

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

BART Police Citizen Review Board
Monday, January 11, 2016

A regular meeting of the BART Police Citizen Review Board (BPCRB) was held on Monday January 11, 2016 convening at 4:00 p.m. in the BART Board Room, 344 20th Street, Oakland, California.

Members Present: Vice Chairperson Les Mensinger, Benjamin Douglas, Douglas Hambleton, Sharon Kidd, George Perezvelez, Richard Knowles, William White, Darren White, and David Rizk

BART Staff: BART Police Department (BPD) Chief Kenton Rainey, BPD Deputy Chief Lance Haight, BPD Lieutenant Paul Kwon, BART Police Officers' Association (BPOA) President Officer Keith Garcia, BPOA Secretary Officer Shane Reiss, Independent Police Auditor Mark P. Smith, Independent Police Investigator Russell Bloom, and Senior Administrative Analyst Sarah Celso

Others Present: Director Robert Raburn

Agenda items discussed:

- 1. Call to Order.**
The regular meeting was called to order at 4:03 p.m. by Vice Chairperson Les Mensinger.
- 2. Call for Quorum.**
Les Mensinger, Benjamin Douglas, Doug Hambleton, Sharon Kidd, Richard Knowles, William White, Darren White, and David Rizk were present, amounting to a quorum.
- 3. Pledge of Allegiance Recital.**
The pledge of allegiance was recited.
- 4. Public Comment on Items 5 through 11 Only.**
No public comment.

Mr. Perezvelez entered the meeting.
- 5. Approval of Minutes of Prior Board Meeting. For Discussion and Action.**
A motion to approve the minutes of the prior BPCRB meeting was made by Mr. Mensinger and seconded by Mr. D. White. The motion passed unanimously.

6. Review of Draft 2015 Quarter 4 BART Citizen Review Board Report. For Discussion and Action.

The 2015 Quarter 4 BART Police Citizen Review Board Report was approved unanimously.

Ms. Kidd volunteered to temporarily begin drafting the quarterly and annual BART Police Citizen Review Board Reports to the BART Board of Directors in place of Mr. Hambleton who has been doing them up to this point.

7. Review of Draft 2015 Annual Report to the BART Board of Directors. For Discussion and Action.

A motion to approve the 2015 Annual Report of the BPCRB to the BART Board of Directors was by Mr. Perezvelez. The motion passed unanimously.

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

A motion to combine Agenda Item Numbers 8a and 9a was made by Mr. Mensinger. The motion passed with 7 votes in favor and 2 abstentions.

a. Officer Review of Mobile Video Recorder Videos Prior to a Related Investigation.

Chief Rainey responded to questions raised by the BPCRB regarding BPD's policy governing officers' review of Mobile Video Recorder videos prior to a related investigation. Officer Garcia also expressed his opinion on this matter.

Chief Rainey indicated that BPD has become a part of the San Francisco Sentencing Commission, and he described his participation at the 7th Annual Memorial for Oscar Grant. Chief Rainey also briefly discussed a recent officer-involved shooting involving BPD, and he answered questions from the BPCRB.

9. Independent Police Auditor's Report. For Discussion and Action.

a. Officer Review of Mobile Video Recorder Videos Prior to a Related Investigation.

Mr. Smith responded to questions raised by the BPCRB regarding BPD's policy governing officers' review of Mobile Video Recorder videos prior to a related investigation.

The BPCRB indicated its desire to readdress this agenda item during its regular meeting in March 2016.

Mr. Smith suggested that the BPCRB move this item from the Chief of Police's Report and Independent Police Auditor's Report to its own separate Agenda item in March. The BPCRB expressed concurrence with this suggestion.

b. Process for Sharing Materials Between OIPA and BPCRB.

Ms. Celso introduced Dropbox Business as a new mechanism for sharing materials between OIPA and BPCRB, and she responded to questions from the BPCRB.

c. Office of the Independent Police Auditor's Monthly Report.

Mr. Smith presented OIPA's December monthly report and responded to questions from the BPCRB.

10. Presentation of Proposed Training Schedule for 2016 for BPCRB.

Mr. Bloom presented a proposed training schedule for 2016 for the BPCRB, and he responded to questions and suggestions from the BPCRB. Officer Reiss suggested that in-house BPD instructors be used for some of the proposed training items.

A motion to proceed with the proposed training schedule was made by Mr. Mensinger and seconded by Ms. Kidd. The motion passed unanimously.

Director Raburn wished the BPCRB a Happy New Year and thanked the members for their service.

The BPCRB convened in closed session at 5:59 p.m. to address the next item on the agenda.

11. Closed Session.

a. To Consider Public Employee Discipline/Dismissal/Release in Office of the Independent Police Auditor Case #15-21 Govt. Code §54957

A motion to extend the meeting by 30 minutes was made by Mr. Perezvelez and seconded by Mr. Hambleton. The motion passed unanimously. A motion to extend the meeting by 10 additional minutes was made by Mr. Mensinger and seconded by Mr. W. White. The motion passed unanimously.

A motion to agree with the investigative findings and recommendations reached by OIPA was made by Mr. W. White and seconded by Mr. Perezvelez. The motion passed unanimously.

The BPCRB reconvened in open session at 6:35 p.m., and Mr. Mensinger announced the vote taken during the closed session with regard to agenda item 11a as 9 votes in favor and 0 votes against.

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

Mr. Hambleton requested that OIPA circulate a recent news article regarding officer-involved shootings that occurred throughout the nation in 2015. Mr. D. White requested new refreshment options during the BPCRB meetings.

Mr. W. White and Ms. Kidd exited the meeting.

13. Adjournment.

A motion to adjourn the meeting was made by Mr. Perezvelez and seconded by Mr. D. White. The motion passed unanimously.

The meeting was adjourned at approximately 6:39 p.m.