

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

300 Lakeside Drive, P.O. Box 12688, Oakland, CA 94604-2888

Citizen Review Board Minutes of the 23rd Meeting Monday, March 11, 2013

A regular meeting of the Citizen Review Board (CRB) was held on Monday, March 11, 2013, convening at 4:00 p.m. at the Joseph P. Bort Building, Room 171, 101 Eighth Street, Oakland, California.

Members Present: Sharon Kidd, Douglas Hambleton, Benjamin Douglas, Ken Jones, William White, Les Mensinger, George Perezvelez, Peter Barnett, Sukari Beshears, Thomas Minshew and Cydia Garrett

BART Staff: Independent Police Auditor Mark P. Smith, Independent Police Investigator Kobia West, Independent Police Senior Administrative Analyst Anita Grayson, District Secretary Ken Duron, BART Police Deputy Chief Janeith Glenn-Davis, BART Police Lieutenant Lance Haight, BART Police Officer Scott Hamilton, BART Community Service Officer (CSO) Jennifer O'Connell and BART Police Administrative Analyst Frances Cheung

Agenda Items discussed:

1. **Call to Order.**
The regular meeting was called to order at 4:04 p.m. by Mr. Douglas, Board Chairperson.
2. **Call for Quorum.**
Sharon Kidd, Douglas Hambleton, Benjamin Douglas, Ken Jones, Les Mensinger, Sukari Beshears, Thomas Minshew, Peter Barnett, William White and Cydia Garrett were present, amounting to a quorum.
3. **Pledge of Allegiance Recital.**
The pledge of allegiance was recited.
4. **Public Comment Items 5 through 15 Only.**
There were no public comments.
5. **Introduction of New Citizen Review Board Member. For Discussion and Action.**
Mr. Douglas introduced the new CRB member, Cydia Garrett. Ms. Garrett spoke about her background and her desire to serve on the board.

Mr. Perezvelez joined the meeting at 4:10 p.m.

At the request of Mr. Jones, the CRB observed a moment of silence in honor of an unidentified male who had become stuck inside a BART elevator shaft on March 10, 2013 and had subsequently died.

No action taken.

6. Oath of Office of New and Existing Citizen Review Board Members. For Discussion and Action.

Mr. Duron administered the Oath of Office to CRB members Cydia Garrett, Thomas Minshew and Benjamin Douglas.

No action taken.

7. Approval of Minutes of Prior Board Meeting. For Discussion and Action.

Ms. Kidd made a motion to approve the minutes of the previous board meeting. The motion was seconded by Mr. Minshew. The motion passed unanimously.

8. Chief of Police Report. For Discussion and Action.

Chief of Police Kenton Rainey recognized Alameda County Sheriff's Office Deputy David Cahill, Citizen Karina Dewald and BART Station Agent Traniece Yarbrough for assisting in the response to crimes in the BART system. The Chief introduced BART Police Administrative Supervisor Justin Morgan who gave a presentation of Evidence.com and a demonstration of the body cameras/recorders presently in use by the BART Police Department. Mr. Morgan responded to questions by the CRB members. The Chief presented his monthly report and responded to questions from the CRB members.

No action taken.

9. Recognition of BART Police Department's 2012 Fundraising Efforts for Special Olympics.

CSO O'Connell and Officer Hamilton presented Chief Rainey with an award for the BART Police Department's 2012 fundraising efforts for the Special Olympics.

10. Review of Draft 2012 Quarter 4 Citizen Review Board Report to the BART Board of Directors. For Discussion and Action.

The draft report was discussed, and Ms. Kidd made a motion that the draft be accepted with the inclusion of additional material submitted by Mr. Mensinger. The motion was seconded by Ms. Beshears, and it passed unanimously.

11. Inclusion of Office of the Independent Police Auditor's Case Numbers on CRB Agendas for Cases to be Considered in Closed Session. For Discussion and Action.

The matter was discussed, and Mr. Barnett made a motion to include case numbers on CRB agendas for cases to be considered in closed session. The motion was seconded by Ms. Kidd, and it passed unanimously.

12. Discussion of BART Citizen Oversight Model, Chapters 2-04 and 2-05. For Discussion and Action.

At the request of Ms. Kidd, this item was continued to the next meeting agenda.

No action taken.

13. Definitions of Investigative Findings/Burden of Proof in Administrative Investigations. For Discussion and Action.

After discussion, the CRB members requested clarification from BART's Legal Department regarding what information may be transmitted to a complainant at the conclusion of an investigation and after a CRB decision has been rendered.

No action taken.

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

Mr. West informed the CRB members about several successful community outreach efforts held by the Office of the Independent Police Auditor (OIPA) in San Francisco. Mr. West presented the OIPA monthly report and responded to questions from the CRB. Ms. Kidd requested invitations to future community outreach events.

No action taken.

Mr. Douglas called for a 5 minute recess at 5:40 p.m.

15. Closed Session:

A. To consider Public Employee Discipline/Dismissal/Release. Govt. Code §54957.

The CRB entered into closed session at 5:45 p.m.

16. Open Session.

The CRB concluded the closed session at 6:27 p.m. During the closed session, Mr. Perezvelez made a motion to extend the meeting for 30 minutes, which was seconded by Ms. Kidd. The motion passed unanimously.

At the conclusion of the closed session, a motion was made by Mr. Barnett to accept the OIPA recommendations in OIPA Case #13-03. The motion was seconded by Ms. Beshears, and it passed unanimously.

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

There was no public comment. Ms. Kidd requested a list of CRB committee members responsible for reviewing the model.

18. Adjournment.

Mr. Jones made a motion to adjourn the meeting in memory of the unidentified male who died in a BART elevator shaft. The motion was seconded by Ms. Kidd, and it passed unanimously. The meeting was adjourned at 6:40 p.m.