Handcuffed		1			1
Force - Kick		4			4
Force - Shooting Gun at Person or Animal		3			3
Force - Other		5			5
Harassment		3			3
Interfering with CPRB Investigation	3	4			7
Property - Damaged/Missing/Seized		1			1
Search - of Person	2				2
Verbal Conduct - Profanity/Rude Statements	1	1	1		3
Verbal Conduct - Sexual Misconduct	3	3			6
Verbal Conduct - Other		1			1
Other		2			2
Total	10 (15%)	49 (74%)	1 (2%)	6 (9%)	66 (100%)

Figure 12

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

If the Board determines officer misconduct has occurred, the Board will forward a recommendation of officer discipline to the City Administrator who makes the final decision regarding officer discipline. During the first six months of 2004, the Board forwarded disciplinary recom-

mendations arising from four complaints. The City Administrator acted upon three of the Board's recommendations and her decision on the fourth complaint is pending.

Administrative Closures

In the first six months of 2004, the Board closed 49 complaints. *Figure 13* below, provides the reasons for the administrative closures.

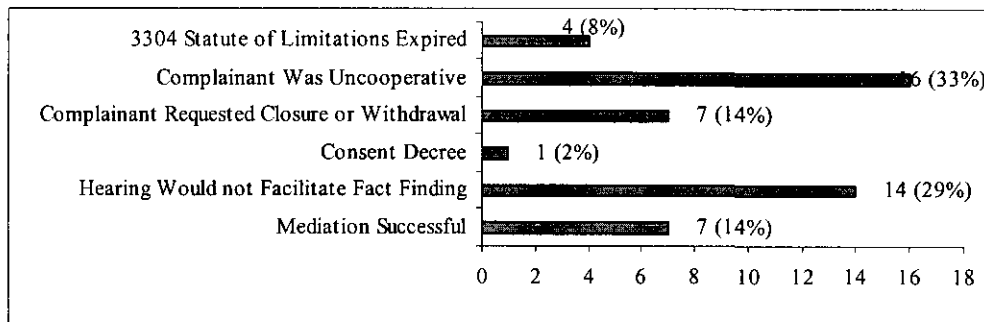


Figure 13

3304 Statute of Limitations

Eight percent of the complaints that were administratively closed were closed because the one-year statute of limitations for bringing disciplinary action against a peace officer had expired. California Government Code section 3304 states in part:

“[N]o punitive action . . . shall be undertaken for any act, omission, or other allegation of misconduct if the investigation of the allegation is not completed within one year of the public agency’s discovery by a person authorized to initiate an investigation of the allegation of an act, omission or other misconduct.”

In 2003, Joyce Hicks, CPRB’s Executive Director, stated that one of her goals for the agency was to reduce the percentage of complaints that are closed due to the 3304 expiration. She explained that, with three investigators, more complaints could be investigated and resolved for substantive reasons. This goal was accomplished in the first six months of 2004 because the four 3304 administrative closures — or 8% of the administrative closures — represent an 86% reduction over the 19 section 3304 administrative closures — or 56% of the administrative closures — in the same six month period in 2003.

Complainant was Uncooperative

Sometimes a complainant will file a complaint but subsequently fail to return the investigator's calls or assist in the investigation process. In those instances, the investigator must propose that the complaint be closed because of insufficient information.

Consent Decree

One complaint, closed in in 2004, was closed because of an agreement between the complainant and a park ranger. The complainant agreed to close the complaint if the park ranger received training on interacting with individuals with mental disabilities. The agreement was entered into in 2002 and the officer completed his training in 2004. Thus, the complaint was closed this year.

Hearing Would Not Facilitate Fact-Finding Process

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.

OFFICER INFORMATION

Officer Compliance

In 2001, the CPRB began to document its efforts to obtain officer compliance with its investigative and judicial process. The CPRB's 2001 Annual Report states:

“Officer attendance at hearings continued to be a problem in 2001, resulting in the cancellation of several hearings” (p. 10).

In 2002, officer attendance at CPRB hearings improved but officer compliance with CPRB interview requests became a problem. OPD command staff attempted to resolve this problem by drafting General Order M-3 which states in part:

“All Department personnel who are subpoenaed by the CPRB shall cooperate by complying with all of the orders described on the subpoena and by appearing as directed unless excused by the issuing authority.”

The General Order is still in the process of being finalized.

In 2003, officer attendance at hearings became a problem again, though officers were complying with CPRB interview requests. In

December, 2003, CPRB staff and OPD command staff, including Police Chief Richard Word, met to discuss the issue of officer compliance. In March, 2004, this issue was raised at a Public Safety Committee meeting, during which the Committee requested that the CPRB document officer compliance and provide the information in its 2004 Semi-Annual Report. Information about officer compliance with interview requests is provided on *pages 23-30*. Information about officer compliance with hearing subpoenas is provided on *pages 31-35*. The reports cover the time period from September 2003 through March 2004.

While officer compliance with interview requests has improved, officer compliance with hearing subpoenas has not because the Oakland Police Officers' Association (OPOA) has asserted officers do not have to attend hearings where a tort claim has been filed. Board Counsel, Antonio Lawson, has opined that a tort claim is not litigation and officers are required to attend hearings even if a tort claim has been filed.

OFFICER COMPLIANCE -- Interview Requests

Samuel Francis **Serial No. 8365** **Police Officer**

03-052

Complainant: Gregory Johnson

No. of Days between Request and Interview: 122

No. of Days For Officer's Acknowledgement of Receipt of Request: 4

No. of Attempts by Investigator to Schedule Interview: 5

Interview Date: 10/09/2003

Date Interview Request Sent: 06/09/2003

Date Officer Acknowledged Receipt of Request: 06/13/2003

Supervisor: Alfred Mestas

Investigator: Victoria Urbi

Assignment: 20-01

Comments:

James Gantt **Serial No. 7669** **Police Officer**

03-103

Complainant: Lisa Dodson

No. of Days between Request and Interview: 51

No. of Days For Officer's Acknowledgement of Receipt of Request:

No. of Attempts by Investigator to Schedule Interview:

Interview Date: 01/30/2004

Date Interview Request Sent: 12/10/2003

Date Officer Acknowledged Receipt of Request:

Supervisor: James Gantt

Investigator: Audrey Montana

Assignment: 03-5B

Comments:

OFFICER COMPLIANCE -- Interview Requests

Sean Hall **Serial No. 8225** **Police Officer**

03-052

Complainant: Gregory Johnson

No. of Days between Request and Interview:	80
No. of Days For Officer's Acknowledgement of Receipt of Request:	4
No. of Attempts by Investigator to Schedule Interview:	7
Interview Date:	10/02/2003
Date Interview Request Sent:	07/14/2003
Date Officer Acknowledged Receipt of Request:	07/18/2003

Supervisor: Alfred Mestas	Investigator: Victoria Urbi
Assignment: 20-01	
Comments: Officer Hall was extremely uncooperative.	

John Kelly **Serial No. 8401** **Police Officer**

02-60

Complainant: Dennis Butler

No. of Days between Request and Interview:	40
No. of Days For Officer's Acknowledgement of Receipt of Request:	12
No. of Attempts by Investigator to Schedule Interview:	
Interview Date:	11/18/2003
Date Interview Request Sent:	10/09/2003
Date Officer Acknowledged Receipt of Request:	10/21/2003

Supervisor: Darren Allison	Investigator: Audrey Montana
Assignment: 20-02	
Comments:	

OFFICER COMPLIANCE -- Interview Requests

Christopher Medina Serial No. 8162 Police Officer

02-61

Complainant: Bianca Watkins

No. of Days between Request and Interview:	128
No. of Days For Officer's Acknowledgement of Receipt of Request:	114
No. of Attempts by Investigator to Schedule Interview:	2
Interview Date:	10/29/2003
Date Interview Request Sent:	06/23/2003
Date Officer Acknowledged Receipt of Request:	10/15/2003
<hr/>	
Supervisor: Assignment Unknown	Investigator: Victoria Urbi
Assignment: Not Listed	
Comments:	

Complainant: Hannah Moore

No. of Days between Request and Interview:	128
No. of Days For Officer's Acknowledgement of Receipt of Request:	114
No. of Attempts by Investigator to Schedule Interview:	2
Interview Date:	10/29/2003
Date Interview Request Sent:	06/23/2003
Date Officer Acknowledged Receipt of Request:	10/15/2003
<hr/>	
Supervisor: Assignment Unknown	Investigator: Victoria Urbi
Assignment: Not Listed	
Comments:	

Alfred Mestas Serial No. 7130 Sergeant of Police

03-128

Complainant: Darryl Williams

No. of Days between Request and Interview:	58
No. of Days For Officer's Acknowledgement of Receipt of Request:	1
No. of Attempts by Investigator to Schedule Interview:	3
Interview Date:	08/14/2003
Date Interview Request Sent:	06/17/2003
Date Officer Acknowledged Receipt of Request:	06/18/2003
<hr/>	
Supervisor: Alfred Mestas	Investigator: Victoria Urbi
Assignment: 20-01	
Comments: OPOA and IAD delayed the interview.	

OFFICER COMPLIANCE -- Interview Requests

Sekou Millington Serial No. 8393 Police Officer
02-60

Complainant: Dennis Butler

No. of Days between Request and Interview:	40
No. of Days For Officer's Acknowledgement of Receipt of Request:	12
No. of Attempts by Investigator to Schedule Interview:	
Interview Date:	11/18/2003
Date Interview Request Sent:	10/09/2003
Date Officer Acknowledged Receipt of Request:	10/21/2003

Supervisor: Darren Allison Investigator: Audrey Montana
Assignment: 20-02
Comments:

Bernard Ortiz Serial No. 8132 Police Officer
03-263

Complainant: Yancie Young

No. of Days between Request and Interview:	133
No. of Days For Officer's Acknowledgement of Receipt of Request:	8
No. of Attempts by Investigator to Schedule Interview:	4
Interview Date:	04/21/2004
Date Interview Request Sent:	12/10/2003
Date Officer Acknowledged Receipt of Request:	12/18/2003

Supervisor: Barney Rivera Investigator: Sean Quinlan
Assignment: 01-1A
Comments:

OFFICER COMPLIANCE -- Interview Requests

Michael Rountree Serial No. 8481 Police Officer

03-293

Complainant: Victoria Figg

No. of Days between Request and Interview:	37
No. of Days For Officer's Acknowledgement of Receipt of Request:	
No. of Attempts by Investigator to Schedule Interview:	
Interview Date:	04/01/2004
Date Interview Request Sent:	02/24/2004
Date Officer Acknowledged Receipt of Request:	

Supervisor: Supervisor Unknown **Investigator:** Sean Quinlan
Assignment: 99-00
Comments:

Timothy Shaver Serial No. 7852 Police Officer

03-043

Complainant: Jason Ward

No. of Days between Request and Interview:	35
No. of Days For Officer's Acknowledgement of Receipt of Request: 30	
No. of Attempts by Investigator to Schedule Interview:	
Interview Date:	01/08/2004
Date Interview Request Sent:	12/04/2003
Date Officer Acknowledged Receipt of Request:	01/03/2004

Supervisor: **Investigator:** Audrey Montana
Assignment:
Comments:

OFFICER COMPLIANCE -- Interview Requests

Richard Vass Serial No. 8399 Police Officer

02-60

*Complainant: Dennis Butler***No. of Days between Request and Interview: 40****No. of Days For Officer's Acknowledgement of Receipt of Request: 14****No. of Attempts by Investigator to Schedule Interview: 14****Interview Date: 11/18/2003****Date Interview Request Sent: 10/09/2003****Date Officer Acknowledged Receipt of Request: 10/23/2003****Supervisor: Michael Poirier****Investigator: Audrey Montana****Assignment: 20-06****Comments:**

Michael Yoell Serial No. 7346 Lieutenant of Police

03-148

*Complainant: Elliott Noble***No. of Days between Request and Interview: 105****No. of Days For Officer's Acknowledgement of Receipt of Request: 14****No. of Attempts by Investigator to Schedule Interview: 8****Interview Date: 12/19/2003****Date Interview Request Sent: 09/05/2003****Date Officer Acknowledged Receipt of Request: 09/19/2003****Supervisor: Michael Yoell****Investigator: Victoria Urbi****Assignment: 16-01****Comments:***Complainant: Michael Henry Jr.***No. of Days between Request and Interview: 105****No. of Days For Officer's Acknowledgement of Receipt of Request: 14****No. of Attempts by Investigator to Schedule Interview: 8****Interview Date: 12/19/2003****Date Interview Request Sent: 09/05/2003****Date Officer Acknowledged Receipt of Request: 09/19/2003****Supervisor: Michael Yoell****Investigator: Victoria Urbi****Assignment: 16-01****Comments:**

OFFICER COMPLIANCE -- Hearing Subpoenas

02-60 Audrey Montana (Investigator)
 Dennis Butler (Complainant)

John Kelly Serial No. 8401 Police Officer

Date Hearing Subpoena Sent: 10/10/2003

Hearing Date: 11/20/2003

Comments: Officer Kelly timely indicated a sudden death in the family. The hearing was held without him because there were several other officers.

Richard Vass Serial No. 8399 Police Officer

Date Hearing Subpoena Sent: 10/10/2003

Hearing Date: 11/20/2003

Comments: Officer Vass stated he was not served with the hearing subpoena but he did appear at the hearing as a subject officer.

02-61 Victoria Urbi (Investigator)
 Bianca Watkins (Complainant)

Christopher Medina Serial No. 8162 Police Officer

Date Hearing Subpoena Sent: 10/22/2003

Hearing Date: 11/24/2003

Comments: Officer Medina chose not to attend the hearing because his baby was ill and he said there was no child care available. The 3-member panel held the hearing in his absence.

Hannah Moore (Complainant)

Christopher Medina Serial No. 8162 Police Officer

Date Hearing Subpoena Sent: 10/22/2003

Hearing Date: 11/24/2003

Comments: Officer Medina chose not to attend the hearing because his baby was ill and he said there was no child care available. The 3-member panel held the hearing in his absence.

OFFICER COMPLIANCE -- Hearing Subpoenas

02-70 Audrey Montana (Investigator)

Michael Sachs (Complainant)

Caesar Bass Jr. Serial No. 7818 Sergeant of Police

Date Hearing Subpoena Sent: 10/10/2003

Hearing Date: 11/06/2003

Comments: Sgt. Bass confirmed that he would appear at the hearing but then timely informed the investigator that he was ill and would not be able to attend the hearing. He was excused because he was not a material witness. Ultimately, the hearing was cancelled at the request of the complainant.

03-043 Audrey Montana (Investigator)

Jason Ward (Complainant)

Mark Battle Serial No. 8188 Police Officer

Date Hearing Subpoena Sent: 12/04/2003

Hearing Date: 01/15/2004

Comments: Officer Battle timely indicated a sudden death in the family. The CPRB granted a 2-week continuance.

03-052 Victoria Urbi (Investigator)

Gregory Johnson (Complainant)

Samuel Francis Serial No. 8365 Police Officer

Date Hearing Subpoena Sent: 09/11/2003

Hearing Date: 10/09/2003

Comments: Officer Francis appeared at the hearing but requested that it be continued because his grandmother was ill and in the hospital.

Sean Hall Serial No. 8225 Police Officer

Date Hearing Subpoena Sent: 09/11/2003

Hearing Date: 10/09/2003

Comments: Officer compliance required Chief Word's intervention.

OFFICER COMPLIANCE -- Hearing Subpoenas

03-128 Victoria Urbi (Investigator)Darryl Williams (Complainant)**Matthew McGiffert Serial No. 8443 Police Officer**

Date Hearing Subpoena Sent: 09/08/2003

Hearing Date: 09/25/2003

Comments: Officer McGiffert requested a continuance because of a previously scheduled vacation. The hearing was held without Officer McGiffert.

03-130 Sean Quinlan (Investigator)Craig Morgan (Complainant)**Scott Schroeder Serial No. 8167 Police Officer**

Date Hearing Subpoena Sent: 12/11/2003

Hearing Date: 01/22/2004

Comments: Officer Schroeder chose not to attend the hearing because he was on paternity leave. The 3-member panel held the hearing in Officer Schroeder's absence. Officer Schroeder sent a letter of apology to the Board subsequent to the hearing.

OFFICER COMPLIANCE -- Hearing Subpoenas

03-148 Victoria Urbi (Investigator)

Elliott Noble (Complainant)

Ramon Alcantar Serial No. 8319 Police Officer

Date Hearing Subpoena Sent:

Hearing Date: 03/25/2004

Comments: Officer Alcantar walked out during the hearing on the advisement of OPOA because a tort claim had been filed. Unbeknownst to the CPRB and the OPOA, the complainant's attorney had filed a legal complaint in advance of the hearing. Consequently, the hearing could not be held.

Ryan Gill Serial No. 8345 Police Officer

Date Hearing Subpoena Sent:

Hearing Date: 03/25/2004

Comments: Officer Gill walked out during the hearing on the advisement from OPOA because a tort claim had been filed. Unbeknownst to the CPRB and the OPOA, the complainant's attorney had filed a legal complaint in advance of the hearing. Consequently, the hearing could not be held.

Michael Yoell Serial No. 7346 Lieutenant of Police

Date Hearing Subpoena Sent: 02/23/2004

Hearing Date: 03/25/2004

Comments: Lt. Yoell walked out during the hearing on the advisement from OPOA because a tort claim had been filed. Unbeknownst to the CPRB and the OPOA, the complainant's attorney had filed a legal complaint in advance of the hearing. Consequently, the hearing could not be held.

OFFICER COMPLIANCE -- Hearing Subpoenas

Michael Henry Jr. (Complainant)

Ramon Alcantar Serial No. 8319 Police Officer

Date Hearing Subpoena Sent:

Hearing Date: 03/25/2004

Comments: Officer Alcantar walked out during the hearing on the advisement of OPOA because a tort claim had been filed. Unbeknownst to the CPRB and the OPOA, the complainant's attorney had filed a legal complaint in advance of the hearing. Consequently, the hearing could not be held.

Ryan Gill Serial No. 8346 Police Officer

Date Hearing Subpoena Sent:

Hearing Date: 03/25/2004

Comments: Officer Gill walked out during the hearing on the advisement from OPOA because a tort claim had been filed. Unbeknownst to the CPRB and the OPOA, the complainant's attorney had filed a legal complaint in advance of the hearing. Consequently, the hearing could not be held.

Michael Yoell Serial No. 7346 Lieutenant of Police

Date Hearing Subpoena Sent: 02/23/2004

Hearing Date: 03/25/2004

Comments: Lt. Yoell walked out during the hearing on the advisement from OPOA because a tort claim had been filed. Unbeknownst to the CPRB and the OPOA, the complainant's attorney had filed a legal complaint in advance of the hearing. Consequently, the hearing could not be held.

Number of Officers with One or More Complaints During the First Six Months of 2004

Along with holding public evidentiary hearings on police misconduct, the CPRB also attempts to prevent future problems by tracking the number of complaints against each officer. *Figure 14*, below, lists the number of officers with one or more complaints against him/her during the first six months of 2004.

	No. of Officers	% of Officers with Complaints
Officers with Two Complaints	4	13%
Officers with One Complaint	27	87%
Total	31	100%

Figure 14

Number of Officers with One or More Complaints between January 1, 2002 and June 30, 2004

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 also 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 an 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 15*, below, provides the number of officers who have had three or more CPRB filed against them between January 1, 2002 and June 30, 2004.

	No. of Officers	% of Officers with Complaints
Officers with Six Complaints	1	00.4%
Officers with Five Complaints	4	01.8%
Officers with Four Complaints	7	03.1%
Officers with Three Complaints	10	04.4%
Officers with Two Complaints	40	17.8%
Officers with One Complaint	163	72.4%
Total	225	100.0%

Figure 15

Analysis of Officers with Complaints During the 30 Month Period

Percentage of Officers with Three or More Complaints

Within the 30-month period between January 1, 2002 and June 30, 2004, 22 officers received three or more complaints. These officers make up 3% of all OPD sworn officers; they constitute 10% of all officers who received CPRB complaints during this time period. While the terms of the *Delphine Allen* settlement agreement did not take effect until 2003, in keeping with its spirit, at least 10% of the officers who had CPRB complaints filed against them during this time period would be identified as subjects for PIMS intervention.

Percentage of Complaints Involving Officers with Three or More Complaints

The Board received a total of 239 complaints during this 30-month period. The complaints against the officers who have three or more complaints make up 20% of all CRPB complaints filed during this period. The complaints against offi-

cers who have four or more complaints filed against them make up 15% of all complaints filed during this period. And, the complaints against the officers with five or more complaints filed against them make up 5% of the all CPRB complaints filed during this time period.

Supervisors of Subject Officers and Patrol Assignments

In addition to tracking the number of complaints per officer, the CPRB staff also tracks which supervisors the subject officers are assigned to and which patrol assignments they are given.

The CPRB's data on supervisor assignments dates back to July 13, 2002. When looking at the complaints against officers with 3 or more complaints within the 30-month time period, the available data shows that 20% of the complaints involved the same supervisor. Additionally, 46% of the complaints involved officers assigned to a Crime Reduction Team.

BOARD AND STAFF ACTIVITY

New Mission Statement

On January 8, 2004, the Board created and adopted its official mission statement. The purpose of the mission statement is to introduce the Board to members of the public and to inform others about the Board's purpose. Additionally, the mission statement is meant to ensure that current and future Board have unity of purpose. The Board's mission statement provides:

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 Training

In March, 2004, at a Saturday training session conducted by Captain Jeff Israel and Captain Howard Jordan, the Board received training regarding OPD's search and seizure policy. Additionally, the Board learned how the various divisions at the Oakland Police Department are organized.

Filling Board Member Positions

During the first six months of 2004, the Board welcomed three new Board members, Corey Dishmon, Barbara Montgomery, and Jamilah Jefferson, to replace outgoing Board members William Hubartt, Susan Raffanti, and Mon-sour Salahu-Din respectively. Additionally the Board welcomed two alternates to fill two of the three alternate Board members positions. The alternate Board members are Andrew Radlow and Cheryl Anderson. The Board also elected its chair, Roland Walker, and Vice-Chair, Beniba Thomas.

Database Additions

During the first six months of 2004, CPRB staff continued to refine and revise the CPRB database, allowing the Board and its staff to better identify problem officers, patterns and trends in allegations, and potential areas for policy improvement.

Strip Search Policy

Between 2000 and 2003, the Board received six complaints alleging unlawful strip searches; three of the complaints were filed in 2003. The Board held hearings on two of the three complaints. On the third complaint, the complainant, a minor, chose not to go forward with the hearing. On the two complaints heard by the CPRB, it sustained against the officers for illegal strip searches but

recognized the issue was a department-wide policy issue as well as an individual misconduct issue. The Board recommended that OPD revise its policy on what constitutes a strip search and when it is appropriate to perform a strip search. Additionally, the Board recommended that OPD provide training on the revised policy. On May 27, 2004, OPD revised Training Bulletin I-O.2 to incorporate the Board's recommendation.

Task Forces

Finally, during the first six months of 2004, Executive Director Joyce Hicks and Policy Analyst Wendy Jan continued to sit on numerous task forces revolving around the issues of improving police services and reducing police misconduct. They worked on a task force whose

purpose is to administer a Citywide survey regarding customer satisfaction with police services and the reporting of complaints. They participated on OPD's consistency of discipline task force.

Additionally, Ms. Hicks and Ms. Jan participated on OPD's racial profiling task force. This task force, which consisted of representatives from OPD, OPOA, the community, advocacy groups, the CPRB, and researchers from RAND Corporation, met for over two years to produce: (1) OPD's racial profiling policy; (2) an analysis of whether OPD engages in racial profiling, and (3) a technical guide instructing other police departments how to engage in a similar process. The group's work was lauded at a congressional briefing in Washington D.C.

UPDATE ON BOARD RECOMMENDATIONS

The chart on the next few pages lists the status of the policy recommendations made by the Board between 2001 and 2004. In the first six months of 2004, the Board made one policy recommendation involving OPD's policy on strip searches. OPD has since adopted the Board's recommendations.

UPDATES ON BOARD RECOMMENDATIONS

2004	Background	Board Recommendation	OPD Response	Status of Recommendation
#1:	Between 2000-2003, the Board received six complaints alleging unlawful strip searches; three of the complaints were filed in 2003.	OPD should revise its policy on what constitutes a strip search, when it is appropriate to perform a strip search; and provide training on the revised policy.	On May 27, 2004, OPD revised Training Bulletin I-O.2 to incorporate the Board's recommendations.	Resolved and granted.

2003	Background	Board Recommendation	OPD Response	Status of Recommendation
#1-3:	On April 10, 2003, and subsequently on December 11, 2003, the Board heard testimony from members of the public regarding police conduct during a 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 that the police used excessive force in attempting to disperse the crowd. Many protestors alleged injuries.	The Police Department should eliminate its use of wooden dowels.		Pending Action by OPD
#2:	(see above)	The Police Department should end its practice of using the sting grenade.		Pending Action by OPD
#3:	(see above)	CPRB Executive Director Joyce Hicks and Police Chief Richard Word should collaborate with community representatives to further work on revising OPD's crowd control policy.		Pending Action by OPD
#4:	In 2003, the Board heard and received complaints alleging that police officers are towing individuals' cars but leaving the drivers and the passengers on the streets without a ride. All incidents occurred after dark.	The Police Department should draft a comprehensive policy regarding procedures to be followed to ensure the safety of the vehicle's occupants when a vehicle is towed. Officers should consider the following factors in determining whether to transport the individuals to the Police Administration Building or to the Eastmont Substation: the age of the individual(s), the location of the tow, and the ability of the individual(s) to relocate to a safe location on their own.		Pending Action by OPD.

UPDATES ON BOARD RECOMMENDATIONS

2002	Background	Board Recommendation	OPD Response	Status of Recommendation
#1-7:	California Welfare and Institutions Code, section 5150, permits officers to detain individuals who exhibit signs of mental illness and who appear to pose a danger to themselves or to others. In 2002, the CPRB received complaints alleging that police officers were improperly using section 5150 to detain individuals who did not meet the statute's specific criteria. In February, 2002, the Board held a policy hearing on this issue and made numerous recommendations to the police department.	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.	In order to track the requested information, officers must first be trained to fill out their 5150 report forms with more specificity. The Police Department will train all officers to fill out these forms with more specificity by the end of November, 2003, through line-up training. However, once the specific information is provided, the Department does not have the resources to analyze the data. CPRB Response: Once the data is obtained, the CPRB policy analyst will analyze a sample of the data to provide the requested information to the Board and to the Police Department.	Pending Action by OPD
#2:	(see above)	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.	The Police Department is currently researching the issue.	Pending Action by OPD
#3:	(see above)	The Police Department should expand its officer training on mental illness and 5150 detentions to 40 hours. The 40-hour training program should occur post-Academy and should include training on distinguishing mental illness from mental retardation, which is not a ground for a 5150 detention.	The Department does not have the funds to provide its officers with 40 hours of training on 5150 issues. However, in reviewing the curriculum for the 2003-2004 Advanced Officer School, the Chief will consider adding four hours of training to the Mentally Disordered Person module. Chief Richard work has also agreed to provide such training during roll calls.	Pending Action by OPD

UPDATES ON BOARD RECOMMENDATIONS

2002	Background	Board Recommendation	OPD Response	Status of Recommendation
	<p>#4: California Welfare and Institutions Code, section 5150, permits officers to detain individuals who exhibit signs of mental illness and who appear to pose a danger to themselves or to others. In 2002, the CPRB received complaints alleging that police officers were improperly using section 5150 to detain individuals who did not meet the statute's specific criteria. In February, 2002, the Board held a policy hearing on this issue and made numerous recommendations to the police department.</p>	<p>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 Legal Aspects of Searching Residences, for the purpose of implementing this recommendation.</p>	<p>Both the form and the Special Order to implement this recommendation have been developed.</p>	<p>Pending Action by OPD</p>

2001	Background	Board Recommendation	OPD Response	Status of Recommendation
	<p>#1: In 2001, five Board hearings were cancelled, three because of last minute officer unavailability.</p>	<p>The Police Department should revise General Order M-3 to provide clear direction to officers about their obligation to cooperate with the CPRB, including giving interviews and attending Board hearings. The General Order should specify the grounds for being relieved from compliance with the CPRB subpoena to attend a hearing, e.g., for illness or injury and the procedures that must be followed.</p>		<p>Pending Action by OPD.</p>

CONCLUSION

In conclusion, the Board has had a very busy first six months of 2004, with an increasing complaint load yet improved processing of complaints and productivity. The Board experienced improvements in obtaining officer compliance with interview requests and hearing subpoenas. But, the issue of officer attendance at hearings has resurfaced with the OPOA's challenge to the Board's authority to hear cases where tort claims have been filed.

The Board continues to be productive in its processing of complaints, reducing the percentage of complaints that are closed because the 3304 statute of limitations has expired

from 56% of complaints in the first six months of 2003 to 8% of complaints during the first six months of 2004. This represents an 86% reduction. Additionally, the CPRB staff continues to be productive, creating new ways to improve intra-office efficiency, working with other stakeholders to solve problems, and finding improved methods to identify patterns and trends.

Finally, the Board saw the rapid adoption of a revised search and seizure policy by OPD in response to complaints of illegal strip searches and the Board's sustained findings of illegal strip searches at two evidentiary hearings.

APPENDICES

Board Member Attendance at Full Board Hearings

Board Member	1/8/2004	2/5/2004	2/26/2004	3/6/2004	3/25/2004	4/22/2004	5/13/2004	6/24/2004
Andrews	Yes	Yes	Yes	Yes	Excused	Yes	Yes	Yes
Batarse	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Cheung	Yes	Excused	Yes	Yes	Yes	Yes	Yes	Yes
Dishmon	Not Appointed to Board Yet.			Yes	Yes	Yes	Yes	Yes
Hubartt	Yes	Yes	No Longer a Board Member.					
Jefferson	Not Appointed to Board Yet.					Yes	Yes	Excused
Loveday	Yes	Yes	Excused	Yes	Yes	Yes	Yes	Yes
Montgomery	Not Appointed to Board Yet.		Yes	Yes	Yes	Yes	Yes	Excused
Raffanti	Excused	Yes	No Longer a Board Member.					
Salahu-Din	Yes	Excused	No Longer a Board Member.					
Thomas	Yes	Yes	Yes	Yes	Yes	Excused	Excused	Yes
Walker	Yes	Yes	Yes	Excused	Excused	Excused	Yes	Yes
Anderson (alt.)	Not Appointed to Board Yet.						Yes	
Radlow (alt.)	Not Appointed to Board Yet.		Yes	Yes	Yes	Yes		