

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

Citizen Review Board  
Minutes of the 46th Meeting  
Monday, February 9, 2015

A regular meeting of the Citizen Review Board (CRB) was held on Monday, February 9, 2015, convening at 4:00 p.m. in the BART Board Room, 344 20<sup>th</sup> Street, Oakland, California.

Members Present: Les Mensinger, Benjamin Douglas, Ken Jones, Douglas Hambleton, Darren White and Cydia Garrett

Members Absent: Chairperson Sharon Kidd, George Perezvelez, William White and Sukari Beshears

BART Staff: BART Police Department (BPD) Chief Kenton Rainey, BPD Deputy Chief Janeith Glenn-Davis, BPD Lieutenants Lance Haight and Tyrone Forte, BPD Community Outreach Liaison Armando Sandoval, Independent Police Auditor Mark P. Smith, Independent Police Investigator Russell Bloom and Senior Administrative Analyst Anita Grayson.

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 Mr. Mensinger.
- 2. Call for Quorum.**  
Les Mensinger, Doug Hambleton, Ken Jones, Benjamin Douglas, Cydia Garrett 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 14 Only.**  
There was no public comment.
- 5. Approval of Minutes of Prior Board Meeting. For Discussion and Action.**  
A motion to approve the minutes of the previous board meeting was made by Mr. Douglas and seconded by Mr. Jones. The motion passed unanimously.

- 6. Chairperson’s Report. For Discussion and Action.**  
Mr. Mensinger informed the CRB of BART’s participation in the Chinese New Year’s Parade in San Francisco on March 7, 2015 from 5:15 – 8:00 p.m.

No action taken.
- 7. Chief of Police’s Report. For Discussion and Action.**

  - a. Update regarding BART Police Department Enforcement of Sleep/Lie Prohibition.**  
Chief Rainey introduced Lieutenant Forte along with Mr. Sandoval to bring the CRB up to date on BPD’s enforcement of a prohibition against sleeping/lying in BART stations. Chief Rainey also spoke about a recent fatal accident at the Washington Metro subway system.

No action taken.
- 8. Production of an Informational Pamphlet to Guide Youth on Interactions with Police (Continued from January 12, 2015 meeting). For Discussion and Action.**  
Ms. Garrett requested to move this item to another agenda to allow all CRB members to discuss it. A motion to table this item until the March CRB meeting was made by Mr. Jones and seconded by Mr. Douglas. The motion passed unanimously.
- 9. Review Drafts of CRB 2014 Quarter 4 and Annual Summary Reports to the BART Board of Directors. For Discussion and Action.**  
Mr. Mensinger thanked Mr. Hambleton for both reports. A motion to submit both reports to the BART Board of Directors was made by Mr. Jones and seconded by Mr. D. White. The motion passed unanimously.
- 10. Amendment of CRB Bylaws to add Office of Parliamentarian. For Discussion and Action.**  
A motion to table this item until the next meeting was made by Mr. Jones and seconded by Mr. Douglas. The motion passed unanimously.
- 11. Independent Police Auditor’s Report. For Discussion and Action.**

  - a. Recommendations for Creation of a Policy to Address BART Police Department Interactions with Transgender People.**  
Mr. Bloom introduced the latest draft of the policy. Deputy Chief Glenn-Davis requested an opportunity to review the policy prior to a vote on adoption of it by the CRB.

A motion to table this item until the next meeting was made by Mr. Mensinger and seconded by Mr. D. White. The motion passed unanimously.
  - b. Office of the Independent Police Auditor’s Monthly Report.**  
Mr. Smith presented the Office of the Independent Police Auditor’s (OIPA’s) Monthly Report and answered questions from the CRB.

**c. Office of the Independent Police Auditor's Annual Report.**

Mr. Smith informed the CRB that he will return to this item on a future occasion.

No action taken.

Mr. Mensinger returned to Agenda Item #4 and asked if there was any additional public comment. There was 1 public comment from Ms. Erin Armstrong with regard to Item #11a.

The CRB convened in closed session at approximately 5:00 p.m. to address the next agenda item.

**12. Closed Session.**

**a. To Consider Public Employee Discipline/Dismissal/Release in Office of the Independent Police Auditor Case #14-02.**

**Govt. Code §54957 (Continued from January 12, 2015 meeting)**

**b. To Consider Public Employee Discipline/Dismissal/Release in Office of the Independent Police Auditor Case #14-16.**

**Govt. Code §54957**

**c. To Consider Public Employee Discipline/Dismissal/Release in Office of the Independent Police Auditor Case #14-21.**

**Govt. Code §54957**

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

The CRB reconvened in open session at approximately 6:30 p.m. Mr. Mensinger announced that during the closed session, the CRB voted to agree with the findings reached by OIPA in Case #14-02 by a unanimous vote; the CRB voted to agree with the findings reached by OIPA in Case #14-16 by a unanimous vote with regard to the allegation of Conduct Unbecoming an Officer and by a vote of 4 to 2 with regard to the allegation of Racial Profiling/Bias-Based Profiling; and the CRB voted to agree with the findings reached by OIPA in Case #14-21 by a unanimous vote.

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

There was no public comment.

**14. Adjournment.**

A motion to adjourn the meeting was made by Mr. Douglas and seconded by Mr. Hambleton. The meeting was adjourned at 6:32 p.m.