

ATTACHMENT 1

**CITIZENS' POLICE REVIEW BOARD
MEETING OF THURSDAY, March 10, 2016 – 6:15 P.M.
City Council Chamber - Third Floor**

I. CALL TO ORDER BY CHAIR BROWN at 6:18 P.M.

II. ROLL CALL AND ATTENDANCE

Present: Chair Chris Brown
Vice-Chair Charlette Green
Commissioner Sharon Ball
Commissioner Brian Bingham
Commissioner Erica Harris (Early Departure)
Commissioner Ramon Nasol
Commissioner Howard Tevelson
Commissioner Mya Whitaker
Commissioner Mauricio Wilson
Commissioner Almaz Yihdego

Meredith Brown, Board Counsel (Arrival 6:45 p.m.)

Karen Tom, CPRB Investigator
Joan Saupe, CPRB Investigator
Nikki Greer, CPRB Investigator

Excused: Policy Analyst Marti Paschal
Andrew Lee, CPRB Investigator
Commissioner Thomas Cameron

III. APPROVAL OF MINUTES

A. February 25, 2016

**A motion was made by Commissioner Ball to approve the
February 25, 2016 minutes. Commissioner Tevelson seconded.
The Board voted unanimously.**

IV. OPEN FORUM

No speakers.

V. DIRECTOR'S REPORT

A. Announcements

Comments were given by Commissioner Yihdego. She referenced page 2, paragraph 3 of the February 11, 2016 Minutes – Open Forum in that Assata Olugbala suggested that the CPRB get a copy of Dr. Eberhardt's report. She asked Director Finnell if the Board could receive a copy of the final report in advance and he responded that Dr. Eberhardt is contracted by the police department and we will get a copy of the report when it is released; he could not give a date.

Director Finnell asked that members review Attachment 2 in the Agenda Meeting Packet. Commissioner Yihdego made a reference to page 2, paragraph 1, sentence 3 – “police and you,” and asked for clarification. Director Finnell reported that this is a copy of the letter that was sent to various oversight practitioners and community members advising them of the event on April 7. It was inviting them and members of their organization to attend and that it has been open to the community. A copy was enclosed in the Packet for the public's review (Attachment 2, page 2). At the close of March 8, 80 responses were received from practitioners and community members.

Commissioner Bingham asked the time when Director Finnell will be participating in the panel presentation on March 15. Director Finnell will email specifics to Board members and mentioned that it should start at approximately 1:00 p.m. – 1:15 p.m. and is open to the public.

B. Pending Cases as of March 4, 2016

Director Finnell reported that as of March 10, 2016, there are 102 CPRB cases: 91 are active cases, 3 cases pending closure, 8 tolled cases, and zero Evidentiary Hearings scheduled. Since the last report was given on February 11, 2016, six new cases have been added.

Commissioner Yihdego mentioned that we are working close to deadlines on some cases and time frames. Director Finnell reported that deadlines cannot be extended. He stated that as the result of an Investigator being let go several months ago, her cases were transferred to the other investigators along with their regular assigned cases.

Commissioner Yihdego inquired about Case No. 15-0192. Director Finnell stated that case is closed and will be removed from the Pending Case List.

Vice-Chair Green inquired if another Investigator is going to be hired to replace the one that left. Director Finnell stated that he exhausted the list that was given to him by HR. Today he met with HR and developed a work plan; the position will be posted on March 21 and closed on April 8. We expect to hire a new Investigator the first week of June; from that list we may hire several more Investigators.

VI. PRESENTATION – READING PARTNERS, SAN FRANCISCO BAY AREA
(Jennifer Mao, Associate Director of Community Engagement)

Jennifer Mao gave a presentation. She reported that the agency is a non-profit organization in Oakland. She oversees community engagement and voluntary recruitment. The mission is to break down barriers between schools and the community and for folks who have an hour to give, to partner them with students. They work with students as young as 14. They are working with the City of Oakland for the first time this year to get reading volunteers. She announced the eleven schools in Oakland they partner with. She can send a map to members with this information.

Commissioner Bingham inquired how long the program has been in existence and what types of mechanisms are in place to monitor the success of the programs. Ms. Mao reported that it has been in existence since 1989 and founded by three retired teachers. They are a data driven organization. Students are assessed at least 3 times a year in the program. The purpose is to measure students' success. Commissioner Yihdego asked what the requirement is if the referral is not a partner school and are there fees. She mentioned that they do not work with libraries, etc. There are no fees for the students or families. They partner most exclusively with Title I schools; the schools pay a small fraction fee for service of their programs so it comes out of the school's budget. The organization, as a non-profit, matches those funds and do fundraising, etc.

Ms. Mao stated that if members have questions, they can contact her. Chair Brown thanked Ms. Mao for her nice presentation.

VII. CPRB SPECIAL COMMITTEE REPORTS

A. Outreach Planning

1. Report/Presentation from the Chair

Chair Brown asked Commissioner Yihdego if she had a report to present. She stated that she does not have a report and was not sure of her status since her term as a Commissioner expired in February 2016.

2. Next Meeting

Commissioner Yihdego stated the next meeting will be March 14, 2016 (Monday) at 4:00 p.m. in the CPRB Conference Room. She is willing to work with the Outreach Committee and asked for volunteers. Chair Brown asked for the maximum number of members on a committee. Director Finnell stated that a committee shall be comprised of no more than four members otherwise it would be a public meeting. Commissioner Yihdego reported that Commissioners Tevelson and she are members; sometimes Commissioner Whitaker attends.

B. Transparency and Legislation

1. General Updates

Chair Brown asked Commissioner Harris to present a report.

Commissioner Harris reported that the committee is at a standstill. She stated that she has been speaking with someone involved with Measure Y. Her goal for the committee is to meet with individuals within the community to get them to understand what we do; gear towards a younger generation (ages 5-24). She asked for volunteers; unsure who the members are. Chair Brown stated there may be an overlap with the Outreach Committee; this committee plans to work with the Outreach Committee. Chair Brown stated that we articulate the goals of the committee and membership; this matter will be agendized for the next Board meeting.

Director Finnell reported the Bylaws will go before Council for approval; in the Bylaws, the roles and responsibilities for the committees were outlined. Do you want to wait until the Bylaws are formally approved and adopted by the Council before this is done? Chair Brown inquired if there will be a substantial difference of what is in the Bylaws/passed and what we now plan to agendize/whether to have committees, membership, etc.

Vice-Chair Green inquired about the deadline to submit the information to Council. Director Finnell reported the deadline is Monday for the April 12 Public Safety Committee meeting. The draft paperwork has been submitted. If it is approved, it will be sent to Rules in time to make the April 12 Public Safety Committee meeting. After that, Public Safety, if approved, will move it to the next Council meeting or when it gets on their calendar. Chair Brown stated that it would mean that we would agendize our membership discussion for the May 12 Board meeting.

Commissioner Bingham suggested informal offline talks about the committees. Commissioner Yihdego suggested not meeting again regarding Bylaws/committees. She asked that someone meet with Commissioner Harris since she is a new Board member to talk about committees/Bylaws. Commissioner Ball suggested not adding more members to each committee until we know that the Bylaws pass/pass before Council. Chair Brown asked if there is an expiration for Ad Hoc committees and Director Finnell stated "no".

Chair Brown stated that membership be defined (agendized for an upcoming Board meeting) for the Transparency and Legislation Ad Hoc Committee which will move into the Transparency and Legislation Standing Committee after the adoption of the Bylaws.

2. Next Meeting

None.

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

Vice-Chair Green inquired if there were evidentiary hearings scheduled in the next few months. Director Finnell reported that there may be a hearing in May.

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

A. Discussion

Commissioner Yihdego mentioned that she asked for the name change and there was not a vote and inquired why it is back on the Agenda. Commissioner Tevelson mentioned that he thought this was discussed several times and the decision was to not go forward and make the name change. Director Finnell mentioned that it was discussed prior and there were various comments. The Board decided to not change the name.

Director Finnell reported that after the name change discussion, he had several encounters – one with a community member (one of the commanding officers in the police department) who spoke about our name and asked if we would consider changing our name; he mentioned that as a member of the Latino community, the name is very offensive to the Latino population. He understands what our name is, but the Citizens' portion of our name is very offensive. Director Finnell listened to his comments. He spoke with the City Administrator and she also voiced concern over the name – the Citizens' portion. He told her about the Board's discussion and the decision of not changing the name. He also spoke with Chair Brown and mentioned that the issue could be brought back to the Board for another discussion.

Commission Yihdego mentioned earlier that the name Citizens' can offend or distract people from coming to us/exclude people and cause them to think they can't come to us. Director Finnell mentioned that he does not think there would be a problem with Council. The first thing is, does the Board want to do this? Director Finnell can then proceed to see how this can be accomplished thru Council. Commissioner Ball inquired if it is in the Charter that we are named as we are. Board Counsel Brown clarified that this is in the Ordinance, the City Charter would require a vote and this is not in the Charter. Commissioner Yihdego mentioned that she is active with outreach and our brochures list the word Citizens' which has created numerous conversations and that is why she initiated the name change. She thanked Director Finnell for bringing this matter back to the Board for discussion. Commissioner Wilson recommended the Board take more time to decide on the name change; have further discussion.

Board Counsel Brown spoke about the Brown Act; she stated that time would be needed to give a proposed name change and compile background information in order to be properly agendized so that when the Agenda Meeting Packet is posted, people would know what is proposed and they can come and weigh in on the issue with public comment (Action Item).

B. Public Comments

None.

C. Action

Chair Brown stated that the item (Proposal to change the CPRB name to the new name – Discussion) will be agendized for the March 24, 2016 Board meeting. The next meeting will be to make a decision on what will be the new name.

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

Director Finnell reported that in prior Board meetings, there was a request made to identify the scope for Independent Board Counsel. He read paperwork received from the City Attorney's Office – referencing Page 3 of Attachment 1, Amendment 1. The information is not in the Agenda Meeting Packet because it is the Agreement between Board Counsel (Meredith Brown) and the City Attorney's Office regarding the Citizens' Police Review Board.

A. Discussion

Comments were given by Board Counsel Brown. Commissioner Yihdego suggested agendizing the item for further discussion; limitations of Commissioners utilizing Board Counsel directly rather than go through the Director first. Commissioners gave comments. Vice-Chair Green suggested that concerns from Commissioners go through the Chair of the Board (as a representative of the Commissioners) rather than the Director.

Chair Brown stated the policy/agreement will be that all communications for Board Counsel from the Board will go through him or the Vice-Chair and he/she will pass them on to the Director with a request that they be given to Board Counsel.

Director Finnell reported that in the past, there was no defined scope of work for Independent Board Counsel; it was an open door policy. This created confusion in the City Attorney's office. He worked with the City Attorney's Office to define the scope of work. He stated that all concerns should come to him from the Board; they will get addressed. He is responsible for everything that happens – to bring structure and order to the process on this Board and outside this Board.

Commissioner Bingham reiterated that there is a protocol that has been established and we need to respect that and follow protocols. We have discussed this issue numerous times and need to move forward.

B. Public Comments

None.

XI. ACTION – CPRB 2015 ANNUAL REPORT
(Policy Analyst Marti Paschal)

A. Discussion

Director Finnell asked that members refer to Attachment 4 in the Agenda Meeting Packet. The Report was prepared by Policy Analyst Marti Paschal (excused tonight) and she did an outstanding job of preparing and gathering data.

Director Finnell referenced several key points in the Report. He reported that we received 432 cases from Internal Affairs in 2015 and as a result our numbers/assigned cases rose from 42 cases in 2015 to over 125 cases assigned to the investigators. The reason the number went up, was per the Ordinance, IAD was to send CPRB copies of complaints they received from citizens within 24 hours and they have not complied. We were to receive more cases in a timely matter and decide which cases to assign. The issue was worked out with IAD; since February our case numbers have increased. The top three categories of allegations were excessive force, failure to act and verbal misconduct.

Director Finnell reviewed pages 7 and 8 (Board Activities and Information); he highlighted that Community Outreach did more than 175 hours; board and staff completed more than 660 hours of training, etc. He referenced page 11 – Age of Complainants (from walk-ins). He stated that a lot of the information will change with the new database system being installed (ability to capture more data).

Comments were given by Commissioners. Commissioner Bingham inquired if complaints can be filed online. Director Finnell stated that he will have the Policy Analyst do a short presentation at a future Board meeting regarding the case management system that is being developed by IT. Director Finnell gave a short overview of the Intake Technicians duties regarding complaints.

Vice-Chair Green referenced page 6 – expressed disappointment in that the figures listed were quite low regarding the City Administrator’s final decisions on the Board’s recommendations for discipline of officers. Chair Brown stated that information Director Finnell learned from the City Administrator regarding final decisions made on Board’s recommendations be agendized for the next Closed Session.

Commissioner Yihdego referenced Page 7 (660 hours of training) and inquired what events constitute the training? Director Finnell responded to the inquiry.

Commissioner Yihdego mentioned that under Community Outreach (Page 7) all events were not listed. She asked if the events could be added to the Report. Chair Brown asked that Commissioner Yihdego send an email to Director Finnell to incorporate the events into the Report.

B. Public Comments

None.

C. Action

A motion was made by Commissioner Ball to accept the City of Oakland Citizens' Police Review Board 2015 Annual Report with Commissioner Yihdego's additions. Commissioner Wilson seconded. The Board voted unanimously.

XII. ACTION – POLICY RECOMMENDATIONS
(Policy Analyst Marti Paschal)

Chair Brown stated that the Item will be deferred to the March 24, 2015 Board meeting.

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

Director Finnell provided a response received from the Mayor's Office to the Board.

XIV. CLOSED SESSION: NEW BUSINESS (Convened at 8:19 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. 15-0183, Keith Davis

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

Complainant alleges that he was racially profiled during a traffic stop.

Case No. 15-0214, Chad Kemp and Ruby Ruelas

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

Complainants allege OPD officers unlawfully detained and searched them.

Case No. 15-0234, Braun Dexter

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

Complainant alleges an unknown OPD officer pointed a firearm at his three-year old daughter.

Case No. 15-0271, Alisio Williams

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

Complainant alleges OPD officers lied by using a ruse to conduct a parole compliance check on her son and pointed a gun at his head while checking him out as a robbery suspect.

Case No. 15-0275, Natisha Bershell

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

Complainant alleges an OPD officer was rude to her and racially profiled her.

Case No. 15-0294, Anthony Bryant

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

Complainant alleges OPD officers entered a locked gate in front of his home without permission from any of the residents of the house. Complainant also alleges an OPD officer attempted to "act tough" by issuing commands such as "Come outside" and "Open the door" to the complainant and his son.

Case No. 15-0323, Dante Julian Cano

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

The complaint was generated by Executive Director Finnell based on information provided by IAD and from a media report.

Case No. 15-0330, Edward Cervantes

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

The complaint was generated by Executive Director Finnell based on information provided by IAD.

Case No. 15-0237, Charles Jolivet

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

Complainant alleges excessive force was used by OPD officers as they arrested his son.

B. Pending Cases for Administrative Hearing Discussion

There were no cases for discussion.

The Board reconvened open session at 9:02 p.m.

XV. 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.

XVI. ADJOURNMENT

The Board adjourned at 9:03 p.m.