

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

Citizen Review Board
Minutes of the 52nd Meeting
Monday, August 10, 2015

A regular meeting of the Citizen Review Board (CRB) was held on Monday August 10, 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, Douglas Hambleton, George Perezvelez, Sukari Beshears, Sharon Kidd, Benjamin Douglas, Richard Knowles, and David Rizk

BART Staff: BART Police Department (BPD) Deputy Chief Janeith Glenn-Davis, BPD Lieutenant Lance Haight, BPD Officer Shane Reiss, BPD Supervisor Justin Morgan, Assistant District Secretary Patricia Williams, Independent Police Auditor Mark P. Smith, and Independent Police Investigator Russell Bloom

Others Present: Director Robert Raburn and Mr. Ken Jones

Agenda items discussed:

1. Call to Order.

The regular meeting was called to order at 4:10 p.m. by Ms. Garrett.

2. Call for Quorum.

Cydia Garrett, Les Mensinger, Doug Hambleton, Sharon Kidd, Benjamin Douglas, George Perezvelez, Sukari Beshears, Richard Knowles, and David Rizk were present, amounting to a quorum.

3. Pledge of Allegiance Recital.

The pledge of allegiance was recited.

4. Public Comment on Items 5 through 12 Only.

There were no comments from the public.

5. Adoption of Process to Allocate Funds Designated for CRB Member Attendance at National Association for Civilian Oversight of Law Enforcement Annual Conference. For Discussion and Action.

(This was originally Item #4.)

The CRB discussed potential procedures to allocate funds designated for their attendance at the annual conference of the National Association for Civilian Oversight of Law Enforcement. A motion to adopt a procedure incorporating the following steps was made by Mr. Douglas and seconded by Mr. Perezvelez: the CRB Chairperson would first estimate the total reimbursable cost of attendance for one person in order to determine the

maximum number of CRB members who could potentially receive full reimbursement for their attendance, would second determine how many CRB members desire to attend, would third prioritize those members who desire to attend and have done so the fewest number of times while receiving reimbursement via their CRB membership in the past, would fourth assign a prioritization order via a randomized process for those members of equal priority who desire to attend, would fifth select as many members to attend as possible out of those who desire to attend while still allowing for full reimbursement for each attendee, starting with the highest priority member and continuing with the next-highest priority member (and so on), and would sixth use any available funds not used for the full reimbursement of those members already selected to attend as a partial reimbursement to the next eligible member who desires to attend. The motion passed unanimously.

6. Swearing In of CRB Member David Rizk.

(This was originally Item #5.)

Ms. Williams swore in Mr. Rizk, and Mr. Rizk made some introductory comments.

7. 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 Ms. Beshears. The motion passed unanimously.

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

(This was originally Item #9.)

a. Mobile Video Recorder Program Update.

Deputy Chief Glenn-Davis, Lieutenant Haight, and Supervisor Morgan presented information about the status of BPD's Mobile Video Recorder (MVR) program and answered questions from the CRB.

Officer Reiss addressed the CRB regarding the MVR program.

Mr. Douglas requested a future discussion on when officers should have access to view videos recorded with their MVRs.

b. Considerations for Officers in Off-Boarding Parties during Law Enforcement Investigations on Trains.

Deputy Chief Glenn-Davis presented information about the considerations for BPD officers when deciding whether to off-board parties during law enforcement investigations on trains, and she answered questions from the CRB.

No action taken.

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

(This was originally Item #8.)

Ms. Kidd presented Mr. Jones a certificate of appreciation for his term of service on the CRB, and Mr. Jones made some parting remarks.

Ms. Garrett notified the CRB of an invitation to an upcoming outreach event.

A motion to change the date of the CRB's next meeting from September 14, 2015 to September 21, 2015 was made by Mr. Douglas and seconded by Mr. Perezvelez. The motion failed, with 4 votes in favor and 5 votes against.

10. Review of Draft 2015 Quarter 2 Citizen Review Board Report to the BART Board of Directors. For Discussion and Action.

A motion to approve the draft quarterly report from the CRB to the BART Board of Directors, with an amendment suggested by Ms. Beshears, was made by Mr. Mensinger and seconded by Ms. Kidd. The motion passed unanimously.

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

Mr. Smith presented the Office of the Independent Police Auditor's (OIPA's) monthly report for July 2015 and answered questions from the CRB.

No action taken.

Director Raburn addressed the CRB regarding the appropriate utilization of the BART Watch application by members of the public. Officer Reiss addressed the CRB regarding the call volume handled by BPD, including those calls initiated via the BART Watch application.

The CRB recessed at 5:45 p.m. and reconvened in closed session at 5:55 p.m. to address the next item on the agenda.

12. Closed Session.

a. To Consider Public Employee Discipline/Dismissal/Release in Office of the Independent Police Auditor Case #14-77 (Continued from July 13, 2015 meeting). Govt. Code §54957

A motion to table this item to the September CRB meeting was made by Mr. Douglas and seconded by Mr. Mensinger. The motion passed with 8 votes in favor and 1 abstention.

b. To Consider Public Employee Discipline/Dismissal/Release in Office of the Independent Police Auditor Case #15-06. Govt. Code §54957

A motion to agree with the investigative findings and recommendations reached by OIPA in Case #15-06 was made by Ms. Beshears and seconded by Mr. Douglas. The motion passed unanimously.

During the closed session, a motion to extend the meeting until 6:30 p.m. was made by Mr. Perezvelez and seconded by Mr. Hambleton. The motion passed unanimously.

The CRB reconvened in open session at approximately 6:25 p.m. Ms. Garrett announced the votes taken during the closed session with regard to agenda items 12a and 12b.

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

Mr. Douglas reminded CRB members to supply their biographical information for inclusion on the CRB webpage. Ms. Kidd indicated that she had sent cards of support to the Hayward Police Department and to Ms. Anita Grayson.

14. Adjournment.

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

The meeting was adjourned at approximately 6:28 p.m.