ATTACHMENT 2

CITIZENS' POLICE REVIEW BOARD
MEETING OF THURSDAY, March 24, 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 Thomas Cameron
Commissioner Ramon Nasol
Commissioner Howard Tevelson
Commissioner Mya Whitaker
Commissioner Almaz Yihdego

Meredith Brown, Board Counsel

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

Excused: Joan Saupe, CPRB Investigator
Andrew Lee, CPRB Investigator
Commissioner Erica Harris
Commissioner Mauricio Wilson

III. APPROVAL OF MINUTES

A. March 10, 2016

The minutes were not presented. They will be in the Agenda Meeting Packet on April 14, 2016.

IV. OPEN FORUM

No speakers.

V. DIRECTOR'S REPORT

A. Announcements

Director Finnell referenced Attachment 1, Status Update (correction to CPRB

Bylaws and CPRB Annual Report to go to the Public Safety Committee – The date has been amended for both from April 12, 2016 to May 10, 2016. Chair Brown inquired as to why the date change and the Director stated that he was not given a reason. Director Finnell reported that the Complaint Investigator II position was included under Attachment 1 – that position is posted to the HR website and will be open through April 8.

B. Pending Cases as of March 4, 2016

Director Finnell reported that as of March 24, 2016, there are 87 CPRB cases: 78 are active cases, 0 cases pending closure, 9 tolled cases, and one Evidentiary Hearing scheduled for May 12, 2016 (Case No. 15-0680). Since the last report was given on March 10, 2016, three new cases have been added.

Vice-Chair Green made a comment about the Evidentiary Hearing on May 12 and referenced page 3 of the Pending Case List (# 15-0680); why Complainant is listed as Unknown. Director Finnell will update the Pending Case List, page 3, Case # 15-0680 to add name of Complainant instead of Unknown Complainant.

Commissioner Yihdego inquired if there was upcoming training for Commissioners (except the Citizen Police Academy, which is open also to the public). Director Finnell stated nothing is scheduled and we are working on upcoming training. Chair Brown mentioned that he and the Director have talked about training and having our Investigators and Policy Analyst look at the areas where we are most offset to apply rules and regulations. Director Finnell stated this training has not been developed. Chair Brown stated that we are looking at designing training that is based on where we find ourselves most offset to interpret facts and apply case law or regulations. The Investigators and the Policy Analyst will look at where we spend our time; certain parts of the manual will receive more attention than others, and those are the areas we should have specific trainings.

VI. 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.

2. Next Meeting

Commissioner Yihdego stated the next meeting will be tomorrow, March 25, 2016 (Friday) at 4:00 p.m. in the CPRB Conference Room. She invited the new Commissioners to the meeting.

B. Transparency and Legislation

1. General Updates

Chair Brown stated that Commissioner Harris is not present tonight to present a report.

2. Next Meeting

None scheduled.

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

Vice-Chair Green announced an Evidentiary Hearing is scheduled for May 12, 2016 (Thursday). She asked for volunteers (Commissioners) for the Hearing (Questioners or Examiners). Commissioners Tevelson and Ball volunteered. Vice-Chair Green mentioned that we are trying to pair a non-experienced Examiner with an experienced Examiner, etc. Commissioner Tevelson will be paired with Commissioner Ball. Vice-Chair Green stated that she will hold an Examiner's Preparation meeting on May 10, if Examiners are interested.

VIII. DISCUSSION – CPRB ETHICS
(Executive Director Finnell)

A. Discussion

Director Finnell asked that members refer to Attachment 3 in the Agenda Meeting Packet. He reported that this Item came before the Board for discussion approximately one year ago. He brought it back for further discussion. NACOLE (National Association for Civilian Oversight of Law Enforcement) has published a Code of Ethics on their National website for Civilian Oversight Practitioners and it is voluntary. The document outlines what they consider to be key areas that an oversight agency should adhere to when looking at an ethics policy or standard. If the Board choses to adopt this Code, then we can contact NACOLE and they will note on their website that we have adopted and agreed to/adhere to these ethical standards as we do our work. If you chose to develop a personalized Code of Ethics for the CPRB, we cannot be listed on the NACOLE website. He asked members to review the document.

Vice-Chair Green asked at present if we are on NACOLE's website. Director Finnell stated that we do have a link on their website under Oversight Agencies across the country directory.

Chair Brown asked if we adopt this Code, are we adopting something that we have no power to change and Director Finnell stated that is correct. Chair Brown asked if there is a role in NACOLE that CPRB could take to be more active and Director Finnell reported that as an organization, we could become a member of NACOLE. He is considering doing this because it affords us some other benefits, votes, etc. but by not being a member, it does not stop us from participating in activities that

NACOLE has – in fact, NACOLE is a sponsor for our event in April (provided services by allowing us to have our registration link on their website; attendees will not only be local). He said by adopting this Code of Ethics will make a statement to the oversight community that we will agree and abide by the Ethics listed and as people do research about the CPRB, they will see that we are part of NACOLE in this way.

Commissioner Cameron mentioned that he has no objection to a motion to accept the Code. Commissioner Ball asked that we make a motion that we adopt this Code of Ethics that has been developed by a nationally recognized organization whose goals are consistent with ours. It is generally better to adopt a well vetted Code of Ethics. A motion was made by Commissioner Ball to adopt the NACOLE Code of Ethics as displayed in Attachment 3 of the Agenda Meeting Packet. It was seconded by Commissioner Cameron. Chair Brown was told that since this Item was listed on the Agenda for discussion, it has to be tabled and rescheduled for vote (Action Item) at the April 14, 2016 meeting.

Commissioner Yihdego asked if the CPRB Bylaws has a Code of Ethics and Director Finnell stated they did not contain a Code of Ethics for the organization. Commissioner Cameron mentioned that the City has a Code of Ethics and that is the reason we dropped it from the Bylaws.

B. Public Comments

None.

IX. ACTION – POLICY RECOMMENDATION
(Policy Analyst Marti Paschal)

A. Discussion

Policy Analyst Paschal reported that members refer to Attachment 4 in the Agenda Meeting Packet which is self-explanatory.

Comments were made by Commissioner Cameron regarding religious items versus cultural items. Chair Brown asked for Board Counsel Brown's input. She mentioned that the Policy proposed by the Policy Analyst is adopted/borrowed from the Washington D.C. Metropolitan Police Department. The concept of the accommodation of the religious coverings/protocols is based on the idea of our Constitution of freedom of religion and how that would work in administrative policies thru the branches of our government and our municipal government (police department, part of city government). What Commissioner Cameron is discussing would be a debate in clerics about the origin of certain religious practices, what is religious and what is cultural. This Policy takes an overall view of the freedom of religion that we have in the first articles of our Constitution and it lays it out in a way that can permeate our municipal government so that we can develop a policy that allows our police to do their job within the parameters of the Constitution. We would want to think about how to apply that constitutional freedom on a municipal level and we would have to defer to the clerics for that second argument.

Chair Brown mentioned that he viewed Attachment 3 as a narrow interpretation of very specific garments for the purposes of interpreting whether or not certain actions taken by police violate policy. Presently, we do not have a particular policy or it is insufficient to answer those questions. Commissioners Bingham and Yihdego gave comments; suggested providing additional information. Commissioner Bingham suggested an education/ training component on cultural or religious diversity (requirement for officers).

Director Finnell gave comments. He reported that information does not go in a policy; the policy is a directive of what the officers can and cannot do. The information is very important to incorporate should the policy be adopted by this Board if we present it to the City Administrator, by this Board, or the police department. We have to show why we are adopting this policy. The policy gives the officers the direction/rules they are to follow, it does not go into the policy itself. We want to make that policy as clear as we can to them. Commissioner Tevelson stated that based on a case we heard we asked the Policy Analyst to write this policy for the Board (head gear) and the Policy Analyst provided good information (he suggested a vote).

B. Public Comments

None.

C. Action

Commissioner Tevelson made a motion to accept the Proposed Policy as written. It was seconded by Commissioner Ball. The motion passed. The Board vote was 8-1-0, with Commissioner Cameron opposing.

Director Finnell stated the Policy will be presented to the Chief of Police once we incorporate the rationale (initially with a request - timetable with specific training) and presented at each roll call for the next 30 days; then it will be incorporated as they do new policies, should he accept it. If not, we will present it to the City Administrator with the same rationale and same request for training. Commissioner Yihdego asked that members be given a copy (rationale) once it is completed.

X. CLOSED SESSION: NEW BUSINESS (Convened at 7:11 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. 15-0291, Oskar Malone

a. Complainant's Comment
b. Staff Report

c. Discussion
d. Action

Complainant alleges he was harassed because he is Black after being stopped for running a red light while on a bicycle.

Case No. 15-0301, Albert Langelaar

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

Complainant alleges an OPD officer threatened him and intimidated him with gestures, yelled at him, and swerved his car towards the complainant's car as if he was going to hit it.

Case No. 15-0320, Clarence Cousian

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

Complainant alleges OPD officers twisted and broke his arm and threatened him at the scene.

Case No. 15-0331, Elizabeth Enoch

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

Complainant alleges an OPD officer struck her daughter on the back with a baton.

Case No. 15-0332, Silvana Lobos

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

Complainant alleges an OPD officer was rude to her and "was biased, racist, and tried to set her up." Complainant alleges an OPD officer covered his badge when she said she was going to call IAD and report him.

Case No. 15-0384, Elsie Hamilton

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

Complainant alleges OPD officers falsely arrested her and placed her on a psychiatric detention hold. Complainant also alleges OPD officers used excessive force on her and that she was shot with something, rendering her unconscious, only to awake at John George Psychiatric Pavilion.

Case No. 15-0391, Elsie Hamilton

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

The complaint alleges an off-duty OPD officer used excessive force by twisting her arm. Complainant also alleges an OPD officer improperly placed a psychiatric detention hold on her by using false information.

Case No. 15-0392, Elsie Hamilton

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

Complainant alleges an OPD officer falsely arrested her and placed a psychiatric detention hold on her,

B. Pending Cases for Administrative Hearing Discussion

There were no cases for discussion.

C. Response from City Administrator
(Executive Director Anthony Finnell)

1. Case Nos. 15-0218, 15-0221, and 15-0235 (As noted on the Agenda) Another case was received this afternoon (March 24) – Chair Brown stated that today's Agenda is modified, to include the fourth case (No. 15-0248)

   Director Finnell asked members to turn on their monitors to read the actual letters.

   Director Finnell read the allegations aloud of each case of the City Administrator's decisions to the Board. Discussion followed for each case.

Director Finnell gave general comments for each case and comments regarding what he learned in meetings with the City Administrator.

The Board reconvened open session at 8:15 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 8:16 p.m.