

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
300 Lakeside Drive, P.O. Box 12688, Oakland, CA 94604-2688
BART Police Citizen Review Board Meeting Minutes
Monday, May 11, 2020

A regular meeting of the BART Police Citizen Review Board (BPCRB) was held Monday, May 11, 2020, convening at 4:01 p.m. via teleconference, pursuant to Governor Gavin Newsom’s Executive Order N-29-20 and the California Shelter-in-Place mandate. The meeting was called to order by Chairperson David Rizk; Mag Tatum, Recording Secretary.

Chairperson Rizk gave instructions on the virtual meeting, accessing presentation materials online, Public Comment, and Members’ remarks.

1. Call to Order.

The regular meeting was convened at 4:01 p.m. by Chairperson Rizk.

Members Present: Members Erin Armstrong, Zachary Bruno, Christina Gomez, Kenneth Loo, Les Mensinger, George Perezvelez, William White, and David Rizk.

Absent: Members Pete Longmire, Robert Pirone, and Darren White.

The Pledge of Allegiance was recited.

2. Approval of Minutes of the Meeting of March 9, 2020.

Member Loo moved that the Minutes of the Meeting of March 9, 2020 be approved; Member Armstrong seconded the motion, which carried by a unanimous roll call vote. Ayes – 8: Members Armstrong, Bruno, Gomez, Loo, Mensinger, Perezvelez, W. White, and Rizk. Noes – 0. Abstain – 0. Absent – 3: Members Pirone, Longmire and D. White.

3. Chief of Police’s Reports.

a. BART Police Department’s Monthly Reports for February 2020 and March 2020.

Chief of Police Ed Alvarez presented the BART Police Department’s Monthly Reports. The reports were discussed.

b. Assembly Bill 392: Use of Force.

Chief of Police Ed Alvarez presented the Assembly Bill 392: Use of Force. The presentation was discussed.

4. Independent Police Auditor’s Report.

a. Office of the Independent Police Auditor (OIPA) Monthly Reports for March 2020 and April 2020.

Independent Police Auditor Russell Bloom presented the OIPA Monthly Report for March 2020. The March 2020 report was discussed. The April 2020 report will come back to a future meeting.

5. Policy Standing Committee Updates.

Chairperson Rizk gave a presentation on the Policy Standing Committee Updates for the following polices:

1. Lexipol Policy 208 – Training Policy
2. Lexipol Policy 312 – Firearms
3. Lexipol Policy 314 – Vehicle Pursuits
4. Lexipol Policy 336 – Victim and Witness Assistance
5. Lexipol Policy 344 – Report Preparation
6. Lexipol Policy 372 – Mandatory Employer Notification
7. Lexipol Policy 389 – Gun Violence Restraining Orders
8. Lexipol Policy 400 – Operations Functions
9. Lexipol Policy 405 – Use of Electric Personal Vehicles
10. Lexipol Policy 428 – Immigration Violations
11. Lexipol Policy 432 – Patrol Rifle Operator Program
12. Lexipol Policy 436 – Field Training Officer Program
13. Lexipol Policy 448 – Mobile Data Computer Use
14. Lexipol Policy 451 – Body Worn Camera
15. Lexipol Policy 469 – Radiation/Chemical (CBRNE) Detection Operations
16. Lexipol Policy 500 – Traffic Function and Responsibility
17. Lexipol Policy 521 – Parking Enforcement
18. Lexipol Policy 601 – Criminal Investigation Administration
19. Lexipol Policy 602 – Sexual Assault Investigations
20. Lexipol Policy 610 – Eyewitness Identification
21. Lexipol Policy 804 – Property and Evidence
22. Lexipol Policy 806 – Records Division
23. Lexipol Policy 810 – Records Maintenance and Release
24. Lexipol Policy 1035 – Lactation Break Policy
25. Lexipol Policy 1042 – Occupational Disease and Work-Related Injury Reporting
26. Lexipol Policy 1043 – Personnel Inspections
27. Lexipol Policy 1044 – Personal Appearance Standards
28. Lexipol Policy 1055 – Departure from Employment

Lexipol Policy 602, Sexual Assault Investigations will come back to a future meeting.

Chairperson Rizk moved that the Policy Standing Committee Updates (total of twenty-seven Lexipol Policies) be approved; except Lexipol Policy No. 602, Sexual Assault Investigations. Member Mensinger seconded the motion, which carried by a unanimous roll call vote. Ayes – 8: Members Armstrong, Bruno, Gomez, Loo, Mensinger, Perezvelez, W. White, and Rizk. Noes – 0. Abstain – 0. Absent – 3: Members Pirone, Longmire and D. White.

Lexipol Policies listed in numerical order (twenty-seven policies were approved):

1. Lexipol Policy 208 – Training Policy
2. Lexipol Policy 312 – Firearms
3. Lexipol Policy 314 – Vehicle Pursuits
4. Lexipol Policy 336 – Victim and Witness Assistance
5. Lexipol Policy 344 – Report Preparation

6. Lexipol Policy 372 – Mandatory Employer Notification
7. Lexipol Policy 389 – Gun Violence Restraining Orders
8. Lexipol Policy 400 – Operations Functions
9. Lexipol Policy 405 – Use of Electric Personal Vehicles
10. Lexipol Policy 428 – Immigration Violations
11. Lexipol Policy 432 – Patrol Rifle Operator Program
12. Lexipol Policy 436 – Field Training Officer Program
13. Lexipol Policy 448 – Mobile Data Computer Use
14. Lexipol Policy 451 – Body Worn Camera
15. Lexipol Policy 469 – Radiation/Chemical (CBRNE) Detection Operations
16. Lexipol Policy 500 – Traffic Function and Responsibility
17. Lexipol Policy 521 – Parking Enforcement
18. Lexipol Policy 601 – Criminal Investigation Administration
19. Lexipol Policy 610 – Eyewitness Identification
20. Lexipol Policy 804 – Property and Evidence
21. Lexipol Policy 806 – Records Division
22. Lexipol Policy 810 – Records Maintenance and Release
23. Lexipol Policy 1035 – Lactation Break Policy
24. Lexipol Policy 1042 – Occupational Disease and Work-Related Injury Reporting
25. Lexipol Policy 1043 – Personnel Inspections
26. Lexipol Policy 1044 – Personal Appearance Standards
27. Lexipol Policy 1055 – Departure from Employment

6. Public Comment.

Chairperson Rizk called for Public Comment.

Mr. Robert Raburn addressed the Board.

Chairperson Rizk announced that the Board would enter closed session under Item 6-A (Public Employee Discipline/Dismissal/Release in OIPA Cases #19-19 and #19-40 of the regular meeting agenda, and that the Board would reconvene in open session at the conclusion of the closed session.

The Meeting recessed at 5:22 p.m.

The Meeting reconvened in Closed Session at 5:22 p.m.

7. Closed Session.

- a. To reconsider Public Employee Discipline/Dismissal/Release in OIPA Cases #19-19 and #19-40 Govt. Code §54957.

Members Present:

Members Erin Armstrong, Kenneth Loo, Les Mensinger, George Perezvelez, William White, and David Rizk.

Absent: Members Robert Pirone, Pete Longmire and
Darren White.

Members Zachary Bruno and Christina Gomez left the meeting via teleconference.

Adjournment.

The Meeting reconvened in Open Session at 6:37 p.m.

Chairperson Rizk announced that the Board voted unanimously to accept the findings in OIPA Cases #19-19 and #19-40.

The Meeting was adjourned at 6:38 p.m.