

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 10, 2021

A regular meeting of the BART Police Citizen Review Board (BPCRB) was held Monday, May 10, 2021, convening at 4:07 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 David Rizk gave instructions on the virtual meeting, accessing the presentation materials online, Public Comment, and Members' remarks.

1. Call to Order.

The regular meeting was convened at 4:07 p.m. by Chairperson David Rizk.

Members Present:

Members Erin Armstrong, Pedro Babiak, Todd Davis, Christina Gomez, Pete Longmire, Les Mensinger, Laura Pagey, George Perezvelez, William White, and David Rizk.

Absent:

Member Darren White.

The Pledge of Allegiance was recited.

2. Introduction of Pedro Babiak, New BPCRB Member for District 1.

Chairperson Rizk introduced Pedro Babiak, the New BPCRB Member for District 1. Member Babiak commented and provided a brief introduction.

3. Announcement from April 12, 2021, Closed Session.

Member George Perezvelez entered the meeting.

Chairperson Rizk announced that the Board voted unanimously to accept the findings in OIPA Case #20-19, from the April 12, 2021, Closed Session.

Chairperson Rizk announced that the Board voted to accept the findings in OIPA Case #20-23; for Allegations of Policy/Procedure (De-escalation) for Subject Officer #1. Accepts – 9: Members Armstrong, Davis, Gomez, Longmire, Mensinger, Perezvelez, D. White, W. White, and Rizk. Rejects – 2: Members Loo and Pagey. Abstain – 0. Absent – 0.

Chairperson Rizk announced that the Board voted to accept the findings in OIPA Case #20-23; for Allegation of Bias-Based Policing for Subject Officer #1. Accepts – 6: Members Longmire, Loo, Mensinger, Pagey, Perezvelez, and Rizk. Rejects – 2: Members Davis and D. White. Abstain – 3: Members Armstrong, Gomez, and W. White. Absent – 0.

Chairperson Rizk announced that the Board voted to accept the findings in OIPA Case #20-23; for All Remaining Allegations. Accepts – 9: Members Armstrong, Gomez, Longmire, Mensinger, Pagey, Perezvelez, D. White, W. White, and Rizk. Rejects – 2: Members Davis and Loo. Abstain – 0. Absent – 0.

4. Approval of Minutes of the Meeting of April 12, 2021.

Member Armstrong moved that the Minutes of the Meeting April 12, 2021, be approved. Member Longmire seconded the motion, which carried by a unanimous roll call vote. Ayes – 7: Members Armstrong, Davis, Longmire, Pagey, Perezvelez, W. White, and Rizk. Noes – 0. Abstain – 1: Member Babiak. Absent – 3: Members Gomez, Mensinger, and D. White.

5. Chief of Police's Reports.

a. BART Police Department's Monthly Reports for March 2021.

Chief of Police Ed Alvarez presented the BPD Monthly Reports for March 2021. The reports were discussed.

Member Les Mensinger entered the meeting.

Director John McPartland addressed the Board.

6. Independent Police Auditor's Report.

a. Office of the Independent Police Auditor (OIPA) Monthly Report for April 2021.

Independent Police Auditor Russell Bloom presented the OIPA Monthly Report. The report was discussed.

7. Discussion of Lexipol Policy 419 - Fare Evasion.

Chairperson Rizk presented the Lexipol Policy 419 - Fare Evasion. The item was discussed and continued to a future meeting.

Member Christina Gomez entered the meeting.

8. Discussion of Policy Standing Committee Updates.

a. Lexipol Policy 300 – Use of Force.

b. Lexipol Policy 402 – Bias-Based Policing.

Chairperson Rizk presented Policy Standing Committee Updates for a) Lexipol Policy 300 – Use of Force and b) Lexipol Policy 402 – Bias-Based Policing. The items were discussed and Lexipol Policy 300 – Use of Force was continued to a future meeting.

9. Request for Internal Affairs Report #2020-008 (OIPA#20-01) to be Scheduled for a Future Closed Session (Chair Rizk's Request).

Chairperson Rizk presented the Request for Internal Affairs Report #2020-008 (OIPA#20-01) to be scheduled for a future closed session. The item was discussed and scheduled for a

future closed session meeting date.

Keith Garcia addressed the Board.

Chairperson Rizk moved that the Internal Affairs Report #2020-008 (OIPA#20-01) be scheduled for a future Closed Session, be approved. Member Longmire seconded the motion and was carried by a unanimous roll call vote. Ayes – 7: Members Armstrong, Davis, Gomez, Longmire, Perezvelez, W. White, and Rizk. Noes – 3: Babiak, Mensinger, and Pagey. Abstain – 0. Absent – 1: Member D. White.

10. Public Comment.

Chairperson Rizk called for general Public Comment. Aleta Dupree and Director John McPartland addressed the Board.

11. Closed Session.

a. To Consider Public Employee Discipline/Dismissal/Release in OIPA Case Number #20-20. Govt. Code §54957.

Chairperson Rizk announced that the Board would enter into a closed session under Item 11-A (Public Employee Discipline/Dismissal/Release in OIPA Case Number #20-20) of the Regular Meeting agenda and that the closed session votes, if any, would be announced in open session at the beginning of the next regular BPCRB meeting.

12. Adjournment.

The Meeting adjourned at 5:23 p.m.