

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

Citizen Review Board
Monday, November 9, 2015

A regular meeting of the Citizen Review Board (CRB) was held on Monday November 9, 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) Chief Kenton Rainey, BPD Deputy Chief Benson Fairrow, BPD Lieutenant Lance Haight, BPD Officer Shane Reiss, 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.**
All CRB members were present, amounting to a quorum.
3. **Pledge of Allegiance Recital.**
The pledge of allegiance was recited.
4. **Public Comment on Items 5 through 10 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 Ms. Kidd and seconded by Mr. Mensinger. The motion passed unanimously.
6. **Chairperson's Report. For Discussion and Action.**
Ms. Garrett announced that she met with the BART Police Manager's Association on October 21, 2015 along with Mr. Mensinger and Mr. Knowles. Mr. Mensinger announced that he attended the 14th Annual Hastings Race & Poverty Law Journal Symposium on November 6, 2015.

No action taken.

7. Review of Draft 2015 Quarter 3 Citizen Review Board Report to the BART Board of Directors.

A motion to approve the Quarter 3 Citizen Review Board Report to the BART Board of Directors was made by Ms. Kidd and seconded by Mr. D. White. The motion passed unanimously.

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

a. Implementation of BART Watch Smartphone Application (Continued from October 19, 2015 Meeting).

Chief Rainey and Deputy Chief Fairrow responded to questions from the CRB. Ms. Garrett continued this item to the CRB meeting in December.

No action taken.

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

Chief Rainey discussed BPD's policy and practice with regard to when officers may view Mobile Video Recorder (MVR) videos, and he answered questions from the CRB. A motion to restrict the viewing of relevant MVR videos by officers involved in a use of deadly force was made by Mr. Douglas and seconded by Mr. Perezvelez. The motion was subsequently withdrawn by Mr. Douglas.

No action taken.

Mr. D. White exited the meeting.

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

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

(This was originally item #9b).

Mr. Smith discussed his opinion with regard to when officers may view MVR videos, and he answered questions from the CRB.

No action taken.

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

(This item was originally item #9a).

Mr. Smith noted that pending technology upgrades at BART prevented him from accessing all of the data needed to complete the Office of the Independent Police Auditor's Monthly Report for October. He indicated that the report would be circulated after restoration of the necessary access.

No action taken.

Mr. Knowles exited the meeting.

The CRB convened in closed session at 5:40 p.m. to address the next item on the agenda.

10. Closed Session.

a. To Consider Public Employee Discipline/Dismissal/Release in Office of the Independent Police Auditor Case #15-04. Govt. Code §54957

Ms. Beshears exited the meeting.

A motion to agree with the investigative findings and recommendations reached by the Office of the Independent Police Auditor (OIPA) was made by Mr. Douglas and seconded by Mr. W. White. The motion passed unanimously.

During the closed session, a motion to extend the meeting by 30 minutes was made by Mr. Perezvelez and seconded by Mr. Douglas. The motion passed unanimously.

The CRB reconvened in open session at 6:21 p.m., and Ms. Garrett announced the votes taken during the closed session with regard to agenda item 10a.

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

Mr. Douglas discussed the prospect of allowing complainants to view MVR videos in order to more efficiently dispose of unfounded allegations. Mr Rizk discussed the value of allowing MVR video to assist in refreshing involved parties' recollections of particular incidents. Mr. Hambleton inquired as to the status of the complaint mediation program. Mr. Smith responded to the comments and questions raised by the CRB.

A motion to extend the meeting by 10 additional minutes was made by Mr. Perezvelez and seconded by Ms. Kidd. The motion passed unanimously.

12. Adjournment.

A motion to adjourn the meeting was made by Ms. Garrett and seconded by Ms. Kidd. The motion passed unanimously.

The meeting was adjourned at approximately 6:32 p.m.