

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

BART Police Citizen Review Board
Monday, April 09, 2018

A regular meeting of the BART Police Citizen Review Board (BPCRB) was held on Monday, April 9, 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, Darren White, Bob Maginnis, Les Mensinger, Aman Sebahtu, David Rizk, Cydia Garrett, and Richard Knowles.

BART Staff: BART Police Department (BPD) Deputy Chief Lance Haight, BPD Lieutenant Kevin Franklin, Independent Police Auditor Russell Bloom, Independent Police Investigator Patrick Caceres, Senior Administrative Analyst Sarah Celso, Senior Administrative Analyst LaTonia Peoples-Stokes, Assistant General Manager Office of External Affairs Kerry Hamill.

Others Present: BART Director Robert Raburn, KTVU News, and Members of the Public.

Agenda items discussed:

- 1. Call to Order.**
The regular meeting was called to order at 4:04 p.m. by Chairperson George Perezvelez.
- 2. Call for Quorum.**
Chairperson George Perezvelez, Vice Chairperson William White, Kenneth Loo, Bob Maginnis, Les Mensinger, David Rizk, Cydia Garrett, 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 with the addition of Ms. Garrett's name to members present was made by Mr. Mensinger and seconded by Mr. Rizk. The motion passed with seven votes in favor, zero against and one abstention.

Mr. Sebahtu entered the meeting at 4:09 p.m.
- 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.)**

Chairperson Perezvelez called for Public Comment. The following individuals addressed the BPCRB regarding the BPD Officer-Involved Shooting on January 3, 2018:

Lonnie Monore
Jessica Sexton
Nancy Scott-Cayce
Afiyah Chambers
Anthony Palik

Mr. Rizk addressed the BPCRB and then public comment continued with statements from the following people:

Karim Mayfield
Crystal Hamilton
Andrea Sosa

Mr. D. White entered the meeting at 4:32 p.m.

Chairperson Perezvelez addressed members of the public.

6. Review of Draft 2017 Quarter 4 BPCRB Report to the BART Board of Directors. For Discussion and Action.

The BPCRB discussed this item.

Mr. Bloom addressed the BPCRB.

A motion to approve the 2017 Quarter 4 BPCRB Report to the BART Board of Directors with the addition that Mr. Knowles attended the BPD's Annual Awards Ceremony in December 2017 under the Community Outreach and Other Actions section was made by Mr. Mensinger and seconded by Mr. D. White. The motion passed unanimously.

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

The BPCRB discussed this item.

A motion to send a letter to the BART Board of Directors requesting an increase to the NACOLE Annual Conference Budget from \$3,500 to \$5,000 beginning in Fiscal Year 2019 was made by Mr. Mensinger and seconded by Mr. Knowles. The BPCRB discussed this item further. Chairperson Perezvelez, Vice Chairperson W. White and Mr. Mensinger expressed interest in attending this year's NACOLE Annual Conference. Mr. Maginnis called for the question. The motion passed with eight votes in favor, one against and one abstention.

8. BPCRB Onboarding and Training Syllabus Subcommittee Status. For Discussion and Action.

Chairperson Perezvelez will have the three members of the subcommittee provide an update and/or course of action at a future meeting.

No action was taken.

9. Chairperson's Report. For Discussion and Action.

Chairperson Perezvelez addressed the BPCRB regarding making public comments.

No action was taken.

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

- a. Investigation Processes of the BPD Internal Affairs Division and the BART Office of the Independent Police Auditor (OIPA)
Mr. Bloom discussed OIPA's investigation process and he answered questions from the BPCRB.

The BPCRB discussed OIPA's investigation process.

Lieutenant Franklin discussed BPD's Internal Affairs Division investigation process and he answered questions from the BPCRB.

Deputy Chief Haight answered a question from the BPCRB.

Mr. Bloom answered a question from the BPCRB.

11. Discussion of the BART Police Officers' Association (BPOA) Memorandum Regarding the OIR Oversight System Evaluation Report. For Discussion and Action.

The BPCRB discussed this item.

Mr. Bloom discussed Agenda Item #13c as it helped to inform the BPCRB about this item.

Director Raburn addressed the BPCRB.

The BPCRB continued to discuss this item.

No action was taken.

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

Deputy Chief Haight represented Chief Rojas.

- a. BPD Monthly Report for January 2018 and February 2018
Deputy Chief Haight presented the BPD Monthly Reports for January and February 2018.
- b. Use of Force Analysis Report Pursuant to BPD Policy 300 (Section 300.9)

Deputy Chief Haight presented the Use of Force Analysis Report and he answered questions from the BPCRB.

The BPCRB discussed this item.

A motion to extend the meeting to 7:00 p.m. was made by Mr. Maginnis and seconded by Mr. Mensinger. The motion passed unanimously.

- c. BPD Fare Evasion Policy Reinstatement.
Deputy Chief Haight discussed this item and he answered questions from the BPCRB.
- d. BPD Response to Calls for Service Regarding Disruptive Behavior.
Deputy Chief Haight discussed the process and he answered questions from the BPCRB.

Lieutenant Franklin answered a question from the BPCRB.

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

- a. OIPA's Monthly Reports for February 2018 and March 2018
Mr. Bloom presented the OIPA Monthly Reports for February and March 2018.
- b. Discussion re Board Appointments for BPCRB Seats Expiring on June 30, 2018 and the Public-at-Large Seat
Mr. Bloom reviewed the process for Board of Directors' Appointments to the BPCRB seats expiring June 30, 2018 and he answered questions from the BPCRB.
- c. Discussion of OIR Report Process Including BART Board of Directors March 8, 2018 Vote to Implement 39 of 54 Recommendations
This item was discussed under Agenda Item #11.
- d. Discussion of OIPA and BPCRB Roles in Connection with BPD Officer-Involved Shootings
Mr. Bloom discussed this item and he explained the roles. He also answered questions from the BPCRB.

A motion to extend the meeting to 7:30 p.m. was made by Mr. Mensinger and seconded by Mr. Rizk. The motion passed unanimously.

14. Closed Session.

- a. To Consider Public Employee Discipline/Dismissal/Release in Office of the Independent Police Auditor Case #17-35. Gov. Code §54957
- b. To Consider Public Employee Discipline/Dismissal/Release in Office of the Independent Police Auditor Case #17-44. Gov. Code §54957

Mr. Sebahtu exited the meeting at 7:15 p.m.

The BPCRB reconvened in open session at 7:17 p.m.

Chairperson Perezvelez announced the vote taken during closed session with regard to agenda item #14a. The BPCRB voted to accept the findings reached by OIPA with eight votes in favor, zero against and one abstention by Mr. Sebahtu.

Chairperson Perezvelez announced the vote taken during closed session with regard to agenda item #14b. The BPCRB voted to accept the findings reached by OIPA with eight votes in favor, zero against and one abstention by Mr. Sebahtu.

15. Adjournment.

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

The meeting was adjourned at approximately 7:17 p.m.