

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, February 12, 2024

A regular meeting of the BART Police Citizen Review Board (BPCRB) was held on February 12, 2024, convening at 4:02 p.m. at the following location: 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 4:02 p.m. by Chairperson George Perezvelez.

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

Absent: Members Erin Armstrong, Todd Davis
and David Rizk.

The Pledge of Allegiance was recited.

2. Approval of Minutes of the Meetings of December 11, 2023, and January 8, 2024.

Vice Chairperson Lang moved that the Minutes of the Meetings of December 11, 2023, and January 8, 2024, be approved. Member Mensinger seconded the motion, which was carried by a roll call vote. Ayes – 7: Members Fischer, Lang, Mensinger, Rodrigues, Shephard, White, and Perezvelez. Noes – 0. Abstain – 0. Absent – 3: Member Armstrong, Davis, and Rizk. Vacant – 1.

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.

Chair Perezvelez presented no new information regarding the various BART Police Citizen Review Board (BPCRB) Subcommittees.

5. Request for Allocation of Funds for BPCRB Training Expenses and Outreach Informational Materials (Chair Perezvelez and Vice Chair Lang’s Request).

Chair Perezvelez and Vice Chair Lang presented information regarding the Request for Allocation of Funds for BPCRB Training Expenses and Outreach Informational Materials. The information was discussed.

Chairperson Perezvelez called for Public Comments. Aleta Dupree addressed the Board.

Vice Chairperson Lang moved that the Request for Allocation of Funds for BPCRB Training Expenses and Outreach Informational Materials to ten thousand dollars (\$10,000), per fiscal year, “request that the Board of Directors increase the allocation of funds per fiscal year to the District Secretary’s Office budget for the purpose of increasing its budget for attendance to the NACOLE’s conference, continued training and community outreach from the currently allocated amount of \$3500 per fiscal year to \$10,000”, be approved. Member Shephard seconded the motion, which was carried by a roll call vote. Ayes – 7: Members Fischer, Lang, Mensinger, Rodrigues, Shephard, White, and Perezvelez. Noes – 0. Abstain – 0. Absent – 3: Member Armstrong, Davis, and Rizk. Vacant – 1.

6. Proposed Changes to the Presentation of Policy Updates from the BART Police Department to the BPCRB (Chair Perezvelez’s Request).

Chair Perezvelez presented the Proposed Changes to the Presentation of Policy Updates from the BART Police Department to the BPCRB. The item was discussed.

- a. Lexipol Policy No. 320 (Domestic Violence Lexipol major policy update per CA AB 818)
- b. Lexipol Policy No. 326 (Senior and Disability Victimization Lexipol major policy update per CA AB 1417)
- c. Lexipol Policy No. 338 (Hate Crimes Lexipol major policy update per CA AB 449)
- d. Lexipol Policy No. 344 (Report Preparation Updated to address cases held over and authorization)
- e. Lexipol Policy No. 401 (Police Radio Procedure Updated to fall in line with new patrol staffing)
- f. Lexipol Policy No. 602 (Sexual Assault Investigation Lexipol major policy update per CA SB 464)
- g. Lexipol Policy No. 1020 (Personnel Complaints Lexipol major policy update per CA SB 449)
- h. Lexipol Policy No. 1058 (Employee Speech, Expression and Social Networking Lexipol major policy update to remove redundancy in policy)

7. Chief of Police’s Reports.

- a. BART Police Department’s Monthly Report(s) for October 2023 and November 2023.
- b. Review of the Draft Lexipol Policy No. 300.5.2 for Level 2 – Use of Force Investigations.

Chief Kevin Franklin presented the BART Police Department’s Monthly Reports for October 2023 and November 2023, and the review of the Draft Lexipol Policy No. 300.5.2 for Level 2 – Use of Force Investigations. The reports were discussed.

Chairperson Perezvelez called for Public Comments. Aleta Dupree addressed the Board.

8. Independent Police Auditor's (OIPA) Report.

- a. Office of the Independent Police Auditor (OIPA) Monthly Report(s) for December 2023.
- b. OIPA Closed Session Procedures (Verbal Report Only).

Russell Bloom, Independent Police Auditor, presented the OIPA Monthly Report(s) for December 2023 and OIPA Closed Session Procedures (Verbal Report Only). The reports were discussed.

Member White moved to extend the BPCRB meeting timeframe to 6:15 p.m., to be approved. Vice Chairperson Lang seconded the motion, which was carried by a roll call vote. Ayes – 7: Members Fischer, Lang, Mensinger, Rodrigues, Shephard, White, and Perezvelez. Noes – 0. Abstain – 0. Absent – 3: Member Armstrong, Davis, and Rizk. Vacant – 1.

Member Mensinger moved to extend the BPCRB meeting timeframe to 6:30 p.m., to be approved. Chairperson Perezvelez seconded the motion, which was carried by a roll call vote. Ayes – 7: Members Fischer, Lang, Mensinger, Rodrigues, Shephard, White, and Perezvelez. Noes – 0. Abstain – 0. Absent – 3: Member Armstrong, Davis, and Rizk. Vacant – 1.

Chairperson Perezvelez called for Public Comments. Aleta Dupree addressed the Board.

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

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

10. Creation of BART Police Citizen Review Board - Citizen Oversight Model Review Ad hoc Subcommittee and Selection and Appointment of Members to the Subcommittee (Chair Perezvelez's Request).

Chairperson Perezvelez presented information regarding the Creation of the BART Police Citizen Review Board - Citizen Oversight Model Review Ad hoc Subcommittee and the Selection and Appointment of Members to the Subcommittee. The item was discussed.

Chairperson Perezvelez moved that the Creation of the BART Police Citizen Review Board - Citizen Oversight Model Review Ad hoc Subcommittee and the Selection of and Appointment of Members George Perezvelez, Gabriel Rodrigues, and William White to the Adhoc Subcommittee, be approved. Member Shephard seconded the motion, which was carried by a roll call vote. Ayes – 7: Members Fischer, Lang, Mensinger, Rodrigues, Shephard, White, and Perezvelez. Noes – 0. Abstain – 0. Absent – 3: Member Armstrong, Davis, and Rizk. Vacant – 1.

Chairperson Perezvelez announced that the Board would enter into a closed session under Item 11-A (Public Employee Discipline/Dismissal/Release in OIPA Case #23-16 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 6:29 p.m.

The Meeting reconvened in Closed Session at 6:30 p.m.

11. Closed Session.

- a. To Consider Public Employee Discipline/Dismissal/Release in Office of the Independent Police Auditor (OIPA) Case(s) #23-16. Govt. Code §54957.

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

Absent: Members Erin Armstrong, Todd Davis, and
David Rizk.

12. Open Session.

The Meeting reconvened into an Open Session at 7:00 p.m.

Chairperson Perezvelez announced that the Board voted to accept the findings in OIPA Case #23-16.

13. Adjournment.

The Meeting was adjourned at 7:01 p.m.