

ATTACHMENT 1

**CITIZENS' POLICE REVIEW BOARD
MEETING OF THURSDAY, September 28, 2017 – 6:15 P.M.
Council Chamber – Third Floor**

I. CALL TO ORDER BY CHAIR BROWN at 6:19 P.M.

II. ROLL CALL AND ATTENDANCE

Present: Chair Chris Brown
Vice-Chair Charlette Green
Commissioner Sharon Ball
Commissioner Jose Dorado
Commissioner Howard Tevelson
Commissioner Mauricio Wilson

Meredith Brown, Board Counsel

Executive Director Anthony Finnell
CPRB Policy Analyst Juanito Rus
Karen Tom, Complaint Investigator
Nikki Greer, Complaint Investigator
Andrew Lee, Complaint Investigator

Excused: Commissioner Brian Bingham
Commissioner Collette McPherson
Joan Saupe, Complaint Investigator
Emma Dill, Complaint Investigator

III. MINUTES

A. September 28, 2017

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

A motion was made by Commissioner Ball to accept the September 28, 2017 Minutes pending any corrections based on discussion. Commissioner Tevelson seconded. Commissioner Tevelson mentioned that there is a correction to the Minutes as follows: Page 1, Line 3 from the bottom, change Commissioner to Complaint Investigator. The motion passed. The Board voted unanimously.

IV. OPEN FORUM

There were no speakers.

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

A. Announcements

Director Finnell asked members to review Attachment 2 in the Agenda Meeting Packet. Commissioner Ball inquired about the Data Collection and Case Management System – What is the alternate proposal? Director Finnell reported that the IT Department will build the platform using another vendor as opposed to Microsoft. It is a vendor that will be used by other City Departments. It is one that is more specified for data collection and case management and is adaptable to what we need. The cost is more. Initially, we were going to build off the platform that was being created for Internal Affairs (off their Prime Platform.). There are major issues with Prime. The information that he was previously given by other members from IT was not accurate so the assessment that we had was inaccurate and if we tried to build off the Prime platform, it would have cost us substantially more.

Vice-Chair Green asked for an update on the Non-Confidential Summary Report of Investigation. Has the City Attorney's Office made progress? Director Finnell reported that there is not an update. He has not stopped pursuing this matter. While we were at the NACOLE Conference several weeks ago, Policy Analyst Rus spoke with people at the Conference and he learned that there was very similar type of reporting currently being done out of San Francisco. He will let him speak more on this matter. We are looking at other options to pursue, what we want to pursue and other avenues to counter the arguments that are being presented against it.

A question was raised if OPOA has formally presented something to the City Attorney's Office? Director Finnell reported that they made their initial objections and he has not been informed of any specific objections other than what we were trying to do was a violation of the Police Officers Bill of Rights. The complaints and the information that we were trying to provide to the community was considered personnel information so it would be a violation. He has not seen any documentation formally from OPOA thru the City Attorney's Office yet.

Vice-Chair Green asked if that is something that we are going to do – have a conference with the City Attorney's Office regarding the matter? Director Finnell stated that the initial request was not to publish what we intended to publish and they were going to work with OPOA to determine what the actual issue was. He has not had a meeting scheduled yet due to other contract issues occurring within the City, etc. Director Finnell plans to have a meeting. What we are doing in the interim is gathering information on our side to support why it is possible for us to do this and not be in violation.

Director Finnell referenced Attachment 2 – Director's Report; Data Collection and Case Management System; Line 2 – Change presentation: **October 10, 2017** will not happen To: May present **October 24, 2017**. He will keep members informed.

B. Pending Cases as of September 22, 2017

Director Finnell reported that as of September 28, 2017, there are 62 CPRB cases: 49 are active cases, 10 cases pending closure, 3 tolled cases, and zero cases

scheduled for an Evidentiary Hearing. Since the last report was given on July 27, 2017, eight new cases have been added. Chair Brown asked if there were cases nearing the 3304 dates? Director Finnell stated none. Commissioner Ball inquired as to Case No. 16-0757 – the 3304 date shows 8/21/17. Investigator Greer stated this case has been administratively closed. The case will be removed from the Pending Case List.

VI. DISCUSSION – PRE-CUSTODY CLEARANCES
(Executive Director Anthony Finnell)

Director Finnell asked members to review Attachment 3 in the Agenda Meeting Packet. He stated that he received this information from/was contacted by Anne Rishon. Ms. Rishon was directed to him through Commissioner Bingham.

Director Finnell reported that the issue as presented by Ms. Rishon was that from time to time at the JJC, when young people are brought in by OPD that need medical treatment, there are certain protocols that the JJC would like to have done specifically with young people that have specific medical conditions like diabetes, etc. where they need to be checked out by their physician as opposed to going to another facility where their physician is not located. She could not attend this evening to speak on this issue but did send him the information in the Attachment. Her concern is that with some OPD officers they say they have a policy that they take young people to a specific hospital versus to a hospital where the young person's physician works out of. She asked the Board to review such policy and if so, make changes/recommendations to that policy so they are not bound to take these young people to other facilities where they ultimately end up contacting their attending physician to get the medical treatment they need.

Commissioner Tevelson asked if we are going to work with them and the Board coming up with a recommended policy? Director Finnell reported that since Ms. Rishon was unable to present tonight/she had more information and one of the Chief Probation officers was to present and unable to attend – the whole picture was not presented. It needs to be reviewed. If there is a policy that only allows the officers to take juveniles to a certain facility, then we need to probably examine that to at least include this issue, etc. so that there is an option or requirement for the officer to adhere to this for the medical needs of the children and if not, have it put in place and have that outlined.

Vice-Chair Green asked whether before coming to this body if Ms. Rishon had contacted anyone at OPD or any of the other law enforcement agencies? Director Finnell stated that she has informally. Vice-Chair Green mentioned that in reading it, if OPD was alerted to the issues here that there would not be a problem with them instituting a new policy in handling the youth. Maybe we could contact the Juvenile Division and find out what is their protocol and then alert them to the three areas that Ms. Rishon is talking about that need to be tweaked and see if we need a policy or if it can be issued through Juvenile and probably make it available to the officers in line up; it is something that seems very simple to her. Director Finnell spoke about the potential harm that could happen, if we need to formalize everything from the beginning as opposed to a more formal approach and that is why he brought it to the Board.

Vice-Chair Green volunteered to contact OPD and the Juvenile Division to find out what their protocol is and talk to the Commander of Juvenile to see if there would be any

problem with the protocol being changed to include the processes Ms. Rishon is talking about. She will give a report at the October 12 Board meeting. **A motion was made by Commissioner Wilson to accept the above as noted by Vice-Chair Green. Commissioner Ball seconded. The motion passed. The Board voted unanimously.**

Director Finnell asked Vice-Chair Green if she needs additional contact information for Ms. Rishon, Vice-Chair Green said he can contact Ms. Rishon and let her know that she will be in contact with her. Director will send an email to Ms. Rishon and copy Vice-Chair Green on the email. She also asked for Ms. Rishon's telephone number.

VII. CPRB SPECIAL COMMITTEE REPORT – TRANSPARENCY AND LEGISLATION
(CPRB Board Member – Sharon Ball)

Chair Brown asked Commissioner Ball to give a report. She reviewed Attachment 4 (Law & Transparency Committee Report) with members.

Commissioner Ball said that Commissioners Green and Bingham were a pleasure to work with. She and Commissioner Green accompanied staff to the CAO meetings to present the CPRB's recommendations. She reviewed the revised process (Page 2) with members. She reported that at the last meeting (July 12, 2017) Investigators Tom and Dill were very well versed in the law because IAD gives the CPRB nothing in advance to the meeting and they have not heard back from the CA on that case. That is the big hole in the process because there is nothing in writing/on the record of their position. The Report was presented to document what the Committee has accomplished - information received. Commissioner Green stated that OPD not providing any document or memos to them it seems strategic on their part that they don't and after the last conference we had, we asked them to provide information and they said they would consider it. She said that is one thing that we should press them on. She made Commissioner Dorado aware (since he will be sitting on the new Police Commission) that we come to these conferences prepared and provide CA with a memo ahead of time, they have their notes/make their pitch/provide us with nothing. If not for the Investigators being so prepared, we would be blindsided by the case law they present or the position they take. She said that staff (Investigators) come to the meetings well prepared. When they met with the new Police Chief, we asked if she would direct them also and she informed us that was an issue that we take up with the CA since she was not going to get involved. She assumes, that when the new Police Commission is active, that our Director will be meeting with the Police Chief and IAD will be providing her with some materials – I don't know if the process is going to change, but there should be something coming from their end to this part of the process. Commissioner Dorado said that the Legislation states clearly that the Commission will have complete access to everything IAD has.

Commissioner Ball did the Report as a Draft since Commissioner Green had a chance to review it, Commissioner Bingham had not reviewed it, Board members can review it, and the Report can be submitted as a final at a future Board meeting.

Commissioner Green said that there was one case that we received a decision on before July and can't remember which one it was. We had discussed whether we wanted to request a meeting with the CA at that time but there were a lot of cases that were outstanding and some of them may be discussed tonight. We thought that since we

expect that in the next month or two we will no longer exist, that we would wait until those decisions are made and then have a final meeting with her. That was our plan.

Chair Brown asked Commissioner Ball if she wanted a vote on the Report tonight or need more time to review the Draft. Commissioner Ball said that it is best that it stays as a Draft. Chair Brown asked members to review the document, think of questions for the Committee, and present a final version of the Report. Chair Brown asked Director Finnell to agendize this item for the October 12 Board meeting.

VIII. CLOSED SESSION: NEW BUSINESS (Convened at 6:55 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. 16-1023, Daniel Ibarra

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

Complainant alleges an OPD officer choked him while he was being taken into custody.

Case No. 16-1117, Jack Glenn, Sr.

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

Complainant alleges OPD officers stopped him unlawfully, detained him, racially profiled him and had his gun out during the traffic stop. The complainant was upset OPD officers had him get onto his knees and crawl backwards towards them during the stop.

Case No. 16-0925, Virginia Robinson

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

Complainant alleges an OPD officer used excessive force.

Case No. 16-0890, Alicia Fontinette, Changa Steel

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

Complainant alleges OPD officers conducted a bogus traffic stop, were rude and unprofessional, harassed complainants, were racially profiled and failed to provide their names and badge numbers when requested. An additional allegation for use of profanity was later included by the CPRB Investigator.

Case No. 16-0971, Curbisha Holden

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

Complainant alleges an OPD officer used excessive force and was rude.

B. Legislation and Transparency (Commissioner Ball)

Commissioner Ball passed out information to members relating to a list of all cases that were sent to the CA since she came on board. She reviewed a summary of the cases (meetings) that occurs on the last page of the handout. There are still four cases pending. Director Finnell is to add dates to the list of cases pending with the CAO's office. Chair Brown thanked Commissioner Ball for her analysis. Discussion followed.

C. City Administrator Findings

- a. Case No. 16-0389
- b. Case No. 16-0534
- c. Case No. 16-0589

Executive Director Finnell said that he did not bring his thumb drive to load the actual letters onto the computer so that members could view them on their monitors (Attachments 10, 11, 12). He read each letter aloud. Discussion followed.

The Board reconvened open session at 8:01 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 8:02 p.m.