

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**  
300 Lakeside Drive, P.O. Box 12688, Oakland, CA 94604-2888

Citizen Review Board  
Minutes of the 31st Meeting  
Monday, November 18, 2013

A regular meeting of the Citizen Review Board (CRB) was held on Monday, November 18, 2013, convening at 9:00 a.m. at 344 20<sup>th</sup> Street, Suite 115, Oakland, California.

Members Present: Chairperson Sharon Kidd, Benjamin Douglas, Les Mensinger, Douglas Hambleton, George Perezvelez, Sukari Beshears and Peter Barnett

Members Absent: Vice-Chairperson William White, Ken Jones and Cydia Garrett

BART Staff: BART Police Department (BPD) Chief Kenton Rainey, BPD Deputy Chief Janeith Glenn-Davis, BPD Deputy Chief Jeff Jennings, BPD Lieutenant Lance Haight, BART Police Officers Association (BPOA) Vice-President and BPD Officer Shane Reiss, BPD Administrative Services Supervisor Justin Morgan, BPD Administrative Analyst Frances Cheung, Independent Police Auditor Mark P. Smith, Independent Police Investigator Kobia West and Independent Police Senior Administrative Analyst Anita Grayson

Others Present: Director Robert Raburn

Agenda Items discussed:

- 1. Call to Order.**  
The regular meeting was called to order at 9:00 a.m. by Ms. Kidd.
- 2. Call for Quorum.**  
Sharon Kidd, Doug Hambleton, Les Mensinger, Benjamin Douglas, Peter Barnett, George Perezvelez and Sukari Beshears were present, amounting to a quorum.
- 3. Pledge of Allegiance Recital.**  
Due to the absence of the American Flag, the pledge of allegiance was not recited.
- 4. Public Comment on Items 5 through 8 Only.**  
BPD Sergeant Alan Fueng made a comment.
- 5. Approval of Minutes of Prior Board Meeting(s). For Discussion and Action.**  
A motion to approve the minutes of the previous board meeting was made by Mr. Mensinger and seconded by Ms. Beshears. The motion passed with 6 votes in favor and 1 abstention.

**6. Chief of Police Report. For Discussion and Action.**

Chief Rainey recognized San Leandro Police Officer Brian Buff for his efforts in assisting the BART Police Department (BPD) with providing public safety at BART.

**a. Presentation of Sample Video from BART Police Department (BPD) Mobile Video Recorder. (Continued from August 12, 2013 CRB Meeting.)**

Supervisor Morgan presented a sample of video recorded by a BPD officer's Mobile Video Recorder. Supervisor Morgan discussed the process of recording video and answered questions from the CRB.

**b. Review of Revisions to BPD Policies #1019 – Early Warning System; and #1020 – Internal Investigation of Allegations of Misconduct. (This item was originally 6c on the agenda, but was switched with the following item.)**

Lieutenant Haight discussed the BPD policies governing an Early Warning System and the Internal Investigation of Allegations of Misconduct and answered questions from the CRB. Suggestions were made by the CRB and were noted by Lieutenant Haight and Chief Rainey.

**c. Report on BPD Team-Building Workshop. (This item was originally 6b on the agenda, but was switched with the preceding item.)**

Chief Rainey reported on the team-building workshop that BPD held on September 16-19, 2013.

No action taken.

A motion to extend the meeting by 30 minutes was made by Mr. Mensinger and seconded by Mr. Douglas. The motion passed unanimously.

**7. Independent Police Auditor Report. For Discussion and Action.**

Mr. Smith reminded everyone of the upcoming community forum on Tuesday, December 10, 2013 at 6:30 p.m. at the Mission Cultural Center for Latino Arts.

**a. Development of Alternative Dispute Resolution Process for Complaints of Misconduct Involving BPD.**

Mr. Smith presented a proposal for a Complaint Mediation Program to address certain complaints of misconduct involving BPD and answered questions from the CRB.

A motion to extend the meeting by 30 minutes was made by Mr. Hambleton and seconded by Mr. Douglas. The motion passed unanimously.

BPOA Vice-President Reiss gave input on this matter.

A motion to table this matter until the next CRB meeting was made by Mr. Mensinger and seconded by Mr. Hambleton. The motion passed unanimously.

- b. Review of OIPA’s Policy Recommendation Regarding BPD Policy #300-Use of Force. (This item was originally 7c on the agenda, but was switched with the following item.)**

Mr. Smith presented an OIPA Policy Recommendation for BPD Policy #300, Use of Force, and answered questions from the CRB. Chief Rainey and BPOA Vice-President Reiss gave input on this matter. Members of the CRB expressed a desire to obtain further information from BPD before continuing discussion of this matter.

A motion to extend the meeting by 30 minutes was made by Mr. Hambleton and seconded by Mr. Mensinger. The motion passed unanimously.

- c. Independent Police Auditor Report. For Discussion and Action. (This item was originally 7b on the agenda, but was switched with the preceding item.)**

A motion to accept the Independent Police Auditor’s report without discussion at this meeting, and to table any questions the CRB might have about the report until the next CRB meeting, was made by Ms. Kidd and seconded by Mr. Mensinger. The motion passed unanimously.

No action taken.

At 12:02 p.m., a 5 minute break was called by Ms. Kidd. After the break, the CRB met in closed session to address the next two agenda items.

**8. Closed Session.**

- a. To Consider Public Employee Discipline/Dismissal/Release in Office of the Independent Police Auditor Case #13-24. (Continued from October 7, 2013 meeting.)**

**Govt. Code §54957**

The CRB decided by majority vote to accept the recommended findings of OIPA in Case #13-24.

- b. To Consider Public Employee Discipline/Release in Office of the Independent Police Auditor Case #13-38. (Continued from October 7, 2013 meeting.)**

**Govt. Code §54957**

The CRB decided by majority vote to accept the recommended findings of OIPA in Case #13-38.

A motion to extend the meeting by 30 minutes was made by Mr. Douglas and seconded by Mr. Mensinger. The motion passed with 6 votes in favor and 1 abstention.

Ms. Beshears exited the meeting.

**9. Open Session.**

The CRB reconvened in open session at approximately 1:12 p.m.

Mr. Douglas exited the meeting.

The meeting was adjourned at approximately 1:13 p.m. due to the lack of a quorum.

**10. General Discussion and Public Comment. Limited to 3 minutes per speaker.**

**11. Adjournment.**