

ATTACHMENT 1

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

I. CALL TO ORDER BY CHAIR BROWN at 6:22 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 José Dorado
Commissioner Colette McPherson
Commissioner Howard Tevelson
Commissioner Mya Whitaker

Meredith Brown, Board Counsel

CPRB Policy Analyst Juanito Rus
Karen Tom, CPRB Investigator
Joan Saupe, Complaint Investigator
Andrew Lee, Complaint Investigator
Nikki Greer, Complaint Investigator

Excused: Emma Dill, Complaint Investigator
Commissioner Mauricio Wilson

Absent: Commissioner Erica Harris

III. MINUTES

A. October 27, 2016

Director Finnell asked members to review Attachment 1 in the Agenda Meeting Packet.

A motion was made by Vice-Chair Green to approve the October 27, 2016 minutes. Commissioner Cameron seconded. The motion passed. The Board vote was 8-0-1, with Commissioner Ball abstaining.

IV. DIRECTOR'S REPORT
(Executive Director Anthony Finnell)

A. Announcements

Director Finnell asked members to review Attachment 2 in the Agenda Meeting Packet. He added that we met with City Council on November 29 (CPRB item was before the Council after coming out of the Committee) to allow the City Administrator to amend the Microsoft Contract they have with IT (to build the CPRB Database Collection and Case Management System) – the Resolution was approved and the cost shall not exceed \$130,000 to complete the CPRB system.

Rashidah Grinage came to speak and give comments. She said that Measure LL passed by 83% of the vote. She mentioned that there is a comment in the Director's Report that applies to those wanting to become Commissioners to contact City Councilors. She commented on the process. This is not what you should do because the City Council is not making appointments to the Commission. Measure LL states that three of the Commissioners will be appointed directly by Mayor Schaaf or some future mayor. Four of the seven appointments will be appointed by the Selection Panel of Oakland residents who are nominated and chosen by the City Council and the Mayor. Each Councilmember (there are eight) and the Mayor - making a total of nine will select an Oakland resident. Councilmembers who represent districts have to select someone from their district to ensure that all the districts are represented. The Councilmember At Large and the Mayor can select anyone in Oakland. These nine people will be the Selection Panel. Anyone who is not appointed by the Mayor will be appointed by the Selection Panel. Expressing a wish to be a Commissioner to a Councilmember will not be useful because they will not have that power. If you wish to be considered as a member of the Selection Panel, please communicate that to the Mayor or a City Council person. Chair Brown thanked her for the clarification.

B. Pending Cases as of December 2, 2016

Director Finnell reported that as of December 8, 2016, there are 62 CPRB cases: 59 are active cases, 0 cases pending closure, 3 tolled cases, and one case is scheduled for Evidentiary Hearing on January 26, 2017. Since the last report was given on October 13, 2016, sixteen new cases have been added.

V. OPEN FORUM

Lanenna Joiner came to speak. Chair Brown stated that he is aware that she is going to speak on a specific case and he asked her if it was okay to have her comments videotaped and she stated it was. She spoke about her Case No. 16-0018 and reported that Allegations 1 and 2 were sustained; she did not receive documentation on how all the allegations were numbered, in order to have a reference list. She mentioned that this individual was not with truth; he used the Oakland badge in an inappropriate way. She is a business owner in downtown Oakland (Feelmor Gallery at the intersection of 17th & Telegraph Avenue); they always see protests/riots. When police are downtown and if anyone is breaking/destroying property/disturbing the peace, those people are always taken to jail. In this case, the police officer sees destruction of property from his

family member and continues to walk away with his family member after displaying his badge (refusing to speak to her about the crime). I think it is inappropriate in misrepresenting the police department and what it stands for, not how it acts but what it stands for. I am very grateful for the panel to be given an opportunity to speak about this case in public regardless of the circumstances and the outcome. Chair Brown asked her if there is any information the investigator can give her to clarify the matter. Ms. Joiner inquired as to the number of allegations. The Investigator stated that there were only two allegations.

Rashidah Grinage came to speak and give comments on closed session items. She spoke about Case No. 15-0954 (3304 date expiring December 6, 2016), which is the case that was referred to the City Administrator because the CPRB meeting was cancelled on November 10. She inquired as to why the meeting was cancelled. Is she to assume that if the meeting was not cancelled, would there have been a hearing on the case? Chair Brown asked Director Finnell to respond. Director Finnell reported that the meeting was cancelled because on that night (third night of protests in downtown Oakland) there was information from the Oakland Police Department that there was to be a large protest at the same time the CPRB meeting was held; all meetings that were scheduled in City Hall were cancelled. A few nights before that, protestors had broken several windows in City Hall and did damage. The City did not want to put anyone in harm to have to navigate through the crowd to attend the meeting. Ms. Grinage mentioned that this happened several years ago and CPRB had to cancel a hearing due to the same type of safety concerns which they opposed at that time as well. Director Finnell further stated that this meeting/case was not to be a hearing – direct administrative closure and we made the decision to cancel. The Commissioners would have approved the administrative closure but instead it went directly to the City Administrator. Chair Brown stated that even though the question of approving the recommendation of the investigator was sent to the City Administrator, we are still going to take up the question of whether any policy issues come from that so we did not lose the opportunity to do the other half of our job which is to look at policy recommendations. Ms. Grinage thanked him for the information. She asked if there was a consideration to move the CPRB meeting to a different location versus cancellation. Director Finnell stated that the decision was made that afternoon and we did not have time to notify everyone and have the opportunity to logistically move/set up at another location; it is a Brown Act issue because we are moving it and we still have to provide the public knowledge of where we are moving it to as opposed to cancelling the meeting that was to be held here.

Rashidah Grinage came to speak and give comments on Ms. Joiner's case (16-0018). She mentioned that since two of the allegations were sustained, the question then is if it is in violation of Copley to disclose what the recommendation for discipline was? You are not naming the officer. Director Finnell stated that according to Board Counsel, the Complainant knows the outcome but it is something that we would not disclose during Open Forum and it violates Copley. Ms. Grinage stated that this is something that they will be researching. Director Finnell stated that once the Board approves and does the Administrative Closure that the case is closed then the complainant receives a letter that details what the outcome is – it does not specify the recommendation for the discipline – it just specifies whether it was sustained or not sustained. Ms. Grinage asked what would be the reason. Doesn't the complainant have a right to know what sustaining the allegations mean in real time in terms of the consequence for the officer?

Director Finnell stated that information has never been provided in real time; we do provide what the recommendation is in our annual report. Ms. Grinage said that if you can tell the public but not the complainant, it does not make sense; she asked that this matter be reviewed.

Chair Brown thanked the speakers for coming this evening.

VI. CPRB SPECIAL COMMITTEE REPORTS

A. Outreach Planning

1. Report from Chair

Chair Brown asked Chair Tevelson to give a report. Chair Tevelson stated that nothing has changed since the last meeting. He reported that the main outreach is for the youth; this will commence in the Spring Semester (January and February).

2. Next Meeting

None scheduled.

B. Transparency and Legislation

1. Report from Chair

Chair Brown asked Commissioner Ball to give a report. Commissioner Ball gave several updates.

One of the recommendations we were pursuing were improvements on the website and the information available on the website to the public. We had a series of meetings with the staff of the CPRB, Media Engagement Team, Web Team, and members from IT. We should see drafts on their proposed changes/layouts at our next meeting and we hope to bring those changes in draft form to a Board meeting for review. Chair Brown asked Commissioner Ball to explain the goal for these changes. She stated it is to increase the transparency of the proceedings of the organization and make it easier for the public to navigate a site.

The second item has to do with changes in the process once we have held an Evidentiary Hearing. One of our requests has been that members of the CPRB participate in the discussions that occur. She put together a draft now that we have the lawyer's opinion that there is no prohibition on a small number of commissioners participating in those meetings. She did a draft of the recommendations and asked Commissioners Green and Bingham to give comments; it will be forwarded to Director Finnell to be included for members discussion in Closed Session at the January 12, 2017 Board meeting (Evidentiary Hearing is scheduled for January 26, 2017).

Commissioner Green stated that there is one item pending. She reported that we are waiting for the response from the City Attorney on the search issue where we have a difference of opinion with regard to the scope of a protective sweep. Director Finnell communicated with her several weeks ago in that the City Attorney had been forwarded that information so hopefully we will get a response. Commissioner Green had provided some cases to follow up after the meeting with the City Administrator where she said the City Attorney took a different position.

2. Next Meeting

None scheduled.

VII. SIGN-UP SHEET FOR EXAMINERS FOR HEARINGS

Vice-Chair Green asked members to review Attachment 3 in the Agenda Meeting Packet. She asked for volunteers (Examiners) for the Hearing on January 26, 2017. The volunteers were Vice-Chair Green and Commissioner McPherson.

VIII. RESPONSE TO BOARD POLICY INQUIRY

A. Presentation – Policy Analyst Juanito Rus

Policy Analyst Rus asked members to review Attachment 4 in the Agenda Meeting Packet which is self-explanatory. The document references the November 10, 2016 Board meeting – policy questions posed by members regarding specific cases.

B. Discussion

Commissioner Ball referenced Page 1, Item 1, Response – She asked for clarification on “Sui generis”. Policy Analyst said that it means the particular case did not fit in on the police training – means it was unique.

Commissioner Ball referenced page 6, Item 4, Response – She said that the PDRD should have been on but then in the next sentence you say that it was a relatively new policy. Policy Analyst Rus stated that it is a new DGO policy and had been in effect since July 2016 at the time of that incident.

Vice-Chair Green asked if you are referring to the no further interaction portion of the DGO. The issue that we had does not necessarily clear it up because in most times when they are serving a search warrant the people are not actually present and are excluded from the residence. She thought that we should provide some type of policy suggestion which would be in addition to the new DGO – She read aloud from Page 6, Section D., Subsection e of the DGO as listed in the Attachment – “The searches requiring activation as enumerated in Part II, A have concluded and the member believes they will have no further interaction with the person;”. She thought that we should add something that specifically goes to the property because that is where the issue arises that the property is not secured and is not necessarily related to any interaction with the person. Her suggestion to the Board is to have OPD add to subsection e – “The searches requiring activation as enumerated in

Part II. A have concluded, the subject property has been secured or the member believes they will have no further interaction with the person.” Policy Analyst Rus stated that we are well within our rights to make that type recommendation. He mostly was speaking to the fact that the entire PDRD policy had changed within a month of this particular incident; there are a fairly new set of policies with respect to those that were introduced this year.

Chair Brown commented that when we are talking about property searches, one of the things that struck us over time with the PDRDs is that we usually saw video of the ceiling or the scene where the wall and the ceiling meet. Is there a way to address that so the PDRDs are supposed to be aimed where the search is being conducted? Policy Analyst Rus stated that he is not sure but he will investigate this issue.

Commissioner Ball said that she has a question but it does not relate to this written policy. Is there a possibility that lessons board members/investigators have learned from these cases (to help put some importance behind the policies) be included in a lessons learned section in the OPD Training Academy with participation from CPRB or staff? Policy Analyst Rus stated in part he can answer that in Attachment 5 of the Agenda Meeting Packet. He stated that there is room for that and there are a number of ways to approach the matter.

Vice-Chair Green referenced Page 3, Item 3, Sexual Assault Training (case). The only thing that they were made aware of was that the police department had changed the interview room for victims. She said there is some reference regarding officer training but it does not specifically speak to what type of training they instituted as a result of this case and I would be interested in finding that out considering the officer’s interaction with the victim and how inappropriate we believed it was. Policy Analyst Rus stated that he can obtain the background information and it may be addressed somewhat in his next policy recommendation report (Attachment 5 of the Agenda Meeting Packet). His understanding is that this officer resigned before any of these matters became adjudicated. Vice-Chair Green reported that one way it came up was in our discussions with the City Administrator about this case was that it was the police department’s position that his conduct was normal for these types of cases and we took issue of that. That is why she is trying to find out what exactly they did as a result of this case to change the training. She asked Policy Analyst Rus if he could do some further inquiry into this matter. He stated he will research the details further.

Vice-Chair Green referenced Pages 6 and 7, Item 5 – Citizens Requests for Name/Badge Number and reasons for stops. She understood his response. She felt that since this has become an issue in a number of cases that we have had, that we could change or make an addition to MOR 398.77 (Refusal to supply name and serial number) and simply suggest a policy change in that section to read immediately upon request as opposed as to request. The problem has been that the officers have had the discretion to wait as long as they want to when a request is made by a citizen and immediately upon the request does not necessarily preclude them in circumstances for not complying, those would be the exceptions. If we change it to immediately upon request gives the officers less discretion when they are going to provide that information to a citizen. Policy Analyst Rus mentioned

that in Item X in the Agenda Meeting Packet, he addresses some issues relating to Item 5 listed above that Vice-Chair Green mentions.

C. Public Comment

None.

IX. POLICY RECOMMENDATION REPORT

A. Presentation – Policy Analyst Juanito Rus

Policy Analyst Rus asked members to review Attachment 5 in the Agenda Meeting Packet. This is a broader document and comes out of a number of conversations he had with staff/board members and individuals at the City Administrator's office. It speaks outside of the role of policy advice to OPD but as to what CPRB can do in terms of policy. There are a number of recommendations – just to improve the functioning of this Board and as it transfers forward. He reviewed the three recommendations on Page 1 which are broken down into three categories with members since they are important and are for discussion here and some are potentially for approval by members to forward to the appropriate city council, committees, OPD, etc. as they require outreach.

B. Discussion

Vice-Chair Green referenced Recommendations, Page 1, Item III – There is a problem in that we represent the citizens of the City of Oakland, the City Attorney's Office represents the City and the Police Officers and there is a conflict. We have Board Counsel for a reason and we do not go to the City Attorney's Office to get legal opinions and the case that we previously were talking about where the City Administrator is going to the City Attorney's Office for their legal advice, we have a different interest. That is a problem. Director Finnell stated that we are talking about the arbitration stage where we already have made a recommendation for discipline, IAD has made a recommendation for discipline, and the officer is fighting that. We are not talking about seeking guidance through our investigation; we are talking about being a part of that continued process to help sustain through the arbitration process. Policy Analyst Rus stated that this is where this originally came out of was reading the Report and thinking about that – what happens after we make a recommendation and how can we assert ourselves in that post recommendation form.

Board Counsel Brown reported that we had discussed training on police misconduct arbitration and preparing for that. We had discussed and incorporated that into the training that happened at the Board level. I don't know if there are funds to do it, or if there is a decision to do it – we had discussed case preparation in advance of the Swanson Report. We had been aware that some of the information that IAD had was not always shared with our investigators. Our investigators were independently gathering information and sometimes they would find roadblocks so we talked about training as if we were preparing for the arbitration. Having the materials presented so that when it went before the Board it was like a panel that would do the public employee discipline hearings. Is that what you were talking about?

Vice-Chair Green stated “no”

Policy Analyst Rus said that the reason he included this information in the Packet was because this is a series of recommendations that he is making to the Board as ways to assert our work product in the ongoing City related issues that touch on our work. Prior to approaching the City Attorney, the information was given to the Board to get approval to approach the City Attorney. If they come back with your objections, that is fine. Do we have permission to take the next step and make positive contacts with the City Attorney on behalf of the Board to see whether there is room for that, for the CPRB to be more assertive in the post initial recommendation in police disciplining.

Commissioner Tevelson had brought this up prior that the City Attorney most of the time is not ready when they go into arbitration. It would be a good idea if they would use some of the information that we had in cases that we looked at; any help they could get in arbitration is that he hopes the City Attorney would accept any and all information from this body or the new body that sits here.

Board Counsel Brown offered again that her firm does police misconduct hearings for municipalities in California and she would be happy to offer that training if anyone is interested. We do the arbitrations – we represent the body that actually carries out the arbitrations and they are successful.

Policy Analyst Rus said that a final thing is that this is also in part that Measure LL and the negotiations prior to putting that on the Ballot – arbitration was a big part of the complaints that were coming in. The Swanson Report did not paint a pretty picture about how that process was working. This proposal is more to offer it than to demand it. We do not have any legal standing to demand anything on that front. We are a resource that could be used and that they have not used. Largely, that might just be because it has slipped under the radar that we are kind of here at all to a certain extent. This is a suggestion that we try to push our bubble a bit.

Chair Brown asked Board Counsel Brown if this is something that we could accept a motion on and act. Board Counsel Brown stated you would have to agendize it first for an action item under the Brown Act. Then you would want to ask the Executive Director if there is a budget item for it before or after you made the decision. Chair Brown stated that the item will be agendized for the next meeting. Director Finnell will agendize a decision about the issue on a Board resolution, Board Counsel Brown asked if it would be helpful for her to bring some brief description of what that training would look like; you would not want to vote on something that you have not seen/outlined in some form.

Commissioner Ball expressed concern. The discussion is that can there be a more fruitful/productive way for the City relationship between us and the City Attorney. As a citizen she would like to see the Board work together. She said you would not need the City’s permission to explore how you and the City Attorney could work together in an appropriate way. Commissioner Tevelson said he agrees with Commissioner Ball. I don’t think we are looking at us to become arbitrators, we are looking to just ask the City Attorney to accept us as a partner or and accept the resources that we or another body have. I don’t think there is anything we need to

vote on; we just need to talk to them to see if they are willing to help take some advice from us.

Chair Brown stated that this then refers to the day-to-day world that will be handled by Director Finnell and not ours.

Vice-Chair Green said that she thought that to agendaize for the next meeting that we were going to consider all of the recommendations that have been presented in this document. Is that what we are talking about? Some of them we may not want to move forward on. She suggested that Board's comments, etc. on topics be agendaized for the next meeting. Chair Brown said that the presentation was made and we will agendaize Board's considered comments and proposed action for the next meeting.

C. Public Comment

Rashidah Grinage came to speak and gave comments.

Ms. Grinage mentioned that she has a hard time hearing Board members and asked if they had their microphones on, etc. She inquired if a vote was just made and Chair Brown stated that a motion was made. She referenced Attachment 5 in the Agenda Meeting Packet and said she has a lot of items to speak on but will select those that are most important. She reported that a lot of the items listed have been addressed in Measure LL; a good part of what you are defining as problematic and needing to be strengthened has been incorporated into Measure LL.

Ms. Grinage referenced Page 1, Executive Summary, Line 3 – It is not going to be the Citizens Police Review Agency. It is going to be the Community Police Review Agency. It is mentioned that the CPRB is making recommendations for minor changes. In her view, it is the staff that is making formal recommendations, you are writing this on behalf of the CPRB and these are not coming from the CPRB. You are now asking the CPRB to endorse what you have written. This is the reason why Measure LL separates the Commissioners from the investigators and staff because of this ongoing confusion about who speaks for whom. This is a staff proposal and not a CPRB proposal and it should have been presented that way.

Ms. Grinage referenced Page 2, paragraph 1, in that you talk about the 500+ complaints the CPRB receives each year. She reported that San Francisco has 2300 officers as opposed to Oakland's 700+ officers. The Office of Citizen Complaints takes in about 750 complaints for 2300 officers. That should be a major concern that somebody looks at.

Ms. Grinage said that she has two major questions/issues: The first question is how do you come to a finding on policy and training? The findings are related to officer conduct and when you say there is a failure in training or in conduct, how does that relate to allegations made by a complainant about subject officers and what they did or didn't do. She is having difficult time understanding the use of findings with respect to that; I can understand making citations that would suggest the behavior was due to a failure of whatever, but if it isn't going to rebound on the officer, I am not sure exactly where it lands. The second issue is that she takes serious

exception to the recommendations about cozying up to OPD. I think this would be a fundamental betrayal of the so called “objectivity” that was contained in many of your Bylaw recommendations that you said that it was important to be neutral and not appear to be bias, certainly in terms of creditability in the community. Being at OPD’s graduation would appear to not be neutral; it would appear to be part of a system that you are overseeing. I also take exception to all of this stuff, its fine to be updated from OPD about recent training bulletins or changes in policy or training that is being instituted. I do not see any mention of bringing in experts in civil liberties – bringing in the ACLU, National Lawyers Guild. There are two sides to everything, especially when it comes to police oversight. To focus exclusively on what the police have decided to do, absent any kind of criticizing from any civil libertarians, is derelict and irresponsible and unacceptable.

Chair Brown asked Ms. Grinage to provide her comments in writing regarding the document(s) to Director Finnell which she said she will do. The comments will be presented at the next Board meeting.

X. ACTION ITEM – CPRB POLICY REPORT, 2000-2016

A. Presentation – Policy Analyst Juanito Rus

Policy Analyst Rus asked members to review Attachment 6 in the Agenda Meeting Packet. He reported that this is an informational document which will be included with our Annual Report this year. It is a compilation of the policy proposals that he has been able to find that we have made in the past with the dispositions that he has been able to find with those proposals. He asked members to forward policy proposals to him that he may have missed and he will include those in the document. Chair Brown mentioned that Dr. Knight had a list; Policy Analyst Rus stated that this document encloses his information.

B. Discussion

Board Counsel Brown referenced Attachment 6 in the Agenda Meeting Packet which includes an informational report regarding disposition of CPRB policy recommendations from 2001 – 2016. It lists the policy recommendation status as adopted, adopted in part, not adopted, etc. She inquired if some of the policy recommendations are adopted after the City litigation is over? Policy Analyst Rus stated that he has less to say on this topic because the document was more to research/compile the information that CPRB had made and in some cases there was a notation as to what occurred but he does not know the further background information and can’t speak to the details.

Board Counsel Brown said that would explain why some of them were not adopted; when looking through from 2001, it seems that some are adopted and she is wondering if part of the log jam is because of litigation and addressing it as suspended and not considered until after. It is just a question because I don’t think that the Board considers litigation does not apply when making recommendations, it would not be a connection. Generally you just know when the statute of limitations expires with respect to a claim regarding a criminal matter by the person that made a claim against the officer but you don’t know of any other litigation matter because

that is not shared with the Board. I am wondering to what extent is there a connection; if there is a connection, where is it coming from. Does it manifest itself in the delay and when the policy might be adopted? The only reason that is relevant is that if there is a decision being made to suspend policy recommendations until after litigation is concluded, and then possibly it would help to know that. The Board would still be putting forth its recommendations; the Board would just know why it is not being acted on.

Policy Analyst Rus referenced Page 3 “Recommendations”, Item 1, Part 3 – That is part of his recommendations was having the quarterly proposal calendar would also allow for a quarterly response calendar where we could solicit responses to each of our proposals and get some reasons behind why they have been implemented, not implemented, if they are part of a bigger process, etc. We do not have any engagement on a systematic basis. The Board can assert more forcefully into fielding those responses if it is done in a systematic way.

C. Public Comment

Rashidah Grinage came to speak and give comments. She said that she has some questions relating to some of the policy recommendations. She referenced Page 4, 2003 Policies/Incidents. Anti-War Demonstrations, Item 3, the issue of crowd control – she commented that the issue of kenneling appears to be a problem with crowd control. She mentioned that there have been several updates on the use of crowd control. It may be useful to locate the current policy; NSA was to update the matter. Also the use of pepper spray and other things have been problematic.

Ms. Grinage referenced Page 6, 2006 Policies/Incidents, Landlord/Tenant, Item 1 – She commented that this came out of several individual complaints of disputes between landlords and tenants that the police inserted themselves into and much like domestic violence they tend to take one side against the other. These are civil and not criminal matters. We had somebody from the East Bay Law Center come in and address the Board at that time and say that the police need to understand that they are not to get involved in these matters since they are civil matters.

She commented on the “ No ability to review affidavits in support of search warrants, etc. This is a matter to discuss with the District Attorney, not OPD”. She is unclear as to why that should be the case. She referenced Page 14, 2015 Incidents, PDRD footage, etc., – She was trying to locate the current DGO online about this issue and could not find it. It would be useful to be able review what that policy is currently. She mentioned also that there may be some policy on strip searches because that wound up requiring punitive damages of officers, it was a class action lawsuit on strip searching – I would have assumed that would have made a difference in the policy as well.

Chair Brown thanked Ms. Grinage for her comments.

D. Action

None was discussed.

XI. CLOSED SESSION: NEW BUSINESS (Convened at 7:48 p.m.)

- A. Pursuant to Ordinance No. 12454 C.M.S., section 6, paragraph G subsection 10a, the Board may utilize different investigatory and complaint resolution processes, including but not limited to voluntary conciliation, voluntary mediation, three member panels, full board hearing, **and staff recommendation to the City Manager for disposition without hearing.**

1. Direct Recommendation to the City Administrator

Case No. 15-0954, Olga Palafox-Cortez

- a. Executive Director's Comment
- b. Staff Report and Confidential Discipline Recommendation Memorandum

Complainant alleges that OPD officers attempted to gain entry to her home. Complainant also alleges that an OPD officer committed a battery against her, by grabbing her and knocking her to the ground. Several other allegations were discovered during the course of the investigation to include OPD officers being under the influence of alcohol and in possession of a firearm, driving a motor vehicle while under the influence of alcohol, being intoxicated in a public place, and accessing an OPD database to use privileged information for personal gain/benefit. Additional allegations include OPD officers conducting themselves in a way that would bring disrepute to the Department and impair its effective operation, discussing the investigation with one another after being ordered not to do so by the Internal Affairs Division, and brandishing a firearm.

Case No. 16-0948, CPRB

- a. Executive Director's Comment
- b. Staff Report and Confidential Discipline Recommendation Memorandum

This complaint arises from the investigation of Case #15-0954. Information was obtained that an OPD officer accessed an OPD database to use privileged information for personal gain/benefit. Additional allegations include an OPD officer obstructed the Internal Affairs process.

- B. 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 the findings of the investigation

Case No. 15-0989, Cameron Rose

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

Complainant alleges an OPD officer was rude and did not want to assist him.

Case No. 15-0990, Ollie Elbert Syon

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

Complainant alleges OPD officers were rude to him, rough and used unnecessary force. Complainant also alleges that the handcuffs were too tight, that he was treated improperly because he is Black, that the officers failed to properly communicate with him because he is deaf and that the pat search of his person was improper.

Case No. 15-0975, David Brown

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

Complainant alleges an OPD officer wrote an inaccurate traffic collision report and was biased in favor of the other party involved in the collision because the officer and the other party were both Hispanic.

Case No. 16-0018, Lanenna Joiner

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

Complainant alleges an off-duty OPD officer acted inappropriately during an incident where his brother kicked over and damaged the signage at complainant's business. During the investigation, it was determined that the officer was untruthful about the incident.

Case No. 16-0021, Kamas Palmer

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

Complainant alleges OPD officers illegally detained and arrested him, slammed him to the ground, pulled his hair, punched, kneed, and kicked him. Complainant also alleges he was racially profiled.

Case No. 16-0014, Charlie Lomack

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

Complainant alleges an OPD officer grabbed her wrist unnecessarily and used excessive force. Complainant also alleges that an OPD officer called her by someone else's name and then laughed about it.

Case No. 15-0977, Ayebawnemi DeWeaver and Excell McKinley

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

Complainants allege OPD officers detained and searched them, issued excessive citations in retaliation, and spoke to them in an unprofessional manner.

C. Pending Cases for Administrative Hearing Discussion

There were no cases for discussion.

The Board reconvened open session at 7:48 p.m.

XII. 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.

XIII. ADJOURNMENT

The Board adjourned at 8:16 p.m.