

ATTACHMENT 2

**CITIZENS' POLICE REVIEW BOARD
MEETING OF THURSDAY, September 8, 2016 – 6:15 P.M.
City Council Chamber - Third Floor**

I. CALL TO ORDER BY CHAIR BROWN at 6:17 P.M.

II. ROLL CALL AND ATTENDANCE
(Claudia De La Cruz-Perez, Intake Technician with CPRB)

Present: Chair Chris Brown
Vice-Chair Charlette Green
Commissioner Sharon Ball
Commissioner Brian Bingham
Commissioner Thomas Cameron
Commissioner Howard Tevelson
Commissioner Mauricio Wilson

Meredith Brown, Board Counsel

Excused: Nikki Greer, CPRB Investigator
Karen Tom, CPRB Investigator
Joan Saupe, CPRB Investigator
Andrew Lee, CPRB Investigator
Commissioner Colette McPherson
Commissioner Mya Whitaker

Absent: Commissioner Erica Harris

III. MINUTES

A. July 14, 2016

A motion was made by Commissioner Ball to approve the July 14, 2016 minutes. Commissioner Bingham seconded. The Board voted unanimously.

B. July 28, 2016

A motion was made by Commissioner Tevelson to approve the July 28, 2016 minutes. Commissioner Cameron seconded. The Board voted unanimously.

IV. OPEN FORUM

Rashidah Grinage came to speak. She mentioned that she did not receive the Nonconfidential Agenda Meeting Packet, for the first time ever in a long time. She gave comments about something that she learned about last evening is that someone spoke at a community meeting saying that they didn't think that Measure LL was needed because this body was capable of reaching the same outcomes. She said that this is not correct factually. People are certainly entitled to their opinions about Measure LL but they are not entitled to their own facts. The fact is that Measure LL transfers authority granted by the City Charter to the City Administrator to discipline. It transfers that authority to the Commission. That is not able to be done in any way other than thru the ballot. It cannot be done through Ordinance or through your own Bylaws changes; it cannot be done in any way because it is a change of the City Charter requiring voter approval. The only way that a Police Commission in Oakland will have the authority to impose discipline after the investigations are completed and the findings of misconduct are reached is by changing the City Charter and that is what Measure LL does. Without Measure LL, that will not happen; this body or any succeeding body will not have the ability to impose discipline. If you make statements in public, please be sure that they are accurate.

Chair Brown asked Daryle Allums if he signed up for Item V and he stated that he did.

V. OAKLAND POLICE DEPARTMENT CHIEF OF POLICE RECRUITMENT

A. Presentation

Joe DeVries thanked the Board for an invitation to speak this evening. He reported that he is the Assistant to the City Administrator. He was here several times before; a few years ago involved in a similar process. The City is about to launch its search for a Chief of Police and part of that process is that we want to make sure that we are having a robust community engagement effort or giving the community an opportunity to weigh in on what people want to see in the next Chief of Police. He reviewed the handout brochure (Your Opinion Matters! Oakland's Chief of Police). There are scheduled September Community Meetings/Forums, an Online Survey and can people can join in an Online Conversation which are all avenues for people to state what they would like to see. The goal is three fold: First, is to give an opportunity for the recruiter to find us a pool of viable candidates based on what we get from these meetings and input. Second, is to see that the panel that ultimately selects the new Chief will have some criteria that they will use to make that decision. He mentioned that the Mayor and City Administrator said that the Panel will include two community members. Third, provide the new Chief who we anticipate will be selected in January with a road map of where we want to see them take the department in regard to public safety in relation to the community. This is the goal of this effort through September.

Mr. DeVries circulated a list of Community Engagement Questions (Chief of Police Recruitment) for review and discussion. His goal is to have a facilitated conversation from members and members of the public; he will take notes and will put the information into the mix of all the information getting. Chair Brown asked members to proceed with answering the questions (Nos. 1 thru 6).

Daryle Allums came to speak. Chair Brown asked Mr. DeVries to take notes pertaining to his presentation. Mr. Allums represents Adamika Village "Stop Killing My Kids". "They are committed to educating our village in order to decrease violence and increase prosperity. They are committed to encouraging our village to love and support one another in an effort to bring unity to our community. We are committed to empowering our village to live a successful and safe life." They support the mothers. He said he is going to attend all the community meetings; he asked where the Mayor was. He is here tonight to make sure that we have a bright police chief for Oakland. Commissioner Bingham asked if he had business cards; he circulated his business cards to members and the public attendees. He thanked the Board for having him speak this evening.

Rashidah Grinage came to speak. She commented that it is great to see so many folks tonight and it is uplifting; hope it continues. All of the things she has heard/listening to everybody tonight are aspirational. To what degree are they attainable? Why haven't those aspirational goals been attained by the Chiefs we have had. We need to look at the analysis; what are the forces that have prevented whatever police chief we have hired from delivering. One of the things we are going to need in this chief if Measure LL passes is a chief who is willing to work for a Police Commission made up of Oakland residents as his boss. That's the other part of Measure LL; no longer does the police Chief report to the City Administrator, which is the current case. That means he works for the people and is directly accountable for the department's performance and his/her performance to the Commission who can remove him/her. This is revolutionary. It may not be to every chief's liking to work for a group of Oakland residents rather than an appointed official who reports to the Mayor. That is the root by which the community can influence what the department does and how they do it. Why officers drive by and don't get out of their cars. Why they don't walk the beat, which they have been asked to do for 20+ years - since Community Policing was adopted. To get to know the neighborhoods. They don't. The Police Commission can hold the Chief responsible for making that a deliverable. That is what has been missing. Nobody has been able to hold the Police Chiefs we have had accountable. That is why after 13 years and 30 million dollars spent, we are still under Federal oversight. We still have corruption, lying, covering up, ethical immoral lapses, criminal behavior, etc. What does that tell us about why the aspirational goals have not been met? Obviously doing the same thing and expecting a different result doesn't work. That is why Measure LL is on the Ballot and that is what can make a substantial difference in holding the police department accountable for what the community wants and the way the community wants to be policed. Chair Brown thanked Ms. Grinage for her comments.

Chair Brown asked if there were any other members of the public that would like to speak. Chair Brown asked Mr. DeVries if he had closing comments. He pointed out that it was asked at last night's meeting about the Mayor's/City Administrator's attendance at the forums. He did check in with her scheduler today, and she will attend the Youth Community Forum on September 10 and will also attend the East Oakland Forum (Senior Center) on September 21. As of this date, he does not have confirmation if the City Administrator can attend the other Forums. He will telephone Daryle Allums since he inquired as to this information; Mr. Allums left the meeting already. He thanked members/public for their enriched input that he

received. He enjoys engagement. He thanked Commissioners for their volunteer service each month, especially tonight for entertaining his presence and giving him their input. He appreciated it. He thanked Mr. DeVries and members of the public for attending this evening and for their input.

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 met on July 21. He reported the main focus of that meeting was to involve youth particularly at the middle school level, since it was July and August (schools in recess) and the Board was in recess in August. We need an introduction into these schools so we can set up these meetings during class time. Director Finnell has contacted someone in the Mayor's office; awaiting a response. Commissioner Bingham asked for clarification on the schools – Outreach Committee to talk about the CPRB. Chair Tevelson stated that we want to get their input, not just about the CPRB, but also information what they think about the police and knowing that we are there. We are not sure how this will work yet until we get into the schools.

2. Event Calendar

Chair Tevelson reviewed the CPRB Outreach Calendar (2016) with members (Attachment 3).

3. Next Meeting

Chair Tevelson reported that the next meeting is September 22, 2016 (Thursday) at 9:30 a.m. Commissioner Bingham stated that he is on the Committee and could not make the time listed. Chair Tevelson will speak with Director Finnell to see if he has time and this meeting could be held prior to the Board meeting on September 22. He will let Commissioner Bingham know and will also contact Commissioner Whitaker to advise her of the meeting date. He and Director Finnell will attend. Anyone who has time may come and assist.

B. Transparency and Legislation

1. General Updates

Chair Brown asked Commissioner Ball to give a report. Commissioner Ball gave an oral report and stated that the Committee met. She reported that a follow-up meeting was held with the City Administrator around the talking points shared with members in the July minutes. A more formal report will be given to members in the next meeting or two. In the meantime, we will be meeting with Director Finnell to dialogue some of the information received from the City Administrator to try to work out the details to be shared.

The City Administrator has agreed to raise our priority with the IT Department to get our website changes expedited because of our goal of getting more information on the website as to results. She asked Commissioners Green and Bingham if they had information to add to this report.

2. Next Meeting

To be determined.

VII. CPRB HEARING PREPARATION AND PROCEDURES

A. Discussion

Chair Brown mentioned that we had a very lengthy meeting on July 28, 2016 (Evidentiary Hearing). We received comments from Commissioners, and he along with Director Finnell received personal comments from Commissioners about the matter. We had some meetings among the Commissioners with Board Counsel and Director Finnell on long standing structural problems in the way we do things. The reason the Item is scheduled on the Agenda is that everybody feels that he/she has been heard about issues of procedure. We will then briefly discuss some of the substantive changes we are considering to the way we do procedures by Board Counsel, Vice-Chair Green, Commissioner Ball, and others – to let the public know that we are looking at changes to procedures. Chair Brown asked for comments regarding the July 28, 2016 meeting or about evidentiary hearings in general.

Commissioner Bingham stated that there is always room for improvement. Even in our Transparency Committee meeting with the City Administrator, she had heard about the July 28, 2016 meeting and expressed her concern about the long meeting. There is always room to refine the process and in moving forward, he is glad to hear that talks are being had. Our staff is not here, if this discussion will be carried back to them – they should be part of this discussion in moving forward. Chair Brown stated that Director Finnell has given the Board approval to talk through him with the investigators too to also make changes in procedures.

Commissioner Tevelson stated that he was not at that meeting; he was to be an Examiner and apologized. We have had many other meetings that had to go late due a lot of people to talk to, other business to do, etc. One change we did make was that with Evidentiary Hearings we would not handle other cases. The length of time, if necessary, we need to be willing still to do that. Commissioners were told that with the number of witnesses this meeting would be late. Chair Brown stated that this has happened to us historically and we do recognize this. This is a moment that we can be opportunistic and move on our part to put in change/to improve things.

Commissioner Bingham agrees with Commissioner Tevelson that this has happened several times before but at the crux of this last hearing, was the fact that there were a lot of officers that were subpoenaed that didn't need to be, issues with the questions – preparation time with the Commissioners and the investigators. Investigators had a lot of questions they wanted to have answered – Commissioners

vetted and decided which ones to ask or not to ask, there was some frustration. In moving forward with our meeting with the City Administrator, there needs to be better communication in preparation on the front end between staff and the commissioners that are questioning to know – are all these people necessary, are all these questions necessary, are we asking the right questions, are they relevant questions. It is important that the communication is open and flowing between Commissioner, staff and Questioners.

Commissioner Cameron mentioned that he spent 1-1/2 weeks reading the Evidentiary Hearing case. We are asking too many redundant questions. This is a bad practice and we need to improve it.

Commissioner Wilson's concern is less about the questions. He hopes in how we do those hearings that we have to come up with a decision. The reality is that as a volunteer Commissioner and people that work all day, it is important to realize that as human beings that we can only stretch ourselves so far with our energy and not being in a restful, clear state of mind in making a decision about how to or not punish someone needs to be taken into account – he can only tell from his own experience that by 10:00 p.m. at night he stops making decisions after a full day of work and everything we deal with. I understand that the decision making was started on this case at 11:30 p.m. at night.

Vice-Chair Green stated that she read the entire case and did some preparation in being a questioner and she said it was one of the most complicated cases since she has been here. One of things that she thought should have happened was that the case should have been given to members at least one month in advance. Director Finnell stated that due to the August break, this was not feasible. Staff needs to be aware that when presenting a case like this one, it should be provided to members a month in advance in order to have time to do a thorough job. If one knows that the case will be going for hours, to have a bifurcated session. The issue with that is that we do not know who will be present at the next one. If we are responsible Commissioners, we can agree that unless we are definitely ill or in the hospital, we will attend. I understand that you deliberated for two hours.

Commissioner Tevelson suggested coordinating the questions with the investigator. They are not the ones telling Commissioners what to ask and expect all of their questions asked; they are there to assist. Chair Brown clarified that (1) the investigator had a question she was unable to ask and pushed onto them that was unprecedented and (2) also that in the past and in this case, we had investigators lay out the logic behind the case to the people asking the questions to give them a context to use to formulate questions.

Vice-Chair Green mentioned that in reviewing what the investigator had prepared, some of the questions to the officers were irrelevant. It seemed that some of the officers did not need to be called/subpoenaed as witnesses.

Commissioner Ball said that the major problem here that these officers had never been interviewed by our investigators. That was because of the clock they were against for the case and in wanting to get the case ready for us. In the future, my hope would be that in a case as complicated as this would have had a higher priority

in the case before it was clocked.

Commissioner Bingham said this was a new discovery for him. In respect for time, he is up at 5:30 a.m. each morning. Some people can adjust their hours. The hearing was a long day/night for him. Even though this is a volunteer Board, there is not a respect for time. Was this a case inherited from a prior investigator/no longer with CPRB? As a Board we are to provide a thorough review of a case. It is bothersome that we as a Board that we are going to provide a thorough investigation of cases and we are scrambling and throwing things together at the end to beat deadlines – that is not okay.

Further comments were given by Board Counsel and Commissioners.

B. Public Comment

No comments.

VIII. ADJOURNMENT

The Board adjourned at 9:00 p.m.