

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

Citizen Review Board
Minutes of the 27th Meeting
Monday, July 8, 2013

A regular meeting of the Citizen Review Board (CRB) was held on Monday, July 8, 2013, convening at 9:00 a.m. in the Joseph P. Bort Auditorium, 101 8th Street, Oakland, California.

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

Members Absent: Thomas Minshew

BART Staff: BART Police Department (BPD) Chief Kenton Rainey, BPD Lieutenant Lance Haight, BPD Sergeant John Sandoval, BPD Administrative Analyst Frances Cheung, Communications Officer Luna Salaver, 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, CRB Chairperson.
- 2. Call for Quorum.**
Benjamin Douglas, Les Mensinger, William White, Cydia Garrett, Sharon Kidd, Ken Jones, Sukari Beshears, Douglas Hambleton, Peter Barnett and George Perezvelez were present, amounting to a quorum.
- 3. Pledge of Allegiance Recital.**
The pledge of allegiance was recited.
- 4. Public Comment on Items 5 through 15 Only.**
There were no public comments.
- 5. Amendment of CRB Bylaws Regarding Eligibility of Members Who Have Held One Office for Two Consecutive Terms to Hold a Different Office Subsequently. For Discussion and Action.**
A motion to amend the CRB Bylaws to allow members who have held one office for two consecutive terms to hold a different office during a third consecutive

term was made by Mr. Perezvelez and seconded by Mr. Mensinger. The motion passed unanimously.

6. CRB Officer Elections. For Discussion and Action.

By a majority vote, the CRB elected Ms. Kidd as Chairperson. By a majority vote, the CRB elected Mr. White as Vice Chairperson.

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. Jones and seconded by Ms. Kidd. The motion passed with 8 votes in favor and 2 abstentions.

8. Inclusion of BART Police Department (BPD) Complaint/Commendation Forum on CRB Webpage (continuation of Agenda Item #7 from June 10, 2013 meeting). For Discussion and Action.

A motion to table this item to the next CRB meeting was made by Mr. Mensinger and seconded by Ms. Beshears. The motion passed unanimously.

9. Reimbursement of Expenses for CRB Members (continuation of Agenda Item #8 from June 10, 2013 meeting). For Discussion and Action.

A motion to table this item to the next meeting was made by Ms. Kidd and seconded by Mr. Mensinger. The motion passed unanimously.

10. Report on Attendance at Private Screening of the film “Fruitvale Station.” For Discussion and Action.

Ms. Kidd discussed the attendance of 3 CRB members as well as the Independent Police Auditor and Independent Police Investigator at a screening of the movie “Fruitvale Station” on June 20th at the Grand Lake Theatre in Oakland. Ms. Kidd and the other CRB attendees discussed their impressions of the movie.

No action taken.

11. Update on BPD’s Mobile Video Recorder Equipment. For Discussion and Action.

Chief Rainey requested that this item be tabled to the next meeting.

No action taken.

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

Chief Rainey discussed the upcoming site visit by Mr. Oliver Patrick, who will be reviewing BPD progress with the recommendations issued to BART by the National Organization of Black Law Enforcement Executives. The CRB will receive Mr. Patrick’s report upon completion.

Chief Rainey discussed an incident involving BPD that occurred on May 10, 2013 at the 16th Street BART Station. He had an audit of BPD’s responses to the incident conducted, and he distributed copies of the audit report to all CRB members. Chief Rainey answered questions from the CRB on this matter.

No action taken.

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

Mr. Smith shared his thoughts on the movie “Fruitvale Station” and commended Ms. Kidd for her efforts in arranging for the attendance of CRB members and OIPA staff. He also discussed a recent outreach event conducted with the Oakland Mayor’s Commission on Persons with Disabilities.

Mr. Smith presented the Office of the Independent Police Auditor’s monthly report and answered questions from the CRB.

No action taken.

At 10:35 a.m., a 5 minute break was called by Mr. Douglas.

14. Closed Session:

A. To Consider Public Employee Discipline/Dismissal/Release in Internal Affairs Case #2012-057 (continuation of Agenda Item #13 from June 10, 2013 meeting).

Govt. Code §54957

Chief Rainey requested that this item be tabled to the next meeting.

No action taken.

15. Closed Session:

A. To Consider Public Employee Discipline/Dismissal/Release in Office of the Independent Police Auditor Case #13-23.

Govt. Code §54957

The CRB entered into closed session at 10:45 a.m.

16. Open Session.

The CRB concluded the closed session at 11:44 a.m. During the closed session, a motion to extend the meeting for two 30 minute time periods was made by Mr. Douglas and seconded by Ms. Kidd. The motion passed unanimously.

Mr. Douglas announced that the CRB had voted to agree with OIPA’s findings in OIPA Case #13-23 with 8 votes in favor, 1 vote against, and 1 abstention.

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

Mr. Hambleton informed the CRB members that he had completed a draft of the CRB’s quarterly report to the BART Board of Directors, and that the draft will be presented at the next meeting.

18. Adjournment.

A motion to adjourn the meeting was made by Mr. Mensinger and seconded by Ms. Kidd. The motion passed unanimously. The meeting was adjourned at 11:47 a.m.