

**CITIZENS' POLICE REVIEW BOARD  
MEETING OF THURSDAY, January 14, 2016 – 6:15 P.M.  
City Council Chambers - Third Floor**

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

II. ROLL CALL AND ATTENDANCE

Present: Chair Chris Brown  
Vice-Chair Charlette Green  
Commissioner Brian Bingham  
Commissioner Lawrence Brisco  
Commissioner Thomas Cameron  
Commissioner Ramon Nasol  
Commissioner Almaz Yihdego (Arrival 6:45 p.m.)

Meredith Brown, Board Counsel

Marti Paschal, Policy Analyst  
Karen Tom, CPRB Investigator  
Joan Saupe, CPRB Investigator  
Nikki Greer, CPRB Investigator

Excused: Commissioner Howard Tevelson  
Commissioner Mya Whitaker  
Andrew Lee, CPRB Investigator

Absent: Commissioner Erica Harris

III. APPROVAL OF MINUTES

A. December 10, 2015

**A motion was made by Commissioner Bingham to approve the  
December 10, 2015 minutes. Vice-Chair Green seconded.  
The Board voted unanimously.**

IV. OPEN FORUM

Rashidah Grinage came to speak. She announced two upcoming events as follows:  
(1) The Coalition for Police Accountability is kicking off its fundraising efforts with a  
Program called Poetry for the People coordinated by Pat Brooks on January 23  
(Saturday) at 7:00 p.m. at Eastside Cultural Center, 2277 International Boulevard.  
She welcomed members and encouraged members to bring brochures (You have a Right  
to Film Police Action).

(2) A Community Town hall at the First AME Church at 3701 Telegraph Avenue at 7:00 p.m. on February 11. We are welcoming people who have had experiences with the Oakland Police Department in the last few years to give testimony about their experiences – if they filed a complaint, if so, what was the disposition, a witnessed incident they wish to describe, etc.. The Federal Monitor Team will be in attendance. She encouraged members to come and bring CPRB literature.

Chair Brown asked Ms. Grinage to answer a few questions from the Board. She stated that in Open Forum there is usually not an interchange. Board Counsel Brown stated that in Open Forum you can't bring up a new item that is not agendaized but for clarification, members can ask you a question about an item you announced/presented.

Director Finnell stated that February 11 is a Board meeting and asked if Ms. Grinage was going to record the session, and if so, if he could receive a copy. She reported that they have not made a decision about recording, since people are talking about personal experiences they are taking that into consideration. She said the date was arranged around the Monitor's travel schedule.

Chair Brown stated that there is one more clarification. Commissioner Bingham asked if OPD administration will attend and she stated "no". What outcomes will this event expect to have? Ms. Grinage stated they will be hosting the event. The primary purpose is for the benefit of the Monitor. The Monitor team wants to hear directly from the community versus receiving information from OPD about its performance.

## V. DIRECTOR'S REPORT

### A. Announcements

Director Finnell asked members to review Attachment 2 in the Agenda Meeting Packet. He reported that under the 100 Cameras Education Campaign, the copies were returned, presented to the Board and staff, been distributed to various public outlets, made available online, and to the City Administration. He is working with the libraries and social service agencies throughout the city to distribute postcards so they can give them to their clients. He is also working with Clear Channel so that poster size copies of the postcards can be placed on bus stop shelters; process of determining cost with order amount.

Chair Brown asked for more detail about Pillar 6 of the President's Task Force on 21st Century Policing (referencing Item 12). Director Finnell reported that portion of the Task Force discusses officer wellness in policing and police reform. He is currently working with individuals to determine ways to address officer wellness in Oakland. He had a meeting yesterday with Chief Whent and discussed the matter. He will have additional meetings with Sgt. Wong with OPD who oversees the early warning and intervention system. This came about because he met a gentleman at the Mayor's Open House who came back from Chicago (International Chiefs' of Police Conference) and they talked about what they were doing in their areas as it relates to the President's Task Force Report. What he noted in regards to Pillar 6 – Officer Wellness, was that they did not have solid answers. The general response was that we provide them with counseling services, employee assistance programs, etc. They did not have anything that got in front of the problem – all those solutions

were after an officer got in trouble or close to getting in trouble (home or work). Director Finnell and the gentleman decided what could be done with this issue. Director Finnell will provide an update. They are working with people across the country trying to put something together to bring to the community and the police department in Oakland.

Chair Brown announced that Rashidah Grinage came to speak on Agenda Item 5(A). Ms. Grinage asked Director Finnell for more information relating to his meeting with Brendon Woods (topic of discussion and how it's related to the CPRB). Ms. Grinage referenced the Consolidation – Timeline; provide more information regarding the full consolidation. She referenced Item 15 (Board Training – Hearing Prep and Procedures; who would do the training?)

Director Finnell reported about his meeting with the Public Defender. He met with him because a lot of their clients talk to their attorneys about police misconduct but the CPRB does not get that information and wanted to discuss ways we can share information. Also, when investigators are doing their investigations and a complainant on our end has a case pending, we can't get information from them. He met with the Public Defender to determine how we can facilitate the transfer of information without compromising a criminal case and how we can investigate allegations of misconduct. He will do training with his staff and he will do a training of our staff and the Board (working out logistics to do a Saturday morning retreat, etc.).

Director Finnell reported on the Consolidation Timeline. He mentioned that CPRB has its Intake Technicians in place and working in the office. We are working with a Business Analyst and a Programmer to build our database. Parts of the database will be the same as the database of IAD. IAD has identified office space at PAB that they will move into and needs to be refurbished - costs will need to be approved with Council. We are working to coordinate that effort. CPRB will need to get the downstairs space refurbished and then move into. The projection is by the end of the fiscal year.

Director Finnell spoke on Item 15 of his Report. He reported that training for the Board will be facilitated in part by some of the Board members and the Public Defender (an ongoing process). Commissioner Brisco inquired for clarification if the Board training they will receive is for 2016. Director Finnell stated that looking ahead, it will be for this year.

**B. Pending Cases as of December 5, 2015**

Director Finnell reported that as of January 14, 2016, there are 109 CPRB cases: 101 are active cases, 1 case pending closure, 7 tolled cases, and one Hearing (Case #15-0221)/which was scheduled for December 3, 2015 and then cancelled. The case is rescheduled for a Full Board/Evidentiary Hearing on January 28, 2016 (Included in Active Cases total). Since the last report was given on December 10, 2015, four new cases have been added.

VI. COMMENTS - CHAIR  
(C. Brown)

Chair Brown reviewed Attachment 3 in the Agenda Meeting Packet which is in four parts (Historical Context; Overview of Present Condition of Board; Review of Role of CPRB; Goals for 2016). Commissioner Brisco inquired which side does Counsel fall on – staff side or Board side. Chair Brown stated that the Board does not have any administrative power. Counsel works for the City. Board Counsel Brown stated that she does not make decisions but gives advice. Commissioner Brisco asked if the Board has a question, who do they contact. He thought that Board Counsel was Counsel for the Board. Chair Brown stated that Director Finnell has issued a directive regarding this matter. Commissioner Yihdego wanted clarification in that Board Counsel gives advice and why can't she communicate directly with the Board. Director Finnell responded to the matter further. He stated that Board Counsel is willing to answer questions; she is paid for her time; a question can be directed to the City Attorney's office and that can be brought back to the Board. Director Finnell stated that the policy was changed in that the questions are brought to him first. Commissioner Yihdego asked that the job description of Board Counsel be agendized for the February 11, 2016 Board meeting.

VII. COMMENTS - VICE CHAIR  
(C. Green)

Vice-Chair Green reviewed Attachment 4 in the Agenda Meeting Packet. She encouraged members to direct ideas in reference to CPRB updates and training to her or Director Finnell. She would like to do short updates during the course of the Board meetings and have those items agendized. Her first idea is do a short synopsis/outline of AB953 (Law enforcement's Racial Profiling Assembly Bill that was passed in October) and asked that it be agendized for the February 11, 2016 Board meeting.

Commissioner Brisco inquired of the process that if a Commissioner is scheduled and something arises and the Commissioner is unable to attend. Vice-Chair Green asked that if there is a scheduling problem, to contact the Chair and get another Commissioner to fill in. She suggested members coordinate their schedules so they can do the examination for their signed-up day.

Commissioner Yihdego suggested that three Commissioners volunteer for an examination so that if something happens, there will be a backup. Vice-Chair Green volunteered for the January 28 Evidentiary Hearing and stated that another Commissioner needs to volunteer for the second position. Commissioner Yihdego volunteered for the second position. Chair Brown stated that he and Vice-Chair Green will be in attendance for the January 28 Evidentiary Hearing should something happen. The backup examiner (third position) will be discussed at a later meeting.

VIII. CPRB SPECIAL COMMITTEE REPORTS

A. Outreach Planning

1. Comments from the Chair

Commissioner Yihdego gave comments. She reported that she will do a

presentation summary regarding the Outreach plans for the year at the February 11, 2016 meeting.

2. Next Meeting

Commissioner Yihdego reported that the Committee has to meet one more time to discuss the summary presentation that she will give on February 11, 2016.

B. Transparency and Legislation

1. General Updates

Chair Brown reported that he is no longer on the Committee. Commissioners Tevelson and Harris are not present this evening to give a report. He stated that the Committee needs to reform.

2. Next Meeting

Chair Brown reported that meetings have not occurred.

IX. DISCUSSION – RECOGNITION FOR PAST BOARD MEMBERS  
(Commissioner L. Brisco)

A. Discussion

Commissioner Brisco reported that this item is to show appreciation and acknowledgement from the Mayor or City Council on City letterhead for each Commissioner when he/she leaves the Board. The topic was presented in a prior Board meeting. Members are asking if they could receive recognition that would acknowledge Commissioners for their participation as Commissioners and their volunteer work on Committees, etc. This would serve current and past Commissioners for a one-year period. Members could use the information in future endeavors or as a wall plaque.

Director Finnell will present the topic to the Mayor (He is not sure what members receive when term ends; the Mayor's office appoints Commissioners and the Council approves nominations). Chair Brown asked that the item be agendized. Director Finnell will give a report at the February 11, 2016 Board meeting.

B. Public Comment

None.

X. CLOSED SESSION: NEW BUSINESS (Convened at 7:25 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. 15-0140, Andre Tatum

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

Complainant alleges an OPD officer used excessive force by striking him in the back of his head with a closed fist.

Case No. 15-0125, Deandre Currington and Kristy Zhang

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

Complainants allege an OPD officer improperly used force against them, improperly handcuffed them, was rude and cursed at them, as well as was threatening and intimidating towards them.

Case No. 15-1073, David Ortiz-Tabullo, Rita Cardenas, Hermalinda Nuno, and two minors

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

Complainant alleges OPD officers along with Alameda County Sheriffs' Office conducted an improper search of their home, destroyed their property during the search, were rude to them, discriminated against them because they are Hispanic, improperly handcuffed and searched them, interrogated them, lied to them, pointed guns at them and failed to show them a copy of the search warrant.

Case No. 15-0259, John Anderson

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

Complainant alleges and OPD officer threatened an acquaintance of his by leaving a threatening voicemail recording for the acquaintance.

Case No. 15-0109, Jerry Mean

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

Complainant alleges OPD officers deployed their Electronic Control Weapons (tasers) and a firearm while taking the complainant into custody. The purpose of this investigation is to evaluate the use of force and determine if the appropriate level of force was used in this incident.

B. Pending Cases for Administrative Hearing Discussion

Director Finnell reported that there will be an Evidentiary Hearing on January 28. There may be a hearing on February 25, 2016.

Vice-Chair Green asked for volunteer Examiners for the February 25 hearing. Commissioners Bingham and Brisco volunteered. Chair Brown stated that Vice-Chair Green will contact the Commissioners to prepare for the hearing.

C. Response from City Administrator (Case No. 14-1024)

Director Finnell read a letter dated December 17, 2015 referencing the case. Discussion followed.

The Board reconvened open session at 8:06 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 8:07 p.m.