

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

Citizen Review Board
Minutes of the 8th Meeting
Monday, December 12, 2011

A regular meeting of the Citizen Review Board was held on Monday, December 12, 2011, convening at 4:10 p.m. in the Board Room, 344 20th Street, Oakland, California.

Members Present: Benjamin Douglas, Les Mensinger, George Perezvelez, Peter Barnett, William White, Sharon Kidd, Sukari Beshears and Doug Hambleton

Members Absent: Jennifer Scaife, Sue Angeli and Ken Jones

BART Staff: Independent Police Auditor Mark P. Smith, BART Police Chief Kenton Rainey, BART Deputy Police Chief, Jan Glenn-Davis, Division Manager of Local Government and Community Relations Rodd Lee and Senior Staff Assistant, Anita Grayson

Agenda Items discussed:

- 1. Call to Order.**
The regular meeting was called to order at 4:10 p.m. by George Perezvelez, Board Chairperson.
- 2. Call for Quorum.**
Benjamin Douglas, Sukari Beshears, William White, Doug Hambleton, Les Mensinger, Sharon Kidd, Peter Barnett and George Perezvelez 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. Hambleton and seconded by Mr. Mensinger to approve the minutes of the November 14th meeting. 6 yes, 2 abstentions. Motion passed.

- 6. Independent Police Auditor Report. For Discussion and Action.**
Mark Smith introduced the new Office of Independent Police Auditor's brochure and the brief story about the OIPA in the BART Times Newsletter. He briefly updated the Citizen Review Board members on his monthly report for November 2011. He informed the CRB members about the status of the recruitment of an Investigator. After discussion, the Citizen Review Board made a few suggestions and comments.
- 7. Chief of Police Report. For Discussion and Action.**
Chief Rainey noted that he had distributed his report before the meeting and asked if there were any questions. Mr. Douglas asked the Chief if there was an update on the July 3rd shooting, and the Chief gave a brief update, noting that the investigation was still ongoing. Mr. Mensinger thanked the Chief and his staff for an outstanding job during his ride-along. The Chief introduced 2 new police cadets as well as his newly appointed Spokesperson. The Chief also informed the CRB members that the NOBLE Management Audit Response Matrix is in the process of being updated and will be posted on BART's website soon.
- 8. Discussion of Potential Amendment to Bylaws. For Discussion and Action.**
Mr. Smith introduced a concern raised by BART's General Counsel regarding one section of the CRB Bylaws – Article III, Members, Section 2, Vacancies. The CRB discussed the concern and Chairperson Perezvelez indicated that the matter would be included on the agenda for the next regularly-scheduled CRB meeting.
- 9. Report on BART's Policy Regarding Interruption of Cellular Service. For Discussion and Action.**
Vice Chairperson Kidd reported that a cell phone policy was adopted by the BART Board of Directors. Mr. Smith read selected portions of the policy that was adopted, highlighting some additions that were made from the previous version of the proposed policy.
- 10. Development of a Subcommittee to Monitor and Report on Periodic Studies of Departmental Policies, Procedures, Practices and Training. For Discussion and Action.**
The CRB discussed the benefits and drawbacks of forming a subcommittee to focus on studies of departmental policies, procedures, practices and training, as opposed to having the whole CRB focus on those things. No action was taken.
- 11. Update from Website Subcommittee. For Discussion and Action.**
Vice Chairperson Kidd updated the members on the status of the CRB's Website and asked all members who had not already done so to submit their bios to be uploaded to the website. The possibility of having a photographer at the next

regularly-scheduled CRB meeting was discussed, and it was also noted that pictures could be forwarded to Mr. Smith for inclusion on the site. Mr. Smith informed the members that the CRB presently has a page included on the BART website.

Mr. Barnett raised a question regarding the CRB's response to some changes to the BART Police Department Manual that had previously been brought to the CRB. Chairperson Perezvelez indicated that, at the request of Mr. Barnett, the matter would be included in the agenda for the next regularly-scheduled meeting of the CRB.

Chief Rainey invited the CRB members to the department's annual Christmas party. Mr. Douglas made a motion to extend the meeting for 30 minutes and it was seconded by Vice Chairperson Kidd. Motion passed unanimously.

12. General Discussion and Public Comment. Limited to 3 Minutes per Speaker.

No public comment. Mr. Hambleton brought forward three (3) items that were discussed as recommendations from the Training Subcommittee meeting held prior to this meeting: a report from the Chief of Police on discipline practices, a report from the police department on how general orders are developed with the use of Lexipol, and a report from Mr. Smith on what the CRB can expect to see from OIPA's completed investigation reports.

13. Adjournment.

Vice Chairperson Kidd made a motion to adjourn the meeting and it was seconded by Mr. Mensinger. Motion passed unanimously. Meeting was adjourned at 6:07 p.m.