



POLICE CIVILIAN OVERSIGHT BOARD

NEUTRAL EVALUATION PROPOSAL

PRESENTED BY: HANSEL AGUILAR, Executive Director

CASE: RE CIVILIAN COMPLAINT BROUGHT BY JEFF FOGEL

The Executive Director of the PCOB, Hansel Aguilar, will provide a neutral evaluation of the allegations that Mr. Fogel mentioned in his initial email to the Department and the subsequent concerns Mr. Fogel raised about the nature of the arrest. Specifically, the neutral evaluation will consider:

- Whether the CPD thoroughly, completely, accurately, objectively, and impartially investigated the claims that the CPD subject officer:
 - Assaulted;
 - Kicked; and
 - Applied a chokehold on Mr. Gonzalez in the downtown mall.
- Whether the CPD considered and thoroughly, completely, accurately, objectively, and impartially investigated the additional allegations brought forth by Mr. Fogel. Specifically, the appropriateness of the:
 - Threat to arrest Mr. Gonzalez;
 - The arrest of Mr. Gonzalez; and
 - The felony assault on a police officer charge.

The purpose of the neutral evaluation is to holistically review the CPD’s investigative file and provide findings on the aforementioned elements (i.e. thoroughness, completeness, accuracy, objectivity, and impartiality). The report will also include the following recommendations (where applicable):

- Recommendations to the CPD to improve practices, policies, and procedures regarding any aspect of the case in question;
- Recommendations to the Board to improve practices, policies, and procedures regarding their review of this case and or provision of services to community members;
- Recommendations to the City Council to improve practices, policies, and procedures associated with the work of the Board; and
- Recommendations to the City Manager to improve practices, policies, and procedures associated with administrative support provided to the Board.

The neutral evaluation (review and report) shall be completed within 30 days¹ from the execution of the agreement by both parties. Upon delivery and publication of the evaluation report, the CPD will be provided with a period of 10 days to provide a public written response to any elements of the report. Mr. Fogel will then have 10 days from the publication of the CPD’s response to provide a written response to the evaluation response and or the CPD’s response. All three documents (i.e. evaluator’s report, CPD’s response, and Mr. Fogel’s response) will all be part of the final report to be published on the PCOB website. Mr. Fogel and CPD are agreeing to forego a public review hearing adjudicated by the Board.

	Aug 15, 2022		Aug 16, 2022
_____ Jeff Fogel, Complainant	Date	_____ Latroy “Tito” Durette, Chief of Police	Date

¹ Excludes weekends and public holidays