

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

Citizen Review Board
Minutes of the 17th Meeting
Monday, September 10, 2012

A regular meeting of the Citizen Review Board (CRB) was held on Monday, September 10, 2012, convening at 9:00 a.m. in the Board Room, 344 20th Street, Oakland, California.

Members Present: Chairperson Benjamin Douglas, Vice-Chairperson Sharon Kidd, George Perezvelez, Les Mensinger, Douglas Hambleton, Peter Barnett, Daniel Buford, Sukari Beshears, and William White

Members Absent: Thomas Minshew, Ken Jones

BART Staff: Independent Police Auditor Mark P. Smith, Independent Police Investigator Kobia West, BART Police Chief Kenton W. Rainey, BART Deputy Police Chief Janeith Glenn-Davis, BART Deputy Police Chief Dan Hartwig, BART Police Lieutenant Lance Haight.

Others Present: BART Director Robert Raburn

Agenda Items discussed:

1. **Call to Order.**
The regular meeting was called to order at 9:02 a.m. by Mr. Douglas.
2. **Call for Quorum.**
Sharon Kidd, Les Mensinger, Douglas Hambleton, Peter Barnett, William White, Benjamin Douglas, and George Perezvelez were present, amounting to a quorum.
3. **Recital of Pledge of Allegiance.**
The pledge of allegiance was recited.
4. **Public Comment on Items 5 through 10 only.**
There were no public comments.
5. **Approval of Minutes of Prior Board Meetings. For Discussion and Action.**
A motion was made by Mr. White and seconded by Ms. Kidd to approve the minutes of the prior CRB meeting. The motion passed unanimously.
6. **Chief of Police Report. For Discussion and Action.**
Chief Rainey recognized the following citizens for their heroic actions responding to crime in the BART system: Marshawn Dyer, Alameda County Sheriff's Deputy Kevin Tracy, BART Station Agent Brandon Nichols, BART System Service

Worker Stephanie Keels, University of California San Francisco Police Department Officer Thomas Overton, BART System Service Worker Doug Herbert, and BART Station Agent Robert Kramer.

Mr. Buford arrived at the meeting.

Ms. Beshears arrived at the meeting.

Mr. Mensinger suggested that the adjournment of the meeting be done in recognition of the honorees. Mr. Douglas agreed with the suggestion, and there were no objections.

Mr. Douglas called for a two minute break at 9:25 a.m. to obtain refreshments.

- 7. Presentation on Lexipol Policy System in Use by BART Police Department. For Discussion and Action.**
Deputy Chief Dan Hartwig addressed the CRB regarding the Lexipol policy system, and the implementation of changes to BART Police Department policies.
- 8. Review of Revisions to BART Police Department Policies. For Discussion and Action.**
Deputy Chief Hartwig addressed the CRB and explained the process of approval for the policy revisions that were distributed to the CRB for review. Deputy Chief Hartwig answered questions regarding the policy revisions.
- 9. Report on the Implementation of Recommendations Resulting from Studies Conducted to Look at BART Police Department Policies and Procedures, Practices and Training. For Discussion and Action.**
Mr. Hambleton suggested setting aside a future meeting to devote to a review of the BART Police Department's implementation of the NOBLE Report. Mr. Douglas volunteered to coordinate the receipt of questions posed by CRB members over the next two weeks from today's meeting for presentation to Chief Rainey in advance of that future meeting. Deputy Chief Hartwig agreed to forward past versions of the Department's NOBLE Report Implementation Matrix to the CRB for context as it conducts its reviews.
- 10. Proposal to the BART Board of Directors to Issue a Stipend to CRB Members to Offset Expenses Incurred as a Result of Service to the CRB. For Discussion and Action.**
Discussion was held regarding the CRB's previously approved motion to propose issuance of a stipend to CRB members to offset expenses incurred as a result of service.
- 11. Discussion of the BART Citizen Oversight Structure after the First Year of Implementation. For Discussion and Action.**
Discussion was held by the CRB regarding CRB and OIPA progress during first year of their existence. Discussion was also held on the possible creation of a

subcommittee to look at this matter in more detail. Mr. Perezvelez asked that the possible creation of a subcommittee be placed on the next CRB agenda.

12. Update on CRB Annual/Quarterly Report to BART Board of Directors. For Discussion and Action.

Ms. Kidd led a discussion on the status of her draft report, asked for suggested edits and comments, and requested the item be re-agendized to allow discussion of the draft revisions from this point forward.

13. Independent Police Auditor Report. For Discussion and action.

Mr. Smith presented the OIPA monthly report and responded to questions from the CRB. He also gave a status update on the OIPA's caseload. Lieutenant Haight addressed the CRB to clarify the procedure for completing Comments of Non-Complaint.

14. General Discussion and Public Comment. Limited to 3 Minutes per Speaker.

There was no public comment.

Mr. Mensinger moved to extend the meeting an additional 30 minutes and Ms. Kidd seconded the motion. The motion passed unanimously.

15. Closed Session.

A. To Consider Employee Discipline/Dismissal/Release (Room 303 Board Conference Room). Govt. Code § 54957.

The CRB entered into closed session at 11:12 a.m.

The CRB concluded the closed session at 11:26 a.m. and resumed its open session. Mr. Douglas announced that no votes were taken in closed session and that materials will be provided in the future to the CRB by the OIPA regarding an investigation.

16. Adjournment.

A motion was made by Mr. Douglas to adjourn the meeting in honor of the individuals commended by Chief Rainey. The motion was seconded by Mr. Mensinger. The motion passed unanimously and the meeting was adjourned at 11:29 a.m.