

**CITIZENS' POLICE REVIEW BOARD
MEETING OF THURSDAY, February 11, 2016 – 6:15 P.M.
City Council Chambers - Third Floor**

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

Chair Brown asked that cell phones not be used during the meetings unless research is being done on an Agenda item.

II. ROLL CALL AND ATTENDANCE (By Marti Paschal, Policy Analyst – In Director's Absence))

Present: Chair Chris Brown
Vice-Chair Charlette Green
Commissioner Brian Bingham
Commissioner Lawrence Brisco
Commissioner Thomas Cameron
Commissioner Erica Harris
Commissioner Howard Tevelson
Commissioner Mya Whitaker

Meredith Brown, Board Counsel

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

Excused: Anthony Finnell, Executive Director
Commissioner Ramon Nasol
Commissioner Almaz Yihdego

III. APPROVAL OF MINUTES

A. January 28, 2016

**A motion was made by Commissioner Tevelson to approve the
January 28, 2016 minutes. Vice-Chair Green seconded.
The Board voted unanimously.**

IV. OPEN FORUM

Assata Olugbala came to speak. She mentioned that Judge Henderson oversees negotiations around the Negotiated Settlement Agreement. Last April required an investigation into our police department's investigation of misconduct of its officers. This was brought about because of the arbitration procedures allowing so many officers

to come back on the force. There was an agreement last Tuesday; there is another investigation because the process is not working. The Judge has ordered the same person to go back into the police department and start an investigation into the investigative process and the sustainability of why police officers are still returning back to the police force. There are problems. She gave comments regarding cases that come before the CPRB, finding an officer guilty of wrongdoing. What is going on with the investigative procedures? Why are we not able to get evidence to sustain accountability on these police officers?

Ms. Olugbala spoke about racial profiling. She gave comments relating to upcoming CPRB cases and how did Investigators determine findings on racial profiling. She mentioned that Professor Eberhardt is in the process of defining racial profiling for the City.

Chair Brown stated that tonight's agenda will be modified as follows: Items IX. and XI. will be deferred since Director Finnell is not present tonight. The Items will be agendized for another Board meeting.

V. DIRECTOR'S REPORT (By Marti Paschal, Policy Analyst – In Director's Absence)

A. Announcements

Marti Paschal reported that Attachment 2 in the Agenda Meeting Packet is self-explanatory but if there are questions, they can be addressed at a later Board meeting.

B. Pending Cases as of December 5, 2015

Marty Paschal reported that as of February 11, 2016, there are 109 CPRB cases: 100 are active cases, 1 case pending closure, 8 tolled cases, and one Evidentiary Hearing (Case #15-0248; Kyle Robinson) which will be held on February 25, 2016 (Included in Active Cases total). Since the last report was given on January 14, 2016, five new cases have been added.

Chair Brown mentioned that the February 25 Evidentiary Hearing will be discussed later in tonight's meeting (Item VII. - Examiners for Hearings).

VI. CPRB SPECIAL COMMITTEE REPORTS

A. Outreach Planning

1. Report/Presentation from the Chair

Chair Brown asked if anyone on this committee is present that would like to speak on this Item.

Commissioner Brisco asked if the item could be agendized for a later meeting. Chair Brown stated that an Evidentiary Hearing and Administrative Case

Closure Reports will be held on February 25. The Item will be agendized for the March 10, 2016 Board meeting.

2. Next Meeting

Not discussed; agendized for the March 10, 2016 Board meeting.

B. Transparency and Legislation

1. General Updates

Chair Brown asked if anyone on this committee is present that would like to give a report on this Item. Commissioner Brisco asked if the Item could be agendized for a later meeting. Chair Brown stated that an Evidentiary Hearing and Administrative Case Closure Reports will be held on February 25. The Item will be agendized for the March 10, 2016 Board meeting.

2. Next Meeting

Not discussed; agendized for the March 10, 2016 Board meeting.

VII. SIGN-UP SHEET FOR EXAMINERS FOR HEARINGS
(Vice-Chair Charlette Green)

Vice-Chair Green reported that Commissioner Bingham volunteered as the Examining Commissioner for the Evidentiary Hearing on February 25. She asked for a second Examining Commissioner to work with Commissioner Bingham and Commissioner Tevelson volunteered. She stated that there is an Examiner's Preparation meeting (February 23); she can be reached by email, telephone, or we can talk after tonight's meeting. Commissioner Brisco asked if members could attend and she stated that the February 23 meeting is only related to the Evidentiary Hearing case. Vice-Chair Green inquired if a hearing is scheduled for March 2016. The Investigators were unable to answer the question.

VIII. ACTION – CPRB NAME CHANGE
(Commissioner Almaz Yihdego)

- A. Discussion
- B. Public Comment
- C. Action

Commissioner Brisco asked that the Item be agendized for a later meeting since Commissioner Yihdego is not present tonight.

IX. DISCUSSION – SCOPE OF WORK FOR INDEPENDENT BOARD COUNSEL
(Executive Director Anthony Finnell)

- A. Discussion
- B. Public Comments

Chair Brown stated that the Item is tabled and will be agendized for anther Board meeting.

X. DISCUSSION – OUTLINE OF AB953
(Vice-Chair Charlette Green)

Vice-Chair Green asked that members refer to Attachment 4 in the Agenda Meeting Packet regarding AP-953 (Law Enforcement: Racial Profiling). She reported that the Bill would require, beginning July 1, 2016, the Attorney General to establish the Racial and Identity Profiling Advisory Board (RIPA). She asked that members familiarize themselves with the data and that most information is provided in the report.

Vice-Chair Green referenced page 2, Section 2:

(a)(1) Each state and local agency that employs peace officers shall annually report to the Attorney General data on all stops conducted by that agency's peace officers for the preceding calendar year.

(2) Vice-Chair Green mentioned that the Oakland Police Department employs approximately 600-700 officers and would issue its first round of reports on or before April 1, 2020.

(b) relates to what the reporting shall include for each of the stops that are made.

(f) provides that all the data in the report that is made is a public record.

Vice-Chair Green referenced page 4, Section 4: She reviewed subsections a, e, and j (details the composition of that Board).

Vice-Chair Green reviewed page 6 (3)(A-F).

Chair Brown thanked Vice-Chair Green for the report.

Chair Brown asked about existing case law in defining racial profiling – how does that fit in with the Section that defines it explicitly. Vice-Chair Green reported that it is the definition that shall apply to all the police departments within the State of California. Case law can always interpret it but this is the existing definition as established by the legislature now. It replaces parts of the Penal Code that spoke to racial profiling before so this amends it.

Board Counsel Brown mentioned that what Vice-Chair Green stated is correct that this is the established definition as established by state legislature and it relies upon case law and precedent. If there were to be another case coming out of this new statute, it would use the same body of law/the same cases because those are there forever but they may have different interpretations depending on the facts/circumstances of the case and the court's interpretation. As mentioned by Vice-Chair Green, this is the existing definition that is used in comparing actions of law enforcement to determine whether or not there has been racial profiling. Chair Brown thanked Board Counsel Brown for her report.

XI. DISCUSSION – RECOGNIZING BOARD MEMBERS
(Executive Director Anthony Finnell)

Chair Brown stated the Item is tabled and will be agendized for another Board meeting.

XII. CLOSED SESSION: NEW BUSINESS (Convened at 6:45 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. 15-0133, Willie Mullins

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

Complainant alleges an OPD officer was rude and agreed to have the issue resolved using the Informal Complaint Resolution Process.

Case No. 15-0185, Rico Carson and Rhonda Lewis

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

Complainants allege OPD officers unlawfully entered his home and damaged his property.

Case No. 15-0189, Stephanie Dorsey

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

Complainant alleges OPD officers pointed rifles at her and her family, handcuffing some of them during the execution of a search warrant. She further alleges items were missing from her residence and her residence was damaged during the search.

Case No. 15-0222, Kelvin Kessie-Bridges

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

Complainant alleges and OPD officer falsely arrested him for robbery and failed to exercise due diligence in how he conducted the investigation into the incident. Complainant also alleges that his vehicle was towed without reason and OPD

officers tried to coerce him into making a confession.

Case No. 15-0233, Glen Ray Caldwell, Jr.

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

Complainant alleges an OPD officer improperly arrested him, used excessive force against him during his arrest, and left his property and medication behind when they took him to jail.

Case No. 15-0235, Brandon Jones

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

Complainant alleges an OPD officer was rude and unsympathetic to an elderly victim of a random assault, failed to investigate the assault. The CPRB investigator added an allegation regarding the subject officer's PDRD use.

Case No. 15-0249, Porsha Monique Washington aka Porsha Thomas

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

Complainant alleges OPD officers stole \$480.00 from her during her arrest.

Case No. 15-0247, Jaleen McKeller

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

Complainant alleges an OPD officer used excessive force on him, causing injuries and used profanity towards him during his arrest.

Case No. 15-0513, Carolyn Young

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

Complainant alleges OPD officers conducted an unlawful probation search of her client's residence.

B. Pending Cases for Administrative Hearing Discussion

There were no cases for discussion.

The Board reconvened open session at 8:40 p.m.

XIII. 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.

XIV. ADJOURNMENT

The Board adjourned at 8:42 p.m.