

**CITIZENS' POLICE REVIEW BOARD
MEETING OF THURSDAY, March 26, 2009 – 6:15 P.M.
City Hall, Hearing Room #1**

ATTACHMENT 1

I. CALL TO ORDER BY CHAIRPERSON CARA KOPOWSKI at 6:20 P.M.

II. ROLL CALL AND ATTENDANCE

Present: Chairperson Cara Kopowski
Vice Chairperson Tina Allen
Commissioner Donna Duhe
Commissioner Risha Jamison
Commissioner Susan Shawl

Hearing Officer, Tony Lawson / Board Counsel
Sean P. Quinlan, CPRB Interim Executive Director
Audrey Montana, CPRB Investigator
Karen Tom, CPRB Investigator
Patrick Caceres, Policy Analyst/Outreach Coordinator
Delores A. Pontiflet, Executive Assistant (Note Taker)

Absent: Commissioner Matthew Hudson

III. APPROVAL OF MINUTES OF February 5, 2009 MEETING

Commissioner Shawl moved to approve the minutes of February 5, 2009 meeting. Vice Chairperson Allen seconded. **The motion carried. The Board voted unanimously 5-0-0.**

IV. OPEN FORUM

Michael Francois from East Palo Alto informed the Board that he and other Black Americans do not condone what happen to the four Oakland Police officers.

V. AGENDA DISCUSSION

Chairperson Kopowski asked for a motion to postpone agenda item VIII, Civilization of Internal Affairs until the April 23, 2009 meeting. A motion was made my Commissioner Jamison and seconded by Vice Chairperson Allen. **Motion carried. The Board vote was unanimous.**

Interim Executive Director Quinlan stated that on behalf of the CPRB and staff we would like to express or sincere condolences to all the Oakland Police Department members and their families. We also recognize and honor Officers Mark Dunakin, Daniel Sakai, Ervin Romans and John Hege for their commitment and service to our city by paying the ultimate sacrifice for our safety.

Interim Executive Director Quinlan also announced the date and time of the officers memorial service, March 27th at 11:00 a.m. in the Oracle Arena.

VI. STAFF REPORTS

Pending Cases as of 3/20/09: Interim Executive Director Sean Quinlan informed the Board that there were 75 pending complaints, 61 complaints are active CPRB complaints and 14 tolled complaints. Since the last report 15 new complaints have been filed.

VII. DIRECTOR'S REPORT

Interim Executive Director Quinlan informed the Board of four issues:

- 1) New Board member Thomas Cameron has joined the Board and will be attending the April 23, 2009 meeting and two other people are waiting to be confirmed.
- 2) Cancellation of Lorain Nails hearing due to Ms Nails decision to file a civil suit
- 3) Laney College Outreach will be held on April 30th at 12:30 pm.

VIII. CIVILIZATION OF INTERNAL AFFAIRS

POSTPONED.

IX. SIDE SHOW AND TOWING TRAINING – Presented by Officer Mark Dunakin & Lt. Anthony Banks

Interim Executive Director Quinlan informed the Board that the training has been postponed due to the fact that Officer Mark Dunakin was one of the fallen OPD officers.

X. ANNUAL REPORT PRESENTATION

Interim Executive Director Quinlan announced that Patrick Caceres would be delivering the 2008 CPRB Annual Report. He also acknowledged the outstanding work done by the CPRB staff in particular Patrick Caceres for compiling all the information contained in the report. He also acknowledged the dedication of Chairperson Cara Kopowski and Vice Chairperson Tina Allen for the wonderful job they have done in their leadership roles. He Also acknowledged the excellent work done by investigators Audrey Montana and Karen Tom and Executive Assistant Delores Pontiflet who has been consistently asked to do more with fewer resources. I would like to thank them for their hard work, professionalism and performance.

Interim Executive Director Quinlan also spoke about the CPRB's strategic plan for 14 performance related goals. Interim Executive Director Quinlan informed the Board that the CPRB has been working diligently with the Mayor's Community Task Force on Public Safety.

The Task Force recommended to the Mayor that the citizens' complaint process by OPD be civilianized in the future.

Staff will include the Mayor's Task Force proposal in the April 23, 2009 agenda packet for the Boards review and discussion with Task Force members Eric Cisneros, Rashidah Grinage and Mary Vale.

Interim Executive Director Quinlan also spoke about the Negotiated Settlement and the CPRB becoming fully staffed to provide excellent community service to the citizens of Oakland.

The CPRB lost one Investigator and one Administrative Assistant due to Budget cuts. The CPRB staff has worked to provide training to new Board members and staff has also provided Outreach to the citizens of Chinatown and Fruitvale Districts. Executive Assistant Delores Pontiflet has stepped in to provide intake screening to assist the two investigators to work on their many cases.

Policy Analyst, Patrick Caceres informed the Board that he was going to present some statistics on work done by CPRB staff for the period of January 1, 2008 through December 1, 2008.

Mr. Caceres gave statistics on the following:

- 1) The number of Complaints – 74
- 2) Race of complainants – 77% African American, 45% were African American males.
~~4% Asian Americans 7% Caucasians and 11% Hispanic Americans~~
- 3) 2008 Specific Allegations misconduct a) Verbal misconduct (9%) b) Improper Detention (8%) and c) A failure to investigate (7%)
- 4) Location of Alleged Incidents – District 1 (Jane Brunner) 4 complaints, District 2 (Pat Kernighan) 3 complaints, District 3 (Nancy Nadel) 25 complaints, District 4 (Jean Quan) 5 complaints, District 5 (Ignacio De La Fuente) 7 complaints, District 6 (Desley Brooks) 16 complaints, District 7 (Larry Reid) 11 complaints filed.
- 5) Complaints Resolved in 2008 - 89 complaints, 2 by evidentiary hearings 1 staff recommendation and 86 administrative closures
- 6) Administrative Closures –Most frequent reason (A hearing would not facilitate the fact finding process)
- 7) Sustained Allegations – 10
- 8) Other Allegations – 15% not Sustained (43) 45% unfounded (124) and 36% exonerated (101).
- 9) Disciplinary Recommendations – The City Administrator upheld three of the four Board's recommendations for officer discipline.

- 10) Officer Compliance Data – 100% of officers subpoenaed complied with conditions of the subpoena and appeared at the scheduled hearings.
- 11) Number of Officers with 3 or more complaints – 8 officers with four complaints and 15 officers with three complaints filed against them.
- 12) New Policy Recommendations – Transporting Prisoners, there were three policy recommendations made by the Board and two of the policy recommendations were accepted
- 13) Board and Staff Updates - The Board has four vacancies, the CPRB held four Board training sessions conducted by OPD, A public policy forum was held to discuss OPD's policy on officer involved shootings and two outreach events were held to share information about our services with the limited English speaking populations of the Chinatown and Fruitvale Districts.

Rashidah Grinage, PUEBLO gave thanks to Board counsel, Tony Lawson for his work with the Board particularly after the *Copley* decision. Ms Grinage feels confident that Mr. Lawson is on the staff. Ms Grinage also spoke on the training the Board received by OPD and feels it is also important for the Board to hear from civil rights advocates in the community otherwise the Board's perspective can be somewhat bias if not balanced.

Ms Grinage spoke about the 77% of African Americans filing complaints and informed the Board that in the future it may want to pursue some kind of dialogue and work with councilmembers. Maybe in a town hall setting so the Board could hear testimony about some of their experiences with police officers.

Ms Grinage congratulated staff on a great report but informed the Board that the report could be much more powerful if the civilianization of Internal Affairs occurred.

XI. CLOSED SESSION

Began at 6:45 p.m.

XII. OPEN SESSION DISCLOSURE OF NON-CONFIDENTIAL CLOSED SESSION MATTERS

(None.)

BY MOTION AND VOTE IN OPEN SESSION BOARD PANEL ELECTS EITHER TO DISCLOSE NONCONFIDENTIAL INFORMATION OR TO DISCLOSE CONFIDENTIAL INFORMATION WHICH THE MAJORITY DEEMS TO BE IN THE PUBLIC INTEREST.

(None.)

XIII. ADJOURNMENT

The Board adjourned at 6:52 p.m.