

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

Citizen Review Board
Minutes of the 34th Meeting
Monday, February 10, 2014

A regular meeting of the Citizen Review Board (CRB) was held on Monday, February 10, 2014, convening at 4:00 p.m. in the BART Board Room, 344 20th Street, Oakland, California.

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

Members Absent: Peter Barnett and Les Mensinger

BART Staff: BART Police Department (BPD) Chief Kenton Rainey, BPD Deputy Chief Janeith Glenn-Davis, BPD Lieutenant Lance Haight, BPD Administrative Analyst Frances Cheung, Independent Police Auditor Mark P. Smith, and Independent Police Senior Administrative Analyst Anita Grayson

Others Present: BART Directors Robert Raburn and Rebecca Saltzman

Agenda items discussed:

1. **Call to Order.**
The regular meeting was called to order at 4:03 p.m. by Ms. Kidd.
2. **Call for Quorum.**
Sharon Kidd, Douglas Hambleton, Benjamin Douglas, George Perezvelez, William White, Cydia Garrett, and Ken Jones 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.

Mr. Hambleton requested a moment of silence for fallen BPD Sergeant Thomas Smith.

5. **Approval of Minutes of Prior Board Meetings. For Discussion and Action.**
A motion to approve the minutes of the previous board meeting was made by Mr. Douglas and seconded by Mr. Perezvelez. 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: Daly City Police Department (DCPD) Sergeant Matthew Fox and Officers Angelo Hamilton, Kenneth Kim, Jaime Bermudez, Lilian Tashiro, Keith Mattos, Benjamin Wagnon, and Sean Begley. DCPD Chief Manuel Martinez, Jr. and Captains John Gamez and Patrick Hensley were present as well.

Chief Rainey requested to have the update on BPD's Use of Force Policy moved to the next CRB meeting. Chief Rainey informed the CRB of the ongoing investigation into the recent BPD officer-involved shooting and answered questions from the CRB regarding the recent request for guidance from the United States Department of Justice.

Ms. Beshears entered the meeting.

No action taken.

7. Development of Alternative Dispute Resolution Process for Complaints of Misconduct Involving BART Police Department (BPD). (Continued from January 13, 2014) 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 introduced the latest draft of the proposal, which attempted to incorporate the suggestions that arose from the discussion of this item at the previous CRB meeting.

The CRB discussed the proposal and expressed a desire to hear from the BPD unions regarding the latest draft.

No action taken.

8. Fostering Increased Public Participation at CRB Meetings. For Discussion and Action.

Mr. Jones expressed interest in ways to enhance community participation at monthly CRB meetings, and the CRB engaged in discussion on this item. One idea presented was to contact media outlets regarding any upcoming items before the CRB that might be of interest out to the public.

No action taken.

9. Amendment of CRB Bylaws Regarding a Change to CRB Meeting Schedule. For Discussion and Action.

Ms. Kidd introduced a proposed amendment to the CRB Bylaws to change the time of regular CRB meetings from alternating between 9:00 a.m. and 4:00 p.m. to being solely at 4:00 p.m. A motion to adopt the proposed amendment to the bylaws was made by Mr. White and seconded by Ms. Garrett. With 7 votes required for adoption, there were 5 votes in favor. The motion failed.

A motion to reconsider the vote on the amendment to the bylaws was made by Mr. Hambleton and seconded by Mr. Perezvelez. With 7 votes required for adoption, there were 6 votes in favor and 2 votes against. The motion failed.

At the request of Ms. Kidd, the same item will be placed on the agenda of the next CRB regular meeting.

10. Chairperson's Report. For Discussion and Action.

Ms. Kidd shared information about her attendance at the memorial for BPD Sergeant Smith and thanked all members who were also able to attend. Ms. Kidd also encouraged CRB members to serve on BPD recruitment panels.

No action taken.

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

Ms. Grayson introduced a new method of organizing and maintaining the materials used by CRB members in carrying out their responsibilities. Ms. Grayson also invited CRB participation at upcoming outreach events with Community Works West and Jack and Jill of America.

Mr. Smith explained the role of the Office of the Independent Police Auditor (OIPA) in the investigation of the recent BPD officer-involved shooting.

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

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

No action taken.

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

Director Raburn addressed the CRB and discussed his interactions with the media in the aftermath of the recent BPD officer-involved shooting. He also announced the arrival of car cards in BART trains introducing OIPA.

Mr. Hambleton reminded the board to review the draft Quarterly and Annual Reports to the Board of Directors in anticipation of discussion about them at the next meeting.

13. Adjournment.

A motion to adjourn the meeting was made by Mr. White and seconded by Mr. Douglas. The motion passed unanimously. The meeting was adjourned at approximately 5:55 p.m.