

**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, August 12, 2024**

A regular meeting of the BART Police Citizen Review Board (BPCRB) was held on August 12, 2024, convening at 4:02 p.m. in the BART Board Room, 2150 Webster Street, 1st Floor, Oakland, California 94612, and the Warner Library Reserved Room (See Librarian for Room Location) 121 North Broadway Tarrytown, New York 10591. 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 4:02 p.m. by Chairperson George Perezvelez.

Members Present in Oakland, CA:                      Members Torin Fischer,  
Lester. M. Mensinger, Sonja Shephard,  
Gabriel Rodrigues and George Perezvelez.

Members Present in Tarrytown, NY:                      Member William White

Absent:    Members Dana Lang and David Rizk.

The Pledge of Allegiance was recited.

**2. Approval of Minutes of the Meeting July 8, 2024.**

Member Mensinger moved that the Minutes of the Meetings of July 8, 2024, be approved, as amended. Member Fischer seconded the motion, which was carried by a roll call vote.

Ayes – 6: Members Fischer, Mensinger, Rodrigues, Shephard, White, and Perezvelez.

Noes – 0. Abstain – 0. Absent – 2: Members Lang and Rizk. Vacant – 3.

### 3. **Annual Election of BPCRB Officers.**

Member Perezvelez brought the matter of Election of BPCRB Officers before the BPCRB and opened the floor for nominations for Chair. Member Rodrigues nominated Member Perezvelez for Chair of the BART Police Citizen Review Board (BPCRB) for the term 2024-2025. Nominations were closed. Member Rodrigues moved that Member Perezvelez be elected BPCRB Chair for the term 2024-2025. Member Shephard seconded the motion, which carried by unanimous roll call vote. Ayes – 6: Members Fischer, Mensinger, Rodrigues, Shephard, White, and Perezvelez. Noes – 0. Abstain – 0. Absent – 2: Members Lang and Rizk. Vacant – 3.

Newly elected BPCRB Chairperson Perezvelez shared comments on the upcoming year.

Member Perezvelez brought the matter of Election of BPCRB Officers before the BPCRB and opened the floor for nominations for Vice Chair. Member W. White nominated Member Shephard for Vice-Chair of the BART Police Citizen Review Board (BPCRB) for the term 2024-2025. Nominations were closed. Member W. White moved that Member Shephard be elected BPCRB Vice-Chair for the term 2024-2025. Member Rodrigues seconded the motion, which carried by unanimous roll call vote. Ayes – 6: Members Fischer, Mensinger, Rodrigues, Shephard, White, and Perezvelez. Noes – 0. Abstain – 0. Absent – 2: Members Lang and Rizk. Vacant – 3.

Newly elected BPCRB Vice-Chairperson Shephard shared comments on the upcoming year.

### 4. **Public Comment.**

Chairperson Perezvelez called for Public Comments. No comments were received.

### 5. **Reporting Out Announcement from BART Police Citizen Review Board (BPCRB) Subcommittees.**

Member Shephard presented information regarding the various BART Police Citizen Review Board (BPCRB) Subcommittees.

### 6. **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. The item was discussed and continued to the next meeting.

Director Robert Raburn and Russell Bloom, Independent Police Auditor addressed the Board.

Member Mensinger moved to change Chapter 2-07 DUTIES AND RESPONSIBILITIES Section J (added process), to the BART Citizen Oversight Model, be approved.

### **Chapter 2-07 DUTIES AND RESPONSIBILITIES, Section J**

J) Selection of the Chief of Police **and Independent Police Auditor**

The BPCRB (as well as the BART Police Associations) shall participate in an advisory role in the selection of the Chief of Police by interviewing finalist candidates. **(Change in language and process)\***

**\* The BPCRB Chair and Vice Chair, or their designee's, shall participate in an advisory role composed only of BPCRB members in the selection of the Chief of Police by being given sufficient time to review resumes of candidates, being able to give input on questionnaires, and interviewing finalist candidates. In addition, the BPCRB shall be given no less than 72 hours (3 business days) to review credentials, interview notes, and deliberate before their recommendations are submitted to the legal department in writing.**

Member Shephard seconded the motion, which was carried by a roll call vote.

Ayes – 6: Members Fischer, Mensinger, Rodrigues, Shephard, White and Perezvelez.

Noes – 0. Abstain – 0. Absent – 2: Members Lang and Rizk.

Vacant – 3.

#### **7. Review of Draft Language and Definitions for BART Police Department's Lexipol Policy 300 – Use of Force (Chair Perezvelez's Request).**

Chairperson Perezvelez brought the matter of the Draft Language and Definitions for BART Police Department's Lexipol Policy 300 – Use of Force and continued the item to a future BPCRB meeting.

#### **8. Independent Police Auditor's Report(s).**

- a. Office of the Independent Police Auditor (OIPA) Monthly Report(s) for April 2024.
- b. Recommendations in Connection with OIPA Case #22-21 (Whistleblower).

Russell Bloom, Independent Police Auditor, discussed OIPA Monthly Reports for April 2024, and the recommendations in Connection with OIPA Case #22-21 (Whistleblower), before the Board.

#### **9. Chief of Police's Report(s).**

- a. BART Police Department's Monthly Report(s) for May 2024.
- b. BART Police Department's Policy 312-Firearms.
- c. Lexipol Policy Updates from the BART Police Department to the BPCRB – July 2024:
  - i. Lexipol Policy 364: Private Persons (Arrests Removal of the Requirement the Statement must be Written)
  - ii. Lexipol Policy 432: Patrol Rifle Operator Program (Inclusion of New Authorized Rifles)
  - iii. Lexipol Policy 471: Reporting Significant Security Concerns to Transit Security Administration (TSA) (Clarification on Reporting Requirement for Lost Property)
  - iv. Lexipol Policy 706: Vehicle Use (Addition of Rules Regarding CID (Detectives) Use of

- the Take Home District-owned Vehicles)
- v. Lexipol Policy 1046: Uniform Regulations (Update to the Uniform Standards Attachment to Reflect LAPD Navy Blue Change)

Chief Kevin Franklin presented the BART Police Department's Monthly Report(s) for May 2024 and Lexipol Policy Updates from the BART Police Department to the BPCRB – July 2024. Deputy Chief Joshua Patzer presented the BART Police Department's Policy 312-Firearms. The reports were discussed.

Aleta Dupree and Russell Bloom, Independent Police Auditor, addressed the Board.

**10. National Association for Civilian Oversight of Law Enforcement (NACOLE) 2024 Organizational Membership – Disposition of Proxy for Board Meetings.**

Chairperson Perezvelez brought the matter of the National Association for Civilian Oversight of Law Enforcement (NACOLE) 2024 Organizational Membership – Disposition of Proxy for Board Meetings, and continued the item to a future BPCRB meeting.

**11. Participation of BPCRB Member(s) in the 2024 Annual National Association for Civilian Oversight of Law Enforcement (NACOLE) Conference (October 13-17, 2024, in Tucson, Arizona).**

Chairperson Perezvelez brought the matter of the Participation of BPCRB Member(s) in the 2024 Annual National Association for Civilian Oversight of Law Enforcement (NACOLE) Conference (October 13-17, 2024, in Tucson, Arizona), and continued the item to a future BPCRB meeting.

**12. Adjournment.**

The Meeting was adjourned at 6:34 p.m.