

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

Citizen Review Board
Minutes of the 38th Meeting
Monday, June 9, 2014

A regular meeting of the Citizen Review Board (CRB) was held on Monday, June 9, 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, Independent Police Auditor Mark P. Smith, Assistant General Manager of Employee Relations Allison Picard, Labor Relations Department Manager Ericka Mitchell, and Principal Labor Relations Representative Barbara Greening.

Others Present: Director Robert Raburn

Agenda items discussed:

- 1. Call to Order.**
The regular meeting was called to order at 4:15 p.m. by Ms. Kidd.
- 2. Call for Quorum.**
Sharon Kidd, Douglas Hambleton, Benjamin Douglas, George Perezvelez, 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 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 previous board meeting was made by Mr. Mensinger and seconded by Mr. Douglas. The motion passed unanimously.
- 6. Chairperson's Report. For Discussion and Action.**
Ms. Kidd encouraged the CRB members to serve on BPD recruitment oral boards when possible. She also notified the CRB members that there would be upcoming BPD training, and she encouraged everyone to attend.

No action taken.

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

a. Introduction of "The Wrap" Restraint Equipment and Associated BART Police Department Policy.

The Chief requested this item to be tabled, and Ms. Kidd recommended the item be moved to the August 2014 meeting.

No action taken.

8. Legal Standards of Law Enforcement Contacts and Detentions. For Discussion and Action.

Mr. Smith referenced the materials provided to the CRB at the suggestion of Mr. Hambleton defining and discussion law enforcement contacts and detentions. Mr. Hambleton reiterated the importance of understanding the legal differences between a consensual encounter and a detention.

No action taken.

Ms. Kidd returned to Agenda Item #4 and asked whether there was any additional public comment. The following individual made comments:

Candace Goodwin (on behalf of Nubia Bowe)

Ms. Beshears and Mr. White entered the meeting.

9. BART Police Department Progressive Discipline Procedures. For Discussion and Action.

Ms. Greening of the Labor Relations Department gave an overview of the BART Police Officers Association/BART Police Managers Association Progressive Discipline Procedures and answered questions from the CRB.

Chief Rainey introduced Ms. Picard as the new Assistant General Manager of Employee Relations.

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

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

Mr. Smith presented the Office of the Independent Police Auditor's Monthly Report and answered questions from the CRB. Mr. Smith informed the CRB he is bringing on a temporary consultant to assist with complaint investigations while the hiring process of a new full-time investigator continues.

No action taken.

Director Raburn addressed the CRB and notified them of a potential upcoming meeting of a Neighborhood Crime Prevention Council that the members were welcome to attend.

The CRB convened in closed session at approximately 5:45 p.m. to address the next agenda item.

11. Closed Session.

a. To Provide Guidance on the Findings Adopted by the CRB in Office of the Independent Police Auditor Case #13-49.

During the closed session, a motion to extend the meeting for 20 minutes was made by Mr. White and seconded by Mr. Mensinger. The motion passed unanimously. Subsequently, a motion to extend the meeting for 15 minutes was made by Mr. Perezvelez and seconded by Mr. Douglas. The motion passed unanimously.

The CRB reconvened in open session at approximately 6:35 p.m. There was no further action taken during the closed session.

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

No public comment.

13. Adjournment.

A motion to adjourn the meeting was made by Mr. Mensinger and seconded by Ms. Beshears. The motion passed unanimously. The meeting was adjourned at approximately 6:37 p.m.