

# ATTACHMENT 2

**CITIZENS' POLICE REVIEW BOARD  
MEETING OF THURSDAY, May 26, 2016 – 6:15 P.M.  
City Council Chamber - Third Floor**

I. CALL TO ORDER BY CHAIR BROWN at 6:20 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 Colette McPherson  
Commissioner Ramon Nasol  
Commissioner Howard Tevelson  
Commissioner Mauricio Wilson  
Commissioner Mya Whitaker (Late Arrival: 6:29 p.m.)

Meredith Brown, Board Counsel

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

Excused: Nikki Greer, CPRB Investigator

Absent: Commissioner Erica Harris

III. NEW/REAPPOINTED BOARD MEMBERS

Executive Director Finnell welcomed and introduced one new Commissioner to the Board: Colette McPherson and asked if she would like to speak. Commissioner McPherson gave brief comments.

Director Finnell reported that at the last City Council meeting there were three CPRB Board members reappointed: Commissioners Cameron, Tevelson and Whitaker.

IV. MINUTES

A. May 12, 2016

**A motion was made by Commissioner Ball to approve the March 12, 2016 minutes. Commissioner Tevelson seconded.**

Commissioner Wilson referenced Pages 5 and 7 (the two motions).

**Commissioner Ball withdrew her motion to accept the minutes of May 12, 2016 because the DVD has to be reviewed by Director Finnell for the two motions.**

Chair Brown referenced page 4, Paragraph 1, Line 12 “expectation that this Board is functional and this process exists and is good.” – Director Finnell will review the DVD for accuracy. **Director Finnell reviewed the DVD and the sentence stands as is.**

**Chair Brown stated the approval of the May 12, 2016 minutes will be agendized for the June 9, 2016 Board meeting. Commissioner Wilson seconded. The Board voted unanimously.**

**Director Finnell reviewed the DVD and the May 12, 2016 minutes will be corrected as follows:**

**Page 5 – The motion stands as is except delete “[Another motion/vote occurred later].”**

**Page 7 – Paragraph 5, Lines 4 and 5 – Delete the words “to accept the recommendation of the investigator and then move to create a different outcome;”**

**Page 7 – Paragraph 6, Delete the entire paragraph “Another motion ... Ball opposing.”**

## V. OPEN FORUM

Rashidah Grinage came to speak. She announced that there will be a Forum on Saturday, June 4 at 1:00 p.m. at the Senior Center in the Fruitvale Transit Village. It is a forum on Police Accountability. The focus will be on effective policing practices specifically with respect to youth of color. She encouraged members to attend.

Ms. Grinage expressed concern over the few evidentiary hearings held. She reported the caseload has increased and there are some serious allegations contained in many of the summaries in the caseload. There was a time when the CPRB conducted between 12-18 evidentiary hearings in a year and had fewer investigators. She also expressed concern about the number of allegations found to be unfounded. She referenced the Federal Monitor’s Reports – it was discovered that a disproportionate number of findings in IAD were classified as unfounded and the Monitor found that very troubling. Ms. Grinage asked members to be diligent and vigilant in questioning the basis for those findings since they don’t come out of hearings but come out of investigator’s reports and recommendations.

Ms. Grinage mentioned that the CPRB Bylaws are once again on the agenda for the Public Safety Committee on June 14 and so will be proposals, including the Coalition’s proposal for a police commission. She encouraged members to attend and be more active.

Renata Murry came to speak. She spoke about ongoing community based harassment, stalking, electronic harassment, workplace mobbing, that she and others are forced to endure on a daily basis; part of that harassment includes the Oakland Police.

Ms. Murry reported that for the past seven years, she has filed 20+ complaints with no results. She will continue to report these abuses; has evidence (many pictures, etc.) but no one wants to see them – people are placed on a “list”. She and her family are innocent as are many other citizens. She will continue to bring this matter to the Board’s attention and put on record. If these people are not held liable for their actions, they will continue their illegal surveillance of innocent people. She will continue to attend Board meetings in spite of the harassment to get to the meetings – exercise her First Amendment rights.

## VI. DIRECTOR’S REPORT

### A. Announcements

Director Finnell referenced Attachment 2 in the Agenda Meeting Packet. He referenced the attached NACOLE letter (from the Director of Training and Education) thanking the CPRB for the conference we held in April 2016. He thanked everyone for their part in making that event successful. He reported that the CPRB is still getting accolades in putting it together and receiving positive feedback from attendees.

Commissioner Ball inquired who will attend the Strategic Plan meeting on June 1. Director Finnell stated that as of now it will be Chair Brown and Commissioner Tevelson.

Director Finnell stated that the letter that was included in the Agenda Meeting Packet was specifically for Board members. Chair Brown stated that the letter will be discussed further in Closed Session.

### B. Pending Cases as of May 26, 2016

Director Finnell reported that as of May 26, 2016, there are 67 CPRB cases: 61 are active cases, 0 cases pending closure, 6 tolled cases, and zero Evidentiary Hearings scheduled. Since the last report was given on May 12, 2016, three cases have been added.

## VII. CPRB SPECIAL COMMITTEE REPORTS

### A. Outreach Planning

#### 1. Report/Presentation from the Chair

Chair Brown stated that the previous Chair of Outreach Planning is no longer a Commissioner. He stated that this action item (appointment of a new Chair) will be agendaized for the June 9 Board meeting.

Chair Brown asked Commissioner Tevelson to give a report. Commissioner Tevelson reported that the committee has not met but the goal is to reach out to the community thru events (Juneteenth Festival; Art + Soul Festival; will do outreach to youth 11-26).

## 2. Event Calendar

Commissioner Tevelson reviewed Attachment 3 in the Agenda Meeting Packet with members. For National Night Out, members can either join going around or attend their neighborhood Night Out. He stated that persons are still needed to sign-up to cover tables for the Juneteenth Festival and the Art + Soul events. Director Finnell will send the Juneteenth event's address to members.

Commissioner Ball signed up for August 21 from 10:00 a.m. – 12:00 p.m. Commissioner Whitaker signed up for June 25 from 12:30 p.m. – 2:00 p.m. She will email Commissioner Tevelson with other dates/times. Commissioner Wilson stated that they will host a National Night Out; he will email the information to Commissioner Tevelson. Commissioner Cameron volunteered for August 21 from 10:00 a.m. – 12:00 p.m. Vice-Chair Green volunteered for June 25 from 11:00 a.m. – 12:30 p.m. and August 20 from 4:00 p.m. – 6:00 p.m. Director Finnell will prepare an updated Outreach Calendar of Events and notify Commissioner Tevelson with changes.

Director Finnell reported that the NCPC meeting, Eastmont (June 15) has been cancelled and will be rescheduled due to a meeting with the Federal Monitor that evening from 6:00 p.m. – 8:00 p.m. at The Sound Room, 2147 Broadway, Oakland (he will attend and encouraged members to attend). He will resend the email to members regarding this event.

## 3. Next Meeting

None scheduled.

## B. Transparency and Legislation

### 1. General Updates

Commissioner Ball gave a report. The Committee has met several times since the last meeting. They are reviewing cases where the City Administrator did not agree with the Board's recommendation and they are developing talking points for a meeting with her to discuss why she disagreed with their findings.

She reported that the group discussed website recommendations with the Director; he will communicate with Karen Boyd about implementation.

She spoke about the legislation that Senator Leno is carrying that would expand records that are available to the Oversight Committee and be available more publicly in police misconduct cases. The legislation is stuck in the Appropriations Committee.

### 2. Next Meeting

To be determined.

VIII. ACTION – CPRB BYLAWS FOLLOW-UP  
(Executive Director Anthony Finnell)

Director Finnell asked members to refer to Attachment 4 in the Agenda Meeting Packet. Director Finnell reported that the three points listed under the Public Safety Committee were items that Chairperson Brooks raised. He has a call in to the City Attorney's Office and they have some information for the section they were to cover. He has not received a response back or received documentation on recommended changes. We need to review this Attachment and discuss how CPRB wants to proceed to make the recommended changes that came out of the Committee.

Director Finnell asked members to refer to the second page of Attachment 4; Article V – Membership, Section 1. He reported that one of the points that was raised at the Public Safety Committee is they want more detail as to member qualifications. They also want clarification on number of members and roles of alternates, if we have alternates. At this point, it is up to the Board for recommendations to the Committee. He mentioned that an issue that he sees is that CPRB went through several public meetings when we created this draft and to properly prepare, we would have to have additional public meetings which we will not have before June 14. He has to have this report in on Tuesday so that it can go to print by Thursday.

Discussion followed. Commissioner Tevelson mentioned that the Board was smaller and they added alternates because they did not have enough votes for majority. Should alternates be here on a regular basis or as needed? Chair Brown suggested removal of the alternate designation. Commissioner Ball stated that if everybody is an equal voting member then for a decision the majority will have to be seven, change it to seven. Vice-Chair Green asked about the City Ordinance that sets this – is it controlling. Commissioner Ball stated that the Council's response to that was then recommend changes to the Ordinance.

Board Counsel Brown stated the Ordinance is silent in that regard; it calls for alternates and it does not clarify that the alternates would only vote if the primary is not there. What the Public Safety Committee did was ask the Commission to rectify the Bylaws. So now you have been invited to make changes beyond the Ordinance and when the Bylaws were being reviewed the first time because the Ordinance has to be passed by the City Council and CPRB is not the City Council, the CPRB did not go outside the Ordinance, now you have been invited to do that so the things you see that are flawed, you can fix now.

Commissioner Ball suggested making all voting members and not have alternates but change the vote from five to seven. Director Finnell reported that we do not have to focus solely on whether you are an alternate or board member – we can actually present a recommendation for member qualifications all together – expand on what type of qualifications, number of commissioners, and whether or not we will have regular board members or alternates and what those roles and responsibilities will be. Chair Brown stated that this is broad for this meeting. Commissioner Tevelson mentioned that if we were to incorporate the alternates as regular members and change it to 12-member Board; the majority of the people attending but no less than five votes and that would not change the public's opinion/stay consistent to what they wanted.

Board Counsel Brown stated that as long as we maintain the requirements for the meeting that the quorum of the Board as a whole is necessary to take action because that is a Brown Act requirement and that is in Robert's Rules of Order, so if the majority of people attending is less than the quorum of the board, then you can't take action so Commissioner Ball's statement regarding seven was speaking to the requirement of the quorum to take action so if two people show up and they are the majority of the people attending to decide something then that would still not be a board action due to a lack of a quorum of the board.

Commissioner Cameron stated that we should maybe drop the alternate classification. Commissioner Nasol suggested having seven members for a quorum out of a 12-member Board. If we do not have quorum, the cases could be postponed to the next meeting. Director Finnell stated that this could cause problems with 3304 dates expiring with stacking cases to another meeting.

Director Finnell suggested rescinding the Bylaws from before the Public Safety Committee, bring them back here for discussion, open them up to the community again, and create exactly what we want – work with the community to create the Ordinance we want and then bring it back to the Public Safety Committee.

**Commissioner Bingham made a motion to rescind the Bylaws Draft before the Public Safety Committee, bring it back to the Board for more work, open them up to the public, and present the Bylaws to the Public Safety Committee at the appropriate time. Commissioner Wilson seconded. The Board voted unanimously.**

Director Finnell stated that there will be separate meetings to discuss the Bylaws/Ordinance.

IX. SIGN-UP SHEET FOR EXAMINERS FOR HEARINGS  
(Executive Director Anthony Finnell)

Director Finnell reported that at this time there are no hearings scheduled for the next 60 days.

X. CLOSED SESSION: NEW BUSINESS (Convened at 7:28 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. 15-0436, OIS – Demouria Hogg (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.

Case No. 15-0462. Timothy Aaron Ellerby

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

Complainant alleges OPD officers used improper force on him; that they failed to allow him to give a statement; that they did not properly strap him into a seat belt for transport; that they improperly transported him to jail with two officers against who he had a complaint; and that an officer failed to explain the rules regarding DUI testing for him. The CPRB investigator also added an allegation regarding the categorization of the use of force on Complainant and subsequent force investigation by the supervisor.

Case No. 15-0536, Lacreasha Smith

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

Complainant alleges OPD officers twisted her arms behind her back and handcuffed her; that officers did not loosen the handcuffs upon her request causing injury to her wrist. Complainant also alleges an inappropriate search of her person was performed.

Case No. 15-0554, Anthony Burrel

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

Complainant alleges an OPD officer used excessive force by grabbing him and handcuffing him too tightly. Complainant also alleges an unlawful detention and search of his person.

Case No. 15-0596, Andryia Shackelford aka Jamelah Barron

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

Complainant was upset because OPD Criminal Investigations Division did not release her telephone upon her request. Complainant also alleges that OPD officers released her information as an informant.

Case No. 15-0623, Donald Mann

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

Complainant alleges the traffic stop was racially motivated. Complainant also alleges the officer was rude because the officer told him to step back.

Case No. 15-0905, Linda Davis, Derrica Brown, John Powell, Rodney Latin

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

Each Complainant alleges several things: The complaints include various performance of duty, conduct toward others, and use of force allegations. They allege that the officers were rude, used profanity, conducted illegal searches, damaged property, excessive force, denial of medical care, and failed to activate their PDRD's.

B. Pending Cases for Administrative Hearing Discussion

There were no cases for discussion.

The Board reconvened open session at 8:28 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 8:29 p.m.