

ATTACHMENT 1

**CITIZENS' POLICE REVIEW BOARD
MEETING OF THURSDAY, October 26, 2017 – 6:15 P.M.
Council Chamber – 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 Brian Bingham
Commissioner Jose' Dorado
Commissioner Collette McPherson
Commissioner Howard Tevelson

Meredith Brown, Board Counsel

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

Excused: Commissioner Sharon Ball
Commissioner Mauricio Wilson
Nikki Greer, Complaint Investigator
Andrew Lee, Complaint Investigator
Emma Dill, Complaint Investigator

III. MINUTES

A. October 12, 2017

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

A motion was made by Commissioner Bingham to accept the October 12, 2017 Minutes pending any corrections based on discussion. Commissioner Tevelson seconded. 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 reported that on October 24 he went before the Public Safety Committee to request authorization to enter into a contract for database development. The item was moved to the full Council and put on their Consensus Calendar. Director Finnell will work with IT to get the contract secured and hopes to have the database up and running within the next three months.

B. Pending Cases as of October 12, 2017

Vice-Chair Green referenced Page 5 of the Pending Cases list – She inquired if there were updates relating to the nine outstanding cases that went to the City Administrator for decisions. Director Finnell reported that he was to meet with the City Administrator this afternoon and that meeting was postponed until tomorrow; no updates.

A motion was made by Vice-Chair Green that in future Pending Case Reports (Notes Section) that the date the case was submitted by the CPRB to the City Administrator be included. Vice-Chair Green withdrew the motion and will state it informally.

Chair Brown polled members for opinions regarding the matter of placing the additional data to the Pending Case Report (Complaints taken directly to the City Administrator). He asked Vice-Chair Green to state the change.

Vice-Chair Green stated that in future Pending Case Reports, the Notes Section would always include the date the CPRB forwarded the final report/sustained findings on pending cases or hearings held directly to the City Administrator for decision. Chair Brown asked Director Finnell to make these changes. The Board voted unanimously.

Commissioner Tevelson stated that it is important to do since eight of the nine outstanding cases have expired 3304 dates. It is important to let the public know that the Board is not holding up these cases. Even if the City Administrator says yes to the case findings pertaining to eight of the nine cases, nothing can be done due to expired 3304 dates.

Chair Brown thanked Vice-Chair Green and Commissioner Tevelson for their input.

Director Finnell reported that as of October 26, 2017, there are 49 CPRB cases: 37 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 October 12, 2017, one new case has been added.

VI. DISCUSSION – PRE-CUSTODY CLEARANCES
(Vice-Chair – Charlotte Green)

Vice-Chair Green reported that members received information from Anne Rishon,

Nurse Practitioner at the Juvenile Justice Center's Health Clinic, in the September 28 Agenda Meeting Packet (Attachment 3). Ms. Rishon was asking for the Board's assistance in getting information disseminated to the police departments about protocols and procedures that they wanted the police to adhere to when they bring in juveniles who either have injuries or medical conditions. Vice-Chair Green volunteered to contact Ms. Rishon. She had a long conversation with Ms. Rishon.

Vice-Chair Green reported that she contacted OPD's Training Section and spoke with Lt. Gonzalez and explained to him what we were trying to do and he said it would not be a problem. She told him that she would speak with Ms. Rishon about for them to prepare the Clinic - to prepare an email that would go to the various training sections of the police department and include as an attachment the protocols and procedures they wanted implemented regarding the juveniles coming into the Center. She agreed to do that. OPD said that it would not be a problem with them getting that information disseminated in the lineups.

Vice-Chair Green told Ms. Rishon that she would contact the other 13 police agencies within Alameda County and find out who the contact persons were for each of those agencies in the Training Department. Right now, she has contacted eight of them. Everybody is on board; she has a few more to contact. She is in the process of preparing the memo and the protocol because she must get it approved by the Executive Director. Probably within the next month or two, it should be on its way to the various police departments.

Commissioners thanked Vice-Chair Green for her great work on the assignment.

Commissioner Bingham asked if Ms. Rishon was specific on protocols she wants to see implemented or what exactly they are asking these agencies to do? Vice-Chair Green reported that Ms. Rishon wanted the police departments to be aware that they are on call 24 hours so if there is a question as to whether a juvenile has a health problem that needs to be cleared before they bring them in that they are always on call and that they can always inquire. If they have a juvenile who has been taken into custody who has a preexisting condition (diabetes) – their facility requires that the individual be cleared but not through Highland Hospital or through Alta Bates but they go to their medical facility where they are being treated – when they are seen there, that their doctor or whoever is treating them would have to provide a clearance in the documents that pertain to that visit would have to come to the Center. Police would take them to the closest facility versus to the medical home. They also have had situations where juveniles come in with concussions and cleared medically but they come in without documentation – they say that they are taken to Highland and they do not provide documentation. Things like that are for the health and benefit of the juveniles. In talking with her, there are about five. Lt. Gonzalez said that it was not a problem; if they want to come in and do some type of training in lineups, they would be agreeable.

Director Finnell asked Vice-Chair Green to ask Ms. Rishon to email him the final product/protocols so we have a record. Vice-Chair Green agreed.

Investigator Saupe announced that Zachary Running Wolf Brown (Complainant) and his Campaign Manager (Thomas Hodgman) will be speaking in Closed Session regarding Attachment 3.

VII. CLOSED SESSION: NEW BUSINESS (Convened at 6:34 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. 16-1043, Zachery Brown

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

Complainant alleges an OPD officer arrested him illegally, pushed him into a fence and an OPD officer hit him or pushed him in the ribs with a baton against the fence. Complainant also alleges an OPD officer endangered the public by driving onto the sidewalk to arrest him.

Case No. 16-1045, Daniel Alejandro Sandoval

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

Complainant alleges an OPD officer struck him with a baton when he was arrested.

Case No. 17-0077, Henri Abrams, Jr.

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

Complainant alleges that he was unlawfully detained in handcuffs by OPD officers, as well as racially profiled. During the investigation, an IAD investigator determined that OPD Officer #1 did not accept or refer a complaint from the Complainant about being improperly detained due to his ethnicity.

The Board reconvened open session at 7:02 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 7:03 p.m.