

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

Citizen Review Board  
Minutes of the 18th Meeting  
Monday, October 8, 2012

A regular meeting of the Citizen Review Board (CRB) was held on Monday, October 8, 2012, convening at 4:00 p.m. in the Board Room, 344 20<sup>th</sup> Street, Oakland, California.

Members Present: Benjamin Douglas (Chairperson), Sharon Kidd (Vice-Chairperson), George Perezvelez, Les Mensinger, Douglas Hambleton, Peter Barnett, Daniel Buford, William White, Thomas Minshew, Ken Jones, and Sukari Beshears

Members Absent: None

BART Staff: Independent Police Auditor Mark P. Smith, Independent Police Investigator Kobia West, Police Chief Kenton W. Rainey, Police Lieutenant Lance Haight, Police Officer Scott Hamilton (BPOA), and Police Administrative Specialist Frances Cheung

Agenda Items discussed:

1. **Call to Order.**  
The regular meeting was called to order at 4:02 p.m. by Mr. Douglas.
2. **Call for Quorum.**  
Benjamin Douglas, Sharon Kidd, George Perezvelez, Les Mensinger, Douglas Hambleton, Peter Barnett, Daniel Buford, William White, Thomas Minshew, Ken Jones, and Sukari Beshears were present, amounting to a quorum.
3. **Recital of Pledge of Allegiance.**  
The pledge of allegiance was recited.
4. **Public Comment on Item 5 Only.**  
There were no public comments.  
  
Mr. Douglas elected to address agenda item #9 (Chief of Police Report) next.
5. **Chief of Police Report. For Discussion and Action. (Agenda Item #9)**  
Chief Rainey recognized the following citizens for their heroic actions responding to crime in the BART system: Dispatcher Janet Strange, Station Agent Leo Harju, and Station Agent Avery Nulph.

**6. Report on the Implementation of Recommendations Resulting from Studies Conducted to Look at BART Police Department Policies and Procedures, Practices and Training. For Discussion and Action. (Agenda Item #11)**

Chief Rainey responded to questions, some of which had been previously posed, from CRB members by giving updates on the implementation of various recommendations within the NOBLE Report regarding the BART Police Department.

Chief Rainey responded to additional questions posed by the CRB regarding the morale of the police department's officers.

Mr. Hambleton made a motion to commend Chief Rainey and the BART Police Department for its progress in implementing the recommendations from the NOBLE Report about the BART Police Department. Mr. Mensinger seconded the motion, which passed unanimously.

**7. Review of Revisions to BART Police Department Policies. (Agenda Item #10)**

The CRB asked Chief Rainey about the BART Police Department prospective policy on Mobile Video Recorders (MVRs). They also asked about periodic reports on weapon discharges and the potential misuse of MVRs, the volume of internal affairs complaints, and the procedure for completing different types of complaints. Chief Rainey responded to the questions.

Mr. Smith addressed the CRB with his comments regarding the prospective MVR policy. He indicated that there were a number of small suggested edits that he would share with Chief Rainey. He also stated that there was a larger suggested edit to restrict the ability of officers to view video recordings in cases where it is known that a citizen complaint is pending regarding an incident captured in the recording. The CRB and the Chief of Police responded to these comments.

**8. Independent Police Auditor Report. For Discussion and action. (Agenda Item #15)**

Mr. Smith addressed the CRB and presented the OIPA monthly report. Mr. Smith, Chief Rainey and Lieutenant Haight also responded to questions from the CRB during the presentation of the report.

**9. Closed Session.**

**A. To Consider Employee Discipline/Dismissal/Release (Room 303 Board Conference Room). Govt. Code § 54957. (Agenda Item #5)**

The CRB entered into closed session at 5:31 p.m. and reconvened in open session at 6:10 p.m.

**10. Open Session. (Agenda Item #6)**

Mr. White and Ms. Kidd left the meeting prior to the resumption of the open session but were present for all actions taken by the CRB within the closed session.

Mr. Douglas announced that the CRB voted unanimously to accept the findings of OIPA in Case #11-09. The motion to accept the findings was made by Mr. Mensinger and seconded by Mr. Barnett.

**11. Public Comment on Items 8 through 15 Only. (Agenda Item #7)**

There were no public comments.

**12. Approval of Minutes of Prior Board Meeting. For Discussion and Action. (Agenda Item #8)**

Mr. Mensinger made a motion to approve the minutes of the previous board meeting. Mr. Perezvelez seconded the motion, which passed with 8 votes in favor and 1 abstention.

**13. Update on CRB Annual/Quarterly Report to Board of Directors. For Discussion and Action. (Agenda Item #13)**

Mr. Perezvelez made a motion to approve the draft report to the Board of Directors after final additions are made by Mr. Hambleton that reflect certain actions taken during the present CRB meeting. Mr. Mensinger seconded the motion. The CRB voted unanimously in favor of the motion.

**14. Rescheduling the November CRB Meeting. For Discussion and Action. (Agenda Item #14)**

Mr. Mensinger made a motion to reschedule the next CRB meeting to November 13, 2012 at 9:00 a.m. Mr. Douglas seconded the motion. The motion passed with 8 votes in favor and 1 vote against.

**15. Creation of a Subcommittee to Evaluate the BART Citizen Oversight Structure after the First Year of Implementation. (Agenda Item #12)**

Mr. Perezvelez made a motion to create an ad hoc subcommittee to evaluate the BART Citizen Oversight Structure. Mr. Buford seconded the motion. The motion passed with 8 votes in favor and 1 vote against.

Mr. Douglas appointed Ms. Kidd, Mr. Jones, and Mr. Perezvelez to the subcommittee, and designated Mr. Perezvelez as chairperson in order to arrange the first meeting.

**16. General Discussion and Public Comment. Limited to 3 Minutes per Speaker. (Agenda Item #16)**

There was no public comment.

**17. Adjournment. (Agenda Item #17).**

A motion was made by Mr. Hambleton to adjourn the meeting. Ms. Beshears seconded the motion. The motion passed unanimously and the meeting was adjourned at 6:26 p.m.