

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

Citizen Review Board  
Minutes of the 6th Meeting  
Monday, October 10, 2011

A regular meeting of the Citizen Review Board was held on Monday, October 10, 2011, convening at 4:05 p.m. in the Board Room, 344 20<sup>th</sup> Street, Oakland, California.

Members Present: Benjamin Douglas, Les Mensinger, George Perezvelez, Peter Barnett, William White, Sharon Kidd, Ken Jones, Sukari Beshears, Doug Hambleton and Sue Angeli

Members Absent: Jennifer Scaife

BART Staff: Independent Police Auditor Mark P. Smith, BART Police Chief Kenton Rainey, BART Deputy Police Chief Jan Glenn-Davis, BART Deputy Police Chief Ben Fairow, Police Chief's Assistant, Frances Cheung, and Senior Staff Assistant, Anita Grayson

Agenda Items discussed:

- 1. Call to Order.**  
The regular meeting was called to order at 4:05 p.m. by George Perezvelez, Board Chairperson
- 2. Call for Quorum.**  
Benjamin Douglas, William White, Doug Hambleton, Les Mensinger, Sharon Kidd, George Perezvelez, Ken Jones, Sukari Beshears, Peter Barnett and Sue Angeli indicated their presence, amounting to a quorum. Ms. Kidd made a motion to move Item #9 to the next agenda. Ms. Angeli made a motion to move Item #12 to the next meeting. Both of these motions passed without objection.
- 3. Recital of Pledge of Allegiance.**  
The pledge of allegiance was recited.
- 4. Public Comment on Items 5 through 12. Limited to 3 Minutes per Speaker.**  
There were no public comments.

- 5. Approval of Minutes of Prior Board Meetings. For Action.**  
Motion was made by Ms. Kidd and seconded by Mr. Mensinger to approve the minutes from the Friday, September 2, 2011 meeting. There were 9 votes yes and 1 abstention. Motion was made by Ms. Kidd and seconded by Mr. Mensinger to approve minutes from the meeting of Monday, September 19, 2011. Minutes approved unanimously.
- 6. Independent Police Auditor Report. For Discussion and Action.**  
Mark Smith briefly updated the Board members on the status of complaints, the hiring of his staff, etc. Mr. Smith also shared information about the outreach program and website for the Office of the Independent Police Auditor.
- 7. Chief of Police Report. For Discussion and Action.**  
Chief Rainey opened with a request to adjourn the meeting in honor of one of BART's fallen officers, Alex Kirchoff. Mr. White motioned to adjourn the meeting in honor of Officer Kirchoff and Ms. Angeli seconded. The motion passed without objection. Chief Rainey discussed fare evasion at BART, as well as vetting new BART PD policies through the CRB. Chief Rainey then introduced a BART patron who was the victim of a stabbing, as well as BART Police Officer Ravi Sincerney who assisted in investigating the incident. Chief Rainey presented Officer Sincerney with a commendation award. Chief Rainey then introduced the 2010 Internal Affairs Annual Report. Next, a presentation was given by BART PD Sergeant Tom Smith in regards to the officer-involved shooting on July 3, 2011.
- 8. Update from Bylaws and Regulations Sub-committee. For Discussion and Action.**  
Ms. Angeli would like to delay any action on the bylaws until every member has had a chance to review and comment. Mr. Perezvelez made a motion to extend the meeting for 30 minutes and Mr. Mensinger seconded. The motion passed. Mr. Barnett made a motion to adopt the Bylaws. Mr. Douglas would like to put off the vote to pass the bylaws until the next meeting so that BART's Legal Department can review them. Mr. Jones asked Mr. Barnett to withdraw the motion to continue to discussion in a month. Mr. Barnett did not withdraw the motion. He did amend his own motion to adopt the Bylaws with Article 10, Item #1 stricken. Mr. Mensinger seconded. Mr. Hambleton suggested that the CRB not adopt the Bylaws today. Motion was made by Ms. Angeli to table the original motion and Mr. Jones seconded. 8 votes yes, 1 vote no, 1 abstention.
- 9. Attendance by Board Members at National Association for Civilian Oversight of Law Enforcement (NACOLE) Annual Conference. Vice-Chairperson Kidd Report. For Discussion.**  
Item moved to the next meeting agenda.

- 10. Discussion of Confidentiality Rules to Be Adhered to by All CRB Members. For Discussion and Action.**  
Ms. Scaife introduced this item to the agenda however in her absence, this item was tabled.
- 11. Update from Training Subcommittee. For Discussion and Action.**  
Mr. Hambleton brought the members up to date on discussions during the Training subcommittee meeting. Mr. White requested to have training for members of the Citizen Review Board on citizen oversight of law enforcement. Mr. Jones requested to have information on status of training for BART officers. Mr. Hambleton will bring these ideas to the next training subcommittee meeting;
- 12. Update from Website Visibility Subcommittee. For Discussion and Action.**  
Item moved to the next meeting agenda.
- 13. General Discussion and Public Comment. Limited to 3 Minutes per Speaker.**  
Mr. Hambleton raised the question of when the terms of the CRB members expire. He also highlighted the duty of the CRB to review external reports on BART PD, such as the NOBLE report. Chairperson Perezvelez recapped there are four (4) items on the next meeting agenda which are: NACOLE, Update for the Website, Bylaws, and a possible subcommittee to track implementations from the NOBLE report.

There were no public comments.
- 14. Adjournment.**  
Ms. Beshears made a motion to adjourn the meeting in memory of Officer Alex Kirchoff who passed away on September 8<sup>th</sup> and Ms. Kidd seconded. Meeting was adjourned at 6:29 p.m.