

ATTACHMENT 1

**CITIZENS' POLICE REVIEW BOARD
MEETING OF THURSDAY, October 22, 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
Vice-Chair Chris Brown
Commissioner Brian Bingham
Commissioner Lawrence Brisco
Commissioner Thomas Cameron
Commissioner Charlette Green
Commissioner Erica Harris (Late arrival: 6:30 p.m.)
Commissioner Howard Tevelson
Commissioner Mya Whitaker (Late arrival: 7:17 p.m.)
Commissioner Almaz Yihdego

Meredith Brown, Board Counsel

Marti Paschal, Policy Analyst
Karen Tom, CPRB Investigator
Andrew Lee, CPRB Investigator

Excused: Joan Saupe, CPRB Investigator
Nikki Greer, CPRB Investigator

Absent: Ramon Nasol

III. STATEMENT FROM THE CHAIR

Chair Mao announced that tonight will be his last CPRB meeting as Chair of the Citizens' Police Review Board. He will make a statement/read a letter that was sent to the Mayor's office, the council president and to the public at the end of this meeting pertaining to his service with the CPRB.

IV. ELECTION OF NEW OFFICERS

A. Chair

Chair Mao asked if there was a nomination for Chair. Commissioner Cameron nominated Commissioner Chris Brown. Chair Mao closed the Chair nomination. **A motion was made by Chair Mao to designate Commissioner Brown as Chair. The motion passed. The Board vote was 7-0-0.**

Chair Mao asked Commissioner Brown if he would like to make a statement and he stated “not at this time”.

B. Vice-Chair

Chair Mao asked if there was a nomination for Vice-Chair. Commissioners Cameron, Brisco and Yihdego nominated Commissioner Charlette Green. Commissioner Bingham nominated Commissioner Howard Tevelson. Chair Mao closed the Vice-Chair nominations. **A motion was made by Chair Mao to designate Commissioner Charlette Green as Vice-Chair. The motion passed. The Board vote was 7-0-0. There was no vote to designate Commissioner Tevelson as Vice-Chair.**

Chair Mao asked Commissioner Green if she would like to make a statement, Commissioner Green stated that she appreciated the vote of confidence from everyone. Chair Mao announced that she is one of the newest nominated Commissioners and her service is appreciated.

V. APPROVAL OF MINUTES – ACTION ITEM

A. September 24, 2015

Director Finnell reported a correction to Page 3, Section V, Sentence 2 “October 23 should read September 23”. Chair Mao reported a correction to Page 3, Section V, Paragraph 3, Sentences 6-8 “Board Counsel Brown ...”received a gift” ...”Chair Mao stated that Board Counsel did not receive a gift, a gift was received by the Chair and Director.

A motion was made by Commissioner Tevelson to accept the minutes as corrected. Commissioner Yihdego seconded. The Board voted unanimously.

VI. OPEN FORUM

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

Rashidah Grinage came to speak. She thanked Chair Mao for his services. She spoke about the informative and important event for the community that was held at the Allen Temple Baptist Church. She thanked Director Finnell for attending and his contribution. She also acknowledged those that appeared. Commissioner Brisco announced that he attended the event and he thanked Ms. Grinage for the invitation; the speakers were eloquent.

Assata Olugbala came to speak. She inquired if this body was in compliance with the Equal Access Ordinance. She also spoke about the number of excessive force cases; the number of cases this year being higher than last year. She mentioned that the ability to identify racial profiling has not been established. She asked for an update – NSA/racial profiling cases evaluated. Director Finnell asked that Ms. Olugbala give specifics in that CPRB is not in compliance with the Equal Access Ordinance in order that he can remedy this matter. She stated that you would have within your body, investigators, and members of the Commission who speak Spanish and Chinese. Director Finnell stated

that CPRB is in compliance. Ms. Olugbala stated that this also applies to Boards and Commissions. Director Finnell spoke regarding the increase in excessive force cases; this time last year OPD was not providing the excessive force cases to CPRB as required. He met with IAD in February 2015 and they are now sending these cases to CPRB; this explains the increase in these cases and CPRB now has more opportunities to investigate the cases.

Chair Mao announced that attendance on this Board is taken seriously and you must continue to inform staff that you will not attend or plan to arrive late in order to ensure quorum is met, which is very important in Evidentiary Hearings when there are deliberations/votes.

VII. DIRECTOR'S REPORT

A. Announcements

Director Finnell asked members to review Attachment 2 in the Agenda Meeting Packet which highlights the accomplishments made in the past few weeks since September 24, 2015.

Director Finnell provided an update on the Consolidation of Intake Technicians, which was not included in this document at the time of printing. The new computer equipment has arrived (three - computers, printers, monitors). IT will be installing them in our office within a few weeks.

Director Finnell stated that in the September report he was going to work with HR to hire an Intake Technician that was selectively certified to speak Spanish and that we were going to initiate our own hiring process. HR informed him that he must hire from the present list of Intake Technician candidates and that process has commenced. He has found one suitable candidate and he must continue to interview more candidates which will take several more weeks. After interviewing all candidates and there are no suitable candidates for this position, then there will be a new hiring process for the remaining two candidates.

Director Finnell reported that he will be meeting with the Commander of IAD next week to begin the process of the transition into the current space that Internal Affairs has for Intake. He spoke briefly with Chief Whent a few days ago and we are in agreement on what needs to be done and we now need to assess the space and see how we need to configure it.

Director Finnell reported that the police union was in meet and confers with Employee Relations and they have come to an agreement on the transition process. We have a Letter of Understanding and we are moving forward with the process.

Director Finnell reported that The 100 Cameras Education Campaign was the proposal initially made by the 100 Black Men of the Bay Area to inform the public of their right to photograph and videotape law enforcement officers as they do their job. The request was sent from Council for CPRB to take the lead on this item. He met with a graphic design firm and they are doing mock up drawings for a promotional postcard that will inform the public of their rights when they videotape

and photograph the police and on the flip side of the postcard inform the public about the CPRB, how to submit those photographs/videotapes to CPRB, and general information on how to file a complaint with CPRB. We will also have bus shelter posters for the 100 Cameras information and for CPRB. We will have professionally designed web content that we can actually place on our website. He is trying to get CRPB some bill boards to send the message. We have money to accomplish these items.

Director Finnell reviewed the upcoming CPRB Presentations and Events. As an outreach effort, he mentioned that volunteers/board members are needed to man the CPRB table during the October 28 event. Chair Mao asked members for comments, etc. Commissioners Cameron, Tevelson and Green volunteered. Commissioner Brisco suggested a sign-up sheet. Director Finnell stated that he will draft a sheet and email it to members with time frames.

Rashidah Grinage came to speak regarding the Director's Report. She inquired if the Letter of Understanding is a confidential/public document. Director Finnell mentioned that the official letter will be included on an upcoming agenda. She inquired as to why CPRB is being prevented from opening up the position to additional applicants or is it being restricted. Director Finnell reported that the list was created that they were applying for Intake Technician positions and not OPD positions. Legally, he has to exhaust that list. When applicants applied, they could be considered for other intake positions within other agencies. Ms. Grinage suggested that CPRB conduct more full board hearings as well as three-member panel hearings since there is a larger case load, it will continue to grow, and CPRB will be fully staffed.

Speaker Assata Olugbala came to speak and asked for clarification. She stated that she was told that when she came up to speak that there would not be a dialogue regarding her questions. You are choosing to have dialogue when you want to. She is requesting that you have consistency across the board when you have public speakers. Chair Mao stated that we will make sure that we have consistency throughout the meeting. Chair Mao reported that the Director shall not respond unless the Chair asks for a response and the speaker shall only make a statement and the Board is not subjected to respond.

Chair Mao mentioned that he has a Speaker's Card from Anita Loche and asked her the Agenda Item No. she would like to speak on and she gave none. Chair Mao stated that she can speak on public comment for one minute. She spoke about the Election of Officers (Board) that was done in today's meeting – she suggested that the public should be involved in the vote for officers.

B. Pending Cases as of October 15, 2015

Director Finnell reported that as of October 22, 2015, there are 110 CPRB cases: 99 are active cases, 3 cases pending closure, 8 tolled cases, and one Three-Member Panel Hearing (Case #15-0221)/which was scheduled for December 3, 2015 and then cancelled. The case is rescheduled for a Full Board Hearing on January 28, 2016. (Included in Active Cases total). Since the last report was given on September 24, 2015, five new cases have been added.

Commissioner Tevelson reported that Case #14-0871 on the Pending Case List has a 3304 date of two days from now. Director Finnell reported that a hearing was held and due to a clerical error, the case will be removed.

VIII. AGENDA DISCUSSION

Commissioner Brisco made a motion for further discussion on Commissioner Resolution. It was seconded by Commissioner Yihdego. Commissioner Brisco mentioned that a Resolution was issued and he wants clarification if a Resolution has already been adopted by the City or staff. Chair Mao stated that he and Board Counsel had a discussion regarding Board procedures regarding this matter. Comments were made by Board Counsel. She stated that the proper procedure would be to make an inclusion of the agenda description so that it gives the public information and to then include the actual item that you intend to have considered by the Board in the Agenda Packet as an attachment so that people will be able to know what it is that will be discussed in advance under the 72-hour rule. Chair Mao asked Commissioner Brisco if he has an Agenda item and attachment to be included. The information was given to Director Finnell to be agendized for a future board meeting.

Chair Mao said that before the Board goes into closed session, he would like to read his letter to the public on his service to the Citizens' Police Review Board. The topic was scheduled for Item III on the Agenda and will be moved to Item X (B).

IX. ACTION – CPRB BYLAWS DRAFT
(Executive Director Anthony Finnell)

A. Discussion

Chair Mao mentioned that members received a copy of the CPRB Bylaws (Attachment 3); it was discussed at the previous Special Meeting.

Director Finnell gave a presentation. He reported that Article XI, Section 1 was the remaining section to be addressed. On last Wednesday, board members present amended Article IX, Section 3 – that was approved. Article VII, Section 1, Line 16 – Should be amended; we missed that before and this section needs to have a motion made and correct that Section, etc. Board Counsel gave comments relating to adding an item to the agenda outside the 72-hour notice – if there is a need to take emergency action. Commissioner Tevelson suggested adding a section which will be placed on a future agenda/meeting. Board Counsel gave comments – stated that the language can be added if you desire to do so although it is already permissible under the Brown Act, so it is not necessary to state it in order to make it so, the question is whether or not the language would be needed. Commissioner Tevelson stated that it would be for clarification. Board Counsel suggested adding it at the end of the sentence provided that such action is taken in accordance with the Brown Act, or the item will be brought up at a later meeting.

B. Public Comment

Chair Mao stated that speakers have one minute to speak.

Assata Olugbala asked if it was appropriate to speak in general. Chair Mao agreed. She gave comments regarding the Preamble which speaks to racial profiling and should not be in the text (mentioned that the Board does not have that capacity). She mentioned that the Board training deals only with the police department training – the body that monitors you are training you – and suggested other training. You can assume that you possess those qualities and that all training should be complete before assuming Board duties.

Rashidah Grinage congratulated Commissioners on the work relating to the Bylaws. She agrees with Ms. Olugbala regarding the issue of training. She suggested that training needs to be changed because it is unbalanced; revisit the issue of training as it relates to Commissioners' roles.

C. Action

A motion was made by Commissioner Tevelson for Article VII (Meetings), Section 1, lines 16-19 amend the wording. It was seconded by Commissioner Brown. The Board vote was unanimous.

Director Finnell referenced Article XI, Section 1 (Annual Report of the Board). He stated that he went back to the Ordinance – the language in the Ordinance talks to the Report. He suggested referencing this language in the Bylaws. Commissioner Cameron inquired about the timeline of the Report to Council. Director Finnell mentioned June 30 as a cutoff date and will not be able to present the semi-annual report until October (to the Board and then on the calendar to Public Safety) and the annual report at the earliest the end of March-April (still have to cycle through to get on the calendar). Chair Mao suggested a target date in order for the Board to have the information. Commissioner Yihdego inquired of a target date/date range and have a gap between the months to give some leeway. Director Finnell stated that March-April would be a target date. Director Finnell stated that we would use the language from the Ordinance but include March-April, September-October as a timeline. Director Finnell at the meeting typed information in his laptop relating to the motion. Chair Mao read aloud the information.
A motion was made by Commissioner Tevelson to adopt the language as written. It was seconded by Commissioner Green. The motion passed, with Commissioner Cameron opposing.

Director Finnell stated that this concludes the sections that were on this Draft. He was handed another section that Commissioner Brisco wanted to include in the Miscellaneous Section as an insert. Chair Mao said item to be agendaized for a future board meeting.

Commissioner Yihdego raised the issue of the Name Change. Chair Mao stated the matter will need to go before the City Council since this will be a charter change. Chair Mao thanked the Director for his hard work on the Bylaws. Commissioner Yihdego suggested further discussion on the CPRB name change (item to be agendaized for a future board meeting).

Commissioner Brisco suggested a Table of Contents in addition to the Bylaws which he submitted to Director Finnell at an earlier time. Director Finnell stated that once the Bylaws are finalized, the Table of Contents will be created.

X. CPRB SPECIAL COMMITTEE REPORTS

A. Outreach Planning

Commissioner Yihdego gave a report. She stated that the Committee meets quarterly and they did not meet the last quarter due to outreach and special meetings. Outreach still continued and she also did outreach on her own.

1. General Updates

Commissioner Yihdego reported that several new Commissioners have expressed an interest in being Committee members. She will discuss this with Director Finnell; set up a meeting. Commissioner Yihdego suggested that someone be assigned to distribute CPRB brochures to libraries, Director Finnell reported that at this time we do not have a person designated to distribute brochures to libraries. Examples (web design) will be given by the graphic designer and these can be reviewed at a later date. He suggested persons working on the strategic plan can coordinate with outreach initiatives so that everyone is working on the same page. Chair Mao stated that ideas are welcome from the new Commissioners.

2. Next Meeting

November 6, 2015; 6:00 p.m.; Location: CPRB Office, 250 FHOP, Suite 6302, Oakland (Date may change; email to be sent by Commissioner Yihdego on workable date for Committee members). Director Finnell stated that he will be out of town through November 5; he will be in a Symposium all day on November 6. Chair Mao asked that Policy Analyst attend the meeting. The Committee will consist of only four members; any number of Commissioners can assist with outreach assignments. Commissioner Tevelson stated that he will be unable to attend November 6. Director Finnell will work with Commissioner Yihdego in setting a Committee meeting date.

B. Transparency and Legislation

Commissioner Brown stated that due to his recent election of Chair he will have to resign as Committee Chair. Commissioners Tevelson and Bingham are the other committee members. Chair Mao asked for a volunteer to be Committee Chair. Commissioner Harris volunteered. Chair Mao appointed her to the position. Commissioner Brown, Director Finnell and Policy Analyst Paschal will work with Commissioner Harris to brief her on the committee.

1. General Updates

Commissioner Brown gave a brief report.

2. Next Meeting

November 1, 2015 - Sunday; 7:00 p.m. (Conference call). Anyone interested including the public are to email subcommitteemeeting@chrisbrown.org. Commissioner Harris is to work with Commissioner Brown and Director Finnell regarding this meeting. Committee Chair Harris stated that she is available for evening meetings on Fridays, Saturdays and Sundays.

Chair Mao addressed the Board/public – read a letter on his service to the Citizens' Police Review Board.

XI. CLOSED SESSION: NEW BUSINESS (Convened at 8:16 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. 15-0490, Erin Armstrong

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

Complainant alleges OPD officers were aggressive when they spoke to her. Complainant observed the OPD officers arresting a transgender person. The OPD officers told the complainant to get out of here and also referred to the transgender person as an "it" instead of female (as the person self-identified as a female).

Case No. 14-0909, Regina Simmons-Howard

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

Complainant alleges an OPD officer did not place the other party under citizen's arrest as she requested; the OPD officer did not cite the other party for parking in the handicap parking stall because she did not see the vehicle with proper handicap identification; the OPD officer failed to investigate the entire incident. The complainant alleges her rights were violated because she was cited and arrested because of her race and that she was unlawfully arrested.

B. Pending Cases for Administrative Hearing Discussion

Director Finnell reported that an Evidentiary Hearing is scheduled for November 12. The Three-Member Panel Hearing scheduled for December 3 is

cancelled and is now scheduled the second Thursday in January 2016 (The Panel Commissioners will be Green, Nasol and Tevelson).

Director Finnell presented a letter dated October 22, 2015 from City Administrator Sabrina Landreth regarding CPRB Disciplinary Recommendation on Case #14-0871 (Blount).

New Commissioner Whitaker gave comments in reference to the Board meeting relating to this case/letter. Director Finnell stated that this letter was on the Three-Member Panel Hearing and not the Hearing held on Brooks. Director Finnell gave a report regarding the case process.

The Board reconvened open session at 9:20 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 9:21 p.m.