

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

Citizen Review Board
Minutes of the 24th Meeting
Monday, April 8, 2013

A regular meeting of the Citizen Review Board (CRB) was held on Monday, April 8, 2013, convening at 4:00 p.m. in the BART Board Room, 344 20th Street, Oakland, California.

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

Members Absent: William White

BART Staff: BART Attorney Marco Gomez, BART Police Chief Kenton Rainey, BART Deputy Police Chief Janeith Glenn-Davis, BART Police Lieutenant Lance Haight, BART Police Administrative Analyst Frances Cheung, Independent Police Auditor Mark P. Smith, and Independent Police Investigator Kobia West

Others Present: BART Director Thomas Blalock, BART Director Robert Raburn

Agenda Items discussed:

1. **Call to Order.**
The regular meeting was called to order at 4:02 p.m. by Mr. Douglas, Board Chairperson.
2. **Call for Quorum.**
Peter Barnett, Sukari Beshears, Benjamin Douglas, Cydia Garrett, Douglas Hambleton, Ken Jones, Sharon Kidd, Les Mensinger, and Thomas Minshew were present, amounting to a quorum.
3. **Pledge of Allegiance Recital.**
The pledge of allegiance was recited.
4. **Public Comment on Items 5 through 9 Only.**
There were no public comments.
5. **Approval of Minutes of Prior Board Meeting. For Discussion and Action.**
Ms. Kidd made a motion to approve the minutes of the previous board meeting. The motion was seconded by Mr. Mensinger. The motion passed unanimously.

6. **Presentation from BART Office of General Counsel Regarding Legal Restrictions on Release of Information from a Complaint Investigation to the Complainant.**

BART Attorney Marco Gomez made a presentation regarding confidentiality rules that govern the release of information contained in peace officer personnel files, including administrative complaint investigation materials. Mr. Gomez answered questions from the CRB on this matter.

Mr. Perezvelez entered the meeting.

No action taken.

7. **Chief of Police Report. For Discussion and Action.**

Chief Rainey recognized the following individuals who assisted the BART Police Department (BPD) in its efforts to provide public safety at BART: Station Agents Daniel Bennett, Anna Contreras, and Dan McLorin, San Jose Police Sergeant Fredrick Kotto, and citizens Tobey Bramble and Brandie Potter.

A. Use of Written Interrogatories During Complaint Investigations.

Lieutenant Haight presented information about how often written questionnaires are used by the Internal Affairs unit during their complaint investigations as compared with in-person interviews. He also talked about the Internal Affairs procedure for using such questionnaires.

B. Eligibility of Complaint Investigations for a Disposition of Supervisory Referral.

Lieutenant Haight presented information about the Internal Affairs unit's policies and procedures regarding the use of Supervisory Referral as a disposition for complaints of misconduct. Lieutenant Haight answered questions from the CRB on this matter.

C. BPD Procedure Regarding Disposition of Encounters with Intoxicated Individuals.

Chief Rainey discussed BPD's responses to encounters with intoxicated individuals, including what discretion officers have during such encounters, and what law enforcement actions are expected to be taken. Chief Rainey answered questions from the CRB on this matter.

No action taken.

8. **Review of Draft 2013 Quarter 1 Citizen Review Board Report to the BART Board of Directors. For Discussion and Action.**

The draft report was introduced by Mr. Hambleton and discussed. Mr. Mensinger made a motion that the draft be accepted with the inclusion of one additional item (attendance at a meeting by Mr. Mensinger). The motion was seconded by Ms. Kidd, and Mr. Douglas made a friendly amendment to the motion (to update the date of the report and to have Mr. Smith submit it to the BART Board of Directors) which was accepted by Mr. Mensinger and Ms. Kidd. The motion passed unanimously.

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

Mr. Smith announced the Police and Community Relationship Forum being co-hosted by BPD on April 13, 2013.

A. Training Module on Consensual Encounters and Detentions by Law Enforcement.

Mr. West conducted a training session detailing the legal differences between consensual encounters and detentions of individuals. Mr. West answered questions from the CRB on this training item.

Ms. Kidd exited the meeting.

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

No action taken.

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

There was no public comment. Mr. Barnett requested that a discussion take place at the next CRB meeting regarding how the CRB might begin to review some investigations in greater depth.

11. Adjournment.

A motion to adjourn the meeting was made by Mr. Perezvelez and seconded by Mr. Barnett. The motion passed unanimously. The meeting was adjourned at 5:58 p.m.