

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

Citizen Review Board
Minutes of the 26th Meeting
Monday, June 10, 2013

A regular meeting of the Citizen Review Board (CRB) was held on Monday, June 10, 2013, convening at 4:00 p.m. in the BART Board Room, 344 20th Street, Oakland, California.

Members Present: Ken Jones, George Perezvelez, Sharon Kidd, Benjamin Douglas, Les Mensinger, Cydia Garrett, William White and Sukari Beshears

Members Absent: Thomas Minshew, Douglas Hambleton and Peter Barnett

BART Staff: BART Police Department (BPD) Chief Kenton Rainey, BPD Deputy Chief Jeff Jennings, BPD Lieutenant Lance Haight, BART Police Managers Association (BPMA) President Sergeant Nathan Weissich, BPD Sergeant Jesse Sekhon, BPD Administrative Services Supervisor Matt Cromer, BART Attorney Byron Toma, 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 4:03 p.m. by Mr. Douglas, CRB Chairperson.
2. **Call for Quorum.**
Benjamin Douglas, Les Mensinger, William White, Cydia Garrett, Sharon Kidd, Ken Jones and George Perezvelez were present, amounting to a quorum.
3. **Pledge of Allegiance Recital.**
The pledge of allegiance was recited.
4. **Public Comment on Items 5 through 13 Only.**
There were no public comments.
5. **Approval of Minutes of Prior Board Meeting. For Discussion and Action.**
Mr. Mensinger made a motion to approve the minutes of the previous board meeting. The motion was seconded by Ms. Kidd. The motion passed, with 4 votes in favor and 3 abstentions.

Sukari Beshears entered the meeting at 4:10 p.m.

6. Report from the BART Police Managers Association and the BART Police Officers Association (continuation of Agenda Item #7 from May 13, 2013 meeting). For Discussion and Action.

BPMA President Sergeant Weissich introduced himself and explained how BPMA generally handles business with respect to BPD. Sergeant Weissich responded to questions by the CRB members and discussed his beliefs as to whether and when officers should be allowed to view recordings they have made during the course of their duties. Ms. Kidd noted that the BART Independent Police Auditor believes officers should not be allowed to view a recording they have made if they know, or reasonably should know, that the recording has captured evidence that may be relevant to a complaint investigation.

No action taken.

7. Inclusion of BART Police Department (BPD) Complaint/Commendation Form on CRB Webpage. For Discussion and Action.

Lieutenant Haight made a request to include the BPD complaint/commendation form on the CRB's webpage.

Mr. Mensinger made a motion include the form on the webpage. The motion was seconded by Ms. Kidd.

Ms. Beshears suggested placing a link on the CRB webpage which would direct individuals to the BPD webpage to obtain the complaint/commendation form. Mr. Jones suggested tabling the matter so that both the BPD form and the counterpart created by OIPA (the OIPA Complaint Form) could be examined in greater detail.

Mr. Mensinger withdrew his previous motion, and made a motion to table the matter until the next CRB meeting. The motion was seconded by Ms. Kidd.

No action taken.

8. Reimbursement of Expenses for CRB Members. For Discussion and Action.

The CRB members discussed whether additional reimbursement for expenses, beyond the presently-authorized travel reimbursement for BART advisory committees, should be requested. Director Raburn addressed the CRB members and informed them that the present travel reimbursement policy for BART advisory committees is scheduled for discussion by the BART Board of Directors at its next meeting. Mr. Douglas tabled further discussion of this item until the next CRB meeting.

No action taken.

9. Amendment of CRB Bylaws to Set Deadline for Requesting Agenda Items Prior to a Regular Meeting. For Discussion and Action.

A proposed amendment to the CRB Bylaws was discussed that would require the Chairperson to include on an agenda all requests for agenda items from members, as long as the requests were made 14 days prior to the meeting at which the item is requested to be heard.

Mr. Perezvelez made a motion to approve the amendment. His motion was seconded by Mr. Mensinger. The motion passed unanimously.

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

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

No action taken.

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

Chief Rainey introduced newly-appointed Deputy Chief Jeff Jennings. Mr. Jennings discussed his background and said that he looks forward to working with everyone. Chief Rainey stated that he would soon have an update on implementation of the NOBLE Report recommendations, and he discussed an upcoming organizational review being undertaken by BPD. He asked the CRB to inform him or the Independent Police Auditor of any areas they would like to be addressed by the organizational review. The CRB discussed comments made by attendees at the Community Forum held by the Office of the Independent Police Auditor and the CRB on May 16, 2013, including those focused on the diversity of BPD officers. Chief Rainey also answered questions from the CRB.

No action taken.

12. Status of BPD Policy 1019 – Early Warning System. For Discussion and Action.

Lieutenant Haight informed the CRB that BPD Policy 1019 – Early Warning System is currently under review and has been suspended until further notice.

No action taken.

13. Closed Session:

**A. To Consider Public Employee Discipline/Dismissal/Release in Internal Affairs Case #2012-057.
Govt. Code §54957.**

A motion to table this item until the July CRB meeting was made by Ms. Kidd and seconded by Ms. Beshears. The motion passed unanimously.

14. Open Session.

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

There was no public comment.

Mr. West reminded everyone of an upcoming training event available to the CRB regarding the phenomenon known as “Suicide by Cop.” He also informed the CRB of an upcoming outreach event organized by the Office of the Independent Police Auditor with the Oakland Mayor’s Commission on Persons with Disabilities.

Mr. Jones requested an update on the BPD Compstat process and Chief Rainey responded to his request.

16. Adjournment.

A motion to adjourn the meeting was made by Ms. Kidd and seconded by Mr. Mensinger. The motion passed unanimously. The meeting was adjourned at 5:44 p.m.