

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

BART Police Citizen Review Board
Monday, February 12, 2018

A regular meeting of the BART Police Citizen Review Board (BPCRB) was held on Monday, February 12, 2018 convening at 4:00 p.m. in the BART Board Room, 344 20th Street, Oakland, California.

Members Present: Chairperson George Perezvelez, Vice Chairperson William White, Kenneth Loo, Cathryn Freitas, Darren White, Bob Maginnis, Les Mensinger, Aman Sebahtu, David Rizk, and Richard Knowles.

BART Staff: BART Police Department (BPD) Chief Carlos Rojas, BPD Deputy Chief Jeffrey Jennings, BPD Deputy Chief Lance Haight, BPD Deputy Chief Edgardo Alvarez, BPD Lieutenant Chris Vogan, BPD Officer Stephen Christ, BPD Senior Administrative Analyst LaTonia Peoples-Stokes, Independent Police Auditor Russell Bloom, and Independent Police Investigator Patrick Caceres, BART Attorney Byron Toma.

Others Present: BART Director John McPartland, BART Director Robert Raburn, Jessie Yau, KQED Radio, and KCBS TV.

Agenda items discussed:

- 1. Call to Order.**
The regular meeting was called to order at 4:02 p.m. by Chairperson George Perezvelez.
- 2. Call for Quorum.**
Chairperson George Perezvelez, Kenneth Loo, Cathryn Freitas, Darren White, Bob Maginnis, Les Mensinger, David Rizk, and Richard Knowles 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 for the Prior Board Meeting was made by Mr. Maginnis and seconded by Mr. Mensinger. The motion passed unanimously.
- 5. General Discussion and Public Comment. Limited to 3 minutes per speaker. (An opportunity for members of the public to address the BPCRB on matters under their jurisdiction and not on the agenda.)**
No general discussion. No public comment.

Mr. W. White entered the meeting at 4:04 p.m.

6. BPCRB Onboarding and Training Syllabus Subcommittee-Assignment of Subcommittee Members. For Discussion and Action.

Chairperson Perezvelez discussed this topic. He asked for an additional BPCRB volunteer to participate on the subcommittee. Mr. D. White volunteered to be a part of the subcommittee. The subcommittee consists of BPCRB Members: Chairperson Perezvelez, Mr. Rizk, Mr. Sebahtu, and Mr. D. White.

7. Revised BPCRB Training Plan for 2018-2019. For Discussion and Action.

Chairperson Perezvelez presented the revised BPCRB Training Plan for 2018-2019 to the BPCRB.

Mr. Bloom addressed the BPCRB.

Mr. Sebahtu entered the meeting at 4:08 p.m.

The BPCRB discussed this item.

Deputy Chief Alvarez answered a question from a BPCRB Member.

The BPCRB continued to discuss this item.

A motion to accept the revised BPCRB Training Plan for 2018-2019 with changes to July 2019 (Support Services Bureau and Communications Center) and November 2019 (Tour of new BART Stations to include Pittsburg and Antioch) training topics was made by Mr. Mensinger and seconded by Mr. D. White. The motion passed unanimously.

8. National Association for Civilian Oversight of Law Enforcement (NACOLE) Annual Conference Attendance. For Discussion and Action.

This item was originally Agenda Item #9.

The BPCRB discussed the NACOLE Annual Conference Attendance and the proposed CRB (Citizen Review Board) Bylaws language change to the NACOLE annual conference budget.

Director Raburn addressed the BPCRB.

A motion to accept the proposed language change with regards to equal disbursement of the allocated funds to any and/or all members who express interest and register for the NACOLE Annual Conference was made by Mr. Mensinger and seconded by Mr. D. White. The motion passed with seven in favor, two against and one abstention.

The BPCRB continued discussing this item.

A motion to petition the BART Board of Directors to increase the NACOLE Annual Conference budget from \$3,500 to \$5,000 beginning July 1, 2018 was made by Ms. Freitas and seconded by Mr. W. White. The motion passed with seven in favor, two against and one abstention.

Director Raburn addressed the BPCRB.

An amendment to the prior motion to change the CRB Bylaws to increase the budget for the NACOLE Annual Conference to \$5,000 beginning July 1, 2018 was made by Ms. Freitas and seconded by Mr. W. White. The motion passed unanimously.

9. BPCRB Training Session (The curriculum to be addressed will not satisfy AB 1234 Training requirements for legislative body members.)

This item was originally Agenda Item #8.

a. BART Citizen Oversight Model Basics

Mr. Bloom reviewed the BPCRB Citizen Oversight Model and compared it to San Jose Independent Police Auditor's Oversight Model, and discussed the differences between the two. He also discussed other types of oversight models and structures.

Mr. Toma made a presentation to the BPCRB regarding laws relevant to the BPCRB's service. He covered matters pertaining to the Brown Act, California Public Records Act, Standard Rules of Parliamentary Procedure, Peace Officers' Procedural Bill of Rights, *Copley Press v. Superior Court*, and New Cases and Law Relevant to the BPCRB's work.

10. Chief of Police's Report. For Discussion and Action.

This item was originally Agenda Item #11.

a. BPD Monthly Report for December 2017

Chief Rojas presented the BPD Monthly Report for December 2017, and he answered questions from the BPCRB.

b. Rescinded BPD Fare Evasion Police

Chief Rojas explained that the BPD Fare Evasion Policy was rescinded because the relevant elements are contained in other documents in the BPD Policy Manual.

The BPCRB discussed this item.

Chief Rojas answered questions from the BPCRB.

c. BPD Officer and Employee Vacancy Report

Chief Rojas provided an update on BPD's officer and employee vacancies, and he answered questions from the BPCRB.

- d. Use of Force Analysis Report Pursuant to BPD Policy 300 (Section 300.9)
This item was not presented and will be added to the agenda for next month's meeting.
- e. Proof of Payment Ordinance Enforcement Manual and Protocol
Chief Rojas discussed this item with the BPCRB.

Deputy Chief Haight discussed and provided details about the Proof of Payment Ordinance Enforcement Manual. He also answered questions from the BPCRB.

Chief Rojas answered questions from the BPCRB.

The BPCRB discussed this item.

No action was taken on the above items.

A motion to extend the meeting to 6:10 p.m. was made by Mr. W. White and seconded by Mr. Maginnis. The motion passed unanimously.

Director McPartland addressed the BPCRB.

Mr. Sebahtu exited the meeting at 6:05pm.

Mr. Rizk exited the meeting at 6:05pm.

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

This item was originally Agenda Item #10.

Mr. Bloom reminded the BPCRB to complete their online ethics training and send their certificate of completion to Ms. Celso.

Mr. Bloom presented the new OIPA car card to the BPCRB. He pointed out that the BPCRB was mentioned on the new car card, which will roll out sometime in 2018 with 140 car cards throughout the BART District.

a. OIPA Monthly Report for January 2018

Mr. Bloom presented the OIPA Monthly Report for January 2018.

12. Adjournment.

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

The meeting was adjourned at approximately 6:07 p.m.