

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

Citizen Review Board
Minutes of the 33rd Meeting
Monday, January 13, 2014

A regular meeting of the Citizen Review Board (CRB) was held on Monday, January 13, 2014, convening at 9:00 a.m. in Joseph P. Bort, Room 171, 101 8th Street, Oakland, California.

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

Members Absent: Peter Barnett

BART Staff: BART Police Department (BPD) Chief Kenton Rainey, BPD Deputy Chief Jeffrey Jennings, BPD Lieutenant Lance Haight, BPD Lieutenant Kevin Franklin, BPD Officer Shane Reiss, BPD Administrative Analyst Frances Cheung, Independent Police Auditor Mark P. Smith, and Independent Police Senior Administrative Analyst Anita Grayson

Others Present: BART Director Robert Raburn, SEEDS Community Resolution Center Program Manager Barbara Lipson

Agenda items discussed:

- 1. Call to Order.**
The regular meeting was called to order at 9:02 a.m. by Ms. Kidd.
- 2. Call for Quorum.**
Sharon Kidd, Doug Hambleton, Les Mensinger, Benjamin Douglas, George Perezvelez, Cydia Garrett, Ken Jones and Sukari Beshears 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.**
There was no public comment.
- 5. Approval of Minutes of Prior Board Meetings. For Discussion and Action.**
A motion to approve the minutes of the previous board meetings was made by Mr. Mensinger and seconded by Mr. Douglas. The motion passed unanimously.

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

Ms. Kidd moved the Chief of Police Report from Item #10 on the Agenda to Item #6. Items #6, #7, #8, and #9 on the Agenda each moved down one place.

Chief Rainey recognized the following individuals who assisted the BART Police Department in its efforts to provide public safety at BART: Joshua Moss and Samson Stevens, Executive Officer of U.S. Coast Guard accepting on behalf of Kenneth Warner. The Chief presented the Survey of Internal Affairs Investigation Protocol and Case Load, and he answered questions about it from the CRB.

Mr. White entered the meeting.

No action taken.

7. Development of Alternative Dispute Resolution Process for Complaints of Misconduct Involving BART Police Department (BPD). (Continued from December 9, 2013) For Discussion and Action.

Mr. Smith continued his discussion regarding the proposal for a Complaint Mediation Program to address certain complaints of misconduct involving BPD. He answered questions from the CRB. Officer Reiss, who represented the BART Police Officers Association, offered his opinions and also answered questions from the CRB. Ms. Lipson, who represented the SEEDS Community Resolution Center (SEEDS), offered her opinions about how SEEDS could be of assistance in a mediation program and also answered questions from the CRB.

The CRB requested that some edits, which were agreeable to Officer Reiss and Mr. Smith, be made to the current proposal prior to the next CRB meeting, when the revised proposal would be brought back for adoption. Among the requested edits, a motion was made by Mr. Mensinger and seconded by Mr. Douglas to change the time limit for a mediation to occur from 45 days after the Office of the Independent Police Auditor's (OIPA's) initial contact with SEEDS regarding the complaint to be mediated to 90 days after such contact. The motion passed unanimously.

8. Changes to CRB Meeting Schedule. For Discussion and Action.

The item was discussed and an amendment to the CRB bylaws will be brought forward during the February 2014 CRB meeting.

Mr. Jones requested to discuss ways to increase community participation at CRB meetings at the February 2014 CRB meeting.

No action taken.

9. CRB Review of Internal Affairs Investigations in Addition to those Designated for Review for Chapter 2-08(B) of the BART Citizen Oversight Model. For Discussion and Action.

Ms. Garrett introduced the possibility of having the CRB review investigations other than those that are submitted by OIPA in accordance with the Citizen Oversight Model, and the CRB discussed the matter.

No action taken.

A 5 minute break was called by Chairperson Kidd at 10:40 a.m.

Lieutenant Franklin then resumed Item 6 (Chief of Police Report) by presenting an update on the deployment of BPD's Mobile Watch Tower and answering questions from the CRB.

Lieutenant Franklin also shared information about the upcoming Intermodal Security Training and Exercise Program, which will take place from January 27-28, 2014.

A motion to extend the meeting by 30 minutes was made by Mr. Mensinger and seconded by Mr. Douglas. The motion passed unanimously.

10. Review of NOBLE BART Management Audit and Consideration of Future Goals for the BART Police Department as Recommended by the CRB.

Mr. Jones requested to table this item until the March CRB meeting.

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

Mr. Smith announced an upcoming OIPA/CRB outreach event in collaboration with Jack and Jill of America, Inc. which is scheduled for Friday, March 14, at 6:00 p.m. at the Auditorium of the Joseph P. Bort Metro Center. Ms. Garrett talked about Jack and Jill of America, Inc. and invited the CRB to take part in the event.

a. Review of OIPA's Policy Recommendation Regarding BPD Policy #402 – Racial or Bias-Based Profiling.

Mr. Smith presented an OIPA recommendation for modifying BPD Policy #402 – Racial or Bias-Based Profiling. He received comments and answered questions from the CRB.

No action taken.

b. OIPA's Monthly Report.

Mr. Smith presented the OIPA's Monthly Report and answered questions from the CRB. Lieutenant Haight also answered questions from the CRB.

A motion to extend the meeting by 15 minutes was made by Mr. Hambleton. The motion passed.

Mr. Smith announced the recruitment of a new OIPA Investigator to fill a vacancy in that position.

No action taken.

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

A motion to extend the meeting by 15 minutes was made by Mr. White and seconded by Mr. Douglas.

Chairperson Kidd shared information about her attendance at a ceremony held in remembrance of Oscar Grant on the fifth anniversary of his death. Mr. Smith also shared information about the ceremony.

13. Adjournment.

A motion to adjourn the meeting was made by Mr. Perezvelez and seconded by Mr. Mensinger. The motion passed. The meeting was adjourned at approximately 11:45 a.m.