

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

Citizen Review Board
Monday, October 19, 2015

A regular meeting of the Citizen Review Board (CRB) was held on Monday October 19, 2015, convening at 4:00 p.m. in the BART Board Room, 344 20th Street, Oakland, California.

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

BART Staff: BART Police Department (BPD) Deputy Chief Benson Fairow, BPD Lieutenant Lance Haight, Independent Police Auditor Mark P. Smith, and Independent Police Investigator Russell Bloom

Others Present: Director Robert Raburn

Agenda items discussed:

- 1. Call to Order.**
The regular meeting was called to order at 4:05 p.m. by Ms. Garrett.
- 2. Call for Quorum.**
Cydia Garrett, Les Mensinger, Sharon Kidd, Doug Hambleton, Richard Knowles, William White, Benjamin Douglas, Sukari Beshears, and Darren White 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.
- 5. Approval of Minutes of Prior Board Meeting. For Discussion and Action.**
A motion to approve the minutes of the prior CRB meeting was made by Mr. Mensinger and seconded by Ms. Kidd. The motion passed with 7 votes in favor and 2 abstentions.
- 6. Chairperson's Report. For Discussion and Action.**
Ms. Garrett announced that she would be meeting with the BART Police Manager's Association on October 21, 2015 along with Mr. Mensinger and Mr. Knowles, and she invited other CRB members to attend the meeting. She also announced that she met with BART General Manager Grace Crunican.

a. CRB Community Outreach.

Ms. Garrett gauged CRB member interest in initiating community outreach efforts, and the CRB discussed methods of conducting outreach.

Mr. Perezvelez and Mr. Rizk entered the meeting.

b. CRB Training Opportunities.

Ms. Garrett gauged CRB interest in participating in training activities and requested that CRB members contact her to suggest any desired specific training. Mr. Mensinger announced a symposium regarding body cameras and police oversight being held at the Hastings College of Law on November 6, 2015, and he suggested that interested CRB members should attend.

7. Reports from the Office of the Independent Police Auditor and CRB Attendees of the National Association for Civilian Oversight of Law Enforcement (NACOLE) 2015 Annual Conference. For Discussion and Action.

Ms. Kidd noted that the NACOLE 2015 Annual Conference was well-attended and praised the conference keynote speaker, Ms. Vanita Gupta of the US Department of Justice. She also noted that BART was recognized during one of the conference panels for BPD's implementation of a policy governing interactions with transgender people. Mr. Mensinger suggested that CRB members attend next year's conference in Albuquerque, NM. Mr. Bloom discussed the quality and educational value of this year's panels, and he noted his appreciation for the opportunity to attend. Mr. Smith responded to questions from the CRB regarding NACOLE and election results for its Board of Directors.

No action taken.

8. Update on Proposed Amendment to Change Name of CRB from "Citizen Review Board" to "BART Police Citizen Review Board". For Discussion and Action.

Mr. Smith discussed his efforts to work with the District Secretary to add this item to the BART Board of Directors' November 19, 2015 meeting agenda.

No action taken.

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

a. Implementation of BART Watch Smartphone Application.

(This was originally Item #9b.)

Deputy Chief Fairow discussed the history of the BART Watch Smartphone application and compared some of the available reporting categories with those provided by other agencies. He invited the CRB to provide suggested changes to the interface for BPD's consideration, and he answered questions from the CRB.

Director Raburn discussed the desire of some people to change the application, and he shared some information about the application's initial procurement.

CRB members discussed removing some reporting categories and adding other subcategories. Ms. Garrett continued this item to the November CRB meeting.

No action taken.

b. Timelines for the Completion of Internal Affairs Investigations (Continued from September 14, 2015 meeting).

(This was originally Item #9a.)

Lieutenant Haight discussed staffing and caseloads within the Internal Affairs Division of BPD, as well as the goal of completing investigations within 6 months. He answered questions from the CRB.

Mr. Perezvelez requested information about BPD involvement in the Urban Shield training exercise.

Lieutenant Haight discussed the BPD policy governing crowd control and crowd management, comparing it to other local agencies' policies. Mr. Perezvelez discussed a potential addition to the policy regarding interactions between police and protestors.

No action taken.

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

This item was tabled until the November CRB meeting.

No action taken.

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

Mr. Smith noted that he had submitted a draft annual report for the Office of the Independent Police Auditor (OIPA) to the CRB, and he asked for any comments beyond those he had already received. Mr. Smith also answered questions about the Office of the Independent Police Auditor's Monthly Reports from August 2015 and September 2015.

No action taken.

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

This item was tabled until the November CRB meeting.

No action taken.

The CRB convened in closed session at 5:40 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 #13-77. Govt. Code §54957

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

b. To Consider Public Employee Discipline/Dismissal/Release in Office of the Independent Police Auditor Case #14-78. Govt. Code §54957

Ms. Beshears exited the meeting.

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

During the closed session, a motion to extend the meeting by 30 minutes was made by Ms. Garrett and seconded by Mr. Douglas. The motion passed unanimously. A motion to extend the meeting by 15 additional minutes was made by Mr. Hambleton and seconded by Mr. Mensinger. The motion passed unanimously. A motion to extend the meeting by 5 additional minutes was made by Mr. Perezvelez and seconded by Mr. Mensinger. The motion passed unanimously.

The CRB reconvened in open session at 6:45 p.m., and Ms. Garrett announced the votes taken during the closed session with regard to agenda items 11a and 11b.

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

Mr. Knowles asked about OIPA's role in the investigation of a critical incident that occurred on September 1, 2015 involving BPD. Mr. Smith discussed OIPA's role in the matter.

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 6:47 p.m.