

# ATTACHMENT 1

**CITIZENS' POLICE REVIEW BOARD  
MEETING OF THURSDAY, July 14, 2016 – 6:15 P.M.  
City Council Chamber - Third Floor**

I. CALL TO ORDER BY CHAIR BROWN a 6:16 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 Erica Harris  
Commissioner Ramon Nasol  
Commissioner Howard Tevelson  
Commissioner Mya Whitaker (Late Arrival: 6:30 p.m.)

Meredith Brown, Board Counsel

Karen Tom, CPRB Investigator  
Joan Saupe, CPRB Investigator  
Andrew Lee, CPRB Investigator

Excused: Nikki Greer, CPRB Investigator  
Commissioner Colette McPherson  
Commissioner Mauricio Wilson

III. MINUTES

A. June 23, 2016

**A motion was made by Commissioner Tevelson to approve the June 23, 2016 minutes. Commissioner Ball seconded. The Board voted unanimously.**

IV. OPEN FORUM

Rashidah Grinage came to speak. She gave comments about the Police Commission measure.

Ms. Grinage stated the reason she is here tonight is to speak on several items.

Item No. 1: Case No. 15-0650 set for administrative closure.

The Complainant will also address the Board in Closed Session. An issue she has is why the investigation took almost a year to complete. If we were here to say we believe that

this complaint should have deserved an evidentiary hearing, and even if you agreed with us, there is no time for one because the 3304 expires at the beginning of August. The NSA requires that every effort is made to complete investigations in 180 days; the Police Commission proposal does the same; and yet we are looking at almost a full year and now there is no time for a hearing even if it was decided that one was warranted, it could not be done. She has a problem with that and the Oakland community will have a problem with that if we can't figure out how to remedy the situation.

Item No. 2: Ms. Grinage spoke about the format used to explain findings being different than the format used for other cases. She reported that in other cases on the Agenda, the pertinent Manual of Rules Violation is named. In the case of Mr. Cervantes, it is not; there is not a single Manual of Rules violation that is cited in the explanation for the findings. Also, the findings are numbered one through five, but in the explanation of the case in the first paragraph list no numbers and only three categories named. The three categories of issues aren't numbered and then the findings are numbered based on unnumbered allegations with no Manual of Rules references. She stated that it is incomprehensible to the complainant and to her. Ms. Grinage doesn't understand how this was done and especially why it is different in format from the other administrative closures that name Manual of Rules.

Ms. Grinage also understands that the complainant did not have a part in developing the allegations and it appears that the inability to sustain allegations stems largely if not completely from the fact that officers turned off their PDRDs simultaneously and/or the PDRD footage was edited to stop prior to the moment at which the allegation of misconduct occurred and therefore there is no objective evidence. In either case, the fact that four PDRDs footage stops at exactly the same point in the incident should itself have given rise to a complaint and allegation because that is a violation and that was not done. Ms. Grinage is uncomfortable and disappointed with the outcome and suggested the Board ask appropriate questions in Closed Session which she is not allowed to and to do follow up. She mentioned that as we look to increasing civilian oversight in this city, quality control is going to be necessary if our community is to be satisfied and that is our highest priority.

Chair Brown stated that Mr. Cervantes will speak in Closed Session regarding his case.

Chair Brown stated a Speaker's Card was received from The El Owens. Investigator Saupe checked the hall and he is not outside; the guard saw him go downstairs.

Chair Brown stated that the item for Open Session will be deferred until he returns.

## V. DIRECTOR'S REPORT

### A. Announcements

Director Finnell referenced Attachment 2 in the Agenda Meeting Packet. Commissioner Ball mentioned that she did not update from the agenda which cases were being heard tonight – she noticed that there are several cases on the Pending Case List that will reach the 3304 date in September and asked if those cases are on the agenda tonight; Director Finnell reported that they were.

B. Pending Cases as of July 14, 2016

Director Finnell reported that as of July 14, 2016, there are 60 CPRB cases: 57 are active cases, 0 cases pending closure, 3 tolled cases, and one Evidentiary Hearing which is scheduled for July 28, 2016 for Case No. 15-0749 (which is included in the Active Cases total). Since the last report was given on June 23, 2016, five new cases have been added.

VI. CPRB SPECIAL COMMITTEE REPORTS

A. Outreach Planning

1. Report from Chair

Chair Brown asked Chair Tevelson to give a report. Chair Tevelson reported that the Committee has not had a meeting.

2. Event Calendar

Chair Tevelson reviewed the CPRB Outreach Calendar (2016) with members (Attachment 3). He asked members to email Director Finnell with the events, etc. they can attend. Members are needed to assist with the August 20 (Saturday) Art and Soul Festival. Vice-Chair Green volunteered for 2:00 p.m. – 6:00 p.m. slot.

3. Next Meeting

Chair Tevelson reported that the Committee will meet next Wednesday or Thursday and will set up a plan going forward. He will talk with Director Finnell and Commissioner Whitaker to arrange a meeting time.

B. Transparency and Legislation

1. General Updates

Chair Brown asked Commissioner Ball to give a report. Commissioner Ball referenced Attachment 4 in the Agenda Meeting Packet; it is basically the report she presented at the last Board meeting.

2. Next Meeting

Chair Ball reported the Committee had a short meeting today to discuss items along our lines of inquiry that we will be working on during August (Board's recess). Committee members (Commissioners Green, Bingham, and Harris) can talk off line with her to determine items referenced in Attachment 5 in the Agenda Meeting Packet.

She reported that she and Commissioner Tevelson signed up as Examining Commissioners for the Evidentiary Hearing scheduled for July 28, 2016 (Case No. 15-0749). The Examiners Preparation date is to be determined.

She asked Director Finnell if Evidentiary Hearings are scheduled for September 2016. Director Finnell stated that there will not be a hearing in September.

VII. CLOSED SESSION: NEW BUSINESS (Convened at 6:40 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. 15-0650, Edward Cervantes

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

Complainant alleges OPD officers improperly removed him from his apartment, used unnecessary force by pointing firearms at him and that officers turned off their PDRD's while interviewing him.

Case No. 15-0672, OIS of Mr. Yonas Amare Alehegne

- 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. 15-0784, Elmy Mohamed Abdel Kader aka Abdelkader

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

Complainant alleges OPD officers are harassing him.

Case No. 15-0817, Kevin Ma

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

Complainant alleges an OPD officer made an offensive and discriminatory remark to him that scared him during a traffic stop.

Case No. 15-0690, Gilberto Gonzales

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

Complainant alleges that in 2009 OPD officers took his wallet containing important documents and failed to return the items to him.

Case No. 15-0693, Gilberto Gonzales

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

Complainant alleges that in 2010 an OPD officer arrested him, placed him in handcuffs that were too tight and threw him in the rear of a patrol car causing him to strike his head and injure his back.

**Chair Brown stated that the following case will be heard now/versus heard as the last case listed on the Agenda. The remainder of the cases listed on the Agenda will follow in order after this case is heard.**

Case No. 15-0831, Kulele Owens aka Willie Owen, Willis Owen, Lezor Chaxson, Le Owen and Chanel Brown

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

Complainant alleges OPD officers used excessive force and unlawfully arrested him.

Case No. 15-0711, Dottie Moore

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

Complainant alleges OPD officers did not prepare a traffic collision report as requested. Complainant also alleges that OPD officers failed to provide their names and badge numbers as requested.

Case No. 15-0739, Russell Arias

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

Complainant alleges that in 2010 an OPD officer was "heterosexist" because complainant was not allowed into the Eastmont Substation when the building was closed to the public.

Case No. 15-0829, Rufus Gupton

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

Complainant alleges OPD officers used a racial slur towards him, falsely arrested him, and used unnecessary force against him.

Case No. 15-0791, Ricky Bradford

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

Complainant alleges an OPD officer was harassing him. Complainant also felt the harassment was racially motivated.

Case No. 15-0655, Shanelle Woodard

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

Complainant alleges OPD officers used excessive force by throwing her to the ground and placing a foot on her back and neck.

Case No. 15-0763, Lisa Moore aka Lisa Moody

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

Complainant alleges OPD officers used excessive force and profanity towards her. Complainant also alleges OPD officers failed to call an ambulance upon her request and an OPD officer covered his PDRD as she was being choked.

B. Pending Cases for Administrative Hearing Discussion

There were no cases for discussion.

The Board reconvened open session at 7:53 p.m.

VIII. 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.

IX. ADJOURNMENT

The Board adjourned at 7:54 p.m.