

ATTACHMENT 1

**CITIZENS' POLICE REVIEW BOARD
MEETING OF THURSDAY, February 9, 2017 – 6:15 P.M.
Council Chamber – Third Floor**

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

Meredith Brown, Board Counsel

CPRB Policy Analyst Juanito Rus
Joan Saupe, Complaint Investigator
Emma Dill, Complaint Investigator

Excused: Commissioner Mauricio Wilson
Karen Tom, Complaint Investigator
Nikki Greer, Complaint Investigator
Andrew Lee, Complaint Investigator

Absent: Erica Harris, Commissioner

III. MINUTES

A. January 26, 2017

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

A correction was made to the Minutes by Board Counsel Brown on Page 4, Paragraph 2, Line 7 – Change “specific” to disciplinary. A motion was made by Commissioner Ball to approve the January 26, 2017 minutes. Commissioner Bingham seconded. The motion passed. The Board voted unanimously.

IV. OPEN FORUM

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

V. DIRECTOR'S REPORT

(Executive Director Anthony Finnell)

A. Announcements

Director Finnell asked members to review Attachment 2 in the Agenda Meeting Packet. Chair Brown inquired as to the Mediation Program – what are the contentious issues in a mediation program. Director Finnell stated that he has a follow-up meeting with a representative from the City Attorney's office on Tuesday, next week, to discuss the meet and confer process. Vice-Chair Green asked if IT gave him a date (to set training for content). Director Finnell reported that IT is on his follow-up list for tomorrow.

B. Pending Cases as of February 3, 2017

Director Finnell reported that as of February 9, 2017, there are 58 CPRB cases: 55 are active cases, 3 tolled cases, and one case is scheduled for Evidentiary Hearing on February 23, 2017 – Case No. 16-0199 (which is included in the active cases total). Since the last report was given on January 12, 2017, five new cases have been added.

VI. CPRB SPECIAL COMMITTEE REPORTS

A. Transparency and Legislation

1. Report from Chair

Chair Brown asked Chair Ball to give a report. Chair Ball stated that she and Vice-Chair Green participated in their first meeting with the City Administrator, IAD, OPD, and the staff from CPRB to present the recommendations from the last Evidentiary Hearing. At this point in time there is nothing to report since there has not been a decision. We will be monitoring this matter. We will discuss the issue in closed session when we get the City Administrator's response back. Chair Brown asked if they need time to discuss details in Closed Session. Vice-Chair Green stated that will not be necessary tonight.

2. Next Meeting

To be determined.

VII. SIGN-UP SHEET FOR EXAMINERS FOR HEARINGS

Chair Brown announced that Commissioner Tevelson will not be present for the February 23 Evidentiary Hearing. We need to select another Examiner for that hearing.

Chair Brown asked Vice-Chair Green to give a report. She asked for a volunteer to fill in

for Commissioner Tevelson on February 23. Commissioner Bingham said that he will be the only Examiner on February 23.

Vice-Chair Green and Commissioner Ball will be the Examining Commissioners on March 9, 2017.

Vice-Chair Green reported that she and Commissioner Ball will not be the Examining Commissioners on May 25, 2017. Commissioner McPherson volunteered as one of the Examining Commissioners for May 25.

VIII. CLOSED SESSION: NEW BUSINESS (Convened at 6:32 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. 16-0142, Caitlin Miller

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

Complainant alleges OPD officers used excessive force by hitting the suspect with the patrol car and deploying the Electronic Control Weapon (taser).

- 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. 16-0606, Ben McBride

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

Complainant alleges that in 2013 or 2014 he received information from "pimps" that OPD officers were having sex with prostitutes. The Complainant had initially provided this information to an OPD supervisor, but no further action resulted from this conversation.

Case Nos. 16-0662 and 16-0663, Ben McBride

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

Chair Brown called both cases since they are related, after the suggestion by Commissioner Tevelson.

Complainant relayed allegations that he said he heard in November 2014 from an unnamed male who was involved with "moving" guns and drugs. The Complainant alleges that an OPD supervisor forced the unnamed male to pay a percentage of his profits for protection from the OPD supervisor. Complainant refused to provide the name of the male to OPD Internal Affairs. The Complainant stated he reached out to the unnamed male for permission to disclose his information but had not yet received a response.

Complainant alleges that in 2013 and 2014 he received information from "pimps" that OPD officers were having sex with prostitutes. The Complainant also stated an OPD officer was "the dirtiest cop in Oakland" because the OPD officer would take money from suspected gang members. Complainant refused to provide the name or contact information of the suspected gang member to OPD Internal Affairs. The Complainant stated he reached out to the suspected gang member for permission to disclose his information but had not yet received a response.

Complainant also received information from a community organizer serving sexually exploited minors, who stated unnamed OPD officers were having "interactions" with minors.

Case No. 16-0309, Delvon D. Wash

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

Complainant alleges OPD officers used excessive force on him when they slammed him to the ground; that one of them kicked him in the stomach; that an OPD officer threw him into the back seat of a police car; and that an OPD officer tried to spit on him.

Case No. 16-0158, Lavert Maxie

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

Complainant alleges that responding OPD officers stole his gun.

Case No. 16-0147, Virginia Sorgi

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

Complainant alleges an OPD officer told her spouse she could not leave the scene of a vehicle accident until her car was towed. Complainant also alleges an OPD officer was racially biased when he told her "Some people just want a free [ambulance] ride to the hospital."

C. Pending Cases for Administrative Hearing Discussion

There were no cases for discussion.

D. Response from City Administrator

- a. Case # 16-0015
- b. Case # 16-0018

Executive Director Finnell read aloud the City Administrator's response to the Board members in reference to the above-listed cases since they are unavailable to view on the screen this evening.

The Board reconvened open session at 7:23 p.m.

IX. 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.

X. ADJOURNMENT

The Board adjourned at 7:24 p.m.