

Subject: Agenda Item on Community Concerns – Progressive Policing & Community Engagement Bureau
Date: April 20, 2026

Dear BART District Secretary and Office of General Counsel,

The following letter provides background on the request for the placement of an agenda item at the next meeting of the BART Police Citizen Review Board (BPCRB) to address the concerns raised by community advocates during the April 13th meeting regarding the hiring and assignment within the Progressive Policing & Community Engagement Bureau. The proposed agenda item language is on Page 2 of this letter.

During the BPCRB meeting of April 13, 2026, more than fifteen speakers expressed substantive and consistent concerns on this issue. At a minimum, the volume and seriousness of this public comment warrant formal acknowledgment through an agenda item. This matter clearly falls within the purview of the BPCRB, particularly as it relates to oversight, community trust, and the Board's advisory role to the BART Board of Directors.

This request is also grounded in the broader principles of open governance reflected in the California Brown Act, which affirms the public's interest in remaining informed and meaningfully engaged in the conduct of public business. While agenda-setting is a matter of discretion, the consistent concerns raised by a significant number of speakers speak directly to the BPCRB's role within BART's civilian oversight framework—to serve as a transparent and responsive bridge between the community, the Police Department, and the Board of Directors. Widely recognized best practices in civilian oversight similarly emphasize the importance of elevating and examining systemic concerns raised by the public, particularly when they relate to policy, accountability, and community trust.

Fundamentally, this request is rooted in principles of good governance, transparency, and accountability. The BPCRB serves as a critical bridge between the community, the Police Department, and the Board of Directors. Declining to agenda an issue of this magnitude risks undermining that function and limiting the community's ability to have its concerns formally heard and considered. Beyond process, providing a formal forum for discussion is essential to maintaining the legitimacy of both the oversight body and the Department, particularly when questions of public trust and confidence in leadership assignments have been raised so directly and consistently.

While there might be an active investigation related to aspects of this matter, those are in other jurisdictions and not for discussion by the BPCRB. The broader questions raised, specifically regarding hiring practices and the continued appropriateness and viability of the assignment, remain policy level issues appropriate for public discussion. This is particularly relevant in light of statements made on the record regarding knowledge of the incident.

Additionally, consistent with the BART civilian oversight model, the Office of the Independent Police Auditor (OIPA) retains the authority to review and, where appropriate, initiate inquiry into

matters that implicate systemic issues, including hiring practices, vetting processes, and potential discrepancies raised through public testimony. Established legal and regulatory frameworks further support the legitimacy of such a review. California Government Code § 1031 and POST regulations require that a complete and thorough background investigation be conducted prior to hiring, including verification of good moral character and review of prior employment history. This includes examination of prior agency records, misconduct history, and patterns relevant to suitability for service, as reinforced by AB 2327's requirement that hiring agencies review an officer's history of complaints and investigations.

Further, under Penal Code § 832.5, agencies are required to maintain procedures for the investigation of complaints against personnel, and where new information arises that may bear on an officer's honesty, conduct, or fitness for duty, it may be reviewed within that framework. While the Public Safety Officers Procedural Bill of Rights (POBR) establishes important procedural protections, it does not preclude inquiry into prior conduct where a clear nexus exists to current fitness for duty or public trust. To the extent that the concerns raised on April 13th implicate broader questions of hiring diligence, disclosure, or suitability, they may reasonably fall within the scope of review available under the OIPA model.

To assist with agenda development, I respectfully offer the following proposed language for consideration:

“Discussion of community concerns raised on April 13, 2026, regarding hiring practices and leadership assignments within the Progressive Policing & Community Engagement Bureau, and possible Board recommendations.”

To ensure compliance with all legal and procedural requirements, we welcome the participation of the Office of BART Counsel to provide guidance to the Board prior to or during the item, including any necessary limitations on the scope of discussion.

At a minimum, the community must be afforded an additional, formal opportunity to voice their concerns, and for those concerns and lived experiences to be acknowledged within the official record.

Given the urgency and level of public interest, the BPCRB might also consider scheduling a special meeting to address this matter at the earliest possible date.

We look forward to your response.

Respectfully,

Dana Lang, Chair, BPCRB

George Perezvelez, Immediate Past Chair, BPCRB