

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

Citizen Review Board  
Minutes of the 25<sup>th</sup> Meeting  
Monday, May 13, 2013

A regular meeting of the Citizen Review Board (CRB) was held on Monday, May 13, 2013, convening at 9:00 a.m. in the BART Board Room, 344 20<sup>th</sup> Street, Oakland, California.

Members Present: Peter Barnett, Sukari Beshears, William White, Benjamin Douglas, Douglas Hambleton, Les Mensinger and Thomas Minshew

Members Absent: Cydia Garrett, Ken Jones, Sharon Kidd, George Perezvelez

BART Staff: BART Police Chief Kenton Rainey, BART Police Lieutenant Lance Haight, BART Police Administrative Analyst Frances Cheung, Independent Police Auditor Mark P. Smith, Independent Police Investigator Kobia West and Independent Police Senior Administrative Analyst Anita Grayson

Others Present: BART Director Robert Raburn

Agenda Items discussed:

- 1. Call to Order.**  
The regular meeting was called to order at 9:05 a.m. by Mr. Douglas, Board Chairperson.
- 2. Call for Quorum.**  
Peter Barnett, Sukari Beshears, Benjamin Douglas, Douglas Hambleton, Les Mensinger, William White and Thomas Minshew were present, amounting to a quorum.
- 3. Pledge of Allegiance Recital.**  
The pledge of allegiance was recited.
- 4. Public Comment on Items 5 through 10 Only.**  
There were no public comments.
- 5. Approval of Minutes of Prior Board Meeting. For Discussion and Action.**  
Mr. Mensinger made a motion to approve the minutes of the previous board meeting. The motion was seconded by Ms. Beshears. The motion passed, with 6 votes in favor and 1 abstention (Mr. White).

**6. Discussion of CRB Scope of Review as Determined by the Citizen Oversight Model (continuation of Agenda Item #6 from April 8, 2013 meeting). For Discussion and Action.**

Mr. Barnett opened the discussion about how to ensure that all relevant stakeholders are most effectively made aware of the results of investigations into misconduct by BART Police officers. He suggested that the CRB craft a proposal to expand its scope of review.

No action taken.

**7. Report from the BART Police Managers Association and the BART Police Officers Association. For Discussion and Action.**

As representatives of the BART Police Managers Association and BART Police Officers Association were not able to be present, it was decided that this item would be carried over to the next CRB meeting and that Mr. Smith would re-invite representatives from the associations to that meeting.

No action taken.

**8. Chief of Police Report. For Discussion and Action.**

Chief Rainey recognized the following individuals who assisted the BART Police Department (BPD) in its efforts to provide public safety at BART: Union City Police Officer David Moffit, Station Agent Rama Santos and citizen Margaret Klimen. The Chief reported the promotion of 2 BPD officers to the rank of Sergeant and the hiring of a new Deputy Chief. Questions were posed by Mr. Douglas regarding the selection process of sergeant positions and Chief Rainey provided explanation. The Chief informed the CRB members that at the next meeting he plans to present Case #IA2012-057 for their review.

No action taken.

**9. Independent Police Auditor Report. For Discussion and Action.**

Mr. Smith reminded everyone of the upcoming Community Forum with Youth Uprising on Thursday May 16 at 8711 MacArthur Boulevard from 5:30 p.m. – 7:30 p.m.

**A. Recommendation Concerning BART Police Department Policy 450 – Use of Video and Audio Recorders.**

Mr. Smith presented the Office of the Independent Police Auditor's (OIPA's) recommendations for changing BPD Policy 450 to the CRB for review and comment. Mr. Smith and Chief Rainey responded to questions from the CRB. The CRB indicated that it was interested in hearing comments from the BPD unions regarding this matter.

Mr. Minshew exited the meeting at 10:45 a.m.

**B. Monthly Report.**

Mr. Smith presented the OIPA's monthly report and answered questions from the CRB.

No action taken.

A motion to extend the meeting by 30 minutes was made by Mr. Mensinger and seconded by Mr. Barnett. The motion passed unanimously.

A 3 minute break was called by Mr. Douglas.

**10. Closed Session:**

**A. To Consider Public Employee Discipline/Dismissal/Release in Office of the Independent Police Auditor (OIPA) Case #12-61. Govt. Code §54957.**

The CRB entered into closed session at 11:05 a.m.

**11. Open Session.**

The CRB reconvened in open session at 11:15 a.m. Mr. Douglas reported that during the closed session, a motion to accept the findings of OIPA in Case #12-61 was made by Mr. Barnett and seconded by Ms. Beshears. Mr. Douglas reported that the motion passed unanimously.

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

There was no public comment.

**13. Adjournment.**

A motion to adjourn the meeting was made by Mr. Hambleton and seconded by Mr. White. The motion passed unanimously. The meeting was adjourned at 11:17 a.m.