

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

Citizen Review Board
Minutes of the 36th Meeting
Monday, April 14, 2014

A regular meeting of the Citizen Review Board (CRB) was held on Monday, April 14, 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, Ken Jones, Sukari Beshears, Cydia Garrett and Les Mensinger

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

Others Present: Director Robert Raburn and Peter Barnett

Agenda items discussed:

- 1. Call to Order.**
The regular meeting was called to order at 4:05 p.m. by Ms. Kidd.
- 2. Call for Quorum.**
Sharon Kidd, Douglas Hambleton, Benjamin Douglas, Sukari Beshears, Cydia Garrett, Ken Jones and Les Mensinger were present, amounting to a quorum.
- 3. Pledge of Allegiance Recital.**
The pledge of allegiance was recited.
- 4. Public Comment on Items 5 through 13 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 Ms. Beshears and seconded by Mr. Mensinger. The motion passed with 6 votes in favor and 1 abstention.
- 6. Chairperson's Report. For Discussion and Action.**
Ms. Kidd presented former CRB Member Peter Barnett with an outstanding achievement award for his time served on the board. Mr. Barnett expressed his appreciation and made some departing remarks.

No action taken.

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

a. Review of Revisions to BART Police Department (BPD) Policy #1020 – Internal Investigation of Allegations of Misconduct. (Continued from March 10, 2014.) For Discussion and Action.

Lieutenant Haight discussed proposed changes to the policy and answered questions from the CRB.

Mr. Perezvelez entered the meeting.

A motion to endorse the proposed policy, with the inclusion of language indicating that BPD has a goal of completing internal investigations of allegations of misconduct within a 6-month period, was made by Mr. Hambleton and seconded by Mr. Perezvelez. The motion passed unanimously.

Mr. White entered the meeting.

Ms. Kidd moved Items 9 and 10 before Item 8.

8. Review of BPD Policies and Procedures Regarding Use of Force. For Discussion and Action.

Lieutenant Haight discussed changes made to Policy #310, Officer-Involved Shooting, and answered questions from the CRB.

A motion to endorse the proposed policy, leaving room to tweak language as to grammar, was made by Mr. Hambleton and seconded by Mr. Mensinger. The motion passed unanimously.

Mr. Smith presented two United States Supreme Court decisions that helped form the current state of the law regarding the permissible use of force by law enforcement agencies: *Tennessee v. Garner* and *Graham v. Connor*. Mr. Smith answered questions from the CRB.

Sergeant Garcia discussed BPD policy and training with regard to the use of force and answered questions from the CRB.

9. Review of BPD Policies and Procedures Regarding Fare Evasion. For Discussion and Action.

Chief Rainey discussed the policy and answered questions from the CRB.

Mr. Hambleton requested a status update on a survey being conducted by the Consortium on Police Leadership in Equity with regard to bias-based policing and fare evasion. Deputy Chief Glenn-Davis gave an update on the status of this survey.

No action taken.

A motion to extend the meeting for 30 minutes was made by Mr. Mensinger and seconded by Mr. Jones. 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. (Continued from March 10, 2014.) For Discussion and Action.

This item was tabled until the May CRB meeting.

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

a. Review of the Office of the Independent Police Auditor's (OIPA's Policy Recommendation Regarding BPD Policy #309, Electronic Control Device

This item was tabled until the May CRB meeting.

b. OIPA's Monthly Report

Mr. Smith presented his monthly report and answered questions from the CRB.

No action taken.

12. Closed Session.

a. To Consider Public Employee Discipline/Dismissal/Release in Office of the Independent Police Auditor Case #13-49.

Govt. Code §54957

This item was tabled until the May CRB meeting.

13. Review of Draft 2014 Quarter 1 Citizen Review Board Report to the BART Board of Directors. For Discussion and Comment.

After reviewing the report, a motion to accept it with noted corrections was made by Mr. Mensinger and seconded by Ms. Beshears. The motion passed unanimously.

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

Ms. Garrett thanked the OIPA for their support in making the recent Jack and Jill Community Forum a success. Ms. Kidd thanked the OIPA as well. Director Raburn addressed the board to express his appreciation of the Jack and Jill forum and to notify the board of an upcoming opportunity for community outreach. Ms. Kidd requested that a discussion on the laws surrounding law enforcement contacts and detentions be placed on the agenda for the June CRB meeting.

15. Adjournment.

A motion to adjourn the meeting was made by Mr. Douglas and seconded by Mr. Perezvelez. The motion passed unanimously.

The meeting was adjourned at approximately 6:25 p.m.