

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

Citizen Review Board
Minutes of the 14th Meeting
Monday, June 11, 2012

A regular meeting of the Citizen Review Board (CRB) was held on Monday, June 11, 2012, convening at 4:00 p.m. in the Board Room, 344 20th Street, Oakland, California.

Members Present: George Perezvelez, Sukari Beshears, Sharon Kidd, Les Mensinger, Douglas Hambleton, Peter Barnett, Benjamin Douglas, Ken Jones, Daniel Buford, and William White

Members Absent: None

BART Staff: Independent Police Auditor Mark P. Smith, Independent Police Investigator Kobia West, BART Deputy Police Chief Janeith Glenn-Davis, BART Deputy Police Chief Dan Hartwig, BART Police Lieutenant Lance Haight, BART Police Officers Association President Jaswant Sekhon, BART Police Managers Association President Nathan Weissich, BART Police Officer Christopher Vogan

Others Present: BART Board President John McPartland, Mr. Samuel Stevens

Agenda Items discussed:

1. **Call to Order.**
The regular meeting was called to order at 4:08 p.m. by George Perezvelez, Board Chairperson.
2. **Call for Quorum.**
Sharon Kidd, Les Mensinger, Douglas Hambleton, Ken Jones, Ben Douglas, Sukari Beshears, and George Perezvelez were present, amounting to a quorum.
3. **Recital of Pledge of Allegiance.**
The pledge of allegiance was recited.

Mr. Barnett and Mr. White joined the meeting.
4. **Public Comment on Items 5 through 13 only.**
Mr. Stevens made a comment on the matter to be heard by the CRB in closed session (Agenda Item #13) and responded to questions asked by members of the CRB.

Mr. Buford joined the meeting.

- 5. Approval of Minutes of Prior Board Meetings. For Discussion and Action.**
A motion was made by Mr. Hambleton and seconded by Mr. Mensinger to approve the minutes of the May 14th CRB meeting. The motion passed unanimously.
- 6. Proposal to the BART Board of Directors for Revision to the BART Citizen Oversight Model Regarding the Acceptance of Complaints Involving Juveniles, the Acceptance of Complaints in Death Cases, and the Handling of Complaints Involving Discrimination, Harassment, Profiling and Bias. For Discussion and Action.**
Mr. Hambleton led the discussion on the proposed revision to the Citizen Oversight Model and invited input from Mr. Sekhon and Mr. Weissich during the discussion. Mr. Smith also offered input on the proposed revision. After some amendments were made to the language proposed, a motion was made by Mr. Hambleton and seconded by Mr. Buford to propose the revised language (as amended) to the BART Board of Directors. The motion passed unanimously.
- 7. Proposal to the BART Board of Directors to Issue Travel Reimbursement to CRB Members for CRB-Related Business Other than Regular Meetings. For Discussion and Action.**
Mr. Mensinger led the discussion on the proposal to the BART Board of Directors to reimburse CRB members for CRB-related business other than regular meetings. Mr. Mensinger introduced the idea of issuing the CRB identification cards embedded with the necessary tools to allow entry onto the BART system (akin to BART employees). Mr. Sekhon stated that the BART Police Officers Union had previously recommended to members of the BART Board of Directors that a periodic stipend be issued to CRB members. Ms. Kidd indicated that she supported the idea of a periodic stipend. Deputy Chief Glenn-Davis relayed the support of BART Police Chief Kenton Rainey, who could not be present, for the issuance of a Law Enforcement Officer (LEO) Card that would allow access to the BART system in the same way that specified law enforcement personnel are gaining access.

After discussion, a motion was made by Mr. Mensinger and seconded by Ms. Kidd to propose to the BART Board that LEO Cards be issued to those CRB members who would like to have one, as well as that a monthly stipend be formulated to offset the costs of attending CRB-related business other than regular meetings. The motion passed with 7 votes in favor and 3 votes against.
- 8. Filing of Quarterly and Annual Reports for Distribution to the BART Board of Directors. For Discussion and Action.**
Ms. Kidd led the discussion on the responsibility of the CRB to produce quarterly activity reports pursuant to the Citizen Oversight Model. Mr. Smith reiterated the readiness of the Office of the Independent Police Auditor to lend whatever staff support is required in order for the CRB to produce such reports.

After discussion, a motion was made by Mr. Barnett and seconded by Mr. Perezvelez to create a standing subcommittee for the generation of CRB quarterly reports.

Mr. Hambleton, Ms. Kidd, Mr. Barnett, and Ms. Beshears volunteered to make up the subcommittee.

9. Procedure for Election of CRB Officers at the July Meeting. For Discussion and Action.

Mr. Perezvelez led a discussion on the procedures to be followed when electing new CRB officers.

A motion was made by Mr. Douglas and seconded by Ms. Kidd to extend the length of the meeting by 30 minutes. The motion passed unanimously.

During the discussion, some revisions were made to the written procedures proposed by Mr. Perezvelez. A motion was made by Mr. Barnett and seconded by Mr. Mensinger to approve the procedures, as revised during the discussion. The motion passed unanimously. Mr. Perezvelez indicated he would make the adopted revisions and forward the final document to Mr. Smith for circulation to the CRB.

10. Chief of Police Report. For Discussion and Action.

Deputy Chief Glenn-Davis indicated her desire to defer a report on some questions previously raised by CRB members regarding new BART PD policies. She answered questions regarding recent criminal activity in the BART District. Deputy Chief Hartwig also responded to questions regarding recent criminal activity in the BART District.

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

Mr. Smith reported on the distribution of OIPA brochures and complaint forms to all BART stations. He then presented a monthly report on complaint activity related to BART PD and responded to questions about the report. Lieutenant Haight also responded to some questions about the report.

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

There were no public comments.

A motion was made by Mr. Douglas and seconded by Mr. Buford to extend the length of the meeting by 30 minutes. The motion passed unanimously.

13. Closed Session (Room 303, Board Conference Room) Public Employee Discipline/Dismissal/Release.

At 6:31 p.m. the CRB met in closed session.

14. Open Session.

At 7:42 p.m. the CRB reconvened in open session and announced that no final action was taken with regard to the case reviewed in closed session.

15. Adjournment.

A motion was made by Mr. Hambleton and seconded by Ms. Kidd to adjourn the meeting. The motion passed unanimously and the meeting was adjourned at 7:43 p.m.