

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

Citizen Review Board
Minutes of the 29th Meeting
Monday, September 9, 2013

A regular meeting of the Citizen Review Board (CRB) was held on Monday, September 9, 2013, convening at 9:00 a.m. in the Joseph P. Bort Auditorium, 101 8th Street, Oakland, California.

Members Present: Chairperson Sharon Kidd, Vice-Chairperson William White, Ken Jones, George Perezvelez, Benjamin Douglas, Les Mensinger, Cydia Garrett, Douglas Hambleton, and Peter Barnett

Members Absent: Sukari Beshears

BART Staff: BART Police Department (BPD) Chief Kenton Rainey, BPD Deputy Chief Janeith Glenn-Davis, BPD Lieutenant Lance Haight, BPD Officer Scott Hamilton, Independent Police Auditor Mark P. Smith, Independent Police Investigator Kobia West and Independent Police Senior Administrative Analyst Anita Grayson

Agenda Items discussed:

- 1. Call to Order.**
The regular meeting was called to order at 9:10 a.m. by Ms. Kidd.
- 2. Call for Quorum.**
Cydia Garrett, Sharon Kidd, Ken Jones, Doug Hambleton, Les Mensinger and George Perezvelez were present, amounting to a quorum.
- 3. Pledge of Allegiance Recital.**
The pledge of allegiance was recited.
- 4. Public Comment on Items 5 through 13 Only.**
There were no public comments.
- 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. Perezvelez and seconded by Mr. Hambleton. The motion passed with 5 votes in favor and 1 abstention.

6. Update on BART Police Department Mobile Video Recorder (MVR) Equipment (continued from August 12, 2013 meeting). For Discussion and Action.

Chief Rainey requested this item be moved to the October meeting, and the CRB agreed. Mr. Mensinger and Chief Rainey discussed some advantages and drawbacks of different locations on an officer's person where the MVR camera may be worn.

No action taken.

7. Change in Date for October CRB Meeting. For Discussion and Action.

Mr. White entered the meeting.

Mr. Hambleton recognized that October 14th, the date of the next scheduled CRB meeting, is a holiday for BPD. He also recognized the possibility that BART employees may be engaged in a work stoppage on that date. A motion to move the next scheduled CRB meeting from Monday, October 14th to Monday, October 7th was made by Mr. Hambleton and seconded by Mr. Mensinger. The motion passed with 6 votes in favor and 1 abstention.

Ms. Kidd stated that, due to ongoing labor negotiations at BART, the CRB would not meet in the BART Board Room so that it would remain available.

8. Training on Deployment of Pepper Spray. For Discussion and Action.

Officer Hamilton gave a presentation on pepper spray, during which he described how the spray was developed, as well as how and when it may be used by BPD. He and Lieutenant Haight answered questions from the CRB.

Mr. Douglas entered the meeting.

No action taken.

9. Chief of Police Report. (Previously Agenda Item #10)

Chief Rainey requested to switch this item with the following one on the CRB Agenda, and the CRB agreed.

Chief Rainey informed the Board that, next week, his senior staff (Deputy Chiefs of Police, Lieutenants and Sergeants) will be attending a team-building workshop to discuss the Department's strategic planning. Chief Rainey will also be attending a Police Executive Research Forum event to discuss cyber-crime and body cameras. He discussed the training that BPD officers receive regarding appropriate levels of force to use.

No action taken.

10. BPD Entry Level Police Officer Qualifications. For Discussion and Action. For Discussion and Action. (Previously Agenda Item #9)

Chief Rainey discussed the procedures involved in qualifying for entry-level positions at BPD. He discussed relaxing and/or modifying certain required qualifications in order to assist in hiring a greater number of desirable candidates, noting that there is presently a hiring deficit. Chief Rainey and Deputy Chief Glenn-Davis answered questions from the CRB.

Mr. Barnett entered the meeting.

No action taken.

11. Independent Police Auditor Report. For Discussion and Action.

Mr. Smith noted that, since the last CRB meeting, OIPA staff and CRB members participated in a training session hosted by BPD and presented by National Alliance on Mental Illness, an outreach event at Mo' Magic, and a meet-and-greet hosted by the San Francisco Office of Citizen Complaints and presented by the Membership Development and Outreach Committee of the National Association for the Civilian Oversight of Law Enforcement. Mr. Smith reminded the CRB of another outreach event taking place with the Alice B. Toklas LGBT Democratic Club on September 9, 2013.

Mr. Smith presented the Office of the Independent Police Auditor's monthly report and answered questions from the CRB.

Lieutenant Haight discussed a complaint that involved a traffic violation committed by a BPD officer, and he answered questions from the CRB.

Mr. Jones noted the importance of having input from the CRB member representing the two BPD unions, who was not at the meeting. Ms. Kidd indicated that the matter would be addressed at the next CRB meeting.

At 10:45 a.m., a 10 minute break was called by Ms. Kidd. After the break, the CRB met in closed session to address the next two agenda items.

No action taken.

12. Closed Session:

a. To Consider Public Employee Discipline/Dismissal/Release in Office of the Independent Police Auditor Case #13-27 (continuation from August 12, 2013 meeting).

Govt. Code §54957

During the closed session, at approximately 11:00 a.m., a motion to extend the meeting for 30 minutes was made by Mr. Douglas and seconded by Mr. Hambleton. The motion passed unanimously.

13. Closed Session:

a. To Consider Public Employee Discipline/Dismissal/Release in Office of the Independent Police Auditor Case #13-25.

Govt. Code §54957

During the closed session, at approximately 11:30 a.m., a motion to extend the meeting for 30 minutes was made by Mr. Douglas and seconded by Mr. Barnett. The motion passed unanimously.

Ms. Kidd exited the meeting.

14. Open Session.

The CRB reconvened in open session at approximately 11:50 a.m.

Mr. White reported that, during the closed session, the CRB decided by majority vote to accept the recommended findings of the Office of the Independent Police Auditor (OIPA) in Case #13-27.

Mr. White also reported that, during the closed session, the CRB decided by majority vote to accept the recommended findings of OIPA in Case #13-25.

15. General Discussion and Public Comment. Limited to 3 minutes per Speaker.

There was no public comment.

16. Adjournment.

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

The meeting was adjourned at approximately 11:52 a.m.