

San Francisco Bay Area Rapid Transit District

2150 Webster Street, P. O. Box 12688, Oakland, CA 94612-2688



BART Police Civilian Review Board (BPCRB) DRAFT MINUTES OF THE MEETING Monday, June 9, 2025

Members of the BPCRB

George Perezvelez, Chair (District 9, BPCRB Representative)
Sonja Shephard, Vice Chair (District 2, BPCRB Representative)
Torin Fischer (District 1, BPCRB Representative)
Veronica Kincaid (District 7, BPCRB Representative)
Dana Lang (District 4, BPCRB Representative)
Byron Norris (Public-at-Large Representative)
Lester. M. Mensinger (District 6, BPCRB Representative)
Gabriel Rodrigues, (BPMA/BPOA/Union Representation, BPCRB Representative)
Nichin Sreekantaswamy, (District 5, BPCRB Representative)
William White (District 3, BPCRB Representative)
David Rizk (District 8, BPCRB Representative)

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
2150 Webster Street, P.O. Box 12688, Oakland, CA 94604-2688
BART Police Civilian Review Board Meeting Minutes
Monday, June 9, 2025

A regular meeting of the BART Police Civilian Review Board (BPCRB) was held on **June 9, 2025**, convening at 4:03 p.m. in the 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 4:03 p.m. by Chairperson George Perezvelez.

Members Present in Oakland, CA:	Members Torin Fischer, Dana Lang, Lester Mensinger, Byron Norris, Gabriel Rodrigues, Sonja Shephard, and George Perezvelez.
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Members Present in Tarrytown, NY:	Member William White.
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Absent:	Members Veronica Kincaid, David Rizk, and Nichin Sreekantaswamy
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The Pledge of Allegiance was recited.

2. Approval of Minutes of the Meeting of May 12, 2025.

Member Norris moved that the Minutes of the Meetings of **May 12, 2025**, be approved. Member Fischer seconded the motion, which was carried by a roll call vote.
Ayes – 7: Members Fischer, Lang, Mensinger, Norris, Rodrigues, Shephard, and Perezvelez. Noes – 0. Abstain – 1: Member White. Absent – 5: Members Kincaid, Rizk, and Sreekantaswamy.

Public Comment: No comments were received.

3. Public Comment.

Chairperson Perezvelez called for Public Comments.

Public Comment: No Public Comment was Received.

4. Presentation from the Center for Policing Equity (CPE) regarding “BART Fare Enforcement: Balancing Goals, Community Concerns and Human Costs” Report, Released on May 15th, 2025 (Chairperson Perezvelez Request).

Chairperson Perezvelez brought the matter of the Center for Policing Equity (CPE) regarding “BART Fare Enforcement: Balancing Goals, Community Concerns and Human Costs” Report, before the Board. The item was discussed

Stephanie Reyes, Hans Menos, Paula Ioanide, and Price Nyland from the Center for Policing and Equity provided a presentation regarding the “BART Fare Enforcement: Balancing Goals, Community Concerns and Human Costs” Report.

Public Comment: No Public Comment was Received.

Please note the CPE Presentation for Item 4 is affixed to the minutes.

5. Discussion of Measures to Comply with the Ralph M. Brown Act (Verbal Report Only).

Byron Toma, Senior Attorney, Office of the General Counsel, presented information regarding Measures to Comply with the Ralph M. Brown Act, before the Board. The item was discussed.

Public Comment: No Public Comment was Received.

Please note Handout for Item 5 is affixed to the minutes.

6. Certificate of Appreciation for William White, BPCRB Member.

Chairperson Perezvelez brought the matter of the Certificate of Appreciation for William White, BPCRB Member, before the Board. The item was discussed.

Public Comment: Member White provided a written statement, that was read into the record and affixed to the minutes.

7. Reports from BPCRB Chair Perezvelez regarding BPCRB Communications and Board Members Regarding Outreach Activities.

Chairperson Perezvelez and Member Norris presented information regarding BPCRB Communications and Outreach Activities. The item was discussed.

Public Comment: No Public comments was received.

8. Reporting Out Announcement from BART Police Civilian Review Board (BPCRB) Subcommittees.

Chairperson Perezvelez and Member Lang presented information regarding the various BART Police Citizen Review Board (BPCRB) Subcommittees. The item was discussed.

Public Comment: No comments were received.

9. Office of the Independent Police Auditor's (OIPA) Report(s).

a. Office of the Independent Police Auditor (OIPA) Monthly Report(s) for April 2025.

Patrick Caceres, Interim Independent Police Auditor, presented the OIPA Report(s) for April 2025, before the Board. The item was discussed.

Public Comment: No comments were received.

10. Chief of Police's Report(s).

- a. BART Police Department's Office of Internal Affairs 2023 Annual Report.
- b. BART Police Department's BULLETIN NO. 25-107.
 - BULLETIN NO. 25-107. Policy Statement: Evidence will Only be Submitted to an Accredited Forensic Laboratory.
- c. Lexipol Policy Updates from the BART Police Department to the BPCRB – May 2025:
 - Policy 806 Records Division: Executive Order 14148 Deactivated the National Law Enforcement Accountability Database (NLEAD) – Section Removed.
 - Policy 1000 Recruitment and Selection: Executive Order 14148 Deactivated the National Law Enforcement Accountability Database (NLEAD) – Section Removed.
 - Policy 1014 Sick Leave: Included Notification Procedure for Inversed or Fair-Share Shift.

Chief Kevin Franklin presented Chief of Police's Reports, before the Board. The item was discussed.

Public Comment: No comments were received.

11. Closed Session.

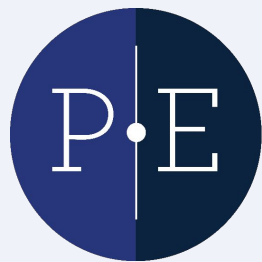
- a. To Consider a Public Employee Discipline/Dismissal/Release in the Office of the Independent Police Auditor (OIPA) Case #24-31. Govt. Code §54957.

Patrick Caceres, Interim Independent Police Auditor, stated that Item 11A (Case #24-31) was continued to a future BPCRB meeting.

12. Adjournment.

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

DRAFT

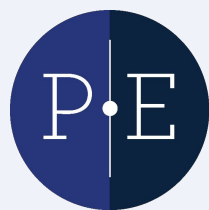


Center For
POLICING EQUITY

BART Fare Enforcement: Balancing Goals, Community Concerns, and Human Costs

June 9, 2025





Center For POLICING EQUITY

Presented by



Hans Menos, PhD

VP, Public Safety Innovations



Price Nyland

*Impact & Engagement Manager,
Public Safety Innovations*



Paula Ioanide, PhD

*Qualitative Research Methodologist,
Science & Technology*



Stephanie Reyes

*Program Assistant,
Public Safety Innovations*

Who We Are

The Center for Policing Equity (CPE) was co-founded in 2008 by Dr. Phillip Atiba Solomon (FKA Goff) and then Denver Police Department Division Chief, Dr. Tracie Keese.

We are a **racial justice non-profit organization that protects, supports, and empowers communities - particularly Black and Brown communities - to redesign their public safety systems.** Our mission is focused on reducing the harm caused by systemic racism, strengthening the connection between policy and progress, and collaborating with communities to secure Black liberation.






Who We Are

Science for Justice. Justice for Safety.

CPE gathers and analyzes data on behaviors within public safety systems and uses those data to help communities achieve safer policing outcomes. **Our goal is to make policing less racist, less deadly, and less omnipresent.** We believe we can forge the path to justice by redesigning public safety systems to better keep communities safe.





About the Project

CPE and BART partnered to assess the impact of BART's fare enforcement practices on public safety, riders, and operational resources.

CPE collaborated with Stout, a global advisory firm specializing in corporate finance, accounting and transaction advisory, valuation, financial disputes, claims, and investigations, to integrate cost-benefit analyses related to fare enforcement into our assessment.

Data Collected & Analyzed

CPE and Stout used the following data sources to conduct their assessment:

- BART financial data
- BART ridership data
- BART Police Department administrative data
- Racial and Identity Profiling Act (RIPA) data
- 14 community focus groups, total of 95 riders
- 17 one-on-one interviews with riders stopped for fare evasion in the last 5 years
- Short survey with 58 riders stopped for fare evasion in the last 5 years

Community Engagement



CPE conducted extensive community engagement to ensure their voices were centered in this research.

We also held a working group of community stakeholders, including folks from local organizations working in mental health, social equity, public defender's offices, and transit advocates. The working group provided invaluable feedback on the report and its recommendations.

We are honored to have collaborated with so many community experts and thank them for their time and contributions to this project.

BART did not share a clear strategy for how fare enforcement might be used to achieve specific, measurable goals. For example, we could not confirm whether BART's fare evasion enforcement is intended to:

- a) Recover revenue
- b) Deter fare evasion
- c) Uncover violent, property, or weapons-related crimes

Thus, CPE worked with a set of assumptions about why BART is engaging in fare enforcement based on publicly available documents and statements.

Key Research Questions



CPE examined the following key questions:

1. What is the **estimated loss in BART revenue** as a result of fare evasion?
2. Does fare enforcement help **recover revenue** for BART? Are personnel expenditures for fare enforcement worth the ROI?
3. Does **fare evasion enforcement help uncover serious public safety threats** on BART?
4. Do BART's fare enforcement practices **impact racial groups disproportionately** or cause **burdensome consequences to riders**?
5. Are BART's current **fare enforcement practices aligned with riders' key concerns**?

Fare Enforcement & Revenue Recovery



BART's estimated loss in revenue due to fare evasion



- BART has publicly stated that loss of revenue from fare evasion is estimated at \$25 million annually
- Stout-estimated loss in revenue as a result of fare evasion: **\$5.7 million - \$9.5 million per year**, far below the publicly cited \$25 million
 - Analysis of BART's Daily Stations Exit data showed fare evasion rates to be between **3.2% - 5.3%**
 - Using the same fare evasion rates in relation to 2023 ridership data at an average fare of \$3.80 per ride, Stout came to the estimate of \$5.7-\$9.5 million

Fare Enforcement as a Way to Recover Revenue



- 2023 personnel costs & expenses for **Fare Inspection Officers: \$2.2 million**
- Between 2018-2023, the highest amount of revenue BART collected from paid POP citations was **\$86,613**
 - Only **6% to 12% of POP citations are paid** per year (2018-2023)

Time Period	No. of Proof of Payment Citations Issued	Total Dollar Amount of Citations Issued	Average Citation Fine	Total Dollar Amount of Citations Paid	Percent of Proof of Payment Citations Paid
2019	11,519	\$1,051,238	\$91	\$86,613	8%

Fare Enforcement as a Way to Recover Revenue



Is there revenue recovery through criminal citations under California Penal Code §640 (C)(1)?

- BART spent **\$27.2 million on personnel and associated expenses** for fare enforcement in 2023 (sworn & non-sworn officers who can issue criminal citations)
- Fare evasion criminal citations averaged 3,586 annually (2021-2023) for 2,540 riders, representing **49.6% of all criminal citations** issued by BPD (**\$896,500** in citations issued)

CPE could not confirm the number of criminal citations paid; using similar rates of payment as POP citations (6-12%), the revenue recovery to BART is minimal, in part because the citation fee is not paid solely to BART.

What About the Impact of Citations On Riders?



- Maximum face value fine for a fare evasion criminal citation: **\$250**
- Average personal fiscal impact per rider who is issued a criminal citation: **\$1,654**
 - Includes the face value cost and the estimated fiscal impacts due to subsequent consequences (e.g., lost income, housing instability, and negative impacts on credit scores)
- Number of BART riders receiving criminal citations (2021-2023): **2,540**
- Total fiscal burden to BART riders as a result of criminal citations = **\$4.2 million**

CPE's Qualitative Interviews

Qualitative Analysis

Bay Area Rapid Transit (BART) Data

- We designed Phase I of our qualitative effort in relation to BART Stations that had the highest rates of fare evasion stops, citations, and arrests (2018-2023)
- We eliminated SF Airport and Coliseum due to anomalies that might show up from non-residents
- We selected the following stations to conduct 58 quick surveys and 17 on-on-one interviews
 - **El Cerrito** (66.7% fare evasion stops)
 - **Bay Fair** (51.5%)
 - **Lake Merritt** (46.5%)
 - **Civic Center** (46.2%)
 - **Fruitvale** (45.5%)
 - **Powell** (44%)
 - **West Oakland** (38.9%)

Qualitative Community Interviews

Spoke with a total of 17 Bay Area residents from Black & disproportionately impacted communities (2024)

- Criteria for eligibility:
 - Resident of one of the 5 counties BART serves
 - Stopped for fare evasion in the past 5 years
 - Understand and speak English

Qualitative Community Focus Groups

Spoke with a total of 95 Bay Area residents via 14 focus groups at 4 Bay Area organizations and 1 virtual group (2024)

Qualitative Interviews

CPE conducted 17 one-on-one interviews with people who had been stopped for fare evasion between 2019-2024.

The majority of participants had been stopped for fare evasion multiple times. The stops often led to citations.

One housing insecure White woman, age 25-44, spoke to the link between unpaid POP citations, her negative credit score, and becoming ineligible for a low-income housing complex in San Francisco. As she described, *“It was because it made my credit score lower than what they wanted. And it was just those [fare evasion] tickets.”*

Police Fare Evasion Stop Outcomes

23.5% (4 of 17) experienced a fare evasion stop followed by a **warning or discretionary release**

23.5% (4 of 17) had received a **proof of payment (POP) civil citation**

76.4% (13 of 17) received a **criminal citation**, requiring payment of fee or court appearance

The most impacted BART riders often cannot afford to pay citations

Majority of the participants were **unable to afford paying the POP and/or criminal infraction FE citations.**

Most did not consider these citations a priority, choosing to prioritize bills related to food, family and children.

Many admitted to regularly engaging in fare evasion due to inability to pay fares.

Impact of Citations

I never really paid my tickets... But I'm going to tell them [that I didn't pay the fare]. What do you expect me to do? I'm homeless. Come on now, it's not like I'm smoking on the BART. It's not like I'm doing dope on the BART.

—Black man

[Regarding paying tickets]: They've already got enough money out of me. I'm not giving them anymore...I think it's like \$70 a piece or something like that. [I]f they get going to collections, they charge you twice as much.

—White and Hispanic man

One housing insecure White woman, age 25-44, spoke to the link between unpaid POP citations, her negative credit score, and becoming ineligible for a low-income housing complex in San Francisco.

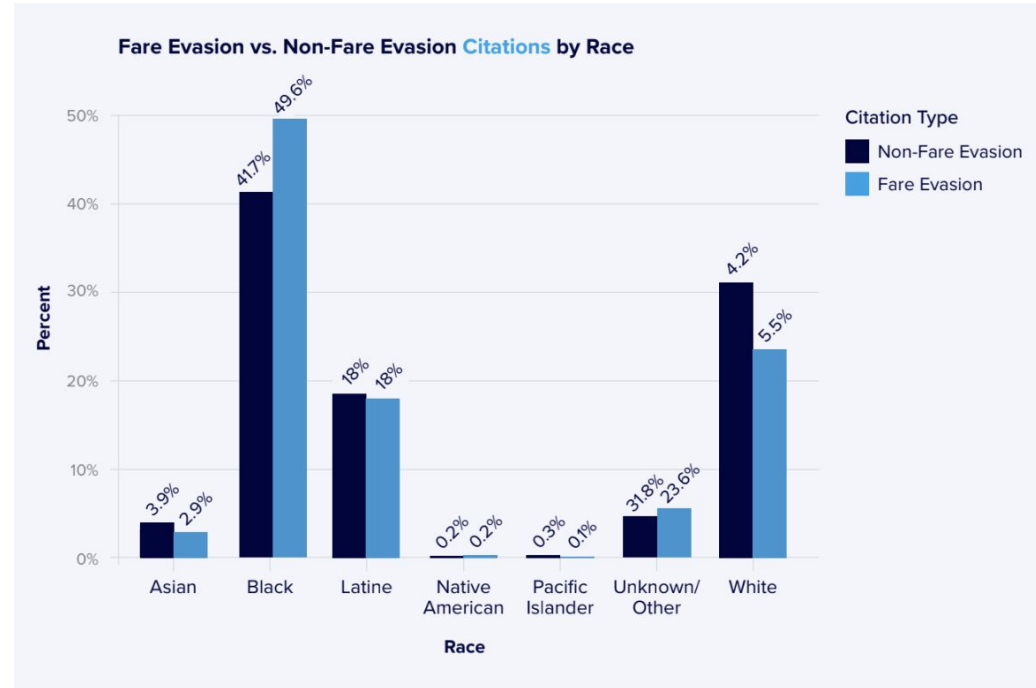
As she described, "It was because it made my credit score lower than what they wanted. And it was just those [fare evasion] tickets."

—White woman

Black Riders Are Disproportionately Impacted



- For Black riders, FE criminal citations are given at a higher rate than non-FE citations
- This pattern is the opposite for White riders
- Proportions are roughly equal for all other racial groups



What About Deterrence?



- It may be the case that Fare Inspection Officers, sworn, and non-sworn personnel issue fare evasion POP and criminal citations in order to deter riders from fare evading.
- CPE could not assess a deterrence effect as a byproduct of fare enforcement via POP/criminal citations.
 - BART would need to have deployment tactics with clear deterrence goals and the data to measure whether the desired deterrence effect is produced in outcome.

Fare Evasion Enforcement & Public Safety



BART PD Engages in Many Fare Enforcement Activities

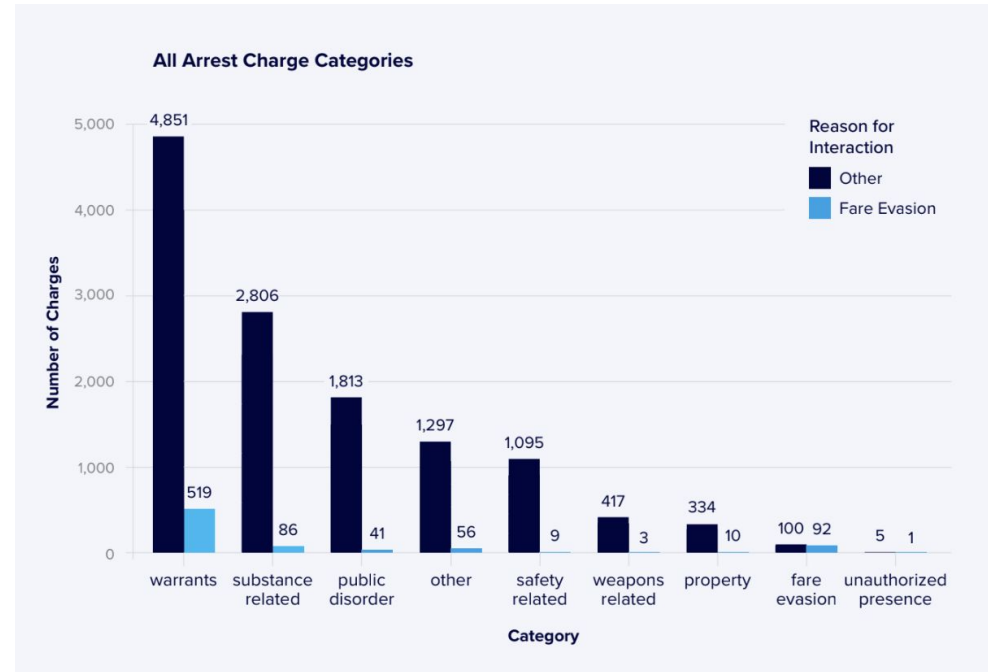


- **Total ridership**
 - Average 45.6 million rides/year
- **Proof of payment (POP) citations**
 - Average 7,396 POP citations/year for 5,934 riders (2021-2023)
- **Fare evasion (FE) criminal citations**
 - Average 3,568 criminal FE citations/year for 2,540 riders (2021-2023), representing 49.6% of all criminal citations
- **Fare evasion arrests**
 - Average of 198 arrests/year (2021-2023)
- **Cost of fare enforcement**
 - \$27.2 million (sworn + non-sworn officers)

Fare Evasion Initiated Arrests



- Average of 198 arrests/year initiated based on fare evasion (2021-2023)
 - Small proportion of total arrests (6.6%)
 - Fare evasion stops accounted for a total of 828.5 hours of BPD time, representing 24.6% of all time spent on stops in 2022
- Outstanding warrants and substance-related charges are the most common FE-initiated arrests

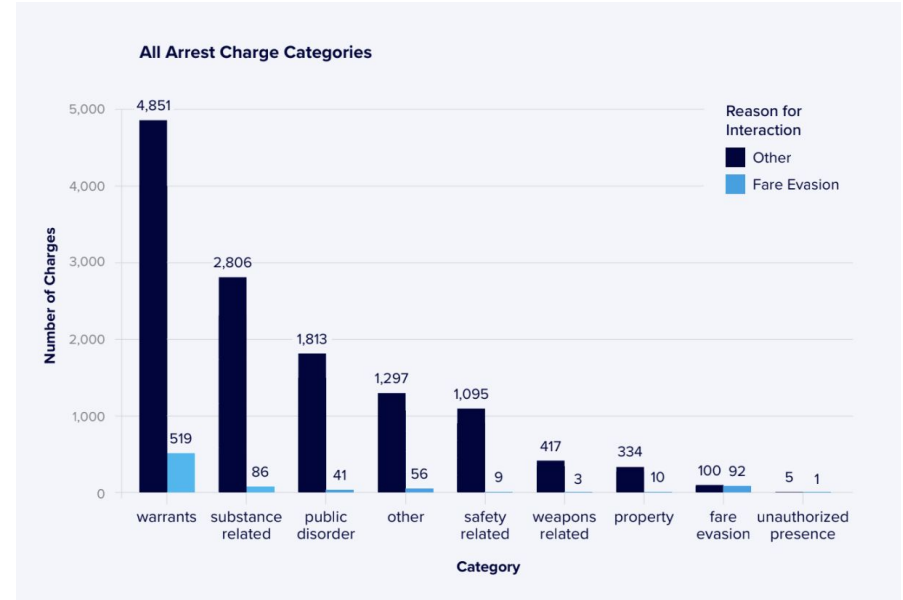


CPE found no substantive correlation among FE-initiated arrests and safety-, property-, weapons-related arrests

Non-Fare Evasion Arrests



- Outstanding warrants, substance-related, and public disorder charges are the most common reason for non-FE arrests



Are outstanding warrants and substance-related issues (both FE & non-FE) the primary public safety issues BPD wants to spend their time on?

Black Riders Are Disproportionately Impacted



- For Black riders, fare evasion initiated arrests are conducted at a higher rate than non-fare evasion arrests
- This pattern is the opposite for White and Latine riders



Riders faced negative downstream impacts

Those who experienced arrests following a fare evasion stop faced much more significant downstream human and financial costs.

These included deteriorating health, financial instability, and negative impacts on their relationship with law enforcement.

Police Stop Outcomes

1 experienced a fare evasion stop followed by an **arrest for fare evasion charges (misdemeanor level fare evasion charge)**

4 experienced a fare evasion stop, were guilty of fare evading, but were **arrested for other charges**. In one of these instances, a Black woman was arrested for an “associating with distribution” charge, and the distributor she was with had been stopped for fare evasion, charged for drug possession and distribution, but not the fare evasion charge.

7 experienced a fare evasion stop followed by an arrest for an **outstanding warrant**

8 were **detained, arrested, and booked into the jail**, spending time in jail ranging from 14 hours to 50 days

*Totals will not add up to 17 as participants often had multiple stops, citations, and/or arrests.

Riders faced major losses as a result of incarceration

The eight participants who were booked to jail following a fare enforcement stop and subsequent arrest experienced negative consequences, including:

- loss of housing (3)
- loss of employment (1)
- loss of property such as bikes and cars (2)
- loss of financial resources as a result of bail and/or court fees (7)

Cycles of Incarceration

One participant, a Black man, age 35-44, shared his experience of losing \$17,000 worth of property after being repeatedly arrested by BPD and incarcerated, with much of the loss stemming from the loss of his apartment and property while in pretrial jail detention.

It started off as a wellness check but now you're asking me if I have a proof of payment ... Now you're going to detain and make an investigation. They knew who I was, as soon as they got on the train. And as I'm telling him, sleeping is not a crime and passed out on a train. They said, "Yeah but a fare-evasion is. Do you have proof of payment?" ... They end up throwing out the fare-evasion because ... they did a probation search before they put me in the car. And they found drugs and paraphernalia."

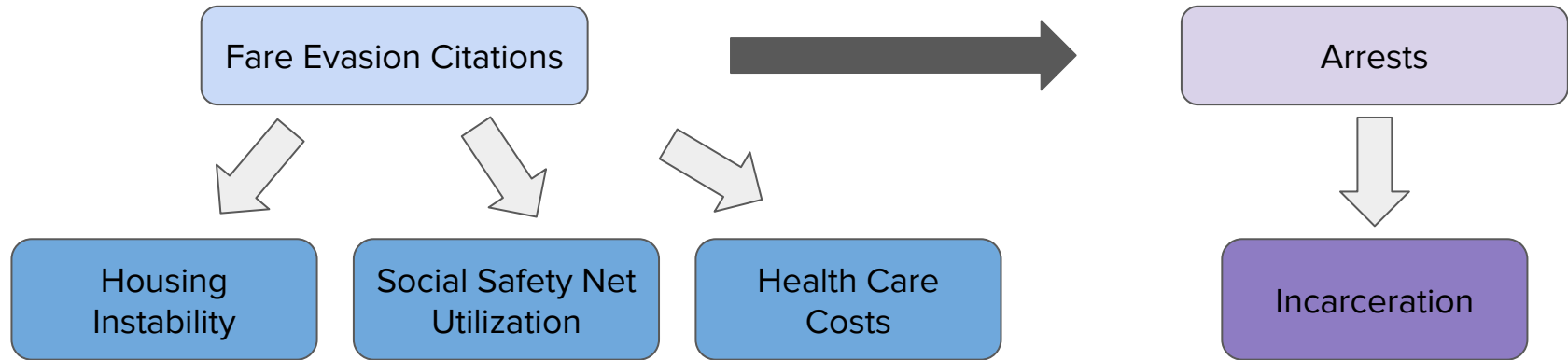
-Asian American man

Repeat Fare Enforcement on Riders, Governmental and Social Services Is Very Costly



Total fiscal burden to BART riders as a result of criminal citations: **\$4.2 million**

Estimated cost of BART fare enforcement to governmental and social services:
\$3.2 to \$4.8 million



BART's ENFORCEMENT ACTIVITIES & COMMUNITY CONCERNS



Research Design

BART Data

We designed Phase II of our qualitative effort to better understand:

- riders' perceptions of safety on BART
- affordability
- experience with police contact
- experience with fare evasion enforcement
- factors that influence riders' decisions to ride BART
- community perspectives on ways to improve and redesign BART's public safety responses

Community Engagement

- Community engagement identified community partners and facilitated relationships with organizations across the Bay Area. Focus groups were held at four community partner locations: 3 in Alameda County; 1 in Contra Costa County.

Qualitative Community Focus Groups

Spoke with a total of 95 Bay Area residents via 14 focus groups (2024) including:

- 3 Spanish-Speaking
- 1 Mandarin-Speaking
- 1 Youth (14-18)
- 2 College students

Eligibility:

- Respondent must be a resident of Alameda County, San Francisco County, Contra Costa County, Santa Clara County, and/or San Mateo County (the 5 counties BART serves)
- Respondent must have the capacity to provide verbal consent
- Respondent must be over the age of 14
- Respondents between the ages of 14-18 must have signed caregiver/legal guardian consent form
- Respondents speak and understand English or Spanish

Community Concerns: Homelessness & Mental Health

The majority of focus group participants (79%; 75 out of 95) mentioned having safety concerns on BART:

- **53%: homelessness and/or mental illness**
- **51%: quality of life issues as a *nuisance***
 - Examples: disorderly conduct like yelling, smoking on trains, loitering, unbearable body odor, littering
- **21%: quality of life issues as *safety concerns***
- **32%: violent crimes**
- **21%: property crimes**

Homelessness & Mental Illness

*There was a man that was, that followed us into two different train cars, and then he followed us into the elevator. **And he was just homeless**, looking for, you know, he was just panhandling. And I was a little nervous that he was following us, but I was like, **he's harmless**. He's probably like, struggling with **his mental health**.*

- White woman, 35-44

*You feel insecure because you see young people standing around there, kids...and you're wondering to yourself, **are they going to ask me for money?** Are they going to attack me? Are they going to maybe hit me?*

-Latine woman, 55+

Fare Enforcement is Not Aligned with Key Community Public Safety Concerns



- Current BPD fare enforcement activities do not align with primary public safety concerns articulated by community members
 - Riders' concerns centered on homelessness, riders with mental health conditions, public nuisances, and to a lesser extent, violent and property-related crimes
- **Many of these issues would be better address by non-police alternative responders, pairing vulnerable riders with services**
- Given the low ROI related to revenue recovery from POP and criminal citations but high burdensome costs to riders, BART should consider expanding non-punitive measures for addressing community public safety concerns

Key Takeaways



Fare Enforcement as Revenue Recovery Strategy

- No evidence that citations lead to significant revenue recovery

Fare Evasion Enforcement Does Not Correlate with Serious Public Safety Charges

- CPE found no link between fare evasion initiated stops, arrests and serious public safety crimes
- Majority of FE arrests were for outstanding warrants and substance related charges

BPD Activities Not Clearly Aligned with Community Concerns

- Community members wanted better responses to issues tied to mental health conditions, unhoused riders, public disorder behaviors

Alternative Response Recommendations

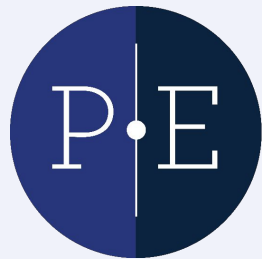


- **Expand BART's Transit Ambassador and Crisis Intervention Team (CIT)** personnel as non-police responses to public disorder and community concerns regarding unhoused individuals and people with mental health conditions.
- **Establish BART's Transit Ambassador and CIT programs as independent entities**, with separate budget and reporting structures from BPD.
- **Establish and strengthen collaborative mechanisms between BART's non-police responders and community-based social service providers** to improve access to health and human services, particularly at BART stations with high concentrations of people who are low-income, Black, unhoused and/or experiencing a mental health crisis.
- **Partner with health organizations that utilize mobile health clinics and outreach workers** to provide services to individuals who are unhoused and people with mental health conditions. These health services may include telehealth appointments, medically-assisted treatment, and prescription refills.
- **Establish a Law Enforcement Assisted Diversion program within BPD** to redirect riders who have had 12 or more fare enforcement interactions in the past two years to Transit Ambassadors and CIT personnel, who will collaborate with community service providers to develop a wrap-around service plan. This approach will reduce the personnel hours spent on fare enforcement for this high target group, as well as the high burdensome costs associated with repeat citations, arrests, and detention for riders with frequent fare enforcement interactions.

- **Clarify BPD's warrant policy to eliminate discretion regarding arrests for misdemeanor warrants.** The policy should mandate that officers arrest only for an outstanding misdemeanor warrant if required by California Penal Code § 827.1 or a specific BART policy, and that officers must issue a citation in all other instances.
- **Partner with other agencies to establish warrant clinics that address outstanding warrants discovered through fare enforcement stops** and reduce the fiscal burdens on government and social services caused by arrests for such warrants.
- **Revise BPD policy to explicitly require warnings for individuals stopped for fare evasion for the first time.** Additionally, update policies to **mandate the use of civil proof-of-payment citations instead of criminal citations** under California Penal Code § 640, except in specific circumstances.
- **Implement an evidence-based operational strategy for BPD**, based on a causal research design co-developed with BART and an academic partner.
- **End the enforcement of fare evasion under California Penal Code § 640(c)(1) as a misdemeanor** to reduce the human and fiscal harm incurred by BART riders, as well as the impact on social service and criminal legal systems.

- **Improve access to discounted fares for riders who are low-income, youth, seniors, and people with disabilities** by automating eligibility for and access to BART discounted cards for individuals with Medi-Cal Benefits Identification Card (BIC), Electronic Benefits Transfer (EBT) cards, Supplemental Security Income (SSI)/Social Security Disability (SSD) eligibility, and student or senior IDs. Discounted card availability should be expanded at BART stations, and more community partners should be formally engaged to assist with discounted card applications online.
- **Improve lighting, sanitation, and aesthetics at BART stations** through infrastructure development funds. Studies have shown reductions in crime based on changes to built environments (Painter & Farrington, 1999; Welsh & Farrington, 2008).
- **Develop a comprehensive safety plan** that includes **specific goals, logic models, and both intermediate and long-term outcome measures**. The plan should be made public to facilitate community feedback and accountability.
- **BART should retract public statements about fare evasion that rely on unverified or unsubstantiated financial figures or claims** regarding the connection between fare evasion and public safety. Moving forward, BART should avoid making statements that perpetuate these misrepresentations.
- **Establish an advisory board inclusive of community members and BART staff**, in collaboration with an empowered entity like the BART Office of the Inspector General, to facilitate and monitor implementation of the recommendations accepted from this report. This advisory board should also address recommendations adopted from other reports generated by CPE and other external entities, such as the California Department of Justice.

- **Implement data auditing procedures to ensure that all incidents are accurately and comprehensively recorded.** At a minimum, this should include a review of data for accuracy and cross-referencing between datasets to ensure all aspects of an interaction are documented. Discrepancies between internal datasets and external mandated datasets, such as those required under RIPA, should be resolved before reporting.
- **Continue to implement** the data collection recommendations accepted from the 2020 CPE Report.



Center For
POLICING EQUITY

Questions?

Price Nyland

pnnyland@policingequity.org

Hans Menos

hmenos@policingequity.org



Subject: Retirement

Dear Director Ghosh:

I am writing to formally and regretfully announce my retirement from the BART Police Civilian Review Board effective July 1, 2025. It has been a great privilege and honor to serve BART and the District 3 Community in this important capacity.

The primary reason for my retirement is the increasing demand of caring for my 101-year-old mother in New York. Family responsibilities now require my full-time attention, making it necessary for me to step away from my official duties with BART.

As you may know, I was appointed to the BART Police Civilian Review Board in March 2011 by former BART Board President Bob Franklin and subsequently reappointed by Director Rebecca Saltzman. Serving as a founding member on this board, has provided a rewarding opportunity to contribute significantly to enhancing public trust and accountability in BART's policing practices. Among my proudest accomplishments was suggesting and actively participating in the development and implementation of the body-worn camera initiative, a crucial advancement in transparency and responsible policing.

Before my service with BART, I also take great pride in my years with the City of Berkeley's Police Review Commission, where I began my public service career in 1996. Public service and community engagement have consistently been guiding principles throughout my life.

I deeply appreciate the collaboration, leadership, and support I've received during my tenure. It has been a genuine pleasure to work alongside staff and my fellow board members, who are all committed to overseeing excellence, safety, and accountability within the BART system.

Thank you again for the opportunity to serve, and I remain available to help ensure a seamless transition in any way needed.

Sincerely,

William C. White

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Members, BPCRB **DATE:** June 7, 2025

FROM: Byron K. Toma

SUBJECT: Questions regarding the distribution of Dissenting Opinions and whether changes to the defined distribution roster needs to be authorized through amendments to the Civilian Oversight Model by the District's Board of Directors.

Introduction

While dissents from the majority opinion of the BPCRB have been prepared in the past, there has been some uncertainty regarding the distribution and use of these dissenting opinions due to minimal guidance as to how such opinions would be distributed and used by recipients of these dissenting opinions. This memorandum seeks to address the two questions posed by members of the BPCRB.

Issues

Two questions have recently been posed by members of the BPCRB.

The first is whether the roster of recipients of the dissenting opinion set forth in 2-07(C)(v) is an exhaustive list of recipients.

The second is whether or not expanding the roster of the recipients of dissenting opinions requires seeking authority to do so from the BART Board of Directors through an amendment of the Citizen Oversight Model.

Answers to Issues

In reading the language of the relevant provision, it is clear that the intent of the authors was to set forth a minimum set of recipients. In relevant part, the language of (C)(v) states the following: ". . . the memo must be distributed and a copy sent to the BART general Manager, the BART Chief of Police, and the BPCRB Chairperson." In the opinion of the undersigned, the roster of recipients of the dissenting opinions can be expanded as authorized by the provisions of the Citizen Oversight Model. This would presumably include distribution to the OIPA or other persons such as the DSO whose participation would advance the purposes of the Citizen Oversight Model.

The language of the Oversight Model does not necessarily require any amendment to the language of the model in order to modify the treatment of dissenting opinions from what is expressly described in 2-07(C)(v). The provisions of Chapter 1-06(A) and (B) appear to authorize the Chief of Police, DSO, and other Executive Managers with employees that routinely receive comments/complaints from the public to develop standard operating procedures to govern the relationship and the flow of communication regarding complaints involving police officers among their respective departments. Chapter 1-06(B) notes: OIPA and the Chief of Police shall provide each other with timely notification of complaints, investigations, appeals and findings and with such information and cooperation as is appropriate and necessary. Hence, the existing language of the model appears to authorize the sharing of the dissenting opinions prepared for the Chief of Police to go to the OIPA and the DSO even if they are not expressly identified as recipients of the dissenting opinions.

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