

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

Citizen Review Board
Minutes of the 7th Meeting
Monday, November 14, 2011

A regular meeting of the Citizen Review Board was held on Monday, November 14, 2011, convening at 9:07 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, Doug Hambleton and Sue Angeli

Members Absent: Jennifer Scaife and Sukari Beshears

BART Staff: Independent Police Auditor Mark P. Smith, BART Police Chief Kenton Rainey, BART Police Deputy Chief Jan Glenn-Davis, Manager of Security Systems, Lieutenant Kevin Franklin, Police Chief's Assistant, Frances Cheung, BART Police Community Service Officer, Lauren LaPlante and Senior Staff Assistant, Anita Grayson

Agenda Items discussed:

- 1. Call to Order.**
The regular meeting was called to order at 9:07 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, and Sue Angeli indicated their presence, amounting to a quorum.
- 3. Recital of Pledge of Allegiance.**
The pledge of allegiance was recited.
- 4. Public Comment on Items 5 through 12 only.**
There were no public comments.

5. Approval of Minutes of Prior Board Meetings. For Action.

Motion was made by Mr. White and seconded by Mr. Mensinger to approve the minutes of the October 10th meeting. 9 yes, 0 no. Motion passed.

Chairperson Perezvelez moved Item #7 up to allow time for the General Manager, Grace Crunican to arrive at the meeting. There was discussion regarding having a Sergeant of Arms position and Mr. Mensinger explained the position. Mr. Hambleton made a motion to table this discussion until after the bylaws are voted on and was seconded by Mr. Jones. 9 yes, 0 no. Motion passed.

6. Introduction of BART General Manager, Grace Crunican. For Discussion.

Grace Crunican, BART's General Manager arrived and introduced herself to the Citizen Review Board and spoke about a number of issues that she is working on with the Chief, i.e., the NOBLE recommendations and police training.

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

Mark Smith briefly updated the CRB members on his monthly report. He distributed his draft report which provided information and status for the period of June 27 through October 31st. After discussion, the Citizen Review Board made a few suggestions of what they would like to see in the report and will forward all suggestions to the Chairperson and Vice Chair for discussion with Mr. Smith.

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

Chief Rainey brought his staff members for presentations. One presentation by Lt. Kevin Franklin was on Public Safety and Urban Shield. The other presentation was made by Lauren LaPlante on Community Outreach.

Mr. Hambleton made a motion to extend the meeting another 30 minutes and Ms. Kidd seconded. 9 yes and 0 no. Motion passed.

9. Review and Adoption of CRB Bylaws and Regulations. For Discussion and Action.

Mr. Barnett moved to adopt the 5th draft of the bylaws which was presented to the CRB in October 10, 2011 and Mr. White seconded. Mr. Hambleton made a substitute motion and Ms. Angeli seconded. The substitute motion was to adopt Definitions, Introduction, Articles I, II, III, VI, VIII and XI and to discuss suggested changes to the remaining Articles. 7 yes and 2 no. Motion passed.

Motion was made by Ms. Kidd to extend the meeting another 30 minutes and Mr. Mensinger seconded. 9 yes, 0 no. Motion passed.

Discussion and vote on whether to adopt Article IV., Election of Officers, as amended to remove term limitations. Mr. Hambleton made a motion to adopt Article IV with the revisions he suggested deleting the last sentence in section 1a and Ms. Angeli seconded. 2 yes and 5 no, motion failed. Mr. White made a motion to adopt Article IV as originally written in the 5th draft of the bylaws and Ms. Kidd seconded. 5 yes and 4 no. Motion passed.

Discussion and vote on whether to adopt Article V., Meetings, as amended to require a vote of the majority of appointed members to extend scheduled meetings. Mr. Hambleton made a motion to adopt Article V as amended and Mr. Perezvelez seconded. 8 yes and 1 no. Motion passed.

Discussion and vote on whether to adopt Article VII., Reports and Recommendations, as amended to include language on the applicable standard of proof and the possible dispositions for allegations of misconduct.

Ms. Kidd made a motion to extend the meeting another 30 minutes and Mr. Mensinger seconded. 7 yes, 2 no. Motion passed.

Mr. Hambleton made a motion to adopt Article VII as amended, and he was seconded by Chairperson Perezvelez. Mr. Barnett made a substitute motion to table this Article for discussion at the next Bylaws and Regulations Subcommittee meeting and Mr. White seconded. The board voted on Mr. Hambleton's motion to adopt Article VII as amended. 8 yes, 1 no. Motion passed.

Discussion and vote on whether to adopt Article IX., Committees, as amended to remove Section 1 and include a reference to standing committees in Section 2. Ms. Kidd made a motion to adopt Article IX as amended, and she was seconded by Chairperson Perezvelez. 8 yes, 1 vote no. Motion passed.

Discussion and vote on whether to adopt Article X., Media Contacts, as amended to allow CRB members to respond directly to media or other public inquiries. Mr. Hambleton made a motion to adopt Article X as amended, and he was seconded by Chairperson Perezvelez. 9 yes, 0 no. Motion passed.

10. Extension of Current Chair and Vice-Chair Terms Until March 2012 to Coincide with Scheduled Appointment and Re-Appointment Cycles of the BART Board of Directors. For Discussion and Action.

Mr. White made a motion to extend the terms of the Chair and Vice Chair until March 2012, and he was seconded by Mr. Mensinger. 9 yes, 0 no. Motion passed.

- 11. Development of a Subcommittee to Monitor and Report on Periodic Studies of Departmental Policies, Procedures, Practices and Training. For Discussion and Action.**
Item moved to the next meeting agenda. No action taken.
- 12. Update from Website Subcommittee. For Discussion and Action.**
Item moved to the next meeting agenda. No action taken.
- 13. General Discussion and Public Comment. Limited to 3 Minutes per Speaker.**
No general discussion and no public comment.
- 14. Adjournment.**
Mr. White made a motion to adjourn the meeting and was seconded by Chairperson Perezvelez. 8 yes, 1 absention. Meeting adjourned at 12:30 p.m.