

**REPORT  
OF  
INVESTIGATION**

**Prepared by: Investigator S. Quinlan**

**ANDRE DANTE PIAZZA**

**CPRB Case # 00-13**

**Hearing Date: 01/25/01**

**CPRB Complaint #00-13  
Andre Dante Piazza, Complainant**

**INVESTIGATION REPORT**

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## INVESTIGATION REPORT

**Date:** January 2, 2001

**To:** OAKLAND CITIZENS' POLICE REVIEW BOARD  
**From:** Sean P. Quinlan, Complaint Investigator, CPRB  
**Re:** CPRB Complaint 00-13

**Parties:** Complainant: **Andre Dante Piazza**

Subject Officer: **Patrick Gonzales #8151**  
Witness Officer: **Christopher Sansome #8140**

**Subject:** HEARING INVESTIGATION REPORT

**HEARING:** **Thursday, February 22, 2001 at 6:15 p.m.**  
**Council Chambers 3<sup>rd</sup> Floor, City Hall**

### WITNESSES SCHEDULED TO APPEAR:

Officer/s: Officer P. Gonzales #8151  
Officer C. Sansome #8140

Civilian: Mr. Andre Dante Piazza

### WITNESSES NOT SCHEDULED TO APPEAR:

Civilian: Mr. George Moore  
"Gilky"  
"Skeet"

### BACKGROUND:

The complainant has stated that he does not know the full names of two civilian witnesses, nor addresses or telephone numbers for all three listed. Two canvass letters were circulated in the surrounding neighborhood to ascertain additional witness information in general, and with respect to the three listed civilian witnesses. No response was received.

### **NOTICE TO COMPLAINANTS AND SUBJECT OFFICERS:**

*You may bring to the hearing additional witnesses, documents, or other evidence, which are not covered in this report and request that it be considered by the Board. The Board's legal advisor shall rule on the admissibility of such evidence. Please submit this evidence to the investigator in advance of the hearing. Note: Requests for a continuance shall be made within 72 hours of receipt of this report.*

**CPRB Complaint No. 00-13**  
**Andre Dante Piazza, Complainant**

**I. DATE, TIME AND LOCATION OF ALLEGED INCIDENT:**

This incident occurred on Tuesday, May 2, 2000 at approximately 6:30 p.m. in the 2000 block of 23<sup>rd</sup> Avenue, Oakland, California.

**II. JURISDICTION:**

**Original Jurisdiction**

This complaint was timely filed under the Board's original jurisdiction of excessive force on May 3, 2000.

Mr. Piazza alleges that OPD Officer Gonzales, in violation of *OPD Manual of Rules No. 370.27, Use of Physical Force, and OPD General Order K-3, Use of Force*:

1. Squeezed complainant's throat.
2. Slapped complainant's face causing injury to his jaw.
3. Pulled up quickly on complainant's handcuffed hands causing a burst of pain.

**Supplemental Jurisdiction**

Mr. Piazza filed with OPD/IAD on May 31, 2000, and the complaint is pending final disposition. CPRB has jurisdiction over the following supplemental issues:

Mr. Piazza alleges that OPD Officer Gonzales,

1. Conducted a strip search and visual body cavity search on the complainant in the field, in violation of *OPD Training Bulletin I-O.2, Searches*.
2. Threatened witness George Moore with his baton after Moore protested Officer Gonzales' treatment of the complainant, in violation of *OPD Manual of Rules No. 314.07, Use of Threatening Conduct*.
3. Told the complainant to "shut up" after he had inquired as to why he was to be searched, in violation of *OPD Manual of Rules No. 314.07, Use of Demeaning Language*.

**III. SUMMARY OF COMPLAINT:**

*According to Mr. Piazza*, he was walking with his cousin, George Moore, and their friend named "Gilky" in the 2000 block of 23<sup>rd</sup> Avenue on May 2, 2000 at approximately 6:30 p.m., when two OPD officers drove up. The officers (later identified as Officer Patrick Gonzales and Officer Christopher Sansome) got out

of their vehicle and told Mr. Piazza and his companions to stop and empty the contents of their pockets onto the ground. The officers handcuffed Mr. Piazza and Mr. Moore and told Gilky to leave the immediate area. Gilky retreated to the porch area of an adjacent house where he continued to watch the incident.

Mr. Piazza inquired as to why he and Mr. Moore were detained, and was told to "shut up" by Officer Gonzales. Mr. Piazza and Mr. Moore were then placed in the back of the patrol vehicle, and their names were checked for warrants on the police computer.

Mr. Piazza repeatedly asked why they had been stopped, and the officers responded, "zero tolerance" and "we are just doing our job." Both Mr. Piazza and Mr. Moore's names came back "Charlie", or clear for warrants. Mr. Moore was let out of the police vehicle and his handcuffs were taken off. Mr. Moore then stood nearby and observed the police officers interact with Mr. Piazza. The officers then informed Mr. Piazza that he would be searched. Mr. Piazza protested that a search was unnecessary because his name had come up clear on the police computer. Officer Gonzales then told Mr. Piazza to "shut up."

Officer Gonzales placed Mr. Piazza next to the open door of the police vehicle and proceeded to pull his pants down to his knees. Officer Gonzales then pulled Mr. Piazza's underwear halfway down his buttocks. Mr. Piazza protested to Officer Gonzales that he could not do this to him. Officer Gonzales grabbed Mr. Piazza's still handcuffed hands and pulled up quickly on both of them, giving Mr. Piazza a burst of pain. Next, Officer Gonzales placed his hands on Mr. Piazza's buttocks and simultaneously pulled his buttocks cheeks apart and looked into his opened orifice for drugs. Officer Gonzales then lifted and felt under Mr. Piazza's testicles. Mr. Piazza related that this search occurred during daylight hours, and 23<sup>rd</sup> Avenue was busy with vehicular traffic. Mr. Piazza said the #62 bus had passed by, and the passengers could see Mr. Piazza with his pants down being searched.

Officer Gonzales next lifted and pulled Mr. Piazza's head back, and then both squeezed his throat with one hand, and pressed on the sides of his jaw with the other. Mr. Piazza's mouth was forced open and Officer Gonzales looked inside for drugs. Mr. Piazza was then released from his handcuffs and began to leave the area.

Mr. Piazza stopped and told Officer Gonzales that he had violated his rights, and Officer Gonzales responded by taking his open right hand and forcefully slapping Mr. Piazza across the cheek. The force of the strike made Mr. Piazza's head turn. Mr. Piazza asked Officer Gonzales why he had hit him, and Officer Gonzales responded, "because I can." Mr. Moore protested this treatment, and Officer Gonzales pulled his baton and threatened him with it.

Mr. Piazza's jaw hurt and he could not bite down, close his mouth, or talk well afterwards. Mr. Piazza then called 911 for his injuries and a Sergeant (later identified as Sgt. Van Sloten) arrived to assess Mr. Piazza's condition and note Mr. Piazza's allegation of being slapped by Officer Gonzales. Mr. Piazza was then transported to Highland Hospital by ambulance where his jaw was manipulated back into alignment.

**IV. COMPLAINANTS' STATEMENT:**

Exhibited: Mr. Piazza's Complaint and Statement

**V. SUBJECT OFFICER STATEMENT:**

Exhibited: Statement of Officer Gonzales

**VI. WITNESS OFFICER STATEMENT:**

Exhibited: Officer Sansome

**VII. DOCUMENTARY EVIDENCE:**

Exhibited: OPD Field Contact Inquiry

Exhibited: Medical Records

Exhibited: Four Photographs of Mr. Piazza

Exhibited: Seven Photographs of the Scene

Exhibited: Map of the Area

**VIII. APPLICABLE POLICIES AND PROCEDURES:**

OPD Manual of Rules No. 370.27, Use of Physical Force

OPD General Order K-3, Use of Force

OPD Training Bulletin I-O.2, Searches

OPD Manual of Rules No. 314.07, Use of Threatening Conduct and Demeaning Language

**End of Report**

Copy: CPRB Board Commissioners

Barbara Parker, Hearing Officer

Mr. Piazza

Officer Gonzales

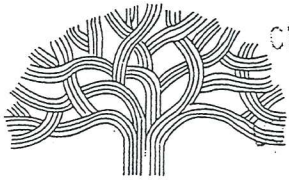
Officer Sansome

OPD/IAD

OPOA

James Blair, Rains, Lucia & Wilkenson, LLP

Agenda Mailing List



RECEIVED  
CITY OF OAKLAND  
CND/CPRE

MAY -3 PM 1:27

CITY OF OAKLAND  
CITIZENS' POLICE REVIEW BOARD

# COMPLAINT FORM

1 FRANK H. OGAWA PLAZA \* 11<sup>TH</sup> FL. \* OAKLAND, CA. 94612 \* OFFICE # 510-238-3159 FAX # 238-7084 TTY# 238-3724

[CPRB STAFF USE ONLY]

CPRB CASE NO. 00-13 <sup>DC</sup> Complaint Rcvd by:  Walk-in  Mail  Fax  E-mail

How did you learn about CPRB? Police Officer

1. Name Andre Dante Piazza 2. Date of Birth 5-5-81

3. Age 18 4. Sex [one]:  Male  Female  Transexual

5. Race [one]:  Caucasian  African-American  Hispanic-American  
 Asian-American  Mixed  Other AA/Italian

6. Address 508<sup>APT B</sup> 105<sup>Ave</sup> City Oakland Zip

7. Phone: Home 382-0688 Work \_\_\_\_\_ Other \_\_\_\_\_

8. Date of Incident 5-2-00 Time of Incident 6:30AM

9. Location of Incident on 23<sup>rd</sup> betw E 20<sup>th</sup> & E 21<sup>st</sup> St.

10. Please indicate the TYPE OF COMPLAINT you are filing:
- Use of Excessive Force; Explain ~~STAFF~~ SLAP ME
  - Communication of bias by an Oakland Police Officer or Oakland Park Ranger based upon race, gender, national origin, religion, sexual orientation or disability; Explain \_\_\_\_\_
  - Other; Explain \_\_\_\_\_
- Has a complaint filed with the Professional Standards Division (PSD) of the Oakland Police Department (OPD) \_\_\_\_\_ Yes \_\_\_\_\_ No; IF YES,
  - On what date was the complaint filed? \_\_\_\_\_ PSD Case No. \_\_\_\_\_
  - Has Oakland OPD/PSD rendered a decision? Yes \_\_\_\_\_ No \_\_\_\_\_
  - Date of Oakland OPD/PSD decision, if any: \_\_\_\_\_

11. Please explain what occurred between you and the Oakland Police Officer(s) or Oakland Park Ranger(s). You may use additional sheets or submit a separate written statement.

me and my cousin was coming out of the store. When one of our close friend was ask us did we what a job. so we was talking to him and that when two officer ~~put~~ pickup. And one of the officer was talking to my cousin. And that when it all whit down. ~~that~~ They said or name and we came back later. officer P. George told my cousin to ~~go~~ go away. he walk 5 to 10 feet and that when the office hit me.

8. List the **POLICE OFFICER(S) OR PARK RANGER(S) INVOLVED** in this incident: (If you do not know names, please identify officer(s)/ranger(s) the best way you can.)

NAME	SERIAL NO.	BADGE NO.	CAR NO.
1) P. Geozles		756	1815
2)			
3)			
4)			
5)			

9. List any **POLICE OFFICER(S) OR PARK RANGER(S) WITNESSES** to this incident: (If you do not know names, please identify officer(s)/ranger(s) the best way you can.)

NAME	SERIAL NO.	BADGE NO.	CAR NO.
1)			
2)			
3)			
4)			
5)			

10. List any **CIVILIAN WITNESSES** to this incident: (If you do not know names, please identify witnesses the best way you can.)

NAME	ADDRESS	PHONE NOS.
1) GEORGE Geofar Moore		
2)	(cousin)	
3) "Gilky"		
4)		
5)		

**I CERTIFY THAT THE FOREGOING INFORMATION IS TRUE TO THE BEST OF MY KNOWLEDGE.**

 Andre Piazza  5-3-00  
Signature of Complainant (or parent/guardian if Complainant is under 18) Date

Please Print Your Name Here: Andre Piazza

**NOTICE:** *The filing of a complaint with the Citizens' Police Review Board does not constitute the filing of a tort claim against the City of Oakland pursuant to California Government Code Section 900 et. Seq.*



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## NOTICE TO COMPLAINANT: REGARDING THE POSSIBILITY OF MEDIATION TO RESOLVE THIS COMPLAINT

**MEDIATION** is one option which may be available to resolve your complaint. In order for a mediation to occur, the following conditions **must** be agreed to and met:

- Mediation is facilitated by CPRB staff or the Legal Advisor to the Board.
- Mediation is voluntary; both officer(s) and complainant must agree to participate.
- Both officer(s) and complainant must participate in good faith.
- If the facilitation finds that one or both parties are not participating in good faith, the mediation will cease, and the matter will be referred back for active investigation.
- DISCIPLINE OF AN OFFICER IS NOT A POSSIBLE OUTCOME OF MEDIATION.**
- If a case is successfully mediated, the complaint shall be closed.
- IF THE CASE IS NOT SUCCESSFULLY MEDIATED, THE COMPLAINT SHALL BE REFERRED BACK FOR ACTIVE INVESTIGATION AND FOR POSSIBLE DISPOSITION BY THE BOARD VIA A PUBLIC HEARING.***
- All statements made during the course of mediation are exclusively for the purpose of mediation and may not be recorded, published or repeated in any fashion for any purpose.*** The report to the CPRB of the facilitating investigator will only state whether the mediation was successful or unsuccessful.

**I AGREE TO HAVE MY COMPLAINT MEDIATED UNDER THE ABOVE CONDITIONS:**

Print Name: \_\_\_\_\_

*[Handwritten mark]*

Signature of Complainant (or parent/guardian if Complainant is under 18) \_\_\_\_\_ Date \_\_\_\_\_

**I DO NOT AGREE TO MEDIATION UNDER THE ABOVE CONDITIONS:**

Print Name: \_\_\_\_\_

*[Handwritten mark]* Andre Dande Piazza

Signature of Complainant (or parent/guardian if Complainant is under 18) \_\_\_\_\_ Date \_\_\_\_\_

**PLEASE DESCRIBE THE TYPE OF RELIEF YOU ARE SEEKING:**

- I want the officer/ranger's supervisor to know about what occurred.
- I want to be able to tell the officer(s)/ranger(s) how I felt about what occurred.
- I would like to see changes in the police department policies and procedures which might prevent what happened to me from happening to other people.
- Other--Please specify here what you would like to happen as a result of your complaint:

I would like the officer to get demoted damn

# NOTICES TO COMPLAINANT:

## RELEASE OF ADDRESS AND PHONE NUMBER

Your address and phone numbers are considered private and confidential unless you authorize their release. It is important that you understand that the Citizens' Police Review Board involves a public process, and that any complaint filed by you will become and remain public records indefinitely. As a result, your address and phone numbers will be released to the public.

*I understand that a copy of this complaint, including my name and address, and information gathered about this incident during the course of investigation, will be released to the public.*

COMPLAINANT'S NAME: Andre Piazza  
A. P. Andre Dante Piazza 5-3-00  
Signature of the Complainant Date

## RELEASE OF STATEMENT GIVEN TO OAKLAND POLICE DEPARTMENT/ PROFESSIONAL STANDARDS DIVISION [OPD/PSD] ABOUT THIS INCIDENT

If you have also filed a complaint with the OPD/PSD regarding this incident, or if you intend to file a complaint with OPD in the future, CPRB needs a release from you in order to obtain a copy of any statement you provide or have provided to OPD.

*I agree that OPD/PSD can release to CPRB any statements I have given or will give in the future to OPD/PSD about this incident and I understand that copies of these statements will be released to the public.*

COMPLAINANT'S NAME: Andre Piazza  
A. P. Andre Dante Piazza 5-3-00  
Signature of the Complainant Date

## YOU HAVE THE RIGHT TO FILE THIS COMPLAINT

**WITH THE OAKLAND POLICE DEPARTMENT/PROFESSIONAL STANDARDS DIVISION IN ADDITION TO FILING IT WITH CPRB; IN SOME CASES, IT MAY BE NECESSARY FOR YOU TO FILE WITH OPD/PSD IN ORDER FOR THE CPRB TO INVESTIGATE YOUR COMPLAINT OR CERTAIN ISSUES IN YOUR COMPLAINT**

In addition to filing a complaint with CPRB, you have a right to file complaints against Oakland police officers/park rangers with the OPD/PSD. **For some types of complaints, persons are required to file their complaint with OPD/PSD before the CPRB can acquire jurisdiction over their complaint or over some of the issues in their complaint.** You will be notified if CPRB can accept your complaint or if you need to file it first with OPD/PSD. If you are required to file your complaint with OPD/PSD before CPRB can initiate an investigation over all or part of your complaint, important time deadlines must be met before CPRB can accept your complaint or certain issues in your complaint for investigation:

- ▶ If the Oakland Police Department is unable to complete its investigation within ninety (90) days from the date of filing, you may file your complaint with the CPRB. **YOU MUST FILE WITH THE CPRB WITHIN THIRTY (30) DAYS FROM THE END OF THE NINETY (90) DAY PERIOD.**
- ▶ If you disagree with the Oakland Police Department's finding, **YOU MUST FILE YOUR COMPLAINT WITH THE CPRB WITHIN THIRTY (30) DAYS FROM THE DATE THE OAKLAND POLICE DEPARTMENT MAILS YOU A WRITTEN NOTICE OF ITS DECISION.**

**IF YOU ARE REQUIRED TO FILE YOUR COMPLAINT WITH OPD BEFORE CPRB CAN INVESTIGATE, YOU MUST REFILE YOUR COMPLAINT WITH CPRB WITHIN THE ABOVE TIMELINES. IF YOU HAVE ANY QUESTIONS, PLEASE CALL CPRB AT 510-238-3159.**

**CITIZEN'S POLICE REVIEW BOARD**  
**INTERVIEW SUMMARY**

**Complainant Andre Dante Piazza**

Complainant Andre Dante Piazza was interviewed on May 3, 2000, by CI Diana Christensen at the offices of the Oakland Citizen Police Review Board.

Eighteen-year-old complainant Andre Dante Piazza said he met up with his cousin George Moore (29) and their close friend "Gilky" outside of Tony's Liquors. The three walked and talked until they were in front of Gilky's halfway house on 23<sup>rd</sup> between East 20<sup>th</sup> and East 21<sup>st</sup> Streets. Gilky recently got out of prison. The three of them were talking about Gilky's new job parking cars and discussing whether Moore and Piazza could also get similar work.

Two police officers pulled their car up and looked at three individuals. Complainant Piazza thought the police car number was either 1815 or 1518. The officers got out and told them to put their belongings onto the ground. Gilky protested that he lived right there and one of the officers told him to leave. Gilky retreated to his front porch where he continued to watch the officers and his friends. The officers handcuffed Piazza and Moore. When Piazza asked why they were being detained, one of the officers said that they got a call. When Piazza told the officer that they had just gotten there, the officer told him to "Shut up."

Piazza and Moore were placed into the back of the patrol car. Their names were run through the police computer. Piazza repeatedly asked why they had been stopped and the officers responded, "zero tolerance" and "we're just doing our job." Both Moore and Piazza came up "Charlie" (clear of warrants) on the police computer. Moore was let out and his cuffs were taken off. Moore stood nearby watching the police in their dealings with his cousin.

The officer who primarily dealt with complainant Piazza was Caucasian with blond short hair and a mustache. This officer had a big muscular build and was about 5'10" to 5'11" in height. Complainant Piazza said that he believed the first two numbers in the officer's badge were 7 and 5, but the last number, which may have been a 6, was covered by a black band. Complainant Piazza said that he thought the officer's name was P. Gonzales.

The second officer was short, about 5'7" or 5'6." Piazza said this officer was a "pretty boy," a skinny Caucasian with an Elvis hairdo. This officer was the driver of the vehicle. The second officer had little to say or do with complainant Piazza, so Piazza did not get his badge number.

Complainant Piazza was then told that he would be searched. When Piazza protested that he had come up clear on the computer, Officer Gonzales told him to "Shut up." Officer

Gonzales placed complainant Piazza next to the open door of the vehicle and pulled Piazza's pants down to his knees. The officer then pulled the back of Piazza's boxer shorts halfway down his buttocks. Complainant Piazza told him, "You can't do this." Officer Gonzales then took Piazza's handcuffed hands and lifted them up quickly, giving Piazza a burst of pain. Officer Gonzales proceeded to place his hands onto Piazza's buttocks and simultaneously pull the cheeks apart. Piazza said that Gonzales looked into his opened buttocks to see if he had drugs. Complainant Piazza said that Officer Gonzales next turned to the front of Piazza's body and "lifted and was lookin' under my sacks and stuff." Piazza confirmed that what he meant was that the officer lifted and felt around and under his testicles. Piazza said he told the officer "make me feel like you're fruity."

Complainant Piazza said that the search occurred in complete daylight at about 6:30 p.m. It occurred on a busy street and at least one bus, the 62 came down the street. People who passed by could see him there with his pants down.

Officer Gonzales next lifted and pulled complainant Piazza's head back. The officer then both squeezed Piazza's Adam's apple with one hand and pressed on the sides of his jaw with the other. Piazza's mouth was forced open and the officer looked inside for drugs. Complainant Piazza was then released from his handcuffs and he started to leave.

Complainant Piazza told Officer Gonzales, "You're violating my rights." Officer Gonzales responded by taking his right open hand and forcefully slapping complainant's Piazza's cheek. The force of the strike made Piazza's head turn. Piazza's jaw hurt and he could not bite down, close his mouth or talk well. When Piazza asked the officer why hit him, the officer responded, "Cause I can." Piazza's cousin began to protest and Officer Gonzales pulled his baton and threatened him with it

Gilky, George Moore, and a man named Skeet from the half way house had witnessed the incident and encouraged Piazza to go to Highland Hospital for medical attention. Complainant Piazza went into the Shoppers' Market at East 21<sup>st</sup> and the store clerk gave him a baggie of ice for his jaw. Piazza called 911 from there and both a fire truck and an ambulance responded. A police sergeant came and took a report. Another officer came and took four or five pictures of his face. Complainant Piazza said he proceeded to Highland Hospital where his jaw was manipulated back into alignment. He was also given pain medication.