

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

BART Police Citizen Review Board  
Monday, January 9, 2017

A regular meeting of the BART Police Citizen Review Board (BPCRB) was held on Monday, January 9, 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 <sup>th</sup> Street Mall – Third Floor 344-20 <sup>th</sup> Street Oakland, CA 94612	Warner Library 121 North Broadway Tarrytown, NY 10591
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Members Present: Chairperson Cydia Garrett, Vice Chairperson David Rizk, Benjamin Douglas, Cathryn Freitas, William White, Darren White, Bob Maginnis, Les Mensinger, Sharon Kidd and George Perezvelez.

BART Staff: BART Police Department (BPD) Acting Chief Jeffrey Jennings, BPD Deputy Chief Lance Haight, BPD Officer Shane Reiss, BPD Employee Matthew Cromer, Independent Police Auditor Russell Bloom, Independent Police Investigator Patrick Caceres, Senior Administrative Analyst Sarah Celso.

Others Present: Director John McPartland, Director Robert Raburn, Director Rebecca Saltzman, Director Lateefah Simon, Aaron Zisser, Eva Krokowski, and Jackie Fielder.

Agenda items discussed:

- 1. Call to Order.**  
The regular meeting was called to order at 4:02 p.m. by Chairperson Cydia Garrett.
- 2. Call for Quorum.**  
Chairperson Cydia Garrett, Vice Chairperson David Rizk, Benjamin Douglas, Cathryn Freitas, William White, Darren White, Bob Maginnis, Les Mensinger, Sharon Kidd, and George Perezvelez were present, amounting to a quorum.
- 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 Ms. Kidd and seconded by Mr. Mensinger. The motion passed unanimously.
- 5. General Discussion and Public Comment. Limited to 3 minutes per speaker.**

No items for general discussion. No public comment.

**6. BPD Use of Force Policy Revision. For Discussion and Action.**

The BPCRB discussed the BPD Use of Force Policy Revision.

Director McPartland entered the meeting.

Director Simon entered the meeting.

BPD Acting Chief Jennings discussed this item and answered questions from the BPCRB.

BPD Officer Reiss discussed this item and answered questions from the BPCRB.

Mr. Bloom discussed this item and answered questions from the BPCRB.

A motion to create a subcommittee to review the proposed revisions to the BPD Use of Force Policy, including participation from BPD, BPD Unions and the Office of Independent Police Auditor, was made by Mr. D. White and seconded by Mr. Maginnis. The motion passed unanimously.

Director Saltzman requested that the BPCRB provide the BART Board of Directors with an update, after the subcommittee has met, at a future BART Board Meeting.

Director Saltzman exited the meeting.

Director Simon exited the meeting.

**7. Independent Police Auditor's Report. For Discussion and Action.**

**a. Introduction of New Office of the Independent Police Auditor (OIPA) Independent Police Investigator**

Mr. Bloom announced that Patrick Caceres was hired as the Independent Police Investigator. It was Mr. Bloom's intent to introduce Mr. Caceres to the BPCRB but Mr. Caceres was still attending new hire orientation.

**b. Citizen Oversight Structure Evaluation Process**

Mr. Bloom discussed the Citizen Oversight Structure Evaluation Process and announced that OIPA has finalized an agreement with OIR Group (Michael Gennaco) with consultant Aaron Zisser to conduct an evaluation of the oversight system as required by the BART Citizen Oversight Model Chapter 3-01. Mr. Bloom answered questions from the BPCRB.

Mr. Zisser introduced himself to the BPCRB. He discussed his professional background and briefly went over the evaluation process.

**c. February Meeting Location Change**

Mr. Bloom announced that the location for the February BPCRB meeting has changed to the former Metropolitan Transportation Commission Auditorium Conference Room at 101 Eighth Street, Oakland.

**d. OIPA Monthly Report**

Mr. Bloom presented OIPA's December 2016 Monthly Report.

**e. Policy Recommendation of BPD Policy 453 – Aggressive Panhandling**

Mr. Bloom presented a policy revision recommendation for BPD Policy 453 – Aggressive Panhandling and answered questions from the BPCRB.

Mr. Caceres entered the meeting.

Acting Chief Jennings answered questions from the BPCRB.

This item has been tabled for a future BPCRB meeting for further discussion.

No action was taken.

Mr. Bloom formally introduced Independent Police Investigator Patrick Caceres. Mr. Caceres addressed the BPCRB and gave a brief statement about himself.

**8. Chief of Police's Report. For Discussion and Action.**

Acting Chief Jennings announced that he was appointed Acting Chief of Police for the next two months then it will transition to Deputy Chief Ben Fairrow for another two months

Acting Chief Jennings reassured the BPCRB that there will be no problem with getting the BPD Use of Force Policy Revisions approved once the subcommittee has met and come to agreement on revisions. He briefly discussed 2016 crime statistics, the end of the year BPD Awards Recognition Holiday Party, Trunk or Treat Halloween, Shop with a Cop, and Three Wise Men Community Events.

Acting Chief Jennings received a commendation letter from Oakland Police Department (OPD) Lieutenant Bobby Hookfin recognizing BPCRB Member Sharon Kidd who went above and beyond as a citizen to put herself in a precarious situation and helped to ease tensions between an unruly crowd and OPD Officers, who were searching for a homicide suspect.

**a. BPD Monthly Report.**

Due to the late receipt of this report this item has been moved for distribution and discussion at the next BPCRB meeting.

**9. Review of Draft 2016 Quarter 4 BPCRB Report to the BART Board of Directors. For Discussion and Action.**

A motion to approve the 2016 Quarter 4 BPCRB Report to the BART Board of Directors, with the addition of Mr. Rizk's participation on the Deputy Chief Oral Board, was made by Mr. Mensinger and seconded by Ms. Kidd. The motion passed unanimously.

**10. BPCRB Training Plan Approval for February 2017. For Discussion and Action.**  
Mr. Bloom presented the BPCRB Training Plan for February 2017 to the BPCRB.

A motion to approve the BPCRB Training Plan for February 2017 was made by Mr. Mensinger and seconded by Mr. D. White. The motion passed unanimously.

Acting Chief Jennings mentioned fallen BPD Sergeant Tommy Smith who was killed in an accidentally shooting on January 21, 2014.

Director McPartland addressed the BPCRB and thanked them for their service.

**11. Adjournment.**

A motion to adjourn the meeting in remembrance of fallen BPD Sergeant Tommy Smith was made by Mr. Douglas and was seconded by Mr. Perezvelez. The motion passed unanimously.

The meeting was adjourned at approximately 5:52 p.m.