

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

BART Police Citizen Review Board
Monday, July 10, 2017

A regular meeting of the BART Police Citizen Review Board (BPCRB) was held on Monday, July 10, 2017 convening at 4:00 p.m. The meeting consisted of a simultaneous teleconference call at the following locations:

BART Board Room Kaiser Center 20 th Street Mall – Third Floor 344-20 th Street Oakland, CA 94612	SpringHill Suites Nashville Airport Room 624 1100 Airport Center Drive Nashville, TN 37214 Ashland Creek Inn Edinburg Room 70 Water Street Ashland, OR 97520
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Members Present: Chairperson Cydia Garrett, Vice Chairperson David Rizk, Benjamin Douglas, Cathryn Freitas, Darren White, Les Mensinger, Sharon Kidd, George Perezvelez, and Richard Knowles.

BART Staff: BART Police Department (BPD) Chief Carlos Rojas, BPD Deputy Chief Lance Haight, BPD Acting Lieutenant Chris Vogan, BPD Sergeant Anisa McNack, BPD Officer Shane Reiss, Communications Officer Taylor Huckaby, Government and Community Relations Manager Roddrick Lee, Independent Police Auditor Russell Bloom, Independent Police Investigator Patrick Caceres, and Senior Administrative Analyst Sarah Celso.

Others Present: Director Allen, Director McPartland, Director Raburn, Gilbert Bernstein, Aman Sebahtu.

Agenda items discussed:

- 1. Call to Order.**
The regular meeting was called to order at 4:06 p.m. by Chairperson Cydia Garrett.
- 2. Call for Quorum.**
Chairperson Cydia Garrett, Vice Chairperson David Rizk, Benjamin Douglas, Cathryn Freitas, Darren White, Les Mensinger, George Perezvelez, and Richard Knowles were present, amounting to a quorum.

Ms. Kidd entered the meeting.

3. Pledge of Allegiance Recital.

The pledge of allegiance was recited.

4. Approval of Minutes of Prior Board Meeting. For Discussion and Action.

A motion to approve the minutes of the prior BPCRB meeting was made by Mr. Mensinger and seconded by Mr. D. White. The motion passed unanimously.

5. General Discussion and Public Comment. Limited to 3 minutes per speaker.

No general discussion.

Gilbert Bernstein addressed the BPCRB.

6. Presentation of Certificate of Appreciation to Sharon Kidd for service as a BPCRB Member.

Chairperson Garrett, Mr. Perezvelez, Mr. D. White, Mr. Mensinger, Deputy Chief Lance Haight, Officer Shane Reiss, Mr. Knowles, Mr. Douglas, Director Raburn, Mr. Bloom, Mr. Caceres and Mr. Maginnis expressed their appreciation for Ms. Kidd.

Chairperson Garrett presented Ms. Kidd with a Certificate of Appreciation for her service as a BPCRB Member.

Ms. Kidd shared her thoughts and reflections.

7. BPCRB Officer Elections. For Discussion and Action.

Ms. Kidd nominated Mr. Perezvelez for the position of Chairperson; the nomination was seconded by Mr. Mensinger. Mr. Perezvelez accepted the nomination for Chairperson. Mr. Douglas nominated Mr. Rizk for Chairperson; the nomination was seconded by Mr. D. White. Mr. Rizk accepted the nomination. A motion to close the nominations for Chairperson was made by Mr. Mensinger and seconded by Mr. Perezvelez. The motion passed unanimously. Mr. Perezvelez made a statement regarding his position for Chairperson. Mr. Rizk made a statement regarding his position for Chairperson. Three votes in favor of Mr. Rizk, six votes in favor of Mr. Perezvelez and one abstention. Mr. Perezvelez was elected Chairperson.

Mr. Perezvelez nominated Mr. Rizk for Vice Chairperson; the nomination was seconded by Mr. Mensinger. Mr. Rizk nominated Mr. W. White for Vice Chairperson; the nomination was seconded by Mr. Perezvelez. Mr. Rizk declined the nomination for Vice Chairperson. Mr. Perezvelez and Mr. Mensinger made statements in favor of Mr. W. White. A motion to vote Mr. W. White as the Vice Chairperson was made by Mr. Maginnis and it was seconded by Mr. Mensinger. The motion passed unanimously. Mr. W. White was elected Vice Chairperson.

8. 2017 Quarter 2 Board of Directors Report. For Discussion and Action.

A motion to approve the 2017 Quarter 2 BPCRB Report, with the noted corrections to the Community Outreach and Other Activities Section on Page 2 and Participation in Oral

Boards on Page 3, was made by Ms. Freitas and seconded by Mr. D. White. The motion passed unanimously.

9. August National Night Out. For Discussion and Action.

Chairperson Garrett reminded the BPCRB about National Night Out on August 1, 2017 from 4:00 p.m. to 7:00 p.m. BPD will be at the following BART Stations: Fruitvale, San Leandro, El Cerrito Plaza, Concord, 24th Street, and Daly City. Chairperson Garrett encouraged the BPCRB to participate in this event.

The BPCRB discussed this item.

Chief Rojas discussed this item and he also encouraged the BPCRB to attend National Night Out.

10. BPD Use of Force Policy Revision Subcommittee Update. For Discussion and Action.

Mr. Rizk provided an update regarding this item.

Chief Rojas discussed this item and answered questions from the BPCRB.

The BPCRB discussed this item.

A motion to approve the BPD Policy 300 – Use of Force Draft dated July 3, 2017 and forward it to BPD for acceptance and implementation was made by Mr. Mensinger and seconded by Ms. Freitas. The motion passed unanimously. This vote supersedes the prior vote taken on BPD Policy 300 – Use of Force Draft dated May 8, 2017.

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

Chief Rojas expressed his appreciation for Ms. Kidd.

a. BPD Monthly Report.

The BPD Monthly Report for May 2017 was distributed to the BPCRB. Chief Rojas discussed the report and answered questions from the BPCRB.

b. BPD Policy 428 – Immigration Violations

Chief Rojas provided an update regarding this item. This item was for review; no action was needed.

c. BPD Policy 453 – Aggressive Panhandling

Chief Rojas provided an update regarding this item. BPD is in the implementation and training phase with the training to be completed by July 30, 2017.

d. Fare Evasion/Code of Conduct Violations

Chief Rojas provided update regarding this item. Assistant General Manager of

Operations Paul Oversier has offered to make a presentation to the BPCRB regarding Fare Evasion and Code of Conduct Violations at a future meeting.

e. Upcoming Policy Review

Chief Rojas stated that he will be bringing policies to the BPCRB for review more frequently and going forward.

Mr. Rizk exited the meeting.

12. BPCRB Training Plan Approval for August. For Discussion and Action.

Mr. Bloom presented a proposed BPCRB Training Plan for August 2017 for the BPCRB's approval, and he answered questions from the BPCRB.

A motion to approve the training plan for August was made by Mr. Mensinger and it was seconded by Mr. D. White. The motion passed unanimously. [Mr. Rizk and Mr. Douglas were not present for this vote.]

13. Independent Police Auditor's Report. For Discussion and Action.

a. OIPA Monthly Report

Mr. Bloom presented OIPA's June 2017 Monthly Report.

b. Oversight System Evaluation Update

Mr. Bloom distributed the Oversight System Evaluation Report conducted by OIR Group and Aaron Zisser. He provided a brief summary of the report and an explanation of the next steps. The BPCRB discussed this item and Mr. Bloom answered questions from the BPCRB.

A motion was made by Mr. Perezvelez and seconded by Mr. D. White to add BPCRB review of the Oversight System Evaluation Report to next month's meeting agenda and empower the Chair to submit a letter to the Board of Directors informing them of the BPCRB's intent to discuss and forward their own review of the proposed recommendations to ensure full participation by the BPCRB. The motion passed unanimously.

A motion to extend the meeting to 6:15 p.m. was made by Mr. Knowles and was seconded by Mr. Douglas. The motion passed unanimously.

14. Closed Session.

A motion to extend the meeting to 6:30 p.m. was made by Mr. D. White and was seconded by Mr. Mensinger. The motion passed unanimously.

a. OIPA Case #16-25 Appeal. For Discussion.

No action was taken.

The BPCRB reconvened in open session at 6:35 p.m.

15. Adjournment.

A motion to adjourn the meeting was made by Mr. Maginnis and was seconded by Mr. Mensinger. The motion passed unanimously.

The meeting was adjourned at approximately 6:35 p.m.