

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

Citizen Review Board
Minutes of the 41th Meeting
Monday, September 8, 2014

A regular meeting of the Citizen Review Board (CRB) was held on Monday, September 8, 2014, convening at 4:00 p.m. in the BART Board Room, 344 20th Street, Oakland, California.

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

Members Absent: Darren White and Cydia Garrett

BART Staff: BART Police Department (BPD) Chief Kenton Rainey, BPD Deputy Chiefs Janeith Glenn-Davis and Ben Fairow, BPD Lieutenant Lance Haight, Police Administrative Specialist Frances Cheung, Department Manager of Government and Community Relations Rodderick Lee, Legislative Officer Paul Fadelli, Attorney Byron Toma, Independent Police Auditor Mark P. Smith, Independent Police Investigator Russell Bloom, and Senior Administrative Analyst Anita Grayson.

Others Present: BART Director Robert Raburn and Family Paths Services Coordinator Kimberly Cohn

Agenda items discussed:

1. **Call to Order.**
The regular meeting was called to order at 4:11 p.m. by Ms. Kidd.
2. **Call for Quorum.**
Sharon Kidd, William White, Doug Hambleton, Ken Jones, Benjamin Douglas 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 with 5 votes in favor and 1 abstention.

Mr. Perezvelez entered the meeting.

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

a. Meeting with California State Assemblyman Tom Ammiano

Ms. Kidd discussed the meeting that she and other CRB members had with Assemblyman Ammiano.

Ms. Kidd also discussed her attendance at Urban Shield along with Mr. Hambleton and Mr. Mensinger. Mr. Hambleton and Mr. Mensinger shared their experience at the event. Ms. Kidd encouraged the CRB members to serve on BPD recruitment oral boards when possible.

No action taken.

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

a. BART Watch Safety Application for Riders. For discussion and action.
(This item was #7c on the Agenda)

Deputy Chief Fairow presented the progress on the new BART Watch safety application and answered questions from the CRB.

No action taken.

b. Revisions to BART Police Department Policies 1020 (Internal Investigations of Allegations of Misconduct); 1052 (Department Badges); 1055 (Departure from Employment) (This item was #7a on the Agenda)

Lt. Haight discussed revisions to BPD Policy 1020 and answered questions from the CRB.

Chief Rainey discussed BPD's practice of ensuring that evacuation routes within BART stations are not blocked by individuals lying and/or sleeping on the floor.

c. Recommendation #21 (SWAT and Tactical Team) of the National Organization of Black Law Enforcement Executives' BART Management Audit (This item was #7b on the Agenda)

i. American Public Transportation Association's Peer Review of BART Police Department's Special Teams

Chief Rainey presented the report generated by the peer review and answered questions from the CRB.

Ms. Beshears entered the meeting.

No action taken.

8. Training Presentation on Mental Health Treatment and Support Services by Kimberly Cohn of Family Paths, Inc. For Discussion and Action.

Mr. Smith introduced Ms. Kimberly Cohn of Family Paths, Inc. Ms. Cohn gave a presentation about the services provided by Family Paths and answered questions from the CRB.

No action taken.

9. Creation of a Policy to Address Law Enforcement Interactions with Transgender Individuals. For Discussion and Action.

Mr. Mensinger discussed the need for a BPD policy addressing interactions with transgender individuals, and the CRB discussed the matter.

A motion for OIPA and BPD to craft a policy was made by Mr. Mensinger and seconded by Mr. Douglas. The motion passed unanimously.

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

Mr. Smith introduced Independent Police Investigator Russell Bloom. Mr. Bloom addressed the CRB.

a. OIPA's Monthly Report

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

Mr. Smith reminded the CRB of a few upcoming community outreach events with the Koreatown/Northgate Community Benefit District and the Rockridge Neighborhood Crime Prevention Council.

No action taken.

Chief Rainey returned to Item #7b to address Policies 1052 and 1055, which were overlooked by mistake, and asked if the CRB had any questions about the policies.

At 6:00 p.m. a motion to extend the meeting for 30 minutes was made by Mr. Perezvelez and seconded by Mr. Mensinger. The motion passed unanimously.

At 6:10 p.m., the CRB convened in closed session to address the next agenda item.

11. Closed Session.

a. To Consider Public Employee Discipline/Dismissal/Release in OIPA Case #13-88.

Govt. Code §54957

The CRB reconvened in open session at approximately 6:30 p.m. Ms. Kidd reported that, during closed session, the CRB voted unanimously to agree with the findings of OIPA in Case #13-88. The motion to agree with the findings was made by Mr. Douglas and seconded by Mr. Perezvelez.

- 12. General Discussion and Public Comment. Limited to 3 minutes per speaker.**
No public comment.

Mr. Douglas asked about the vacancy of the BPOA/BPMA position on the CRB, and Mr. Smith gave an update on the matter.

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

The meeting was adjourned at approximately 6:33 p.m.