

# ATTACHMENT 1

**CITIZENS' POLICE REVIEW BOARD  
MEETING OF THURSDAY, July 23, 2015 – 6:15 P.M.  
City Council Chambers - Third Floor**

I. CALL TO ORDER BY CHAIR MAO at 6:19 P.M.

II. ROLL CALL AND ATTENDANCE

Present: Chair Sokhom Mao  
Commissioner Brian Bingham  
Commissioner Lawrence Brisco  
Vice-Chair Chris Brown  
Commissioner Thomas Cameron  
Commissioner Howard Tevelson  
Commissioner Almaz Yihdego

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

Absent: Victoria Urbi, CPRB Investigator  
Andrew Lee, CPRB Investigator

III. APPROVAL OF MINUTES – ACTION ITEM

A. July 9, 2015

**A motion was made by Commissioner Tevelson to accept the minutes.  
Vice-Chair Brown seconded. The Board voted unanimously.**

IV. OPEN FORUM

Chair Mao announced that there are several speakers this evening and each person is allowed two minutes to speak. Rashidah Grinage, Etta Johnson and Assata Olugbala gave comments.

Rashidah Grinage stated that she would like to take this time to congratulate Director Finnell on his interview on MSNBC. Director Finnell did an excellent job in representing the position and the CPRB. Chair Mao and the Board also thanked Director Finnell for his leadership; the Board appreciates his efforts and will continue to work with Director Finnell.

Chair Mao recognized Councilmember Brooks for attending and thanked her for her support.

V. DIRECTOR'S REPORT  
(Anthony Finnell)

A. Announcements

Director Finnell asked that everyone review Attachment 2 – Status Update on the Consolidation of Intake Technicians. Director Finnell reported that he met with the City Administrator and talked about the process. We are moving forward in filling the Policy Analyst position. The interview board was scheduled on July 29 and due to a scheduling issue with panelists, the date was changed; he will meet with HR. The position will be filled no later than September 23.

Upcoming events - From 10 a.m. – 2:00 p.m. on July 25, 2015 (Saturday) in Council Chambers there will be a CPRB Retreat for the Board to draft the CPRB Bylaws. The Retreat is open to the public and they can come and participate. On August 5, 2015 he will be presenting to the NCPCs at the Eastmont Substation. Several presentations to various NCPCs have been made throughout the City with good turnouts and responses; these meetings will continue with various NCPCs for the remainder of 2015. The CPRB Investigators completed mediation training and are now certified to conduct mediations for the CPRB mediation program. August 1 and 2 is the Art & Soul Festival for the City of Oakland and CPRB will have a table for both days; CPRB looks forward to the community coming out and supporting our table (this will be discussed further during Outreach Planning (Agenda Item VIII. (A).

Vice-Chair Brown inquired if members of the public show up Saturday, what will be the nature of their participation in making the Bylaws. Director Finnell stated that if there is input, CPRB can take into consideration that input as we craft these Bylaws (Bylaws are for the Board which represents the community) and since it is an open meeting, they are allowed to attend. Vice-Chair Brown asked if their input will be divided into two-minute sessions. Director Finnell said yes, that will be controlled.

B. Pending Cases as of July 23, 2015

Director Finnell reported that as of July 23, 2015, there are 89 CPRB cases: 79 are active cases, 3 cases pending closure, 7 tolled cases, and 1 Evidentiary Hearing. Since the last report was given on July 9, 2015, six new cases were added.

Chair Mao announced that there are several speakers and each person is allowed two minutes to speak. Rashidah Grinage and Assata Olugbala gave comments.

Rashidah Grinage mentioned that in order for the public to participate meaningfully, it would be helpful that the agenda be uploaded to the CPRB website or some other way made accessible to the public. Director Finnell stated that he could have the draft that was presented several months ago (working on) - we will go through that draft, through each Article to address any specifics that the Board has to change or amend and take the input from the community and upload to the website.

VI. AGENDA DISCUSSION

Commissioner Bingham stated that in line with crafting our Bylaws and our governing structure, he would like to add to the Agenda setting a date for Board elections which were usually held in February and we did not have the opportunity to do that this year. Chair Mao stated he will discuss it with Director Finnell.

VII. PRESENTATION – 100 BLACK MEN OF THE BAY AREA, INC.  
(Mr. Frank Tucker/Mr. Daryle Whyte)

Marco Lindsey, Board member of the 100 Black Men of the Bay Area, came to speak and represent their organization and Proposal, since Mr. Tucker and Mr. Whyte are out of town. He thanked CPRB Board members for their work and the importance of their work. The 100 Black Men of the Bay Area support the Oakland Police Department. They also recognize the fact that there needs to be change: police misconduct. We are hoping that Oakland can be at the forefront of the change that needs to occur. . They created a proposal (100 for Life Proposal) and presented this proposal to the Oakland City Council and will go back to the City Council to discuss it further in the near future. For now one of the things they are asking for relates to SB 411 (videotaping police officers and allow the public to videotape them, etc.). He is asking that this committee and our City be at the forefront to have a campaign and ask that CPRB be involved in getting this established. Chair Mao thanked Mr. Lindsey for attending and appreciates the organization's great work in civil rights, etc.

Commissioner Cameron mentioned the Supreme Court has already ruled that anyone who is in public space is not entitled to personal privacy. This could be a citywide campaign to let people and the police department know.

Vice-Chair Brown thanked Mr. Lindsey for coming tonight. Vice-Chair Brown, as Chairman of the Transparency and Legislation Subcommittee, suggested that he would like to work with Mr. Lindsey on this issue. He will speak with Director Finnell and Chair Mao and asked that Mr. Lindsey provide him with his business card.

Councilmember Desley Brooks (District 6) stated that it is a pleasure being here tonight and to speak on this item. This item has come before the Public Safety Committee several times. She stated that SB 411 has passed the Assembly and is in the process of being enrolled. It is an absolute right for people to be able to videotape officers where they are and not interfere with their ability to carry out their responsibilities. Not everyone knows that and that is the necessity of a campaign. It is important in these days and times to make sure that we are capturing everything that is taking place out there for officers' safety and the public's safety. That is why the 100 Black Men launched the 100 for Life Campaign. Ms. Brooks printed out information that the ACLU put together and she put the CPRB name on it to show what can be done (The Oakland Citizens' Police Review Board Wants You To Know Your Rights: Photographers). The police department did not want to take this on and they did not like the title "Do Shoot" which stands for outreach and education campaign. Here is an opportunity for some new legislation that will be coming back to the Committee on July 28 (either pass a Resolution or an Ordinance on this matter). Here is an opportunity for the CPRB to educate the public about something new that impacts them and heighten the public notice of your committee so in partnership with 100 Black Men, we said that if the police

department does not want to do it, that CPRB be the appropriate department to do it. As Chair of the Public Safety Committee, she asked that CPRB take this on and to pass this item and to undertake the public outreach and education program that that is necessary to make sure that all the public is taken care of.

Chair Mao thanked Councilmember Brooks for those words and her leadership on the Public Safety Committee. The CPRB will continue to support her efforts and will work in concert with the Public Safety Committee.

Director Finnell reported that since the last Council meeting, he had a conversation with Tim Birch. Director Finnell committed that part of our Outreach is that we would include this message in that process rather than produce this message through OPD. We are committed to produce this message and let people know their rights - educate the community. Director Finnell thanked Councilmember Brooks for the document. He has already did research and will meet with Vice-Chair Brown to craft a message that CPRB can bring to 100 Black Men and work together to get a consistent, concise message that will inform the community what their rights are, specifically what their rights are in videotaping or photographing law enforcement officers as they do their jobs.

Vice-Chair Brown said that he will contact Kamala Davis, ACLU, to make sure we have all the documents relating to this issue.

Commissioner Bingham inquired if the information could be shrunk and inserted in the CPRB brochures to be available for upcoming outreach events. Director Finnell mentioned that it may not be possible to be placed in the CPRB brochures but the information will be available in another format for the Art & Soul Festival on August 1 and August 2.

Vice-Chair Brown asked Commissioner Yihdego if she could create a display board to address issues like this and place it next to our booth to alert the public. Commissioner Yihdego will work with Director Finnell on this matter.

Chair Mao said that we will proceed with the vote. **A motion was made by Commissioner Yihdego to adopt the educational campaign. Commissioner Cameron seconded. The Board voted unanimously.**

## VIII. CPRB SPECIAL COMMITTEE REPORTS

### A. Outreach Planning

#### 1. General Updates

Commissioner Yihdego gave a report on upcoming outreach events and asked that Commissioners participate in events (National Night Out on August 4; Art and Soul Festival on August 1 and 2). She thanked Director Finnell for taking a role in Outreach. Director Finnell stated that the Art and Soul runs from Noon until 6:00 p.m. – we will need coverage from startup to tear down (11:00 a.m. to 7:00 p.m.). He will attend both days. He is working with staff for coverage; Commissioners will need to commit to hours and let him know.

Commissioner Brisco mentioned at the Juneteenth event a conversation ensued regarding ordering a kit for Outreach events. Director Finnell reported that the kit has been ordered but the budget was just approved and the items are in the ordering process. We should have the property soon.

Commissioner Yihdego will send an email to Board members and asked that members sign the sheets in order to have coverage at the upcoming Outreach events.

## 2. Next Meeting

August 6, 2015.

## B. Transparency and Legislation

### 1. General Updates

Vice-Chair Brown gave comments. As of 6:15 p.m. tonight, he has not received email from the public and if the public is interested in receiving the documentation framework, to email him at [subcommittee@chrisbrown.org](mailto:subcommittee@chrisbrown.org). He met with Dr. Knight and has discussed the first chapter of the overview of the Citizen's Complaint process and is in the process of writing that document. We will post the first chapter of that document on the CPRB website after our next meeting on August 6.

Commissioner Cameron asked about posting a document. Director Finnell stated that any document that Commissioners wish to post is to be sent to him first for review. After a document is drafted, it will be presented to the Board for approval. After approval by the Board, the document will be posted. Director Finnell stated that it will be a full blown educational campaign.

### 2. Next Meeting

August 6, 2015.

## IX. DISCUSSION – CRITERIA FOR EVIDENTIARY HEARING SELECTION (Executive Director Anthony Finnell)

Director Finnell asked members to review Attachment 4. This request was made at the last meeting. He will take questions from the Board at this time.

Chair Mao announced that there are several speakers this evening and each person is allowed two minutes to speak. Rashidah Grinage and Assata Olugbala gave comments.

Commissioner Yihdego proposed an event (Retreat) to discuss racial profiling (Board members, Investigators, and the public). This could be added to the Agenda Discussion Item. Comments were given by Dr. Knight.

Commissioner Bingham welcomed the public discussions on how final determinations are made and to draw attention to Attachment 4 "The Commissioners will review the

findings and render a final determination to either concur with the recommendation or not.” He would like to let everyone know that the decision does not rest only with the Investigators, it goes through a diverse group of eyes – Directors, Board members, and probing questions are asked.

Dr. Knight gave comments in how we determine racial and bias behavior. He took these concerns to the CPRB Investigators, some of whom are trained attorneys, and also to Dr. Eberhardt. We are hoping to break new ground. We need to look at community standards; do a community forum dedicated to racial profiling. We don’t have it yet; we do know, that we share concerns. Chair Mao asked that this matter be discussed at the next Retreat; a forum dedicated to racial profiling and that it be added to a future Agenda; it is imperative that CPRB address the issue.

X. STATEMENT FOR OUTGOING COMMISSIONERS

Chair Mao reported that Commissioners have suggested that a recognition letter from the City of Oakland be drafted thanking outgoing CPRB Commissioners for their service.

Commissioner Brisco gave comments. Commissioner Cameron gave comments and mentioned that he is not in agreement with this issue. Chair Mao asked that Director Finnell and he draft a letter to the City Council, Public Safety Committee or the appropriate avenue. Comments were made by Commissioners Tevelson and Yihdego.

XI. CLOSED SESSION: NEW BUSINESS (Convened at 7:31 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 the findings of the investigation

Case No. 14-0722, Irvin Olmedo

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

Complainant alleges OPD officers used excessive force after he was already in handcuffs and that officers did not read him his Miranda rights.

Case No. 14-0724, Gentry McCreary

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

Complainant alleges an OPD officer did not arrest the suspect, who is White following an assault on complainant, although the complainant requested a

citizens' arrest. Complainant, who is Black, also alleges if he had been the suspect then he would have been arrested.

2. No Jurisdiction

Case No. 14-0749, Christopher Whiteman

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

Complainant alleges an unknown OPD officer almost caused a three-car accident while carelessly merging into the freeway from an on-ramp.

B. Evidentiary Hearing, CPRB Base No. 15-0218, Desley Brooks

Director Finnell reported that the case will be continued due to not having Board Counsel. Board Counsel has been selected but the contract is not finalized. The hearing will be held on October 22 (This is an incorrect date; the correct date is September 24, 2015, which was determined after the Board meeting). Chair Mao reported that the case information was sent to Board members for review.

C. Pending Cases for Administrative Hearing Discussion

Director Finnell reported there are several cases for administrative closure in September. There will be one hearing the second meeting in November.

Commissioner Brisco inquired when the new commissioners will be onboard. Director Finnell reported they should be on board the first meeting in September. He will have an orientation meeting with the new commissioners the end of August. Commissioner Cameron confirmed with Director Finnell that with the new four commissioners the total will now be 11 Commissioners on the CPRB Board. Commissioner Brisco inquired about the process when a Commissioner leaves and a new commissioner fills that vacancy. Director Finnell stated that is the way it works – Council sets/approves the dates in the Resolutions. Commissioner Brisco asked that his start and end dates be reviewed.

There was a discussion regarding website updates – The Board and Mission be moved from the bottom to the top. Director Finnell reported that the website was reconfigured by IT to place certain items in a specific place to determine the number of hits that the CPRB website receives.

D. Discussion – CPRB Commissioners  
(Chair Sokhom Mao)

Discussion followed regarding the Agenda Item.

The Board reconvened open session at 8:06 p.m.

XII. 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.

XIII. ADJOURNMENT

The Board adjourned at 8:07 p.m.