

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
300 Lakeside Drive, P.O. Box 12688, Oakland, CA 94604-2888

BART Police Citizen Review Board
Monday, September 12, 2016

A regular meeting of the BART Police Citizen Review Board (BPCRB) was held on Monday September 12, 2016 convening at 4:00 p.m. The meeting consisted of a simultaneous teleconference call at the following locations:

BART Board Room Kaiser Center 20 th Street Mall – Third Floor 344-20 th Street Oakland, CA 94612	Warner Library 121 North Broadway Tarrytown, NY 10591
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Members Present: Chairperson Cydia Garrett, Vice Chairperson David Rizk, Benjamin Douglas, Cathryn Freitas, William White, Darren White, Les Mensinger, George Perezvelez, and Richard Knowles.

BART Staff: BART Police Department (BPD) Chief Kenton Rainey, BPD Acting Deputy Chief Lance Haight, BPD Lieutenant Paul Kwon, Independent Police Auditor Russell Bloom, and Senior Administrative Analyst Sarah Celso.

Others Present: Director Robert Raburn, Jackie Fielder.

Agenda items discussed:

- 1. Call to Order.**
The regular meeting was called to order at 4:00 p.m. by Chairperson Cydia Garrett.
- 2. Call for Quorum.**
Chairperson Cydia Garrett, Vice Chairperson David Rizk, Cathryn Freitas, William White, Les Mensinger, George Perezvelez, and Richard Knowles were present, amounting to a quorum.

Mr. Douglas entered the meeting.
- 3. Pledge of Allegiance Recital.**
The pledge of allegiance was recited.
- 4. Approval of Minutes of Prior Board Meeting. For Discussion and Action.**
A motion to approve the minutes of the prior BPCRB meeting was made by Ms. Freitas and seconded by Mr. Mensinger. The motion passed unanimously.
- 5. General Discussion and Public Comment. Limited to 3 minutes per speaker.**

A motion to extend public comment speaker Jackie Fielder's time to 15 minutes was made by Mr. Perezvelez and seconded by Mr. Mensinger. The motion passed unanimously.

Jackie Fielder addressed the BPCRB.

Mr. D. White entered the meeting.

Mr. Bloom announced that Director McPartland has selected Bob Maginnis as his BPCRB appointee for District 5. Ratification of Mr. Maginnis' appointment is expected to be agendized by the BART Board of Directors on their consent calendar at the BART Board Meeting on October 13, 2016 and Mr. Maginnis' first BPCRB meeting is expected to be on October 17, 2016.

6. Chairperson's Report. For Discussion and Action.

Ms. Garrett reminded the BPCRB to submit their biographies and photos for the BPCRB web page, if they choose to do so. Mr. Knowles, Mr. Perezvelez, Mr. Mensinger and Ms. Kidd expect to attend the National Association for Civilian Oversight of Law Enforcement (NACOLE) Annual Conference in Albuquerque, New Mexico later this month and Ms. Garrett requested a report back from the attendees at the October BPCRB meeting.

Ms. Garrett reminded the BPCRB that next month's meeting was moved to October 17, 2016.

No action was taken.

7. BPCRB Strategies. For Discussion and Action.

a. Social Media

The BPCRB discussed and shared their positions regarding the use of social media, and the possibility of establishing and maintaining their own social media accounts, such as Facebook and Twitter, and how the BPCRB might utilize the social media platform.

Ms. Garrett and Mr. Rizk will discuss a social media strategy with Mr. Bloom and the BART Office of External Affairs, and will agendize the item for further discussion by the BPCRB at a future meeting.

No action was taken.

b. Community Outreach

The BPCRB discussed community outreach, communication with members of the public, and methods for maintenance of a regular outreach program. Chief Rainey shared his strategy for community outreach and answered questions from the BPCRB.

No action was taken.

Mr. Knowles exited the meeting at 5:00 p.m.

8. Review of the Office of Independent Police Auditor (OIPA). For Discussion and Action.

a. Formation of a subcommittee to recommend how the BPCRB might assess the performance and effectiveness of OIPA as required by the BART Citizen Oversight Model Chapter 2-09 (F).

The BPCRB discussed forming a subcommittee on how to assess OIPA's performance and effectiveness. Ms. Garrett, Mr. Rizk and Mr. Perezvelez will participate on the subcommittee.

9. De-escalation Tactics Subcommittee. For Discussion and Action.

a. Discussion of whether to submit a policy recommendation to the BART Police Department (BPD) and form a subcommittee.

The BPCRB discussed BPD's De-escalation Tactics policy and whether to form a subcommittee tasked with generating a policy recommendation. Chief Rainey answered questions from the BPCRB. Mr. Rizk, Mr. Perezvelez and Mr. Mensinger will participate on the subcommittee.

10. Chief of Police's Report. For Discussion and Action.

Chief Rainey reported that he attended the California National Alliance on Mental Illness Conference in August and participated on the Police Panel: Officer Safety and Community Policing Discussion at Berkeley Law, University of California on September 12, 2016.

a. BPD Policy #1020 (Internal Investigation of Allegations of Misconduct) [Re: Procedures and practices for investigation of allegations of officer misconduct] Revision.

The BPCRB discussed the proposed revision to BPD Policy #1020. Chief Rainey and Mr. Bloom answered questions from the BPCRB.

A motion to endorse the recommended revision of BPD Policy #1020 was made by Mr. Perezvelez and seconded by Mr. Mensinger. The motion passed unanimously.

b. BPD Monthly Report.

The BPD Monthly Reports for June 2016 and July 2016 were distributed to the BPCRB and Chief Rainey answered questions from the BPCRB.

A motion to extend the meeting was made by Mr. Douglas. Mr. Douglas amended his motion to extend the meeting by 30 minutes to 6:30 p.m. and it was seconded by Mr. Rizk. The motion passed with six votes in favor and two opposed.

11. BPCRB Training Plan Approval for October 2016. For Discussion and Action.

Mr. Bloom presented the BPCRB Training Plan for October 2016 to the BPCRB.

A motion to approve the BPCRB Training Plan for October 2016 was made by Mr. Mensinger and seconded by Mr. D. White. The motion passed unanimously.

12. Independent Police Auditor's Report. For Discussion and Action.

a. Office of Independent Police Auditor's Monthly Report.

Mr. Bloom presented OIPA's July 2016 and August 2016 monthly reports and responded to questions from the BPCRB.

Mr. Bloom reminded the BPCRB about the email request for data from the BART Office of Civil Rights for a Triennial Title IV Program Update.

Mr. Bloom announced that the Independent Police Investigator job opening was posted on BART's job website on September 12, 2016. The job posting will close on October 7, 2016.

Mr. Bloom clarified that BPCRB meeting minutes are constrained to action items, and noted that the BPCRB may choose to post audio files to the BPCRB web page. Mr. Douglas requested that the Chairperson put this item on a future agenda for discussion.

13. Adjournment.

A motion to adjourn the meeting was made by Mr. Perezvelez and was seconded by Mr. Rizk. The motion passed unanimously.

The meeting was adjourned at approximately 6:03 p.m.