

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

Citizen Review Board
Minutes of the 5th Meeting
Monday, September 19, 2011

A regular meeting of the Citizen Review Board was held on Monday, September 19, 2011, convening at 9:06 a.m. in the Board Room, 344 20th Street, Oakland, California.

Members present: Benjamin Douglas, Les Mensinger, George Perezvelez, Peter Barnett, William White, Sharon Kidd, Ken Jones, Jennifer Scaife, Doug Hambleton and Sue Angeli

Staff: Independent Police Auditor Mark P. Smith, BART Police Chief Kenton Rainey, BART Deputy Police Chief Jan Glenn-Davis, Senior Staff Assistant, Anita Grayson and Attorney, Bryon Toma.

Agenda Items discussed:

- 1. Call to Order.**
The regular meeting was called to order at 9:06 a.m. by George Perezvelez, Board Chairperson
- 2. Call for Quorum.**
Benjamin Douglas, William White, Doug Hambleton, Les Mensinger, Sharon Kidd, George Perezvelez, Ken Jones, Jennifer Scaife and Sue Angeli indicated their presence, amounting to a quorum. Mr. Perezvelez made a motion to swap the order of Agenda Items #11 and #7. The motion carried unanimously.
- 3. Approval of Minutes of Prior Board Meeting.**
Motion was made by Ms. Angeli and seconded by Ms. Kidd to approve the minutes of the Board meeting held on Monday, August 8, 2011. Minutes were approved unanimously.
- 4. Adoption of Pledge of Allegiance Recital at the Beginning of All Regular, Special or Subcommittee Meetings.**
Mr. Mensinger made a motion and Ms. Kidd seconded. There were 9 votes yes, and 1 vote no. The Pledge of Allegiance was adopted by the members for recital at the beginning of every meeting.

5. Independent Auditor Report.

Mark Smith briefly updated the Board members on the status of the hiring of his staff, complaints, complaint form, and the CRB website. Mr. Smith also shared information about meetings with stakeholders and the community.

6. Chief of Police Report.

Chief Rainey distributed the employee comment package for CRB members to read at their leisure. The Chief updated everyone on recommendations from the NOBLE report, implementing a policy to address subjects suffering from mental illness, training, ride-alongs extended to each CRB member, lateral entry hirings, and the status of the investigation into an officer involved shooting.

7. Attendance of Chairman and Any Other Available Members at the California State Assembly Committee on Public Safety's Hearing on Tuesday, September 27, 2011 from 10:00 a.m. to 12:00 p.m.

The Citizen Review Board Members received an invitation to attend a hearing in the State Capitol in Sacramento with Assemblyman Ammiano. Also invited are the Chief of Police and General Manager. The Chief and General Manager will provide an update on the NOBLE report and other issues that brought about the legislation and implementation of the BART Citizen Review Board. For the CRB, this hearing will allow input on how everything is going, what improvements are needed if any, whether or not there should be an expansion of the CRB, etc. Gabriel Caswell, Legal Counsel for Assemblyman Ammiano was introduced and shared a brief description of what will occur at the hearing and questions that would be asked.

8. Update and Possible Review of Bylaws and Regulations Recommended by Bylaws and Regulations Sub-Committee and Adoption of Recommendations. Scheduling of next Sub-committee Meeting.

Mr. Barnett, Chairperson of the Bylaws Subcommittee, distributed a draft of the Bylaws for review. He requested that the CRB review the draft and submit any revisions directly to Mr. Smith, the Independent Police Auditor. The next Bylaws Subcommittee meeting was scheduled for Friday, September 30th at 3:00 p.m.

9. Discussion on Initiation of a Conversation with San Francisco Police Department about Reports on the Status of the Investigation of BART Police Action at Civic Center Station and the Death of Charles Hill.

Mr. Jones requested an update on the status of the Charles Hill investigation. A motion was made by Mr. Hambleton to extend the meeting for 30 minutes to continue this discussion and Ms. Kidd seconded. Motion passed unanimously. After discussion, Mr. Douglas agreed to draft a list of suggestions/recommendations for the Chief to discuss with the San Francisco Police Department and report back to members.

10. Attendance by Board Members at National Association for Civilian Oversight of Law Enforcement (NACOLE) Annual Conference.

Mr. Barnett moved to table this item to the next Citizen Review Board meeting. Agreement was unanimous. Mr. Perezvelez motioned to extend the meeting for another 10 minutes to discuss the next Citizen Review Board meeting. There were 8 votes yes, and 1 vote no. The next CRB meeting is scheduled for Monday, October 10th at 4:00 p.m. After discussion, Chairperson Perezvelez agreed to send an agenda packet via email to each CRB member prior to the next meeting and meetings thereafter. Mr. Smith will also provide a hard copy of the packet at each meeting.

11. Discussion of Confidentiality Rules to be Adhered to by All CRB Members.

Moved to the October 10th meeting agenda.

12. Update from Training Subcommittee.

Moved to the October 10th meeting agenda.

13. General Discussion and Public Comment. Limited to 3 minutes per speaker.

There were no public comments.

14. Adjournment.

Mr. Mensinger made a motion to adjourn the meeting and Ms. Kidd seconded. Meeting was adjourned at 11:45 a.m.