

ATTACHMENT 1

**CITIZENS' POLICE REVIEW BOARD
MEETING OF THURSDAY, June 8, 2017 – 6:15 P.M.
Council Chamber – Third Floor**

I. CALL TO ORDER BY CHAIR BROWN at 6:18 P.M.

II. ROLL CALL AND ATTENDANCE

Present: Chair Chris Brown
Vice-Chair Charlette Green
Commissioner Sharon Ball
Commissioner Brian Bingham
Commissioner Colette McPherson

Meredith Brown, Board Counsel

Executive Director Anthony Finnell
CPRB Policy Analyst Juanito Rus
Joan Saupe, Complaint Investigator
Nikki Greer, Complaint Investigator
Emma Dill, Complaint Investigator

Excused: Commissioner Jose Dorado
Commissioner Howard Tevelson
Commissioner Mauricio Wilson
Karen Tom, Complaint Investigator
Andrew Lee, Complaint Investigator

Absent: Erica Harris, Commissioner

III. MINUTES

A. May 25, 2017

Chair Brown asked members to review Attachment 1 in the Agenda Meeting Packet.

A motion was made by Commissioner Ball to approve the May 25, 2017 minutes. Vice-Chair Green seconded. The motion passed. The Board voted unanimously.

IV. PRESENTATION – OPD CHIEF OF POLICE ANNE KIRKPATRICK

Chair Brown welcomed Chief Kirkpatrick to the Board. Chief of Police Kirkpatrick introduced herself and she is pleased to have the opportunity to meet everyone and the opportunity to engage with the Executive Director. She said that she is here to answer any questions the Board may have of her. Commissioner Ball asked her what has been the most exciting/most frightening thing she has encountered since she took the position. The Chief said that what has been exciting to her is how welcoming Oakland has been towards her since she is an outsider. The Police Department's reception internally has been good and finds the community has been embracing towards her. Nothing has frightened her yet (has been a Chief a long time) but at any time things can occur. When she is disappointed with officer misconduct sometimes those things discourage her.- is she making the right decision for the Police Department and for that officer when she must make a decision that impacts a life.

Commissioner McPherson said that you mentioned precision policing and asked if she could share her feedback with the group tonight. The Chief reported that the overall policing philosophy that she has brought to Oakland for our police department is that we police with precision. She started policing approximately 35 years ago. If you wanted to be a good police officer, then when you worked, our goal was to go find the bad guy. If you were an active good officer, you would go out and stop everything that moved out there; you are hoping that if you make enough stops you are going to find somebody with a gun, drugs, a warrant, etc. and if you stop and frisk enough people, then you will prevent crime. When you do that, the approach of policing is you have this swath you throw out - this broad net and you end up (looking back on 35 years) and see all the damage to our communities we have caused because we stop everybody. Now in precision policing, we do not stop everybody. As you know, we negatively impact particularly our communities of color. We cause damage and harm. So, precision policing is to change this whole philosophy, instead of going out there and stopping everybody, you are ceasing your communities with the police. That is not what communities want. Instead it is focusing on the few people who commit crime (a small group of people commit 80% of our crime). Saying to officers is be precisioned - Go after the people who are causing the problem without stopping everybody – being very precisioned.

Commissioner Bingham mentioned that in Oakland we already have existing programs like the OK program, Ceasefire, etc. that speak to what you said and engage the youth (youth of color specifically). What plans do you have to engage that group in a positive way? The Chief reported that she has already implemented her plan and it will be built on. We graduated a police academy a week ago Friday. Another philosophy that she is putting into practice that started last week is she wants to positively engage our community, young people, so when the classes now first graduate from the police academy – there first week out of the academy - typically/historically/culturally they go immediately into the Field Officer Training Program (brand new cop - they go out with seasoned police and they learn to police). She has redirected them so that in their first week she wants them to do nothing but to meet with our youth in our community. Every day, the new officers, first week, they were paired up with community leaders who were engaged with youth. The goal she is trying to accomplish is - that people are just people - to take just enforcement against, you need to see your community as people first and that means that you relate with them as a nonenforcement function.

You put them out every day with a different leadership team and that leadership was someone in the community that had a connection with the youth. That is one example. She started it and she heard that it went well.

Commissioner McPherson asked what are you going to do about restorative justice. The Chief reported that what we need to do is get our youth involved in healthy opportunities. We have the Explorers group and have the Cadet group for the college-aged kids. With respect to restorative justice, we should be able to bring our youth who have had a criminal event in their lives and they need to be restored, not just for youth but also our adults, and need to be restored and embraced back into the community. We as police officers need to be the leaders in welcoming them in some capacity. As far as this police department, we are going to welcome those who have been in the criminal justice system – bring them back into the community. Commissioner McPherson requested that when you are out talking to our NCPCs that you stress what you spoke about tonight regarding restorative justice because it is an issue. The Chief said that she is a big believer in diversion programs for certain people – human sex trafficking, low offender drug users. That is restorative justice.

Vice-Chair Green mentioned that having had time to access the needs, concerns, issues within the police department, have you set some top priorities? The Chief said she has set seven top priorities as follows:

(1 and 2) The goal that was given to her by Mayor Schaaf when she was hired – you have a primary mission and that is to reduce violent crime in this city. Oakland is one of the most violent cities in the country and consistently rates in the top ten cities in the United States. Reduce violent crime and it is broken down into three categories: reduce shootings, shootings lead to death. To reduce homicides, we need to reduce the shootings. We use Operation Ceasefire strategy to address that issue.

(3) We are number one in the country for robbery.

(4) Sexual exploitation on International Boulevard. We lead the country and are known internationally that you can come to Oakland and pick up our youth and prostitute our people, victimize them in sexual trafficking, etc. and we are going to stop that. We are going to do what we can do for our victims (prostitutes).

(5) Homelessness. We are not the primary lead because it is not criminal but we are the first responders. We are in a task force with the City, Public Works, Human Services to come along side to work with the City to collaborate in helping our homeless population.

(6) Sideshow activity. It started in Oakland. It is a quality of life crime for residents who live in Oakland. We are strategizing how to reduce sideshow activity so we are going to tow your vehicle.

(7) The community has not been serviced well and it not because of our officers, per se, but when you call 911 how long does it take for an officer to respond to you. Also, there are not enough dispatchers to answer 911. It is the fault of staffing. We are doing major pushes for hiring dispatchers, call takers, and sworn officers.

Chair Brown asked the Chief if she was familiar with the work of Professor Eberhardt. The Chief said that she is marvelous. She rolled out her report yesterday. If you look at the research study – it is very evident that we communicate – the way in which we engage the public matters, words do matter. This is a consciousness raising. We must change discourtesy. We will be training all our officers. We are absolutely going to be

responsive to that report. It was a very insightful study. We meet with her on a regular basis; she has been working with the department for over two years. We have been working with her on stop data.

Chair Brown mentioned that you touched on cultural change. He asked the Chief how do you effect cultural change. The Chief reported that when you want to change a culture, you got to change people's thinking about a topic. For example, we legalized marijuana and made it recreational, not in Oakland but around the country because of a cultural change because people think about marijuana differently than we used to. So, when you change thinking you change culture. So how do you implement it in a police department. You raise people's consciousness through training, challenge them to think differently, start to open people's minds/eyes and can also do certain things reform wise. That is what the NSA is about. You can force reform but you can't lead people to think differently with the new policy; you get a culture change when people believe in the new thinking not because of a policy. Policies can help you change your thinking quickly, You can force reform but she is more interested in transformation not just reformation. She mentioned that she just approved yesterday tattoos. She let officers now show their tattoos. In our culture today, tattoo is an expression of the person; it is body art; what a great place but Oakland to be a police officer to wear your body art. Not everybody would agree with that but it is a transformation of thought.

Chair Brown asked the Chief for her thoughts on the intersection between the police department and people with mental health disorders. The Chief reported that they receive many calls for this type of service. We have a group of officers who have a special heart in engaging with people that suffer from mental health disorders – they receive special training and are called Crisis Intervention Team Officers (CITs - first responders to the scene).

Commissioner Bingham asked about policing. His thoughts are that it is difficult for precision policing not becoming targeted policing. What systems, etc. do you have in place so that it doesn't become a different type of profiling. The Chief said that the officers must stay within the Constitution. Profiling of people is not constitutional and not accepted. We only deal with the behavior of people. She would call herself a behavior based police officer.

Commissioner Bingham mentioned that your seven goals are wonderful – what are we going to do to build in that area? The Chief said that she also requires every team of officers that have a Sgt. – once a week they must engage the community in some way (Example: A team may go to a school and read to a group of kids, etc.). Every week they must report to her; it is written up on paper and is structured.

Policy Analyst Rus asked what is your view of civilian oversight and how do you see that relationship. She said that she is accustomed to working with civilian oversight – commission, agency, etc. She has support for oversight. She has attended NACOLE. There may be times when we disagree with authority. You are the good housekeeping seal of oversight for us. When discipline is in front of oversight boards, civilians tend to be more lenient. She finds that disappointing. When you undermine the Chief, who is willing to take a stand, it is troublesome.

Director Finnell said that you may not be familiar with the phrase “that you don’t overlook an orchid while searching for a rose”. The concept is that you might have something very nice in front of you while you are searching for something else. What are your plans for not overlooking the orchids that are within OPD (the people that have been overlooked before, may be for positions of management, supervision or better use of their services) and how do you plan to elevate those individuals that in the past have been overlooked who can offer a great benefit to the agency and to the community? The Chief said that she recently made 30 promotions. Are you talking strictly about promotional opportunities? Director Finnell stated that he is not necessarily speaking about only promotional opportunities – individuals who have not been utilized to the best of their talents, have other skills within the agency particularly that can relate to bridge building, community building, or other management or supervisory positions within the agency. The Chief said that you must put people with their talents in the right hole. Until they present me with that talent and ability, she doesn’t necessarily know – she is watching and observing. Director Finnell mentioned that as a new Chief that entered an agency with many challenges and many from Oakland wanted the Chief to be from Oakland, what are your plans to groom someone within the agency now from Oakland/area to take your place? She mentioned that the next Chief of Police will be from the Oakland Police Department. The Chief will be an insider – she grooms people to be an insider. This is her eighth police department and fourth as a Chief of Police. Outsiders are brought in when a major change is needed. Someone without those ties. That is her intention – there is a lot of talent within the Department.

Rashidah Grinage came to speak. In the budget meetings that have been held within the City, so you are aware that there are several people who have commented on the overtime budget. She would like to hear her analysis as to why the overtime has ballooned when we now have more officers. That is counter intuitive. The Chief said that her opinion is the size of Oakland and the level of calls for service for the City of Oakland. We have about 500,000 calls for service. We do not have enough officers. We are not right sized to begin with. Through these past 5-7 years we have been building back up to that staffing level that had been approved about 5-6 years ago. We are not there yet. As of today, she has 30 vacancies of officers. Then on top of vacancies, you must take out those who are sick, vacation, maternity/paternity leave, etc. and that leaves you with deep holes. If the City of Oakland did a staffing study, you would find that for the size of Oakland and the level of calls for service in the city, we are not right sized to begin with. (2) We are budgeted at 13 or 14 million dollars; we haven’t reached 13 or 14 million dollars in decades. We are averaging about 23-29 million dollars of overtime and that is outrageous. What should be the true number of a budget. (3) There are things we can do. With the numbers we have, what can we do structurally. We begin with a staffing number of 7 officers and 1 Sgt. in all districts. You have five areas so you have 40 officers out there in any given time. What happens when we have a sideshow or a major event, how many officers do you think it would take to handle this. About 40. So, we left one side of the city vacant. Forty is a minimum (which is a full staff for us). Before you call in for overtime, take out one officer and put him in another area – so when you do that you lose integrity to the area because everyone wants the same officer to stay in the same area. It becomes a huge problem. That is your answer from me.

Commissioner Bingham inquired as to how we can continue this conversation. We do have to move on with the Agenda. Like tonight, the Chief said this is the way she builds

relationships. Her days are long. If you want a town hall meeting, call the Chief's office. She has an assistant – speak with Sherry and schedule a date, etc.

Commissioner McPherson raised the issue about the cadet selection process – about civilian interviewers. This stems from the sex scandal last year regarding young officers involved. The question, does OPD have a plan to do better vetting for the interviewers? Civilians are untrained. Your thoughts. The Chief said that we like to have the citizens be part of the team. What we are doing now we are raising standards. There is a meeting that occurs every two-three weeks – bring a file in to her conference room and there is a group of officers – she personally reads the file of those hired. We do need to train our civilian supporters who come along side of us to support us. If we see a sign of a problem officer/cadet, they will be released immediately.

Chair Brown thanked Chief Kirkpatrick for coming this evening and speaking to Board/staff. Chief Kirkpatrick said it was an honor and thanked everyone for the invite.

V. OPEN FORUM

Rashidah Grinage came to speak. She announced that the Coalition is sponsoring a book signing event and presentation by former Seattle Police Chief Norm Stamper on July 26 (7:00 p.m.) at the Lakeshore Baptist Church. He wrote a book called Breaking Rank. His recent book is called to “To Protect and Serve – How to Fix America’s Police. She invited members to the event.

VI. DIRECTOR’S REPORT (Executive Director Anthony Finnell)

A. Announcements

Director Finnell asked members to review Attachment 2 in the Agenda Meeting Packet. He reminded members that a Three-Panel Hearing is scheduled for June 17, 2017 and the next regular Board meeting is on June 22, 2017.

Commissioner Bingham inquired as to why the Police Commission application is included in this report. Director Finnell reported that he sat in one of the Selection Committee meetings and they discussed ways to disseminate information. He mentioned that the CPRB nonconfidential Agenda Meeting Packets go out by email to a vast list of people (community) and wanted to include this information in the report.

Rashidah Grinage came to speak. She gave comments regarding once again the Mediation Program stall/roadblocks. This is one of the reasons why we put the Police Commission outside of the reach of the City Administrator because of endless meetings and conferring. She asked Director Finnell how long it has been bargained. Director Finnell stated that it has been several months, not sure exactly how many months. When a meet and confer occurs, there comes a point when it is clear the parties don’t agree and they declare an impasse. One of the two parties, whoever is making the proposal, moves forward. Clearly, that opens the door for the other party to take some action. That is the procedure. Why hasn’t that happened? She respectfully requested that Director Finnell get a report from the

City Administrator in writing that explains what is happening and why the City has not declared impasse, what you can do about it and how you can move forward (since we will not have a Commission for a few months).

B. Pending Cases as of June 3, 2017

Director Finnell reported that Verdene Klasse is out of the office this week and the report will be presented at the June 22, 2017 regular Board meeting.

VII. CPRB SPECIAL COMMITTEE REPORT

A. Transparency and Legislation

1. General Updates

Chair Brown asked Chair Ball to give a report. Chair Ball reported that two of the three members of the Committee met today in preparation for the meetings we will be having this coming week including the next disciplinary conference with the City Administrator and the other members that participate in that meeting. After that, the Committee will put together a summary (hopefully before the August recess) and come back to the Board with potential other improvements in the process.

2. Next Meeting

To be determined.

VIII. SIGN-UP SHEET FOR EXAMINERS FOR HEARINGS

Vice-Chair Green asked members to refer to Attachment 3 in the Agenda Meeting Packet.

Vice-Chair Green stated the changes to the Sign-Up Sheet for Examining Commissioners will be as follows:

Vice-Chair Green asked Director Finnell to vacate the **June 22** Hearing and reschedule (**Case #16-1112**). [She and two other commissioners are very involved in the Three-Member Panel Hearing on June 17, 2017].

Director Finnell stated that notifications will be sent to necessary parties that the case has been **cancelled and rescheduled to July 13**.

Investigator Greer reported that the Hearing Date of July 13, 2017 (Case #16-0816) is an error and should not have been listed.

Commissioners Bingham and McPherson (volunteered tonight for Examining Commissioners)

(July 13 Hearing – Case #16-1112)

Note: This case was moved from June 22

Investigator Greer reported that the Hearing Date of July 27, 2017 (Case #16-0971) will not go to a Hearing.

IX. ACTION – CPRB 2016 ANNUAL REPORT (SUPPLEMENTAL)
(Executive Director Anthony Finnell)

A. Discussion

Executive Director Finnell asked members to refer to Attachment 4 in the Agenda Meeting Packet. He gave a presentation on the Supplemental Report. Discussion followed.

B. Public Comment

Rashidah Grinage came to speak and gave comments.

C. Action

A motion was made by Commissioner Ball to accept the Supplemental Report. Vice-Chair Green seconded. The motion passed. The Board voted unanimously.

X. CLOSED SESSION: NEW BUSINESS (Convened at 7:47 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 the findings of the investigation

Case No. 16-0545, Charrika Harris

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

Complainant alleges that OPD officers were rude to her and her husband, that they illegally detained her husband and conducted an illegal probation search, and that a sergeant threatened to punch her husband in the face and failed to have his PDRD activated. **[This case has been bifurcated. The first portion was resolved through a hearing on May 25, 2017.]**

Case No. 16-0870, Ashanti Renee Payne

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

Complainant alleges OPD officers improperly arrested her; failed to advise her of her Miranda rights; improperly searched her; were rude; used improper force;

failed to take proper care of her as a prisoner; and failed to provide their badge numbers upon request.

Case No. 16-0757, Jolie Brown

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

Complainant alleges an OPD officer made an inappropriate statement to her during a telephone conversation approximately one year earlier. Upon review of the case, the CPRB Investigator elected to consider an additional allegation of failure to take a report.

The Board reconvened open session at 8:23 p.m.

XI. 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.

XII. ADJOURNMENT

The Board adjourned at 8:24 p.m.