

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
2150 Webster Street, P.O. Box 12688, Oakland, CA 94604-2688
BART Police Citizen Review Board Meeting Minutes
Monday, June 10, 2024

A regular meeting of the BART Police Citizen Review Board (BPCRB) was held on June 10, 2024, convening at 4:00 p.m. in the BART Board Room, 2150 Webster Street, 1st Floor, Oakland, California 94612. The meeting was called to order by Chairperson George Perezvelez; and Mag Tatum, Recording Secretary.

Chairperson George Perezvelez gave instructions on the in-person meeting, with an option for public participation via teleconference, accessing the presentation materials online, Public comments, and Members' remarks.

1. Call to Order.

The regular meeting was convened at 4:00 p.m. by Chairperson George Perezvelez.

Members Present in Oakland, CA: Members Erin Armstrong, Torin Fischer, Dana Lang, Lester. M. Mensinger, Gabriel Rodrigues, Sonja Shephard, William White, and George Perezvelez.

Absent: Members Todd Davis and David Rizk.

Vice Chairperson Dana Lang entered the meeting.

The Pledge of Allegiance was recited.

2. Approval of Minutes of the Meeting May 13, 2024.

Vice Chairperson Lang moved that the Minutes of the Meetings of May 13, 2024, be approved. Member Fischer seconded the motion, which was carried by a roll call vote.

Ayes – 7: Members Armstrong, Fischer, Lang, Mensinger, Rodrigues, Shephard, and Perezvelez. Noes – 0. Abstain – 0. Absent – 3: Members Davis, Rizk, and White. Vacant – 1.

Member William White entered the meeting.

3. Public Comment.

Chairperson Perezvelez called for Public Comments.

Aleta Dupree addressed the Board.

4. Reporting Out Announcement from BART Police Citizen Review Board (BPCRB) Subcommittees.

Vice-Chair Lang presented information regarding the various BART Police Citizen Review Board (BPCRB) Subcommittees.

Director Raburn and Aleta Dupree addressed the Board.

5. Review of the Draft 2024 BPCRB - BART Citizen Oversight Model (Requested by BPCRB - Citizen Oversight Model – Ad hoc Subcommittee Members Perezvelez, Rodrigues, and White).

Chairperson Perezvelez presented information regarding the Draft 2024 BPCRB - BART Citizen Oversight Model, before the Board.

Director Raburn and Aleta Dupree addressed the Board.

Member Shephard moved to change Chapter 2-04 BPCRB Member Meeting Attendance, Section A-i, to the BART Citizen Oversight Model, be approved.

Chapter 2-04 BPCRB MEMBER MEETING ATTENDANCE

A) BPCRB members may not miss three regularly scheduled meetings per year.

i) The appointment of any BPCRB member who has been absent from three (3) **consecutive** regular meetings **or four (4) meetings in total** during the fiscal year, shall automatically expire effective on the date that such absence is reported by the ~~OIPA~~ **BPCRB** to the DSO.

Chair Perezvelez seconded the motion, which was carried by a roll call vote.

Ayes – 7: Members Fischer, Lang, Mensinger, Rodrigues, Shephard, White and Perezvelez.

Noes – 1: Member Armstrong. Abstain – 0. Absent – 2: Members Davis and Rizk.

Vacant – 1.

6. Review of Draft Language and Definitions for BART Police Department’s Lexipol Policy 300 – Use of Force (Chair Perezvelez’s Request).

Chairperson Perezvelez continued Draft Language and Definitions for BART Police Department’s Lexipol Policy 300 – Use of Force, to a future BPCRB meeting.

7. Independent Police Auditor’s Report(s).

a. Office of the Independent Police Auditor (OIPA) Monthly Report(s) for February 2024 and March 2024.

Russell Bloom, Independent Police Auditor, presented the OIPA Monthly Reports for February 2024 and March 2024, before the Board. The report was discussed.

Aleta Dupree addressed the Board.

8. Chief of Police's Report(s).

- a. BART Police Department's Monthly Report(s) for March 2024.
- b. BART Police Department's Use of Force Investigation Process Training (30 Minutes).
- c. BART Police Department's 2022 Use of Force Annual Report.
- d. Lexipol Policy Updates from the BART Police Department to the BPCRB – March 2024
 - i. Lexipol Policy 200: Organizational Structure and Responsibility Updated (Organizational Chart and Progressive Policing and Community Engagement (PPCE) Language).
 - ii. Lexipol Policy 312: Firearms Patrol Rifle (Language Update and Lexipol Major Policy Update Review of Department of Justice (DOJ) Item).
 - iii. Lexipol Policy 318: Canines (Change to Handler Selection Minimum Qualification).
 - iv. Lexipol Policy 402: Bias Based Policing (Lexipol Major Policy Update to Correct Government Code).
 - v. Lexipol Policy 419: Fare Evasion and Proof of Payment (Updated to Include the Fire Fighter Exemptions).
 - vi. Policy 451: Body Worn Camera (Updated to Include Evidence and Property Recordings).
 - vii. Policy 600: Investigation and Prosecution (Lexipol Major Policy Update to Correct Penal Code).
 - viii. Policy 711 and 711.4: Specialized or Military Type Equipment (Updated Annual Inventory Attachment).
 - ix. Policy 1000: Recruitment and Selection (Update for State Law Marijuana Use Inquiries and Lexipol Major Policy Update to Meet Department of Justice (DOJ) Selection Process Standards).
- e. Lexipol Policy Updates from the BART Police Department to the BPCRB – May 2024:
 - i. Lexipol Policy 209: Use of Police Gym Facilities (New Policy to include the Department Required Waiver.)
 - ii. Lexipol Policy 804: Property and Evidence (Updated Language to Address Authority to Release Property to Include the Disposition of Safe-keeping and Evidence Items.)
 - iii. Lexipol Policy 1010: Reporting of Arrests, Convictions, and Court Orders (Lexipol Major Policy Update to Reformat Policy Sections and Correct Grammar, Punctuation and Gendered Pronouns)
 - iv. Lexipol Policy 1046: Uniform Regulations (Update to the Uniform Standards Attachment Based on Uniform Committee Recommendations)

Chief Kevin Franklin presented the BART Police Department's Monthly Report(s) for March 2024, BART Police Department's 2022 Use of Force Annual Report, and the Lexipol

Policy Updates from the BART Police Department to the BPCRB for March 2024 and May 2024. The reports were discussed. Please note that the BART Police Department's Command Structure Training item, was continued to a future BPCRB meeting.

Chairperson Perezvelez announced that the Board would enter into a closed session under item 9-A, Public Employee Discipline/Dismissal/Release in OIPA Case #23-31 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 6:28 p.m.

The Meeting reconvened in Closed Session at 7:29 p.m.

9. Closed Session.

- a. To Consider Public Employee Discipline/Dismissal/Release in Office of the Independent Police Auditor (OIPA) Case(s) #23-31. Govt. Code §54957.

Members Present in Oakland, CA: Members Erin Armstrong, Torin Fischer, Dana Lang, Lester. M. Mensinger, Gabriel Rodrigues, Sonja Shephard, William White and George Perezvelez.

Absent: Members Todd Davis and David Rizk.

10. Open Session.

The Meeting reconvened into an Open Session at 7:29 p.m.

Chairperson Perezvelez announced that the Board voted to accept the findings in OIPA Case #23-31, with the following: Ayes – 5: Members Armstrong, Lang, Perezvelez, Rodrigues, and White. Noes – 3: Members Fischer, Mensinger, and Shephard, Abstain – 0. Absent – 2: Members Davis and Rizk. Vacant – 1.

11. Adjournment.

The Meeting was adjourned at 7:30 p.m.