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October 23, 2007

PUBLIC SAFETY COMMITTEE
Oakland, California

Chairperson Reid and Members of the Committee:

Subject: **CITIZENS' POLICE REVIEW BOARD 2007 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 2007 semi-annual report pursuant to section 6, paragraph C, subdivision 3 of the ordinance.

Respectfully submitted,

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

JOYCE M. HICKS
Citizens' Police Review Board
Executive Director

APPROVED AND FORWARDED TO THE
PUBLIC SAFETY COMMITTEE:

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

Item: _____
Public Safety Committee
October 23, 2007

CITY OF OAKLAND
CITIZENS' POLICE
REVIEW BOARD
2007 SEMI-ANNUAL
REPORT

JANUARY 1, 2007 - JUNE 30, 2007



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

August 6, 2007

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

On behalf of the members of the Citizens' Police Review Board (CPRB), I am pleased to present the CPRB's 2007 Semi-Annual Report. Despite legal challenges created by the *Copley* decision, the Board continues to process complaints in a timely manner and now, under procedures adopted November 9, 2006, conducts disciplinary hearings of citizen complaints in closed session.

In the first six months of 2007, forty-six complaints were filed with the CPRB. The Board resolved thirty-nine complaints, with two through evidentiary hearings and thirty-seven by administrative closures. Of the two hearings held, the Board forwarded disciplinary recommendations from both complaints. The City Administrator upheld both of the Board's disciplinary recommendations in part.

Six policy recommendations were made by the Board on police vehicle pursuits. These policy recommendations were considered by the Police Department and helped narrow the grounds for justifiable pursuits. These policy changes were implemented in part, under the Police Department's new vehicle pursuit policy, General Order J-4 (5/30/07).

Officer compliance with CPRB investigations is at an all time high, with one hundred percent officer compliance with interview notices and appearances at hearings. CPRB staff also engaged in more community outreach projects, including presentations to the Cantonese-Speaking Citizens' Academy and College Preparatory and Architecture Academy of Oakland. CPRB staff plans to further expand its outreach activities through the remainder of 2007.

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

Sincerely,

Corey Dishmon, CPRB Chair

Current Board Members and Term Expiration Dates

Corey Dishmon, Chairperson	February 15, 2008
Cara Kopowski, Vice Chairperson	February 15, 2008
Qa'id Tauheed Aqeel	February 15, 2009
Matthew Hudson	February 15, 2008
Jamilah Scates	February 15, 2008
Renee Harwood, Alternate	February 15, 2008
Andrew Radlow, Alternate	February 15, 2008

CPRB Independent Counsel

Antonio Lawson	Board Counsel
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CPRB Staff

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





Board Photo: Barbara Montgomery, Gregory E. Harris, Charliana Michaels, Cara Kopowski, Jamilah Scates, Corey Dishmon and Renee Harwood Not in Photo: Qa'id Aqeel, Matthew Hudson and Andrew Radlow



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



Board Counsel: Antonio Lawson

CPRB Mission Statement

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

Executive Summary

The Citizens' Police Review Board is required to submit a statistical report to the Public Safety Committee "regarding complaints filed with the Board, the processing of these complaints and their dispositions" at least twice a year. (Ordinance No. 12454 C.M.S., section 6(C)(3).) This report is submitted pursuant to that requirement.

In the first six months of 2007, the Board received 46 complaints, filed by 51 individuals. These individuals were primarily African-American and between the ages of 25-34 and 45-54 years old. The number of complaints received is 53% more than the number of complaints received for this same period in 2006.

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

Also in the first half of 2007, the Board resolved 39 complaints; 2 complaints through evidentiary hearings and 37 through administrative closures. The most sus-

tained allegations in the first six months of 2007 were for failures to act during a vehicle pursuit. In 39 resolved cases, 38% of the allegations officers were exonerated, 35% were unfounded, 16% were sustained and 11% were not sustained.

The Board forwarded two disciplinary recommendations for sustained allegations to the City Administrator. She has adopted both of the Board's recommendations, in part, resulting in imposed officer discipline.

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

In the first six months of 2007, the Board made six policy recommendations to OPD on vehicle pursuits. These recommendations helped narrow the justifiable grounds for officers to engage in pursuits. The recommendations were adopted in part of Departmental General Order J-4 dated May 30, 2007.

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Purpose of this Report

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

CPRB History

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

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

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

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

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

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

On August 31, 2006, a decision of the California Supreme Court in *Copley Press v. Superior Court* (2006) 39 Cal.4th 1272, barred access to police discipline records

from administrative appeals, including the identity of officers, unless officers waived their rights to privacy. As a result of this ruling, all CPRB disciplinary hearings are currently held in closed session to keep the officers' identities confidential. The CPRB held its first disciplinary hearing in closed session on November 30, 2006 pursuant to closed hearing procedures it adopted on November 9, 2006.

Number of Complaints Filed

Between January 1 and June 30, 2007, the CPRB received 46 complaints filed by 51 individuals. *Figure 1* displays the number of complaints that were filed for each month. These 46 complaints represent a 53% increase over the 29 complaints received during the same period in 2006.

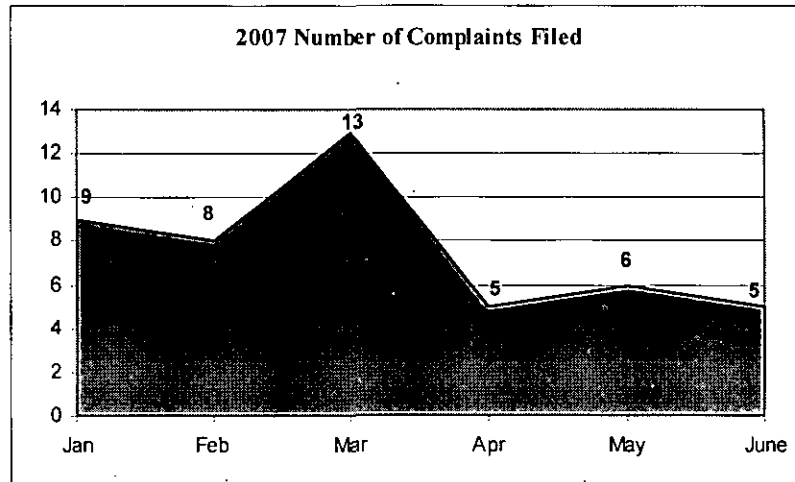


Figure 1

Figure 2 shows the number of complaints filed per year from 2003 to 2006. 2007 is an estimated amount of complaints expected to be filed by year-end. Based on these projections, it is estimated that approximately 19% more complaints will be filed in 2007 than in 2006.

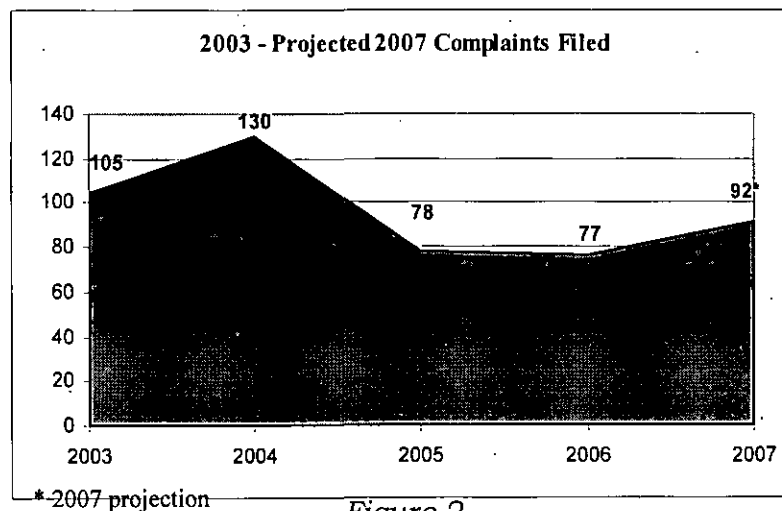


Figure 2

Race and Gender of 2007 Complainants

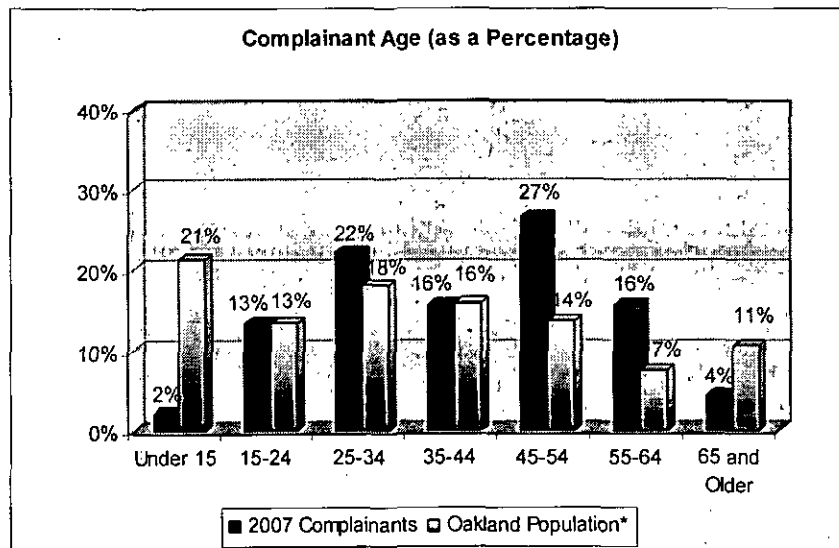
Among the complainants who provided information about their race, 69% of the 2007 complainants were African-American, more specifically, 43% of all the complainants were African-American males. Asian-Americans comprised 2%, Caucasians 15% and Hispanic-Americans 12%.

Race	Gender	No. of Complainants	Percent
African-American	F	11	26%
African-American	M	18	43%
Asian-American	F	1	2%
Asian-American	M	0	0%
Caucasian	F	2	5%
Caucasian	M	4	10%
Hispanic-American	F	4	10%
Hispanic-American	M	1	2%
Other	F	0	0%
Other	M	1	2%
Not Listed	F/M	7	17%

Figure 3

Age of 2007 Complainants

Among the complainants who provided information about their age, the greatest number of complainants fell within the age categories of 25-34 and 45-54 years old. See Figure 4 for a comparison of the complainants' ages with the Oakland population.



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

Figure 4

Allegations Filed in 2007

In the first six months of 2007, complainants most frequently alleged: (1) excessive use of force; (2) failure to act ; and (3) improper search. The “failure to act” category includes at least three sub-categories. See *page 6* for a more detailed list of “failure to act” allegations.

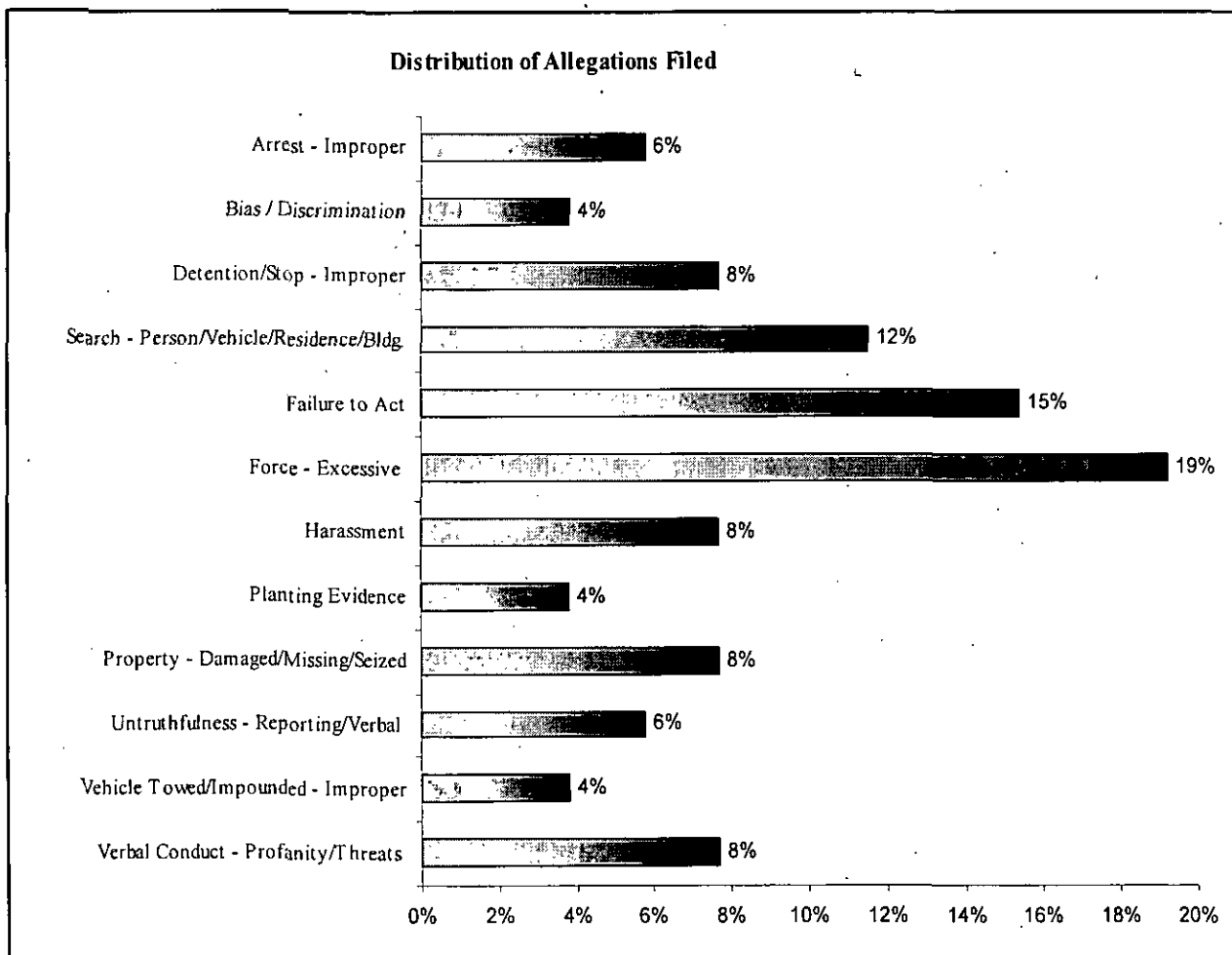


Figure 5

Allegations Filed in 2007

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

Types of Allegations Filed	Distribution	%
Arrest - Improper	3	6%
Bias / Discrimination	2	4%
Detention/Stop - Improper	4	8%
Search - Person/Vehicle/Residence or Bldg	6	12%
Failure to Act		
Failure to Act - To Enforce Restraining Order	1	2%
Failure to Act - To Investigate	4	8%
Failure to Act - To Write A Report	3	6%
Force		
Force - Grab/Push/Shove/Trip	4	8%
Force - Handcuffs Too Tight	3	6%
Force - Strike with Hand or Unknown Object	1	2%
Force - Specifics Unknown	1	2%
Force - Use of Chemical	1	2%
Harassment	4	8%
Property - Damaged/Missing/Seized	4	8%
Planting Evidence	2	4%
Truthfulness - Reporting	2	4%
Truthfulness - Verbal Statement	1	2%
Vehicle Towed/Impounded - Improper	2	4%
Verbal Conduct - Profanity/Threats	4	8%
Total Allegations Filed	52	100%

Figure 6

Alleged Incidents by City Council District

In the first six months of 2007, the greatest number of alleged incidents occurred in City Council District 3 (30%). *Figure 7* provides the percentage of alleged incidents that occurred in all City Council Districts in the first six months of 2007. The results of 2007 resolved complaints by City Council District will appear in the *CPRB 2007 Annual Report*.

Council District	No. of Complaints	% of Complaints
One	5	13%
Two	2	5%
Three	12	30%
Four	2	5%
Five	6	15%
Six	7	18%
Seven	6	15%
Total	40	100%

Figure 7

Time of Alleged Incidents

Figure 8 shows the time alleged incidents occurred for complaints filed in the first six months of 2007. The number of incidents reported is relatively constant beginning at 7am through 12 midnight with a spike of seven complaints occurring at or around 2pm. This spike is mostly the result of one incident which four separate complainants allege they were wrongfully detained.

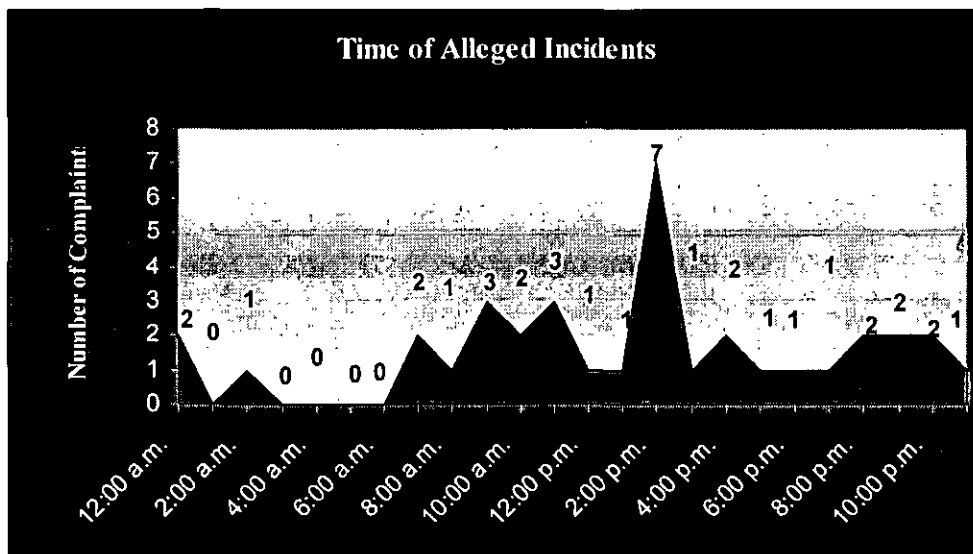


Figure 8

Police Watches

First Watch starts at 9pm and 10pm and ends at 7am and 8am.
 Second Watch starts at 6:30am and 7:30am and ends at 4:30pm and 5:30pm.
 Third Watch starts at 3pm and ends at 1:30am.

A comparison of the time of alleged incidents with police watches show that the most complaints, 23, arose from incidents during the Second Watch, 16 complaints arose during the Third Watch and 10 complaints arose during the First Watch.

2007 Resolved Complaints

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

In the first half of 2007, the Board resolved 39 complaints. The Board heard 2 complaints by evidentiary

hearings and closed 37 complaints through administrative closures. *Figure 9* shows the number of complaints resolved per calendar quarter.

Figure 10 shows that 5% of all complaints resolved in the first six months of 2007 were heard by a full Board hearing. At least one in twenty complaints resolved in the first six months of 2007 was resolved by an evidentiary hearing.

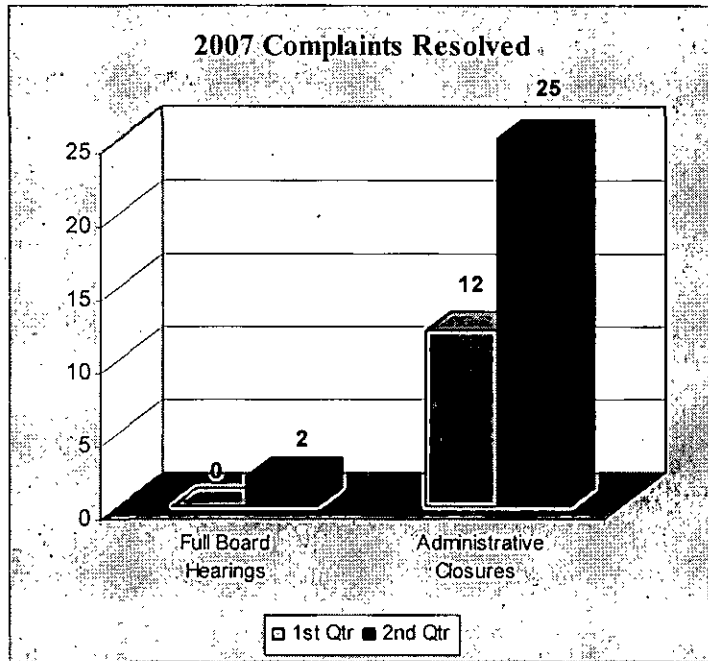


Figure 9

Full Board Hearings	5%
Administrative Closures	95%

Figure 10

Allegations Before the Board at Evidentiary Hearings

Figure 11 lists the types of allegations heard at each of the Board's hearings in the first six months of 2007.

Hearing Date	Complainant (#)	Number and Type of Allegation Heard
5/10/07	Leticia Rodriguez (06-412)	1 Failure to Act - During Car Chase 1 Failure to Act - To Investigate 2 Property Damaged/Missing/Seized 1 Verbal Conduct - Profanity/Rudeness
6/14/07	Carol Ann Gregg (07-0007)	7 Failure to Act - To Investigate 2 Failure to Act - To Write a Report

Figure 11

Board Findings at Evidentiary Hearings

The Board findings at evidentiary hearings are based on investigative reports prepared by CPRB investigators containing officer and witness interview summaries, a list of allegations, disputed and undisputed facts and relevant police policies and laws. At the evidentiary hearings, the Board hears testimony from officers, complainants and witnesses. The Board then deliberates on the evidence presented at the hearings and rules on each allegation. Sustained allegations by the Board include disciplinary recommendations. See Figure 12, for the Board findings for the complaints heard in the first six months of 2007.

Definitions for Board Findings

This key provides definitions for the four types of Board findings. 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: A majority of the Board members present concluded there was not enough evidence to either prove or disprove the acts alleged by the complainant.

Board Findings at Evidentiary Hearings

Complainant/s Hearing Date	Board Findings	Allegation Category	Board Disciplinary Recommendations
Leticia Rodriguez 05/10/2007	8 Sustained 3 Unfounded Not Sustained Not Sustained 1 Exonerated 1 Sustained	Failure to Act - During Car Chase Failure to Act - During Car Chase Failure to Act - To Investigate Property - Damaged/Missing/Seized Property - Damaged/Missing/Seized Verbal Conduct - Profanity/Rude Statements	The Board recommends the subject officers receive a one-day suspension for the allegations sustained.
Carol Ann Gregg 06/14/2007	6 Sustained 1 Unfounded Not Sustained 1 Sustained	Failure to Act - To Investigate Failure to Act - To Investigate Failure to Act - To Write a Report Failure to Act - To Write a Report	The Board recommends two subject officers receive a two-day suspension and one subject officer receive a three-day suspension for the allegations sustained.

Figure 12

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 the first half of 2007, the Board administratively closed thirty-seven complaints. *Figure 14*, below, provides the reasons for the administrative closures.

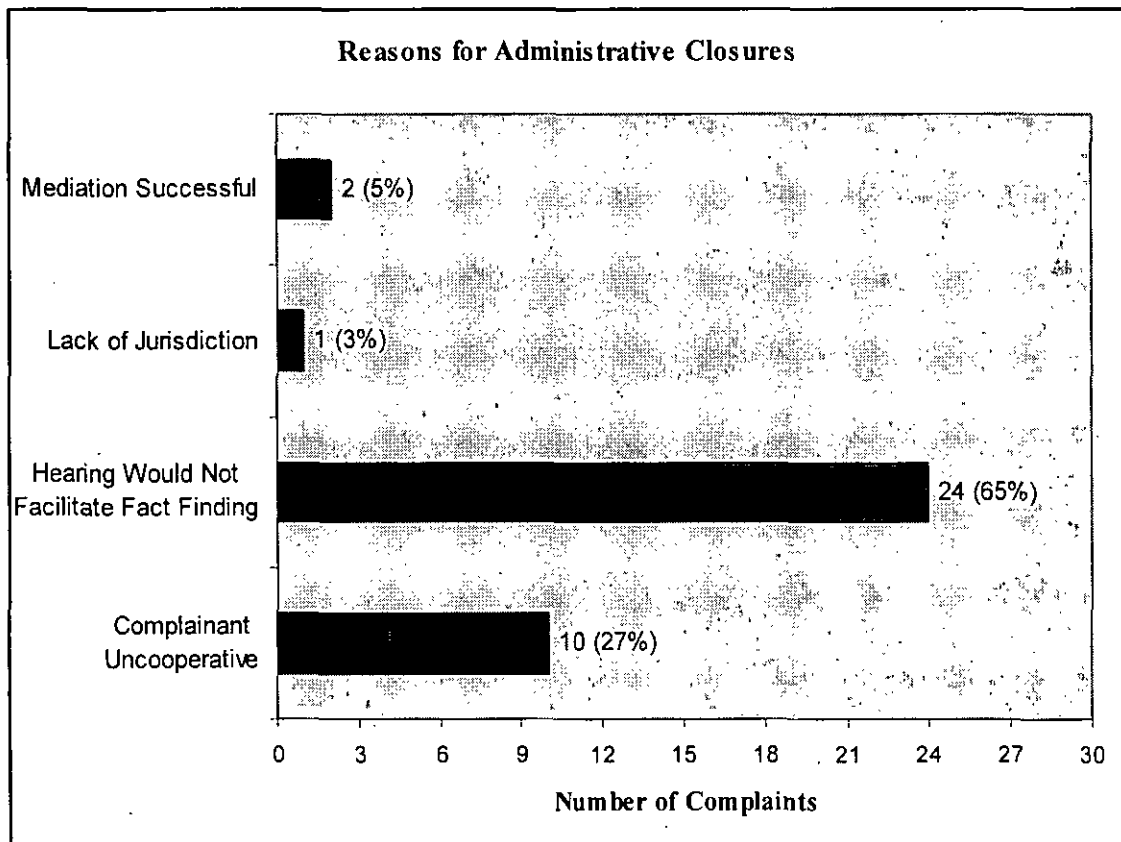


Figure 13

Administrative Closures

Mediation Was Successful

CPRB staff conducted two successful mediations in the first six months of 2007.

Lack of Jurisdiction

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

Hearing Would Not Facilitate Fact-Finding Process

The Board determined that a hearing was unnecessary in twenty-four complaints. The complaints that fall under this category include those in which:

- (a) The investigator is unable to find corroborating evidence of the allegations;
- (b) The investigation fails to uncover which officers were involved; or,
- (c) The allegations are obviously implausible.

Complainant was Uncooperative

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

Board Findings in Evidentiary Hearings and Administrative Closures

2007 is the first year that the CPRB is recording and documenting findings determined through administrative closure investigations. This year the CPRB closed thirty-nine complaints either by evidentiary hearings or by administrative closures. *Figure 14* shows the percentage of findings for allegations investigated in the first six months of 2007. Officers were sustained in fourteen percent of all allegations investigated, eleven percent of allegations were not sustained, thirty-three percent were unfounded and forty-two percent were exonerated.

Allegation Category	Sustained	Not Sustained	Unfounded	Exonerated	Total
Arrest - Improper				9	9
Bias / Discrimination			3		3
Citation - Improper		1		1	2
Custody - Improper Treatment					0
Detention/Stop - Improper				3	3
Failure to Act - During a Car Chase	8		3	3	14
Failure to Act - To Investigate	6	2	3	4	15
Failure to Act - To Provide Identification		1			1
Failure to Act - To Write A Report	1	1	2	3	7
Force - Choke		1			1
Force - Grab/Push/Shove/Trip			5	2	7
Force - Kick			5		5
Force - Handcuffs too Tight				2	2
Force - Pointing Firearm			2		2
Force - Shooting Gun at Person or Animal				1	1
Force - Strike w. Hand or Unknown Object			1	1	2
Force - Strike w. Weapon				2	2
Force - Taser			1		1
Force - Use of Chemical(s)				1	1
Force - Use of Patrol Vehicle			1		1
Harassment			1		1
Property - Damaged/Missing/Seized		3	1	2	6
Search - Person/Vehicle/Residence/Bldg.		1	1	4	6
Truthfulness - Reporting			2		2
Truthfulness - Verbal Statements			3		3
Vehicle Towed/Impounded - Improper			1	10	11
Verbal Conduct - Profanity/Rude Statements	1	2	3		6
Totals	16 (14%)	12 (11%)	38 (33%)	48 (42%)	114

Figure 14

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

If the Board determines officer misconduct has occurred, the Board will forward recommendations to the City Administrator who, with the Chief of Police makes the final decision regarding officer discipline. In the first six months of 2007, the Board forwarded disciplinary recommendations arising from two complaints. The City Administrator upheld both Board recommendations in part.

Officer Compliance with CPRB Investigations

Officer compliance with investigations is categorized into two areas: responding to interview notices and attending hearings.

Interview Notices

Officer compliance data is specific to compliance with interview notices and scheduling interviews. Officers are responsible for returning their interview notices to the court liaison within their next three on-duty days. Officers failing to complete the requirements to call and schedule interviews or release Internal Affairs Division statements are non-compliant with the CPRB interview process. Non-compliance is in violation of Oakland Police Department General Order M-3.2.

Appearances at Hearings

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

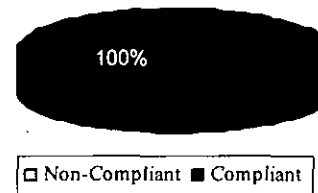
Officer Compliance Data

Officer compliance data was collected on twenty-six complaints investigated in first six months of 2007. Officer compliance for interviews and hearing subpoenas for complaints are continuing with minimal delays.

Interview Notices

Number of Complaints: 26
 Number of Officers Identified: 93
 Number of Interview Notices Sent: 95
 Scheduled Interviews: 38
 Outstanding Notices: 30
 Number of Officers Non-Compliant: 0

Officer Compliance with Interview Notices



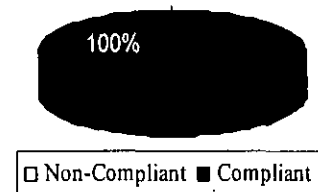
Interview Summary

In the first six months of 2007, 100% of officers replied to interview notices in a timely manner. This is the first year, since tracking officer compliance started in 2004, that the CPRB received 100% officer compliance with interview notices.

Hearing Subpoenas

Number of Hearings: 2
 Number of Officer Hearing Subpoenas: 12
 Number of Officers Attended: 10
 Number of Officers Excused: 2
 Number of Officers Non-Compliant: 0

Officer Compliance with Hearing Subpoenas



Hearing Summary

In the first six months of 2007, 100% of the officers subpoenaed complied with the conditions of the subpoena. Ten of twelve officers subpoenaed attended hearings, while two officers who did not attend were excused because one was on medical leave and another witness officer was unable to find child care at the time of the hearing.

**Number of Officers with One or More Complaints
from January 1, 2007 to June 30, 2007**

The CPRB tracks the number of complaints against each officer. *Figure 16* lists the number of officers with one or more complaints in the first six months of 2007. Each year, a small number of officers receives multiple complaints in this short period of time. CPRB tracks this data to be aware of potential recurring problems with specific officers. This year six officers have two separate complaints in six months. However, these complaints are only allegations of misconduct and are still under investigation. The finding of these investigations of officer with multiple complaints will appear in the *CPRB 2007 Annual Report*.

	No. of Officers	% of Officers with Complaints
Officers with Two Complaints	6	10%
Officers with One Complaint	55	90%
Total	61	100%

Figure 15

Number of Officers with Three or More Complaints between January 1, 2005 and June 30, 2007

In 2003, the Oakland Police Department (OPD) entered into a negotiated 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 Assessment System (IPAS), formerly known as the Personnel Information Management System (PIMS), the settlement agreement states:

“Notwithstanding any other provisions of the PIMS policy to be developed, the policy shall include, at a minimum, a

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

(Section VII (B)(6)).

In keeping with the spirit of this policy, *Figure 17*, below, provides the number of officers who have had one or more CPRB complaints filed against them between January 1, 2005 and June 30, 2007.

	No. of Officers	% of Officers with Complaints
Officers with Six Complaints	1	0.4%
Officers with Five Complaints	1	0.4%
Officers with Four Complaints	5	2%
Officers with Three Complaints	14	6%
Officers with Two Complaints	51	22%
Officers with One Complaint	165	70%
Total	237	100%

Figure 16

Board and Staff Updates

Appointments to the Board

In the first six months of 2007, the Board welcomed one new Board member, Qa'id Tauheed Aqeel, to replace outgoing member Charliana Michaels. The Board also elected its chair, Corey Dishmon, and Vice-Chair, Cara Kopowski.

Status of Closed Hearing Process - "Romero Bill" SB 1019

The *Copley Press* decision requires that officers' identities in citizen complaints remain confidential. As a result, the CPRB now holds historically public evidentiary hearings in closed session to maintain officers' confidentiality.

The Board supports open evidentiary hearings and voted to endorse California State legislation to keep the process open. Mayor Ron Dellums and Police Chief Wayne Tucker have also publicly expressed their support in the effort to reopen the hearing process.

In the first six months of 2007, California Assembly Bill 1648 and Senate Bill 1019 were drafted to restore open public disciplinary hearings in cities and counties throughout Cali-

fornia. CPRB Executive Director, Joyce Hicks and Policy Analyst, Patrick Caceres attended hearings in Sacramento in support of these bills. Executive Director, Joyce Hicks wrote legislative representatives and gave testimony before the Assembly's Public Safety Committee emphasizing the need for transparency.

On June 4, 2007, SB 1019 was adopted by the California State Senate. It went before the Assembly Public Safety Committee on June 26, 2007. Unfortunately, SB 1019 did not move out of the Assembly Public Safety Committee.

Members of the American Civil Liberties Union (ACLU) and other community organizations are working on new efforts to revise the bill so that it passes through the Assembly. At this time, CPRB evidentiary hearings will remain closed to the public.

Community Outreach

Value of Community Outreach

Community outreach is an essential component of civilian oversight. The first six months of 2007 represent CPRB's effort to increase community outreach activities to specific communities. CPRB's annual reports have shown that community members, for whom English is a second-language, often know the least about our services. Also, demographic data in this report and past reports show the youth of Oakland are underrepresented in our statistics. Thus, in an effort to provide more targeted outreach, the CPRB continues to participate in the Oakland Cantonese-Speaking Citizens' Academy and in June participated in presentations to the College Preparatory and Architecture Academy, formerly part of Fremont High School in Oakland.



Photo: Members of the Cantonese-Speaking Citizens' Academy with Silva Sofia San Miguel, of Equal Access and Patrick Caeres of the CPRB.

Oakland Cantonese-Speaking Citizens' Academy

On May 29, 2007, the CPRB participated in its fourth presentation in three years to the Oakland Cantonese-Speaking Citizens' Academy sponsored by the City's Equal Access Department.

Through a Cantonese-translator, CPRB staff presented the services the CPRB provides and how complaints filed by citizens have led to changes in policy and officer practices in the Oakland Police Department.



Photo: Students of College Preparatory and Architecture Academy who utilized past CPRB reports to prepare their senior projects on the homicide rate in Oakland.

College Preparatory and Architecture Academy (CPAA)

In two meetings, CPRB staff presented and participated in the Senior Exhibitions of the College Preparatory and Architecture Academy of Oakland. The Senior Exhibitions are

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a mandatory graduation requirement for all seniors. The theme of these Exhibitions was "Social Equity."

CPRB staff also presented to four senior classes on the work of the CPRB. The presentation served as a demonstration of public speaking on topics of social change.

Future Outreach

The CPRB is also in the planning stages of another high school presentation for the government students of Youth Empowerment School (YES) in Oakland.

Policy Recommendations

New Recommendations - Police Vehicle Pursuits

Police vehicle pursuits are an ongoing topic for local and state officials because of the inherent risk involved to the public and the officers engaged in pursuits. At the state level, the California Legislature adopted SB 719 last year, effective July 1, 2007 as California Vehicle Code section 17004.7. This legislation ensures proper training and certification requirements are met for all local law enforcement agencies on their pursuit policies. The CPRB engaged the public in the discussion on vehicle pursuits in the form of a public policy hearing held on February 8, 2007.

At the policy hearing the Board viewed local news footage of a pursuit incident in Oakland. The Board heard from family and community members directly affected by pursuits. The Board also heard from a national expert and a representative of OPD. The Board reviewed a presentation and briefing of other jurisdictions' policies, along with a summary of a study from the National Institute of Justice. At the conclusion of the policy hearing, the Board proposed six recommendations to improve the vehicle pursuit policy in Oakland, known as Departmental General Order J-4. Those recommendations included the following:

1. OPD should develop a more restrictive vehicle pursuit policy to permit the pursuit of fleeing suspects for "violent felonies only" based on a standard of reasonable suspicion. An exception should be made for all misdemeanor firearm related violations. Officers can pursue under this exception based on a standard of probable cause.
2. OPD should administer additional training to officers who engage in pursuits to ensure that officers are properly trained in police pursuits (including both the academy and in-service training on vehicular pursuits). Specifically, increase the number of hours spent on teaching critical decision making skills.
3. OPD should review methods of officer accountability and compliance with pursuit policies including:
 - Supervisory monitoring during pursuits
 - Requirement of remedial training to improve skills if officers fail to comply with policy guidelines during pursuits or if officers are found to be 'at fault' during collisions resulting from a police pursuit.
 - Use of consistent monitoring of officer compliance with J-4 through the J-4 Hearing Board, and

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meaningful sanctions for violations of department policies, including remedial pursuit training to improve officers' pursuit skills and analytical reasoning during pursuits.

- Recommended discipline for willful or negligent behavior
4. OPD should review its pursuit tactics and technology for effectiveness and identify new technologies used by other jurisdictions: helicopters, P.I.T. maneuver, tire deflation devices, Star-chase and Road Sentry.
 5. OPD should review the adequacy of its data collection and analysis regarding police pursuits using the following criteria.

Information to be collected and analyzed should include:

- Number of pursuits annually
- Tracking of underlying offenses which lead to vehicle pursuits
- Whether technology was used to assist in the pursuits
- Damages and injuries, resulting from the pursuit
- Increased tracking of training hours (academy, in-service and remedial) and type of training (mechanical versus decision making)
- Results of J-4 hearings

The sixth recommendation proposed was the creation of the Vehicle Pursuit Task Force. The Task Force was formed with representatives from the CPRB, Community Police Advisory Board (CPAB), People United for a Better Oakland (PUEBLO), as well as other community participants. The Task Force met three times to discuss pursuits and to consider the Board's proposed policy recommendations. The Task Force reviewed data provided by OPD on pursuits, as well as data collected by the California Highway Patrol. The Task Force drafted a recommendation regarding when officers are to engage in pursuits. The Task Force also endorsed the Board's other proposed recommendations.

The Oakland Police Department was an active participant in each meeting and communicated with the Task Force throughout the process. The CPRB helped to actively engage the police and community in a dialogue on pursuits. In many ways, this policy topic built new and stronger relationships between the community and the police.

On June 14, 2007 the Board accepted the Task Force's recommendation of "violent felonies only," with an exception for misdemeanor firearm related offenses.

Policy Recommendations

On May 30, 2007, the Oakland Police Department drafted and adopted a new version of their vehicle pursuit policy. Departmental General Order J-4 is now more restrictive regarding when officers are to engage in pursuits. In addition, the role and use of helicopters during pursuits is better outlined. The ambiguity between Code 3 pursuits (responding to calls for emergencies) and actual vehicle pursuits in the prior policy was removed by providing separate policies for each action (General Order J-4 and J-4.1). The Oakland Police Department has also made efforts to improve their data collection and reporting on vehicle pursuits. The Board is encouraged by these recent policy changes and will continue to evaluate their effectiveness in future reports.

See *Appendix B* for a full list of policy recommendations made by the Board between 2001 and 2006.

Conclusion

The first six months of 2007 were largely characterized by the changes in the organization as a result of the *Copley* decision. The CPRB held two hearings under the new closed hearing process. Despite having a closed hearing process, the CPRB remains publicly visible. The CPRB has continued its outreach efforts and held an open public policy hearing on police vehicle pursuits.

The CPRB has implemented reporting enhancements for administrative closures. The CPRB is now tracking the findings from administrative closures. This new data more accurately represents the work of the investigators and the conclusions reached in administrative closure investigations.

As leaders in civilian 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.

Board Member Attendance at Board Hearings

Meeting Date	Aqeel	Chung	Dishmon	Eisenberg	Kopowski	Micheals	Montgomery	Scates	Thomas	Alternate Harwood	Alternate Radlow
1/25/07		Excused	Yes		Yes	Yes	Yes	Excused	Yes		
2/8/07		Excused	Yes		Excused	Yes	Yes	Yes	Yes	Excused	Yes
2/22/07		Excused	Yes		Yes	Absent	Yes	Yes	Absent		Yes
3/8/07			Excused		Excused	Yes		Yes		Yes	Yes
4/12/07	Yes		Yes	Yes	Yes			Excused		Yes	Yes
4/26/07	Yes		Yes	Yes	Yes			Yes		Yes	
5/10/07	Yes		Yes	Yes	Yes			Yes		Yes	
6/14/07	Yes		Absent		Yes			Yes		Yes	Yes

* Three-member panel hearing

Excused - Member asked to attend but excused

Citizens' Police Review Board Policy Recommendations

Date / Incident	Recommendations	OPD Responses	Status
2006 Landlord/ Tenant	1. The Board recommends OPD provide training to its officers on landlord/tenant law.	Initial training occurred in officer line-ups and more formal training is being developed.	Adopted in Part
2005 Ruses	1. The Board recommends OPD develop a policy regarding the creation, management and implementation of ruses.	Declined	Not adopted
2004 Carijama Festival	1. At the Pre-incident Planning Meetings, include the Fire Department and ambulance personnel to support OPD's efforts to manage large crowds. The Board recognizes the vital role the ambulance and fire personnel play in situations of this nature	Included in OPD Training Bulletin III-G	Adopted
	2. Utilize "First Aid Stations fixed and/or mobile and/or ambulances" in the event that chemical agents must be deployed: plan for disabled, elderly and children, the safety of bystanders, evaluate availability of other public safety resources, and anticipate potential medical resources.	Included in OPD Training Bulletin III-G	Adopted
	3. Include in the crowd control policy considerations of: occupied buildings in the area, businesses, e.g. hospitals, schools, senior centers, family restaurants, vehicular traffic, and age, health and mobility of those present.	Included in OPD Training Bulletin III-G	Adopted
	4. Officers must establish a presence commencing at the start of the event by having more community centered policing (e.g. talking with crowd) and by attempting to penetrate the crowd given officer safety. Private security must be part of the Pre-incident Planning Meetings.	Included in OPD Training Bulletin III-G	Adopted
	5. In the Pre-incident planning conduct a risk analysis of the event to determine the sufficient number of law enforcement and public safety personnel.	Included in OPD Training Bulletin III-G	Adopted
	6. As standard procedure consider the use of multiple arrests before deploying chemical agents.	Included in OPD Training Bulletin III-G	Adopted

Citizens' Police Review Board Policy Recommendations

Date / Incident	Recommendations	OPD Responses	Status
Carijama Festival con't	7. Dispersal orders need to be given in a manner reasonably believed to be heard and understood by the intended audience including: documentation of the orders at time given and clear instructions on where people are to disperse when public transit is unavailable. Also included in the recommendation is the Oakland Police Department should obtain a better public address system and repeat their dispersal orders every city block.	Included in OPD Training Bulletin III-G	Adopted
2003 Anti-War Demonstrations	1. The Police Department should eliminate its use of wooden dowels.	Included in OPD Training Bulletin III-G	Adopted
	2. The Police Department should end its practice of using the sting grenade.	Included in OPD Training Bulletin III-G	Adopted
	3. The CPRB Executive Director and the Chief of Police should collaborate with community representatives to further work on revising OPD's crowd control policy.	Included in OPD Training Bulletin III-G	Adopted
Towing	1. The Police Department should draft a comprehensive training bulletin regarding procedures to be followed when vehicles have been towed -- taking into consideration the age of the individual, the location of the tow and the ability of the individual to relocate to a safe location. The training bulletin should also include the directive that an officer should offer the individual and passengers transportation to the Eastmont Substation or the Police Administration Building, whichever is closer, if leaving the individual or their passengers at the location of the tow would place them at risk of harm.	Included in OPD Training Bulletin III-G	Adopted

Citizens' Police Review Board Policy Recommendations

Date / Incident	Recommendations	OPD Responses	Status
2002 5150 Policies	1. The Police Department should immediately train and inform its officers that if an officer is unsure of whether a person meets the criteria of section 5150, the officer has the option of telephoning the psychiatric emergency room at the John George Psychiatric Pavilion to obtain an expert medical opinion. All officers should be given cellular phones for this purpose.	Training complete, but unable to provide cellular phones.	Adopted in Part
	2. The Police Department should begin tracking information about 5150 detentions to determine the circumstances under which such detentions are made, the locations of these detentions, and the training needed by officers to correctly use section 5150 to detain individuals.	Declined – the current training is satisfactory given limited resources.	Not adopted
	3. The Police Department should work with the Alameda County Behavioral Health Department, the Alameda County Sheriff's Department, community groups, and other interested parties to develop closer working relationships, to share resources, and to develop processes and procedures to address 5150 issues. Workshops should be publicly noticed and open to the public and should commence immediately.	Training is being conducted with a member of the Alameda County Health Department / Mental Health Crisis Response Team as a co-instructor.	Adopted in Part
	4. The Police Department should expand its officer training on mental illness and 5150 detentions to 40 hours. The 40-hour training program should occur post-Academy and should include training on distinguishing mental illness from mental retardation, which is not a ground for a 5150 detention.	The Sergeants training has been completed and the officers are receiving their training through Continuing Professional Training courses.	Adopted in Part
Searching Residences	1. Officers should be required to fill out a "notification" form when conducting warrantless searches. The Chief of Police should issue a Special Order revising Department Training Bulletin I-O.3, which is entitled, <i>Legal Aspects of Searching Residences</i> , for the purpose of implementing this recommendation.	This recommendation will be considered in the issuing of business cards to all officers and in the future during the accreditation process.	Not Adopted

Citizens' Police Review Board Policy Recommendations

Date / Incident	Recommendations	OPD Responses	Status
2001 OPD Hearing Attendance	1. 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.	Included in final draft of the General Order M-3.2	Adopted