

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

Citizen Review Board  
Minutes of the 28<sup>th</sup> Meeting  
Monday, August 12, 2013

A regular meeting of the Citizen Review Board (CRB) was held on Monday, August 12, 2013, convening at 4:00 p.m. in the Joseph P. Bort Auditorium, 101 8<sup>th</sup> 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 Deputy Chief Janeith Glenn-Davis, BPD Deputy Chief Jeff Jennings, BPD Lieutenant Lance Haight, BART Manager of Security Systems Lieutenant Kevin Franklin, BPD Lieutenant Gilbert Lopez, BPD Administrative Services Supervisor Justin Morgan, BPD 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 4:05 p.m. by Ms. Kidd, CRB Chairperson.
2. **Call for Quorum.**  
Cydia Garrett, William White, Sharon Kidd, Ken Jones, Douglas Hambleton and Peter Barnett were present, amounting to a quorum.
3. **Pledge of Allegiance Recital.**  
The pledge of allegiance was recited.

Ms. Beshears entered the meeting at approximately 4:06 p.m.

4. **Public Comment on Items 5 through 15 Only.**  
There were no public comments.

Mr. Douglas entered the meeting at approximately 4:07 p.m.

5. **Approval of Minutes of Prior Board Meeting. For Discussion and Action.**  
A motion to approve the minutes of the previous regular board meeting was made by Mr. Hambleton and seconded by Mr. Barnett. The motion passed unanimously.

A motion to approve the minutes of the special board meeting from July 16, 2013 was made by Mr. Barnett and seconded by Mr. Hambleton. The motion passed with 7 votes in favor and 1 abstention.

6. **Chief of Police Report. For Discussion and Action.**  
Chief Rainey recognized the following individuals who assisted the BART Police Department in its efforts to provide public safety at BART: San Leandro Police Officer Ryan Gill, San Francisco Sheriff's Department Deputies Eric Ancheta and Fred Allen, and Dublin Police Officer Donald Couch.

Mr. Douglas requested a summary of the prohibition orders that BPD has issued pursuant to the authority it was recently granted to issue such orders.

Mr. Perezvelez entered the meeting at approximately 4:15 p.m.

No action taken.

7. **BART Police Department Policy on Mobile Watch Towers. For Discussion and Action.**

Lt. Franklin presented information on BPD's Mobile Watch Tower, which is a new piece of equipment that BPD has purchased. Lt. Franklin also introduced BPD's prospective department policy regarding the deployment of the tower. He answered questions from the CRB.

Mr. Jones requested that this matter be revisited in 6 months in order to review how the Mobile Watch Tower has been deployed and how the associated policy has been implemented during that time.

No action taken.

8. **Update on BPD's Mobile Video Recorder Equipment (continuation of Agenda Item #11 from July 9, 2013 meeting). For Discussion and Action.**  
Supervisor Morgan gave an update on the status of BPD's deployment and usage of Mobile Video Recorder (MVR) equipment and answered questions from the CRB.

Mr. Jones requested that a sample of video recorded by a BPD MVR be shown at a future CRB meeting.

No action taken.

**9. BART Police Department CompStat Presentation. For Discussion and Action.**

Lt. Gilbert Lopez made a CompStat presentation, during which he reviewed various crime statistics and strategies to address such crime. He also answered questions from the CRB.

Mr. Mensinger entered the meeting at approximately 5:05 p.m.

No action taken.

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

BPD informed the CRB that, pursuant to a CRB request, it had separated its complaint form from its commendation form. BPD presented samples of each. The inclusion of each form on the CRB website was discussed, and a suggestion was made to include additional contact information for the Office of the Independent Police Auditor (OIPA) on each form.

A motion to include each form, inclusive of the changes discussed, on the CRB website was made by Mr. Hambleton and seconded by Mr. Mensinger. The motion passed unanimously.

**11. Review of Draft 2013 Quarter 2 Citizen Review Board Report to the BART Board of Directors. For Discussion and Action.**

The draft report was discussed and additions were suggested with regard to CRB member participation at various events. A motion to approve the report with the suggested additions was made by Mr. Douglas and seconded by Ms. Beshears. The motion passed unanimously.

**12. Communication to Chairperson of California State Assembly Committee on Public Safety. For Discussion and Action.**

Ms. Kidd suggested that the CRB send its quarterly activity reports to California State Assemblyman Tom Ammiano, Chairperson of the Assembly Committee on Public Safety, to inform him of their activities. Mr. Perezvelez suggested requesting a meeting with Assemblyman Ammiano as well. Mr. Jones noted that Assemblyman Ammiano will soon conclude his term and suggested that the CRB establish contact with the person who replaces him. Mr. Mensinger suggested obtaining clearance from the BART Board of Directors (BOD) prior to forwarding materials as was discussed. Mr. Barnett suggested forwarding the CRB's meeting minutes in addition to other materials. Mr. Hambleton suggested that the CRB have an opportunity to vote on the submission of any materials prior to transmittal to the BOD.

No action taken.

- 13. Independent Police Auditor Report. For Discussion and Action.**  
Mr. Smith discussed an outreach event held in July involving OIPA and the Unity Council in Oakland. He also informed the CRB of an upcoming outreach event with Mo' Magic in San Francisco and invited the CRB to participate. Mr. Smith presented the OIPA's monthly report and answered questions from the CRB. Chief Rainey and Lt. Haight also answered questions from the CRB.

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

No action taken.

At approximately 6:15 p.m. a 5 minute break was called for by Ms. Kidd. After the break, the CRB met in closed session to address the next agenda item.

- 14. Closed Session:**  
**A. To Consider Public Employee Discipline/Dismissal/Release in Internal Affairs Case #2012-057 (continuation of Agenda Item #13 from July 8, 2013 meeting).  
Govt. Code §54957**

During the closed session, at approximately 6:50 p.m., a motion to extend the meeting for 30 minutes was made by Mr. Hambleton and seconded by Mr. Douglas. The motion passed unanimously.

Mr. Douglas departed the meeting at approximately 7:00 p.m. Mr. White departed the meeting at approximately 7:05 p.m.

- 15. Closed Session:**  
**A. To Consider Public Employee Discipline/Dismissal/Release in Office of the Independent Police Auditor Case #13-27.  
Govt. Code §54957**

This item was continued until the next CRB meeting.

- 16. Open Session.**  
The CRB reconvened in open session at approximately 7:29 p.m.

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

- 18. Adjournment.**  
A motion to adjourn the meeting was made by Mr. Mensinger and seconded by Mr. Barnett. The motion passed unanimously. The meeting was adjourned at approximately 7:30 p.m.