

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

300 Lakeside Drive, P.O. Box 12688, Oakland, CA 94604-2888

Citizen Review Board  
Minutes of the 15th Meeting  
Monday, July 9, 2012

A regular meeting of the Citizen Review Board (CRB) was held on Monday, July 9, 2012, convening at 9:00 a.m. in the Board Room, 344 20<sup>th</sup> Street, Oakland, California.

Members Present: Chairperson George Perezvelez, Vice-Chairperson Sharon Kidd, Les Mensinger, Douglas Hambleton, Peter Barnett, Benjamin Douglas, and William White

Members Absent: Sukari Beshears, Daniel Buford, and Ken Jones

BART Staff: Independent Police Auditor Mark P. Smith, Independent Police Investigator Kobia West, BART Police Chief Kenton Rainey, BART Deputy Police Chief Janeith Glenn-Davis, BART Deputy Police Chief Dan Hartwig, BART Police Lieutenant Tyrone Forte, BART Police Sergeant Paul Kwon, BART Police Sergeant Aaron Togonon

Others Present: BART Board President John McPartland, BART Director Robert Raburn

Agenda Items discussed:

1. **Call to Order.**  
The regular meeting was called to order at 9:00 a.m. by George Perezvelez, Board Chairperson.
2. **Call for Quorum.**  
Sharon Kidd, Les Mensinger, Douglas Hambleton, Ben Douglas, Peter Barnett, William White, 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 12 only.**  
None.
5. **Approval of Minutes of Prior Board Meeting. For Discussion and Action.**  
A motion was made by Mr. Barnett and seconded by Mr. Mensinger to approve the minutes of the June 11<sup>th</sup> CRB meeting. The motion passed unanimously.

6. **Chief of Police Report. For Discussion and Action.**  
Chief Rainey introduced Lieutenant Forte, who presented an award of appreciation to citizen Mark Powis. Mr. Powis, who had assisted BART Police in the apprehension of a robbery suspect, addressed the CRB. A motion was made by Mr. Mensinger and seconded by Ms. Kidd to adjourn the CRB meeting in honor of Mr. Powis. The motion passed unanimously.
7. **Independent Police Auditor Report. For Discussion and Action.**  
Mr. Smith presented the June 2012 OIPA monthly report to the CRB. Mr. Smith reported on the status of the distribution of OIPA brochures and complaint forms to all BART stations, and the office's outreach efforts. Mr. Mensinger requested that the OIPA report back to the CRB on the status of the OIPA brochures at the next meeting. A suggestion was made by Mr. White to follow up with complainants who had previously gone to the BART Police Department, in order to see if they were aware of the OIPA.
8. **Review of CRB Duties and Responsibilities Pursuant to the Citizen Oversight Model. For Discussion and Action**  
Mr. Smith referenced concerns raised by BART Director Joel Keller at the June 28, 2012 meeting of the BART Board of Directors regarding the duties of the CRB. Mr. Smith outlined the varied duties and responsibilities of the CRB contained in the BART Citizen Oversight Model. A motion was made by Mr. Mensinger and seconded by Mr. Perezvelez to have the Independent Police Auditor inquire as to how to include the CRB's monthly meeting minutes in the agenda materials of the BART Board of Directors. The motion passed with 6 votes in favor and 1 vote against.
9. **General Discussion and Public Comment.**  
None.
10. **Closed Session:**
  - A. **To Consider Public Employee Discipline/Dismissal/Release (Room 303, Board Conference Room). Govt. Code §54957.**  
At approximately 10:26 a.m. the CRB convened in closed session.
11. **Open Session.**  
At 11:50 a.m. the CRB reconvened in open session. A motion was made by Ms. Kidd and seconded by Mr. Hambleton to extend the meeting until 12:00 p.m.  
  
Mr. Perezvelez announced that the CRB voted unanimously to agree and concur with the OIPA's not-sustained and unfounded recommendations from Case #12-14; to recommend that all Internal Affairs interviews of witnesses and/or complainants be recorded; and to prepare a findings report to be forwarded to the Chief of Police as soon as possible.
12. **Election of CRB Chairperson and Vice-Chairperson. For Discussion and Action.**

A motion was made by Mr. Hambleton and seconded by Ms. Kidd to extend the meeting until 12:30 p.m.

Mr. White nominated Ms. Kidd for the position of Chairperson and Mr. Mensinger seconded the nomination. Mr. Hambleton nominated Mr. Douglas for the position of Chairperson and Mr. Perezvelez seconded the motion. After comments from Mr. Douglas and Ms. Kidd, 5 members voted for Mr. Douglas (Barnett, Hambleton, Mensinger, Perezvelez, Douglas) and 2 members voted for Ms. Kidd (White, Kidd). Mr. Douglas was elected as Chairperson.

Mr. Mensinger nominated Ms. Kidd for Vice-chairperson and Mr. White seconded the nomination. Mr. Douglas nominated Mr. Hambleton for Vice-chairperson and Mr. Perezvelez seconded the nomination. After comments from Ms. Kidd and Mr. Hambleton, 4 members voted for Ms. Kidd (Barnett, Mensinger, White, Kidd) and 3 members voted for Mr. Hambleton (Douglas, Perezvelez, Hambleton). Ms. Kidd was elected as Vice-chairperson.

Mr. Perezvelez made closing remarks as the outgoing CRB Chairperson.

**13. Adjournment.**

A motion was made by Mr. White and seconded by Mr. Barnett to adjourn the meeting. The motion passed unanimously and the meeting was adjourned at approximately 12:13 p.m.