

ATTACHMENT 1

**CITIZENS' POLICE REVIEW BOARD
MEETING OF THURSDAY, May 28, 2015 – 6:15 P.M.
City Council Chambers - Third Floor**

I. CALL TO ORDER BY CHAIR Mao at 6:24 P.M.

II. ROLL CALL AND ATTENDANCE

Present: Commissioner Brian Bingham
Commissioner Paul Brisco
Commissioner Chris Brown
Commissioner Thomas Cameron
Vice-Chair Larisa Casillas
Chair Sokhom Mao
Commissioner Howard Tevelson
Commissioner Almaz Yihdego (arrived late)

Anthony Finnell, Executive Director
Timothy Knight, Policy Analyst
Karen Tom, CPRB Investigator
Joan Saupe, CPRB Investigator
Victoria Urbi, CPRB Investigator
Nikki Greer, CPRB Investigator
Andrew Lee, CPRB Investigator

Colin Bowen, Board Counsel

Absent: Commissioner Derrick Muhammad

Chair Mao welcomed the new employees and their willingness to serve. Policy Analyst Dr. Timothy Knight and CPRB Complaint Investigator Andrew Lee each gave introductions to the Board.

III. APPROVAL OF MINUTES – ACTION ITEM

A. May 14, 2015

Commissioner Tevelson requested that the minutes be corrected to reflect his attendance be listed as excused rather than absent.

A motion was made by Chair Mao to approve the May 14, 2015 minutes with the correction. The Board voted unanimously.

IV. OPEN FORUM

Javier Reyes came to speak. Mr. Reyes gave general comments.

Assata Olugbala came to speak. Ms. Olugbala spoke on racial profiling, excessive force and the Negotiated Settlement Agreement. Tonight we have a case of excessive force and it is being dropped due to lack of evidence. So many cases are coming to the Board and CPRB is not able to do anything because of failure to investigate the case. She expressed concern about what is holding up the process to adequately investigate.

Chair Mao asked about the NSA and CPRB's participation. Director Finnell gave a report. Director Finnell stated that last week they had a meeting with Dr. Eberhardt and her team on the subject and other subjects on how we can collaborate and work together. Dr. Finnell stated that he had a meeting with Dr. Eberhardt several months ago when he provided her with a series of questions and items regarding information for her to gather as she began her research. She took some of those suggestions and they are now collecting the data. Once the report is complete, CPRB will look at it and see what we can do and how we can take the information from that report and use it. How CPRB can capture data and work with the City's IT Department in crafting access to IAD's database in order to pull that data out so we can use it.

Chair Mao asked that this matter be included as follow up with Dr. Eberhardt on the next Agenda. Director Finnell stated that the meeting with Dr. Eberhardt was included in the Director's Report (Attachment 2 of the Agenda Packet). He stated that each time he meets with Dr. Eberhardt, he includes the information in his Report.

V. DIRECTOR'S REPORT

A. Announcements

Director Finnell asked members to review Attachment 2 and reviewed several key points in the Attachment.

Vice-Chair Casillas asked Director Finnell if any Commissioners attended the meeting with Dr. Eberhardt and he stated no. Vice-Chair Casillas asked that Director Finnell advise Commissioners when he has a meeting scheduled with Dr. Eberhardt or Mr. Warsaw in order that they may attend if interested. She asked what specific ideas came up in the meeting with Dr. Eberhardt. Director Finnell stated that they will be able to take the information from intake forms to have a data base to look at trends that are of interest to CPRB and to better track specific officers and units and address supervisor deficiencies. It has not been crafted as yet but we can look at it for race, supervision, misconduct issues by unit, supervision, etc. Vice-Chair Casillas asked if this is coming out of the City's contract with Dr. Eberhardt or is CPRB going to pay her. Director Finnell stated that there will be further discussion regarding this matter.

B. Pending Cases as of May 22, 2015.

Commissioner Tevelson asked about four cases on the list in which the 3304 dates are in July or August and will these cases be presented soon since the Board does

not meet in August. Director Finnell stated that there will be a hearing on June 11.

Chair Mao asked that Director Finnell to review the Priority levels for cases (information as listed on the bottom of the Pending Case List).

Chair Mao then recognized Commissioner Yihdego entering the room and to note this in the minutes under attendance as being late.

Rashidah Grinage came to speak regarding police accountability. She reported that this is a historic occasion in that CPRB now has five Investigators and this is a historic occasion and something to be thankful for since CPRB has never had five investigators and an expectation that she has and the community has that there will be more evidentiary hearings. In reference to the cases that are being proposed for closure this evening, there is no mention on the agenda to speak about issues regarding those cases because they are in closed session. She suggested the Agenda be amended in the future so that she and members of the community can speak to concerns as to why a case is being closed. She asked to have in writing where it could be explained what that phrase means - the fact that there is insufficient evidence to justify an evidentiary hearing; what level of evidence do you require in order to trigger a hearing.

Assata Olugbala came to speak. Ms. Olugbala spoke about Dr. Eberhardt and Stop Data. She asked that improper traffic citations (racial profiling) be reviewed.

At this time Chair Mao welcomed and recognized Council member Desley Brooks for her commitment/leadership and always her continuous support to the CPRB and is truly honored to have her presence here during this important time for the City.

Director Finnell reported that as of May 28, 2015 there are 86 CPRB cases: 80 are active cases, 2 cases pending closure, 4 tolled cases, and 0 evidentiary hearing cases. Since the last report was given on April 23, 2015, twelve new cases have been added.

VI. AGENDA DISCUSSION

Chair Mao stated that there is a change to the Agenda. Executive Session will be added to Item X (Closed Session: New Business) as X(C).

VII. DISCUSSION – BOARD MEMBER REPRESENTATION AT CONSULTATION WITH CAO/OPD CHIEF/OPD IAD/CPRB ED REGARDING BOARD DECISIONS

A. Public Discussion

None.

B. Discussion

Director Finnell reported that this item was added to the Agenda at the request of Commissioner Yihdego and he will let her speak to this item. Commissioner Yihdego recommended that board members be present when consulting with

CAO/Chief/IAD following case disposition by Board with sustained findings (decision making process).

Director Finnell stated that he will present that request to the City Administrator when there is a sustained finding.

Vice-Chair Casillas recommended that also a letter from the Board to the City Administrator would be useful if Commissioners are unable to attend.

Commissioner Tevelson asked that Commissioner that voted to sustain attend then they can explain the why to the vote. Commissioner Bingham mentioned that Director Finnell is the representative for the Board and he could speak for the Board. Chair Mao stated that if there are suggestions or questions the Board has, they can be communicated to the Director and he can relay the messages.

VIII. BOARD MEMBER QUALIFICATIONS

A. Discussion

Commissioner Tevelson asked that the last page of Attachment 4 (Letter dated April 20, 2015) be discussed. Vice-Chair Casillas mentioned that she requested this item be placed on this Agenda and she is comfortable that the discussion be in open session/transparent even though Chair Mao advised her that this item be discussed in Closed Session – New Business (Item 10C). Vice-Chair Casillas reported that she received a letter stating that she had not met all requirements to be on the Board. Two things about that letter is that (1) there was to be a board discussion at the following meeting which was the last meeting that we had and there was no item on the Agenda to discuss this matter and (2) letter refers to a section of the City Charter and it basically states that there is a due process for Commissioners to be removed from a Commission and that basically includes a hearing before the City Council and it is up to City Council Members to vote if a Commissioner should be removed; this was not clear in the letter she received. It is important for Commissioners to know and understand that there is a due process for Commissioners to be removed. She asked that Commissioners feel free to ask questions, etc. regarding this matter.

Commissioner Cameron reported that he has served on various Commissions and he stated that the major problems they had was due to poor attendance and Commissioners were dismissed and we should follow best practices in this area. Commissioner Tevelson stated that there are two definite requirements: Ride-Along and complete the Citizens' Police Academy training. They are essential because we as a body have to understand what the police do and what they are up against so that we can be unbiased in our decisions. That Academy is a 16-week, one-day a week training and is a requirement for everyone who sits on this Board. Commissioner Almaz mentioned that the Commissioners need specific training for the Commissioners from the police (even though she attended Ride-Alongs and the Academy training). She mentioned that it is not fair to be terminated from the Board – Vice-Chair Casillas did not miss Board meetings, has a young child/babysitter problems – not fair that they she be terminated from the Board because she missed two days of the Academy training. Commissioner Cameron stated that he also served on the Alameda County Grand Jury and there is a

mandatory orientation (large manual to study) because you can't make decisions about the County unless you know about the County - we need to have some knowledge and understanding to proceed in a certain way. The police academy gives us good guidance in this area and it is a legitimate argument for this body.

Commissioner Brisco stated that this matter should be held in closed session and the public does not need to be involved in this discussion (we are not united as a Board). Chair Mao stated that he takes Commissioner Brisco's point seriously and mentioned that this Board needs to function as one and if there is an issue with Commissioners the matter should be handled internally. Chair Mao stated that he wanted to make the public aware that we will talk about how to organize this body so that we can fully understand the core functions of the purpose of why we are here – make the public understand that we are here for police accountability and misconduct and make sound policy recommendations and that we continue to have a hearing process in place to review cases thoroughly (clear in the City Ordinance; duties and functions of this body).

Rashidah Grinage came to speak. She suggested seeking special training from ACLU to balance training received from OPD CPA (in collaboration with Ms. Brooks and the Transparency and Legislation Committee) to start looking at this Ordinance and start exploring ways in which Board members who are sincere and committed and willing to serve and bring a value to this enterprise can serve without undue hardship going forward.

Councilmember Brooks thanked members for the opportunity to address the Board. She reported that she sat in on CPRB meetings before. As a Councilmember, she is deeply concerned that as a Board they have tremendous responsibilities and have to make sure that with those responsibilities and as she votes to give the Board more responsibilities, the Board is prepared to take that charge. It is important that there are standards. A part of the hit that the Board is taking is that there aren't. There isn't the professionalism that is needed in order to give creditability to the decisions that you make. You take that away from them by making sure that you have standards in your bylaws and make sure that the work you do is of a quality level. She had a conversation with Director Finnell and talked to him about working with the Board to try and see how we can come up with ideas to make sure that when we say we are going to hand off the intake portion or if you want to have oversight over the police department that you are prepared for that charge. This is not just a body you come to. Decisions should not be made around a single personality. It should be made on how this Board is going to function. Let's look at this issue in totality. That it is more than just looking at whether one person stays or leaves, there is a bigger issue – which we take away all arguments that anyone can throw relative to the professionalism of this Board.

Commissioner Cameron commented that we need comprehensive training – suggested a large manual to study and used as a reference. We need to follow up on our standards. Chair Mao stated that bringing the Board up to standard is the key aspect of the Board's direction. We need to see that each Commissioner that serves on this Board understands that and what those standards are. We will further discuss this matter in Agenda Item X(C) – Executive Session. Commissioner Bingham recommended that Councilmember Brooks be invited back to a Board

meeting or have a special meeting with the Commissioners in order to gain some of the valuable insight or assistance that she can give the Board. Chair Mao asked that Director Finnell communicate with Councilmember Brooks and make arrangements. Chair Mao stated that he will also be in touch with the Councilmember's office.

IX. CPRB SPECIAL COMMITTEE REPORTS

A. Outreach Planning

1. General Updates

Commissioner Yihdego gave a report. The next outreach will be on June 3 from 6:00 p.m. – 8:00 p.m. at the West Oakland Public Library. The next outreach will be on June 27 (Juneteenth Street Festival). CPRB will have a table and will circulate another sign-up table list.

2. Next Meeting

Commissioner Yihdego did not give a report.

B. Transparency and Legislation

1. General Updates

Commissioner Brown reported that the Committee was scheduled to meet by telephone and only two committee members called in so there was not a meeting.

2. Next Meeting

Commissioner Brown stated that meetings will be held Monday mornings at 9:00 a.m. (by phone). The next meeting will be on June 9 at 9:00 a.m. (conference call). Please call Commissioner Brown if you would like to participate and provide him with a contact phone number. The modified Agenda for that meeting will include a draft proposal of a skeleton of what might be a compressed training based on recommendations heard at tonight's Board meeting and also a skeleton of a documentation plan which furthers the goal of community education about the procedures of CPRB

X. CLOSED SESSION: NEW BUSINESS (Convened at 7:42 p.m.)

- A. Cases proposed for Administrative Closure / Pursuant to Ordinance No. 12454 C.M.S. section 6, paragraph G subsection 9, hearing would not facilitate the fact-finding process; and that no good cause is shown for further action.

1. Based on findings of the investigation

Case No. 14-0533, Maleesha Garner, Shavon Pilot, and Phillip Grimes

- a. Complainant's Comment
- b. Staff Report
- c. Discussion
- d. Action

Complainants allege that OPD officers forced entry into their home while executing a search warrant, exceeding the scope of the warrant. Complainants also allege an OPD officer falsified a police report to obtain a search warrant.

Further discussion followed.

Case No. 14-0551, Mebrahtu Tsehai

- a. Complainant's Comment
- b. Staff Report
- c. Discussion
- d. Action

Complainant alleges that OPD officers did not promptly respond to telephone calls he made to 911 dispatch.

Case No. 15-0210, Donnie Hardaway

- a. Complainant's Comment
- b. Staff Report
- c. Discussion
- d. Action

Complainant alleges that the handcuffs were too tight and that OPD officers kneed him when they arrested him.

B. Pending Cases for Administrative Hearing Discussion

Director Finnell reported that a hearing will be held on June 11 and July 9.

C. Executive Session (Began at 8:15 p.m. and ended at 9:50 p.m.)

Chair Mao asked that staff be excused from the room for the Agenda item. Chair Mao announced that the meeting will convene in the Building Bridges Room. Discussion followed relating to Bylaws, board policy and procedure. Vice-Chair Larisa Casillas resigned from the Board.

The Board reconvened open session at 9:55 p.m.

XI. OPEN SESSION DISCLOSURE OF NON-CONFIDENTIAL CLOSED SESSION MATTERS.

BY MOTION AND VOTE IN OPEN SESSION, BOARD ELECTS EITHER TO DISCLOSE NONCONFIDENTIAL INFORMATION OR TO DISCLOSE CONFIDENTIAL INFORMATION THAT THE MAJORITY DEEM TO BE IN THE PUBLIC INTEREST.

XII. ADJOURNMENT

The Board adjourned at 9:56 p.m.