ATTACHMENT 1

CITIZENS' POLICE REVIEW BOARD
MEETING OF THURSDAY, October 12, 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 Brian Bingham
Commissioner Mauricio Wilson

Meredith Brown, Board Counsel

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

Excused: Commissioner Jose` Dorado
Commissioner Collette McPherson
Commissioner Howard Tevelson
Andrew Lee, 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 Bingham seconded. The motion passed. The Board voted unanimously.

IV. OPEN FORUM

Rashidah Grinage came to speak (Coalition for Police Accountability) and gave comments. She wants to use this time to address the Closed Session items because there is no other place on the agenda to do that. This is unfortunate, because she wants to ask

questions and get some responses but she can't do that in Open Forum. For CPRB's remaining meetings, she suggested adjusting the agenda accordingly so that there can be public comment on the items that are being proposed in Closed Session so that there can be an exchange and not just comments from her, or anybody else. She said that this was brought up before and it seems that it was not attended to.

Ms. Grinage said this time she did the math on the allegations and the number of sustained findings on those allegations. By her count, among all the cases that are being proposed for dismissal, there were 26 allegations in all and only two were sustained – both in the same case. All the other allegations were either exonerated, not sustained or no finding due to the fact that there were problems in completing the investigation thoroughly. One of those particularly troubled her, the allegation made by someone who alleged being forced into a sexual act could not identify the identity of the officer for the reason for this investigation not to be completed. This was horrendous to her and obviously, this was a traumatic experience. That is one of the reasons there is now a policy in OPD that during interactions that OPD automatically provide a business card so that the identity of the officer can be known to the person they interacted with. In this case, it would be obvious that they did not do this in this circumstance which would have been another infraction.

Ms. Grinage stated that the sustained rate is alarmingly low. Another problem is the way the reasons are described, is that the allegations with respect to findings are numbered but in the statement of the complaint the allegations do not have numbers so there is no correlation between the narrative and the numbering of each finding. That means that it is very difficult for the public looking at this to know which allegations resulted in being exonerated, etc. because there is no way to identify that relationship. She hopes that can be corrected; otherwise it is very difficult to understand what happened in the investigation.

Ms. Grinage mentioned that there were other troublesome aspects that she found in people not being able to identify the date of an occurrence – there should be some evidence within OPD that could be discovered that could help to nail down the date/time, etc. In the case where it says that there is not enough evidence to prove this or that, it suggests to her that there was no PDRD footage which in and of itself would be a violation. She can't get answers to these questions because this is Open Forum. These are concerns that are very troubling. Hopefully, those that will be on the Commission will engage this in Closed Session and seek answers to these questions. The sustained rate is alarmingly low and compared to other agencies throughout the country, very much outside the norm - Disparity in the findings. Hopefully, we can get more clarity as to why this is the case and how a more equitable outcome could be achieved.

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

A. Announcements

Director Finnell reported that he did not have a written report for tonight's meeting. He announced that Policy Analyst Rus was selected through NACOLE to sit on the

Training, Education and Standards Committee at the national level. He was appointed last week. Director Finnell congratulated him.

B. Pending Cases as of October 12, 2017

Director Finnell reported that as of October 12, 2017, there are 58 CPRB cases: 46 are active cases, 9 cases pending closure, 3 tolled cases, and zero cases scheduled for an Evidentiary Hearing. Since the last report was given on September 28, 2017, five new cases have been added. Chair Brown asked if there were cases nearing 3304 dates? Director Finnell stated none.

VI. COMMITTEE REPORT – TRANSPARENCY AND LEGISLATION (ACTION)
(CPRB Board Member – Sharon Ball)

A. Discussion

Commissioner Ball reported that she was hoping to include the final version of the Law and Transparency Committee Report in the Agenda Meeting Packet but it is still the Draft report because she hasn't received comments and she is still waiting on some research and some results pending from the City Administrator. She had nothing new to report this evening. She asked when is the Final report due to be included in the next Agenda Packet? Director Finnell stated the report needs to be submitted to him on October 18. Commissioner Ball stated that she will be on vacation then.

B. Public Comment

Rashidah Grinage came to speak (Coalition for Police Accountability) and gave comments. [She was not in attendance at the last Board meeting. She did read the Minutes and was sorry that she missed the meeting].

Ms. Grinage reported that the Coalition is very much alarmed at the lack of forward movement on two issues: (1) The long-standing proposal to offer mediation that Director Finnell put forward many months ago and (2) your most recent effort to adjust the NCSR (Non-Confidential Summary Report of Investigation) that is being objected to by the OPOA. The view of the Coalition and in view of pretty much every attorney they have spoken to and case law, there is no right to bargain either of these proposals because they do not fall within the scope of bargaining as defined by the labor law that governs the subjects of bargaining - salary, benefits, health, etc. These do not come anywhere close to being within the scope of bargaining.

Ms. Grinage mentioned that the City Attorney somehow feels that anytime the OPOA wants to meet and confer and bargain about something that is fine with them especially if they threaten to sue. That is not okay with this community. It most definitely will not be okay when the new Commission is started. Any bargaining unit has no right to demand arbitration on managerial prerogative which is what we are talking about – These are not employment issues, not about the shift, not about any conditions of their work, certainly not about discipline, and there is certainly no violation of State law. What we have is a City Attorney who is blocking reforms. Moreover, even if there were a legitimate right to meet and confer, that is not

endless. Meet and confer is typically a week, two weeks a month at the outset, and then if there is no agreement between the parties, they agree an impasse and the City is then free to move forward and take the challenge that might come from it. In this case, the OPOA would lose.

Ms. Grinage wanted to bring this to the Board's attention because Director Finnell may not be able to be as robust in challenging this, at least now, since he works for the City Administrator but there is no reason why you as a Board cannot challenge the City Attorney and the City Administration on this matter. This is your work and these are your proposals. They are being blocked for an illegitimate reason. She urged members to consider using the authority they have because this is your Board, the staff serves you and you do not work for the City. She asked members to consider what she has said, what the Coalition has said because they are going to be moving on this and they would certainly think that members support would be important. When your next report goes to the Public Safety Committee, that would be a time for you to argue this point, which she has already done, and which frankly the Chairperson of that Committee agrees with.

C. Action

Director Finnell will include the item/Final Report on the November 9 Agenda.

VII. CLOSED SESSION: NEW BUSINESS (Convened at 6:38 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. 16-0949, Stanley Flemmings

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

Complainant alleges an OPD officer was rude, lacked communication skills and damaged his trunk.

Case No. 16-1042, Shante Monique Jones

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

Complainant alleges OPD officers falsely arrested her, used excessive force, were rude and harassed her. Complainant also alleges that officers were racist, that her

cell phone was improperly taken from her and that an officer sexually assaulted her.

Case No. 16-1044, Tomas Ezequiel Raudales-Beleche

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

Complainant alleges an OPD officer tackled him from behind, hit him on the back of his head twice, once on the right side of his jaw and chipped his front tooth.

Case No. 16-1056, Alexa Hornbeck

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

Complainant alleges OPD officers launched tear gas against protestors who were demonstrating peacefully without warning and that officers did not medically assist her after she was injured while fleeing from the tear gas.

Case No. 16-1062, Scott Morris

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

Complainant alleges OPD officers indiscriminately threw flash bang grenades at him and two other reporters without reason, and failed to give a proper warning.

Case No. 16-1071 (Part 1), Cat Brooks

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

Complainant alleges OPD officers ran motorcycles onto sidewalks to scare marchers. Complainant also alleges that an OPD officer pointed a Specialty Impact Munition launcher at observers; chemical and CS Blast grenades were used on demonstrators without warning and that a demonstrator's skull was fractured and teeth were broken due to excessive force by police during an arrest.

Case No. 16-1071 (Part 2), National Lawyer's Guild on behalf of Jonathan Sidney

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

Complainant alleges OPD officers charged towards him and pointed a less-lethal munitions gun or launcher at him when he approached officers making an arrest to document the arrest during a protest.

Case No. 16-1161, Lawanda Parks

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

Complainant alleges an OPD officer was rude and disrespectful to her.
The Complainant also alleges that the OPD officer walked with her adult niece around the block to locate Complainant's vehicle without Complainant's permission.

Case No. 16-1169, National Lawyer's Guild on behalf of Russell George Bates

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

Complainant alleges OPD officers used improper force by shoving one of its legal advisors to get him to move faster during a demonstration, and also by throwing CS Blast grenades at the crowd without warning or reason with one which seemed to be thrown at the advisor.

Case No. 16-0958, Jane Doe

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

Complainant alleges an unknown OPD officer forced her to perform oral sex on him at gunpoint.

Case No. 16-0981, Brenda Castro

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

Complainant alleges that an OPD officer slapped the suspect in the head twice when they arrested him.

The Board reconvened open session at 7:41 p.m.

VIII. 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.

IX. ADJOURNMENT

The Board adjourned at 7:42 p.m.