

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

BART Police Citizen Review Board  
Monday, October 17, 2016

A regular meeting of the BART Police Citizen Review Board (BPCRB) was held on Monday October 17, 2016 convening at 4:00 p.m. in the BART Board Room, 344 20<sup>th</sup> Street, Oakland, California.

Members Present: Chairperson Cydia Garrett, Benjamin Douglas, Cathryn Freitas, William White, Darren White, Les Mensinger, Sharon Kidd, George Perezvelez, Bob Maginnis, and Richard Knowles.

BART Staff: BART Police Department (BPD) Chief Kenton Rainey, BPD Acting Deputy Chief Lance Haight, BPD Officer Daniel Jones, Independent Police Auditor Russell Bloom, and BART District Secretary Kenneth Duron.

Others Present: Director Robert Raburn, Alameda County District Attorney's Office Chief of Inspectors Robert Chenault, Alameda County Assistant District Attorney John Brouhard, Investigative Consultant Patrick Caceres.

Agenda items discussed:

- 1. Call to Order.**  
The regular meeting was called to order at 4:04 p.m. by Chairperson Cydia Garrett.
- 2. Call for Quorum.**  
Cydia Garrett, Benjamin Douglas, Cathryn Freitas, William White, Darren White, Les Mensinger, Sharon Kidd, George Perezvelez, Bob Maginnis, and Richard Knowles were present, amounting to a quorum.
- 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 Mr. Perezvelez and seconded by Ms. Kidd. The motion passed unanimously.
- 5. General Discussion and Public Comment. Limited to 3 minutes per speaker.**  
No items for General Discussion. No public comment.
- 6. BPCRB Member Bob Maginnis Oath of Office.**  
Mr. Maginnis was officially sworn in by District Secretary Kenneth Duron.

**7. BPCRB Member Report-Back: 2016 Annual Conference of the National Association for Civilian Oversight of Law Enforcement (NACOLE)**

BPCRB members Mensinger, Knowles and Perezvelez all recounted their experience attending the NACOLE Annual Conference in Albuquerque, NM from September 24, 2016 – September 29, 2016.

**a. BPCRB Membership in NACOLE**

A motion was made by Mr. Perezvelez and seconded by Mr. Mensinger to send a letter from the BPCRB to the BART Board of Directors requesting their support in funding annual NACOLE organizational membership fees for the BPCRB. The motion passed unanimously. Director Raburn addressed the BPCRB and suggested that the BPCRB transmit a written request to the BART District Secretary for agenda consideration by the BART Board of Directors. Mr. Perezvelez agreed to draft a letter for discussion and action on a future BPCRB agenda.

**8. BPCRB Training Program**

**a. Officer-Involved Shooting and In-Custody Death Investigations**

Mr. Brouhard, Acting Deputy Chief Haight, and Mr. Bloom described departmental responses to BPD officer-involved shootings, in custody deaths, and critical incidents by their respective agencies. Mr. Brouhard and Acting Deputy Chief Haight answered questions from the BPCRB.

**9. Review of 2016 Quarter 3 BPCRB Report. For Discussion and Action (formerly item #10).**

A motion to approve the 2016 Quarter 3 BPCRB Report, with additions to the activities and accomplishments of Ms. Kidd and Mr. Mensinger was made by Mr. Mensinger and seconded by Mr. Perezvelez. The motion passed unanimously.

Mr. Perezvelez made a motion to amend the prior motion to revise the quarterly report to include his attendance at an officer interview oral board on August 18, 2016. The motion was seconded by Ms. Kidd and it passed unanimously.

**10. Independent Police Auditor's Report. For Discussion and Action (formerly item #11).**

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

Mr. Bloom presented OIPA's September 2016 monthly report and described minor changes to the format of the report to include an enhanced description of the data included in the quantitative chart. Mr. Bloom discussed the attendance of OIPA at the NACOLE annual conference and answered questions from Mr. D. White about the process for completion of NACOLE's Certified Practitioner of Oversight program.

ADC Haight noted that the OIPA Monthly Report reflects that the number of open cases in the Internal Affairs Division is below 60 (57). He also noted that uses of

force as reported in the BPD Monthly Report will match last year's numbers when the September report is issued.

A motion was made by Mr. Perezvelez and seconded by Mr. D. White to extend the meeting until 6:10 p.m. The motion passed with 9 votes in favor and one against.

**11. Chief of Police's Report. For Discussion and Action (formerly item #9).**

**a. Commendation of BPD Officers from Rishelle Andarakes**

A recorded video message from Ms. Andarakes to BPD Officers David Touye and Daniel Jones was played, and Chief Rainey commended the exemplary work of the officers in their efforts to identify and contact family members of homeless people whom they have contacted in the BART system. Officer Jones addressed the BPCR B and described his efforts and discussed his motivations.

**b. BPD Monthly Report**

Ms. Freitas departed the meeting at 6:00 p.m.

The BPD Monthly Report for August 2016 was distributed to the BPCR B.

**12. Adjournment.**

A motion to adjourn the meeting in honor of BPD officers Touye and Jones was made by Mr. Douglas and was seconded by Mr. Knowles. The motion passed unanimously.

The meeting was adjourned at approximately 6:04 p.m.