

ATTACHMENT 1

**CITIZENS' POLICE REVIEW BOARD
MEETING OF THURSDAY, September 10, 2015 – 6:15 P.M.
City Council Chambers - Third Floor**

I. CALL TO ORDER BY CHAIR MAO at 6:15 P.M.

II. ROLL CALL AND ATTENDANCE

Present: Chair Sokhom Mao
Vice-Chair Chris Brown
Commissioner Brian Bingham
Commissioner Lawrence Brisco
Commissioner Thomas Cameron
Commissioner Charlette Green
Commissioner Erica Harris
Commissioner Ramon Nasol
Commissioner Howard Tevelson (Early departure: 9:30 p.m.)
Commissioner Mya Whitaker (Late arrival: 7:30 p.m.)

Meredith Brown, Board Counsel

Timothy Knight, Policy Analyst
Victoria Urbi, CPRB Investigator
Nikki Greer, CPRB Investigator
Andrew Lee, CPRB Investigator

Excused: Anthony Finnell, Executive Director
Karen Tom, CPRB Investigator

Absent: Almaz Yihdego

III. INTRODUCTION

A. New Board Members

Chair Mao mentioned that he is excited to introduce the new Board members and welcomed them. He first introduced Commissioner Charlette Green. Commissioner Green said that she is pleased to be here and be a part of this Board. Chair Mao introduced Commissioner Erica Harris. Commissioner Harris said that she is grateful for the opportunity to serve on this board and is ready to contribute to the Commission and to the community. Chair Mao introduced Commissioner Ramon Nasol. Commissioner Nasol said that he is looking forward to working with the community and is honored to be part of the Board.

Commissioner Mao reviewed the handout packet of information – Outlining the Commissioner's Roles and Responsibilities and also the Roberts Rules of Order.

If members do not have the information, they are to let him know. Chair Mao said he will continue discussion with the Rules since Commissioner Mya Whitaker arrived at the Board meeting. Chair Mao reported that he has already introduced the new Commissioners and welcomed Commissioner Whitaker. Commissioner Whitaker gave opening remarks and said that she joined the CPRB Board because she has aspirations to become a Congresswoman one day.

Chair Mao said we will proceed with the Roberts Rules of Order and then reviewed the Rules. Chair Mao asked if there were questions and there were none.

IV. APPROVAL OF MINUTES – ACTION ITEM

A. July 23, 2015, 2015

A motion was made by Commissioner Bingham to approve the minutes. Vice-Chair Brown seconded. Commissioner Cameron asked that the minutes reflect the deletion (Item X, Page 6, Lines 5 and 6 - Commissioner Cameron gave comments and mentioned that he is not in agreement with this issue.” Insert: “Commissioner Cameron advised that this Board should not recommend a citation for a board member, this seems self-serving, and instead this is something that should be referred to the Mayor and to the City Council. A motion was made by Chair Mao to amend the minutes with the correction made by Commissioner Cameron.

Assata Olugbala came to speak regarding the minutes. She made comments on the structure of the Board minutes. Commissioner Cameron spoke in support of the speaker. Chair Mao asked Dr. Knight, Policy Analyst, to speak in place of Executive Director Finnell, what staff needs to do in order to find a way that we must include comments/remarks made by our public in the minutes, and it is not the first time that the public has raised this concern to the body. Dr. Knight reported that he is very sensitive to her comments. His understanding was that Director Finnell had addressed this matter. It isn't a matter of procedural justice intentionally; the issue is an administrative issue where we have one person who has to transcribe a great deal of information, deadlines when packets have to get out on time, etc. This is not an excuse for the omission and he will talk to Director Finnell to see if we can strike a balance between his administrative needs.

Chair Mao said that we will now proceed with a vote. **The vote carried.**
The vote was 5-3-0.

V. OPEN FORUM

Chair Mao stated that the speakers have two minutes to speak.

Mubarak Ahmad came to speak. He reported that this is his first time speaking in front of the Board. He spoke about racial profiling, police harassment and misconduct.

Rashidah Grinage came to speak also on the structure regarding the minutes. She said it is the duty of the Director to solve this important issue.

Assata Olugbala came to speak and gave comments on racial profiling. She referenced a

State Bill around racial profiling, AB 953 (page 5).

Javier F. Reyes came to speak. He made comments on police misconduct.

Chair Mao reported that he is very interested in hearing about the racial profiling. Ms. Olugbala brought up several important points. Regarding racial profiling, this body is a member of a joint task force – ACLU, People United for a Better Oakland, and the OPOA. He is going to advise that our Director, our team, and our staff (CPRB) make that communication to that department that the Board would like to see that we would like to initiate this task force – he is interested to see if progress has been made on this point. Policy Analyst Knight stated that he will present the issue to Director Finnell and bring it back to the Board. Chair Mao said that it is important that the public's comments are captured in the minutes - This issue will be reviewed and brought back to the Board.

Commissioner Cameron gave comments directed to Director Finnell. Board members received a confidential list several days ago that contained very little contact information; he suggested that the confidential list of Board members include names, telephone numbers and addresses. The Board is having meetings on Bylaws (he suggested that the Board recommend to Director Finnell that the Bylaws be reviewed by Investigators Tom and Saupe who have been with the CPRB for several years). Commissioner Tevelson commented that most of the Bylaws have already been passed. Commissioner Cameron stated that we have only passed approximately 25% of the Bylaws. If the Investigators reviewed the Bylaws, it would help in the process. Investigator Urbi mentioned that Director Finnell did show a copy of the Bylaws to the Investigators and she also made her comments (since she was with CPRB in 2003). Dr. Knight noted these recommendations and will present them to Director Finnell to be brought back to the Board.

VI. DIRECTOR'S REPORT

A. Announcements

Reminder: Policy Analyst Knight reminded everyone that there will be a Strategic Planning Meeting at the CPRB office on September 17, 2015. He asked that members refer to Attachment 3 in the Agenda Meeting Packet regarding the Strategic Plan Update.

Commissioner Whitaker inquired about the Strategic Planning Meeting. Policy Analyst Knight gave a brief report about the meeting. Commissioner Bingham mentioned that he will be out of town on September 17 and unable to attend this meeting.

B. Pending Cases as of September 2, 2015

Policy Analyst Knight reported that as of September 10, 2015, there are 100 CPRB cases: 89 are active cases, 3 cases pending closure, 8 tolled cases, and 1 Evidentiary Hearing Case #15-0218/Scheduled for September 24, 2015 (included in active cases total). Since the last report was given on July 23, 2015, fourteen new cases have been added.

Rashidah Grinage came to speak. She asked if any of the cases are officer-involved shootings. Policy Analyst Knight stated that we are investigating every officer involved shooting that has taken place. Ms. Grinage asked about the Status Update: Consolidation of Intake Technicians (Director's Report - Attachment 2; if CPRB is following the timeline. Policy Analyst Knight stated that he is unsure of the timeline and there were some delays regarding some procedural delays – He will speak with Director Finnell to provide an update regarding this matter. Ms. Grinage understood that there is a City Council directive and the police department has no standing to oppose it; there should not be any delays in the implementation and if that is not the case, the community needs to know that so that they can take appropriate action. Chair Mao said that this topic will be included in the next Director's Report.

Assata Olugbala came to speak. It is her understanding that there are 100 cases on the list; 51 are excessive force issues. Currently the OPD is saying to the public that excessive force is on the decline and this indicates that this is false. Two cases are identified as racial profiling – how does CPRB handle these cases? You are a policy developing body – consider two cases of officers pointing guns at children (misconduct around children). How is this dealt with?

Chair Mao stated that these are important issues and the Board will take them into strong consideration (especially use of force against children) and have a discussion on these items.

Dr. Knight reported on racial profiling. It is hard to win an argument. We are working on this matter – we are not dismissing the cases and they are being heard.

VII. AGENDA DISCUSSION

Commissioner Brisco recommended additional training on racial profiling for the Board. Investigator Urbi suggested that a policy subcommittee examine the issue of racial profiling, look at other jurisdictions and research what they are doing, and come up with some recommendation on how OPD can best refrain their policy to have a better racial profiling policy which would include the training. Vice-Chair Brown stated that their subcommittee (Transparency and Legislation) can take that on as a task (communicate by email).

Chair Mao at this time would like to recognize and welcome Mr. Gilbert Pete. He introduced Mr. Pete to the Board (Workforce Development – Late Learning). Mr. Pete stated that he works with the OUSD. He gave a report regarding the program. Chair Mao said that the Board is excited to build a partnership with the youth of OUSD – interface with police department and racial profiling; that our youth voices are being heard.

VIII. UPDATE – STRATEGIC PLAN

(Dr. Timothy Knight)

Policy Analyst Knight asked members to refer to Attachment 3 in the Agenda Meeting Packet. There were no questions from members.

IX. DISCUSSION – ELECTION OF NEW OFFICERS

1. Public Comment

None.

2.. Discussion

Commissioner Cameron mentioned to his knowledge that only two people have expressed an interest in the two elective offices. If there are others, to please speak up now. If no further discussion, he will nominate two people. Chair Mao said that he will have to set a date (2nd or 4th Thursday in October) for the election of the new officers. Commissioner Tevelson suggested the 4th Thursday in October. Chair Mao said that the discussion of new officers/election will be held on October 22, 2015. Commissioner Cameron suggested a rule/protocol to see a commitment from anyone that is elected to office that we speed up proceedings (not ask questions which have already been answered in written information that was previously presented, etc.) We need to reduce the redundancies in our meetings.

3. Action

None.

X. CPRB SPECIAL COMMITTEE REPORTS

A. Outreach Planning

1. General Updates

Commissioner Tevelson asked members to refer to Attachment 2 in the Agenda Meeting Packet (on page 2 is a list of Outreach events completed; on page 2 he spoke about the outreach event planned on September 22. He mentioned that a forum was done in Chambers several years ago; CPRB might consider an outreach event (racial profiling). Dr. Knight will discuss the matter with the Director.

2. Public Comment

None.

3. Next Meeting

To be determined (Commissioner Tevelson will contact Commissioner Yihdego).

B. Transparency and Legislation

1. General Updates

As of 7:00 p.m. tonight, Vice-Chair Brown reported that there were no emails in the subcommittee mailbox subcommittee@chrisbrown.org. In addition, the subcommittee is adding another email box transparency@chrisbrown.org. We use this mailbox to subscribe people to phone meetings. If interested in attending subcommittees, members and the public, to send an email to the transparency address and give your telephone number and someone will contact you about the meetings. Vice-Chair Brown reported that there were no subcommittee meetings in August. The committee is looking for a member (outreach to organizations about transparency and racial profiling) and another member to help write documents that will be posted to our website explaining the processes and policies that govern the CPRB. If anyone is interested in these positions, please contact Commissioner Brown. In addition, he pointed out that they have the document plan for the documents that will be posted on the website and is open for revision. He will redistribute this document to all members. He will be out of town on September 24.

2. Public Comment

None.

3. Next Meeting

To be determined. (We are settling on Sunday evenings).

XI. CLOSED SESSION: NEW BUSINESS (Convened at 9:00 p.m.)

A. Consent Member Calendar

Chair Mao stated that all members should have a copy of the calendar. Commissioner Tevelson stated that this document was emailed to all members last week. Chair Mao provided a brief summary for three member panels. Chair Mao reported that the calendar pertains to the three member panel conducted last week: Complainant Alivia Blount; Case No. 14-0871.

Chair Mao referred to the Board Allegation Evaluation form relating to this case. Chair Mao stated that we will start with the Allegations where the votes are unanimous by the three member panel.

B. 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. 15-0290, Sean Grant

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

Complainant alleges that an OPD officer threatened to kill him and was planning to kill him.

Case No. 15-0420, Henry Rivera

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

Complainant alleges that an OPD officer used excessive force on him when they threw him to the ground. Complainant further alleges the officer lied to him.

Case No. 14-0811, Xia Martin

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

Complainant alleges an OPD officer did not prepare the police report properly and was rude to her.

Case No. 14-0943, Danielle O'Malley

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

Complainant alleges an OPD officer unlawfully detained her.

Case No. 14-0979, Paul Sanford

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

Complainant alleges an OPD officer threatened him. The Complainant also alleges that too many OPD resources were being diverted from West Oakland to

cover protests, resulting in calls for service going unanswered in West Oakland.

C. Pending Cases for Administrative Hearing Discussion

A Hearing is scheduled on September 24, 2015; A Hearing is scheduled on October 22, 2015 (14-0854); A Three Member Panel Hearing is scheduled on December 3, 2015.

D. City Administrator's Decision - Case #14-0662, Trevel Adanandus (Dr. Timothy Knight)

Dr. Knight read a letter to the CPRB from Sabrina Landreth (City Administrator) regarding the case recommendation(s) on this matter.

An announcement was made by Chair Mao that Dr. Knight is leaving the CPRB. He thanked Dr. Knight for his services and for being very responsive to the Board's inquiries. The new Policy Analyst will be Marti Paschal.

The Board reconvened open session at 10:30 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 10:40 p.m.