

# ATTACHMENT 1

**CITIZENS' POLICE REVIEW BOARD  
MEETING OF THURSDAY, January 12, 2017 – 6:15 P.M.  
Hearing Room 1 - 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 José Dorado  
Commissioner Colette McPherson  
Commissioner Howard Tevelson  
Commissioner Mya Whitaker  
Commissioner Mauricio Wilson

Meredith Brown, Board Counsel

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

Excused: Emma Dill, Complaint Investigator  
Nikki Greer, Complaint Investigator  
Erica Harris, Commissioner

III. MINUTES

A. December 8, 2016

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

**A motion was made by Commissioner Ball to approve the December 8, 2016 minutes. Commissioner Tevelson seconded. The motion passed. The Board voted unanimously.**

IV. OPEN FORUM

Rashidah Grinage came to speak. Ms. Grinage gave general comments concerning advice on outreach efforts. She gave an update on the Coalition for Police Accountability. She reported that a meeting was held last evening. They were pleased to

welcome three members of the Mayor's staff. They discussed the role that the Mayor's office will be taking in promoting advertising and communicating about the process for folks to get involved in either the Selection Panel or the process of becoming/applying to become a new Commissioner when the new Commission is seated. They will be meeting with the City Administrator next week to further those discussions. Ms. Grinage said they look forward to ongoing work with the City Administration to make sure that we have as much outreach to the community as possible particularly those members of the community that typically are left out – are not part of the typical political network of folks who take turns rotating from commission to commission and are affiliated somehow with a council person or someone who works in City Hall. We want to get to the far reaches of the community and if Board members can help, it would be appreciated (advice or suggestions for venues they might go to or organizations they could get on the meeting agendas to talk about this matter) to ensure that as many folks as possible in Oakland become aware that they can apply to become a Commissioner or to be on the Selection Panel that would chose four of the seven commissioners.

Ali Saleem Bey came to speak. Mr. Bey gave general comments.

Javier Fragoso Reyes came to speak. Mr. Reyes gave general comments.

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

A. Announcements

Director Finnell stated there is no written report in the Agenda Meeting Packet. He reported that since the last meeting, preparation is being made to go into the transition - CPRB to Police Commission. On our side, we are looking at our staffing levels and preparing the budget for next year.

Rashidah Grinage came to speak and gave comments. She inquired as to the new facility the agency will occupy. She reported that when the City Council voted to consolidate the complaints of the CPRB a few years ago, part of the direction the Council gave was that in this new expanded role for the CPRB as receiving 100% of the complaints that CPRB would occupy new quarters. I believe that the direction was given that CPRB would occupy the quarters that are currently occupied by IAD at Frank H. Ogawa Plaza. Is that still the plan, and if not, does this need to go back to the Council. Director Finnell reported that at this time the City Administrator's office is conducting a facility's review of the 250 Frank H. Ogawa Plaza/complex, which includes IAD headquarters. They have contracted with someone to do an assessment of the facility needs for the entire building to see how it works best for the public/workers. We may end up where IAD was; we may end up where we are now with our investigators and also take over more space on our floor (where traffic citations are paid – there are some issues with departments now in that people are coming in on an open floor to pay citations) – with this extra space you would step off the elevator and complaints are taken right there. Those are two options; assessment is not complete. He has expressed to them that he wants the public to come to us off the street or right off the elevator.

They are trying to do the best assessment that will serve everyone. Either way, PAD has to complete the facilities at PAB so that IAD can move to PAB.

B. Pending Cases as of January 6, 2017

Director Finnell reported that as of January 12, 2017, there are 63 CPRB cases: 59 are active cases, 1 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 December 8, 2016, ten 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 stated that he had a discussion with Director Finnell and we have decided that based on Measure LL (transition of CPRB to the Police Commission) that the Committee will cease outreach. Chair Brown asked Director Finnell and Chair Tevelson if the Committee could prepare/present information to the Commission and Board on recommendations about outreach strategies. Director Finnell stated that we can create an outreach plan for the Commission; we will work with Ms. Grinage and the Coalition to develop an outreach mechanism.

2. Next Meeting

None scheduled.

B. Transparency and Legislation

1. Report from Chair

Chair Brown asked Chair Ball to give a report. Chair Ball stated that she will present part of the report and Commissioner Green will present the website report.

Chair Ball reviewed Attachment 3 in the Agenda Meeting Packet.

Chair Ball suggested that the process in the Attachment be used for the Evidentiary Hearing held on January 26 so that when that meeting occurs and all the steps occur (probably sometime in February) we have a chance to test the process and make suggested modifications to assist us in completing the other cases we have coming up for Evidentiary Hearing and also pass information on to our successors. The Committee would welcome additional input, questions, etc. Discussion followed.

Commissioner Green reported they had a meeting yesterday with IT for the City and they are still in the process of developing web pages. They were

provided with a template that we looked at and made comments. The next stage is to come up with the content. CPRB Policy Analyst Rus will provide them with a glossary and content to work with and she will be part of that. In the near future, we should make a little more progress. Director Finnell stated that the web site and reconfiguration of the new design, etc. is being driven by the Board (Commissioners Ball and Green). He is pushing/driving the database/case management. They will all connect. There are several departments that are interconnected; so they are not only working with CPRB but we have been moved up to the first group. Chair Brown asked if the information would be in various languages. Commissioner Green mentioned that the template that was provided will be presented in about 40 languages

2. Next Meeting

To be determined.

VII. SIGN-UP SHEET FOR EXAMINERS FOR HEARINGS

In reference to Attachment 4 in the Agenda Meeting Packet (Evidentiary Hearing Examiner Schedule), Director Finnell stated that the following Evidentiary Hearing Date/Case Number is to be added to the Attachment: 2/23/17, Case #16-0199. Members will receive a revised Evidentiary Hearing Examiner Schedule.

Vice-Chair Green reported that she and Commissioner McPherson will be the Examining Commissioners for January 26, 2017 (Case #16-0115).

Vice-Chair Green asked for volunteers for the February 23, 2017 Evidentiary Hearing (Case #16-0199). The volunteers were Commissioners Bingham and Tevelson. Commissioner Tevelson asked about the Examiners Preparation Date. Director Finnell stated the date will be February 20 and a time will be coordinated later. Members suggested having the Preparation Date a week before the Hearing Date.

Vice-Chair Green asked for volunteers for the April 13, 2017 Evidentiary Hearing (Case #16-0487). The volunteers were Commissioners Ball and McPherson.

Vice-Chair Green asked for volunteers for the May 11, 2017 Evidentiary Hearing (Case #16-0534). The volunteers were Commissioners Wilson and Whitaker.

Vice-Chair Green asked for volunteers for the May 25, 2017 Evidentiary Hearing (Case #16-0545). She and Commissioner Ball were the volunteers.

VIII. ACTION – POLICY RECOMMENDATION REPORT (FOLLOW-UP)

A. Discussion

Director Finnell reported that Attachment 5 in the Agenda Meeting Packet was discussed at the last meeting. There were several discussions. At that time, several Commissioners wanted to act on some of the decisions; the document was brought back for review/further discussion.

Chair Brown asked for additions or corrections to the Policy Analyst's Recommendations (Pages 5-7). Comments were given by Board members. Vice-Chair Green referenced Item 1, Page 5 – With regard to the adoption of the policy and training failures – she didn't see what the objective would be to add those to designations. Policy Analyst Rus stated that the item was the least of the actionable pieces of the Recommendations because those already exist within the police rules so that item was more to point out that those are findings already available to the Board, etc. It adds another tool that is available to this Board and nobody knew that it was there – it was within the police rules and not in the documentation of this Board. Director Finnell gave comments relating to this matter. Vice-Chair Green stated that her main objection to the item was that we should not make either one of these findings – Failure of Policy and Failure of Training. They are both different. With regard to the policy, we are already addressing policies – the problem is that when we make suggestions as to policies that should be changed, the mechanism by which those policy recommendations go from us to the police department – there is not a process and needs to be a very distinct process, follow up, and feedback to the Board as to the result of what those policy recommendations have been. Policy Analyst Rus gave comments. He brought the item forward to the Board's attention to acknowledge that they are tools that currently exist within the toolkit of findings, whether or not they are employed is up to the Board and the cases as they arise. Further comments were given by Director Finnell. Comments were given by Commissioners Bingham, Whitaker, Ball, and Tevelson. Comments were given by the public (Rashidah Grinage).

Commissioner Bingham mentioned that there are several Recommendations listed. Chair Brown asked Rashidah Grinage if she had further comments relating to the Recommendations. She reported that she submitted her response to Item 2 in writing already. It is vitally important that this Agency and the future Commission be seen as objective/neutral/third parties - for public trust. She suggested that Recommendation 2 be rejected entirely. Director Finnell reported that there are two parts in that section. The first part is very critical to our investigative process – the formalization of information sharing. Ms. Grinage stated that this is covered in Measure LL and will be in the Ordinance. She was referring more to the second sentence. Director Finnell reported that the Database we are developing will have much of the common information we both need and automatically sent back and forth so that is part of our formalization. We are working on this issue.

Chair Brown asked for further discussion of the remaining Recommendations at a future Board meeting. Vice-Chair Green mentioned that there were three Recommendations; we acted on one and if nobody else is coming forward to act on the other Recommendations, there is no reason to table the remaining items for further discussion. Director Finnell stated that the Recommendations have been reviewed and are completed.

#### B. Public Comment

Rashidah Grinage came to speak (she submitted written comments to Attachment 5 in the Agenda Meeting Packet). She asked for clarification if the "CPRB New

Policy Recommendations Report” (Attachment 5) was new since there was not a date on the document. Director Finnell stated that it is the same document – the word “New” should have not been included in the title. Ms. Grinage suggested that in the future, documents should include a date to determine if it is a revision or the same document. She recommended that as part of forward- thinking on relationships with OPD and other city agencies in the administration, to consider inviting the new police chief to a meeting in March (she starts on February 27); publicize that she will attend and invite the community to come so they can participate and become familiar with the Board’s concerns as well as the way the Chief responds to those. The public can also voice their concerns. It will raise the profile of the CPRB in bringing more attention to the whole field of oversight that will culminate when the new Commission is seated. Chair Brown thanked Ms. Grinage for her comments.

C. Action

Director Finnell suggested that a motion be made that the Executive Director initiates conversation with the City Attorney’s Office for the purpose of being involved in arbitration cases that are a result of CPRB investigations and finding. **A motion was made by Commissioner Ball to accept the language as stated above by Director Finnell. Commissioner Whitaker seconded. The motion passed. The Board vote was 8-1-0, with Vice-Chair Green opposing.** Director Finnell said the motion only encompasses CPRB being involved in the arbitration process on cases that the Board renders a finding of sustained.

IX. CLOSED SESSION: NEW BUSINESS (Convened at 7:38 p.m.)

NOTE: The following case was taken out of order on the Agenda.

- 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. 16-0146, Saleem Bey

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

Complainant alleges OPD improperly investigated several homicide cases and previous IAD cases. Complainant also alleges an OPD officer admitted to the complainant that there were errors in the way OPD investigated the criminal investigations.

- 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. 16-0015, Alicia Hurtado

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

Complainant alleges an OPD officer intimidated them with his tone of voice and harassed them by calling them derogatory names.

- 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. 16-0065, Leonard Ambrose

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

Complainant alleges an OPD officer was rude and unprofessional when the officer told him to hang up his phone and then an officer slapped the phone out of his hand. Complainant also alleges an unlawful arrest, use of unnecessary force during the arrest. Complainant also alleges the officers failed to execute a citizen's arrest upon request and retrieve property from inside the residence before he was transported to jail.

Case No. 16-0073, Dane Smith

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

Complainant alleges an OPD officer used excessive force while taking him into custody.

Case No. 16-0161, Andrew King

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

Complainant alleges OPD officers used excessive force on him when they struck him with a baton in the "red area".

Case No. 16-0176, Victor Xavier Pamiroyan

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

Complainant alleges an OPD officer beat him multiple times. It was also noted by an officer's reviewing sergeant that an officer dealing Complainant failed to take a complaint and was rude.

C. Pending Cases for Administrative Hearing Discussion

There were no cases for discussion.

The Board reconvened open session at 8:11 p.m.

X. 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.

XI. ADJOURNMENT

The Board adjourned at 8:12 p.m.