ATTACHMENT 1

CITIZENS' POLICE REVIEW BOARD
MEETING OF THURSDAY, May 12, 2016 – 6:15 P.M.
City Council Chamber - 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 Sharon Ball
Commissioner Brian Bingham
Commissioner Erica Harris
Commissioner Ramon Nasol
Commissioner Howard Tevelson
Commissioner Mauricio Wilson

Meredith Brown, Board Counsel

Karen Tom, CPRB Investigator
Joan Saupe, CPRB Investigator

Excused: Marti Paschal, Policy Analyst
Andrew Lee, CPRB Investigator
Nikki Greer, CPRB Investigator
Commissioner Thomas Cameron
Commissioner Mya Whitaker
Commissioner Almaz Yihdego

III. APPROVAL OF MINUTES

A. March 24, 2016

Chair Brown asked Director Finnell if the minutes were modified since the last meeting. Director Finnell reported that Commissioner Yihdego did not come to the office to make the modifications. Commissioner Ball referenced page 2, Item B, Paragraph 3, Line 6 "Offset" – should be corrected to: **often asked**.
Chair Brown stated that we will move this item forward.

A motion was made by Commissioner Bingham to approve the March 24, 2016 minutes as amended. Commissioner Tevelson seconded. The Board voted unanimously.

B. April 28, 2016 Minutes

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

IV. OPEN FORUM

No speakers.

V. DIRECTOR'S REPORT

A. Announcements

Director Finnell asked members to review Attachment 3 in the Agenda Meeting Packet.

Director Finnell reported that he made the Bylaws presentation to the Public Safety Committee this past Tuesday; there were some concerns about some matters within the Bylaws that the Committee had asked the City Attorney's Office to do further review. An agreement was reached with Councilmember Brooks, Chair of the Public Safety Committee, that the Bylaws presentation will be on June 14 rather than May 24 since he is traveling on that date. He will meet with the City Attorney's Office to discuss the Committee's concerns.

Board Counsel Brown inquired of questions the Committee had regarding the Bylaws. Director Finnell reported the following: There is a question about the number of affirmative votes needed for sustained allegations; further review/history of why we need five votes when we have a 12-member board; the role of alternates and if that is something we need; concern about the section of the Bylaws that stated that the Board would follow all state and federal laws because we did not specify any of the Sunshine Ordinance or local laws; concern about why we did not add additional information on board requirements/expertise of potential new board members; and a general belief that the City Attorney's Office did not do a thorough review of the Bylaws and request another review.

Commissioner Tevelson thought that local, etc. laws were added in the Bylaws. Director Finnell stated that we did but we did not specify any laws/Sunshine Ordinance; changes were made that the City Attorney's Office recommended.

Board Counsel Brown asked for clarification – given that the membership of the Commission is through appointment by the Mayor's Office, were they suggesting that the Commission develop a criteria for experience that the Mayor's Office would use in making the appointments? Director Finnell mentioned that was the way he interpreted their questions of why we did not add any additional experience. He explained that the Bylaws were a supplement to the Ordinance and in those areas we mirrored what the Ordinance said and did not extend beyond that. Some of the Commissioners said that we could take that opportunity now to strengthen the Bylaws/Ordinance and let them make the decisions.

Director Finnell reported that the CPRB Annual Report that was accepted by the Public Safety Committee will be moved to Council for approval.

Director Finnell referenced the Upcoming CPRB Presentations and Events. He reported that an additional event will held on May 19 (7:00 p.m. – 9:00 p.m.). CPRB Policy Analyst will represent him at the Diamond Library; members have received information by email. This will be a panel discussion by the NCPC – which will include: Oakland City Councilmember Noel Gallo; Vice-Mayor of the City Council and Oakland City Councilmember Annie Campbell Washington; Rashidah Grinage, Coalition for Police Accountability; CPRB Policy Analyst Marti Paschal (she will speak about the proposed police commissions and the accountability within the City of Oakland). It is appreciated if members can attend to support her and hear the other three panelists because each represent a varied proposal for a police commission or a change towards the body that we serve on now.

Chair Brown asked Director Finnell if he has looked into the matter of a paper he gave him today regarding a national standard proposed for oversight groups (part of the Data Collection and Case Management System). Director Finnell stated he will review the issue to determine if there are items that can be incorporated now since we are building this system.

Commissioner Tevelson inquired as to the date for the Juneteenth Festival. Director Finnell stated that he will have the date(s)/activity calendar for members of upcoming events at the next Board meeting.

B. Pending Cases as of May 12, 2016

Director Finnell reported that as of May 12, 2016, there are 67 CPRB cases: 61 are active cases, 0 cases pending closure, 6 tolled cases, and 0 Evidentiary Hearing cases scheduled. Since the last report was given on April 28, 2016, four new cases have been added.

VI. CPRB SPECIAL COMMITTEE REPORTS

A. Outreach Planning

1. Report from the Chair

Chair Brown inquired if anyone from this Committee has a report to give since Commissioner Yihdego is not present tonight.

Commissioner Tevelson reported that the Committee has not met since the last hearing.

Chair Brown stated that he would like to make a comment about Outreach. He did some outreach about best practices in police oversight in the United States and one of the things that is common in the Department of Justice, etc. is the need to include an educational component in outreach. He asked committee members who are here to consider for the next meeting

to incorporate an educational component to the outreach program. For anyone who has been in business or consulting, the secret of success is setting expectations with your client. Our clients are the people of Oakland. Outreach needs to take on a component to help educate the people of Oakland about what is possible with this kind of Board and the type of decisions we can make. Commissioner Tevelson mentioned the last time we spoke about targeting youth (11 to 26) and that certainly has to have an educational component in it. It's not like we are going to have 11-26 year-olds here at the meetings; we have to go and talk to them. We haven't decided how this will happen. We have to discuss this matter. Chair Brown mentioned that talking to youth and helping them grow up with this is an expectation that this Board is functional and this process exists and is good. He suggested that the same thing should be done with the adults. If we have observed the people coming through here and some of the disappointments we have seen by people with some of the decisions, a lot of it revolves around not understanding what is possible. He asked the Committee to pursue this matter.

2. Next Meeting

None scheduled.

B. Transparency and Legislation

1. Report from the Chair

Chair Brown asked Commissioner Ball to give a report.

Commissioner Ball reported that the committee has had several meetings. Another meeting will be held tomorrow morning (Commissioner Bingham will not be able to attend. Attendees will be herself, Vice-Chair Green and Commissioner Harris). The Committee is looking at two areas – transparency and understanding the City's decision making around discipline. They will be meeting with the City Administrator and/or the Mayor to discuss their process and hopefully have a good collaborative discussion.

The Committee is also looking at better improvements to the website. They talked with Director Finnell about expediting the improvements in order to get more information to the public; provide ongoing information rather than wait for an annual report; highlight achievements of the CPRB staff – mediation program, improvements and data collection as it comes online, etc. (part of the education component).

The Committee is also looking at the law that is currently stuck in the Appropriations Committee in Sacramento (SB 1286) from Senator Leno. Vice-Chair Green has done a preliminary review of the legislation. It appears that this law will enable us (CPRB Investigators) to have access to more of the personnel records of OPD officers.

Director Finnell reported that tomorrow afternoon he will meet with Karen Boyd, Media Relations for the City Administrator's Office/Mayor's Office, to discuss/expedite CPRB website improvements and also promote activities of the CPRB (short term and long term). He will report back through this Committee the outcome of that meeting and what the next steps should be.

2. Next Meeting

May 13, 2016 (Friday) at 9:30 a.m. in the CPRB Conference Room.

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

Vice-Chair Green reported that there is no Evidentiary Hearings scheduled for May or June 2016. Director Finnell confirmed this matter.

VIII. CLOSED SESSION: NEW BUSINESS (Convened at 6:39 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. 15-0483, Sergio Z. Lupian

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

Complainant alleges an OPD officer should not have arrested him. Complainant also alleges an OPD officer pushed him on the chest when he was in the patrol car, causing injury to his back. The CPRB also alleges an OPD officer failed to obtain the services of a qualified interpreter when giving the Miranda warning to Complainant.

Case No. 15-0559, Denise Jeffries

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

Complainant alleges an OPD officer was harassing her by contacting her multiple times every day. Complainant alleges the reason for the contact was either "racial or sexual".

Case No. 15-0645, OPD OIS – Nathaniel Wilkes (Decedent)

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

The investigation was initiated by the CPRB Executive Director upon notification of an officer involved shooting (OIS) from OPD IAD.

B. Pending Cases for Administrative Hearing Discussion

There were no cases for discussion.

C. Response from Chief of Police Sean Whent

Director Finnell reviewed a document with members.

The Board reconvened open session at 7:09 p.m.

IX. 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.

X. ADJOURNMENT

The Board adjourned at 7:10 p.m.