



BART POLICE CITIZEN REVIEW MODEL

2024 Proposed Model
Review Changes

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BPCRB Name Change (under purpose, Chapter 2-01 and throughout Model)

- **Currently BPCRB stands for BART Police Citizen Review Board**
- **Proposed change to: BART Police Civilian Review Board**
- **Approved by vote on 05.13.2024**
- **The word Citizen might be construed as having an association with citizenship or immigration status. The term "civilian" is more in line with standard oversight community language and classification.**

Examples in the Field:

**Chicago- Office of Civilian Office of
Police Accountability-COPA**

**New York- Civilian Complaint Review
Board – CCRB**

**New Mexico- Albuquerque - Civilian
Police Oversight Agency- CPOA**

Chapter 1-04 Duties and Responsibilities (New Closed Session Process)

- **The full use of Sturgis Parliamentary Procedure by the BPCRB during closed session deliberations related to the concurrence or non-concurrence with any and all recommendations on findings from the OIPA is essential to a more thorough disposition and adjudication of all investigations.**
- **Approved by votes on 05.13.2024 and 10.21.2024**

Chapter 1-04 Duties and Responsibilities

(New Closed Session Process Language approved by vote on 05.13.2024 and 10.21.2024)

- i) When the BPCRB reports out the votes from the closed session, the voting will be announced by the vote on each count.**
- ii) Any BART PD policy violations referred to in an OIPA report must have a copy of the policy attached for the BPCRB to serve as a reference in closed session.**
- iii) For all OIPA cases and findings, the BPCRB members are expected to review all of the evidence presented. This includes written information, photos, and videos. If a BPCRB member has not reviewed all of the evidence for a sustained finding, the member must abstain from voting.**
- iv) The BPCRB may choose to bifurcate allegations and findings as necessary per Sturgis rules of parliamentary procedure. When this parliamentary procedure is utilized, BART subject Police officer(s) may be separated for an individual up and down vote per the recommended OIPA finding(s) and allegation(s). Each of the OIPA findings will then be listed in a numerical order and referred to as “officer one, officer 2, finding one, finding two, allegation one, allegation 2” etcetera, etcetera. When the BPCRB reports out the votes from the closed session, the voting will be announced by the vote on the agreement or disagreement with the OIPA recommendations in totality or with exceptions.**
- v) Any BPCRB members who vote to not accept an OIPA finding may write a dissenting memo. A draft of any dissenting memos must be reviewed by an attorney assigned by the BART Legal Department to ensure no confidential information is divulged. Once the BART legal department deems the memo to be in compliance, the memo must be distributed and a copy sent to the BART General Manager, the BART Chief of Police, and the BPCRB Chairperson. If there are multiple dissenting members, they may collaborate and submit one dissenting memo.**

BPCRB Member Meeting Attendance (Chapter 2-04 section A)

- **BPCRB members may not miss three regularly scheduled meetings per year.**
- **i) The appointment of any BPCRB member who has been absent from three (3) regular meetings during the fiscal year, shall automatically expire effective on the date that such absence is reported by the OIPA to the DSO, except in the case of an approved absence or leave of absence as described herein.**

New Language:

The appointment of any BPCRB member who has been absent from three (3) consecutive regular meetings or four (4) meetings in total during the fiscal year, shall automatically expire effective on the date that such absence is reported by the BPCRB to the DSO.

Approved by vote on 06.13.2024

Attendance during meetings is critical to the work. The BPCRB is appointed to not only represent individual districts but the community at large. Full representation of those voices during deliberations is critical.

Individual commitment via attendance is essential. This change serves as an internal accountability measure.

BPCRB Legal Support (New section)

- **The BPCRB will be assigned an attorney from the BART Legal Department to be available to assist the BPCRB with any and all legal issues under its purview.**

Approved by vote on 05.13.2024

Reasoning:

Due to the nature of the closed session process, parliamentary procedural matters, possible challenges to jurisdiction under the model or other possible liability issues under the BPCRB's purview, access to legal counsel is essential to its function.

Chapter 2-07 DUTIES AND RESPONSIBILITIES (Current Language)

C. Recommendations on Policies, Procedures, Practices and Training

- i) The BPCRB shall develop and review recommendations as to the policies, procedures, and practices of BPD in consultation with the IPA.**
- ii) The goal of BPCRB recommendations shall be to improve the professionalism, safety record, effectiveness, and accountability of BPD employees.**
- iii) The BPCRB may make recommendations to the Chief of Police, GM, and Board, as appropriate.**
- iv) The BPCRB shall review and comment on all additions and changes to policy, procedures, and practices as well as all new initiatives (including training and equipment) proposed by BPD or OIPA and make recommendations to the Board.**

Chapter 2-07 DUTIES AND RESPONSIBILITIES

Additional Proposed Language Approved by vote on 09.09.2024 and 10.21.2024

- **The Chief of Police retains the authority to implement changes to policy, training, and/or equipment at any time as required for the effective functioning of the BART Police Department. The BPCRB and OIPA shall be notified by the BPD in writing, inclusive of redlines, 14 days prior to any changes in policies or procedures as well as all new initiatives (inclusive of training and equipment). The updated policy, training, and/or equipment should be placed on the Chief's agenda for the next available BPCRB meeting for discussion.**

In instances where a change to policy, training, and/or equipment is implemented with less than 14-days' notice to the BPCRB, OIPA, the Chief of Police shall provide written notification to the BART General Manager, OIPA and BPCRB of the change and the reason for the change. The updated policy, training, and/or equipment should be placed on the Chief's agenda for the next available BPCRB meeting for discussion.

- **EDIT Chapter 2-07, Subsection C. (iv): The BPCRB shall review and comment on all additions and changes to policy, procedures and practices as well as all new initiatives (including training and equipment) proposed by BPD or OIPA and make recommendations to the Board. For purposes of this section, changes or additions to equipment does not include items that are functionally the same or similar to existing equipment issued by the Department such as a supplier change of equipment with the same design and functionality as existing equipment. The BPCRB may agendaize in a subsequent meeting for discussion and action any proposed changes. Further actions may include but are not limited to language or timeline proposals and the creation of a subcommittee for further discussion, review and recommendations.**

Chapter 2-07 DUTIES AND RESPONSIBILITIES

A delineated process for review of all policy changes impacting operations, training or legitimate law enforcement directives needs to be established to ensure continuity of process, transparency, community input and properly noticed discussion and expanded review.

**Approved by vote on 09.09.2024 and revised on
10.21.2024**

Staff Support for the BPCRB (Chapter 2-07 section k)

- **K. Staff Support for the BPCRB (Language Changes)***
- **The DSO will provide staff support to the BPCRB including but not limited to the following:**
 - **i) Facilitation of training for the BPCRB.**
 - **ii) Preparation and maintenance of records of meetings of the BPCRB.**
 - **iii) Distribution of reports by the BPCRB to the Board and the public.**
 - **iv) Facilitation of the application process for appointment to the BPCRB and coordination of the selection and ratification processes with the Board.**
 - **v) Provision of training including a curriculum designed for newly-appointed BPCRB members.**
 - **vi) Provision and maintenance of an ongoing in-service training program.**

New Language (Chapter 2-07)

K. Staff Support for the BPCRB The DSO will provide staff support to the BPCRB including but not limited to the following:

- i) Preparation and maintenance of records of meetings of the BPCRB.**
- ii) Distribution of reports by the BPCRB to the Board and the public.**
- iii) Facilitation of the application process for appointment to the BPCRB and coordination of the selection and ratification processes with the Board.**
- iv) Provision of training including scheduling and maintenance of a curriculum designed for newly-appointed BPCRB as well as an ongoing in-service training program.**
- v) Implementation with the assistance of the BPCRB and OIPA, of an onboarding and orientation program for all new BPCRB members**
- vi) Assist the BPCRB with all community outreach efforts**
- vii) Monitor email and field calls from members of the public in regards to the work of the BPCRB and report on all calls and communications on a monthly basis.**
- vii) May attend seminars, webinars, conferences and/or oversight training, budget permitting, in order to fully assist the BPCRB in its oversight functions**
- viii) Provision of attendance to and record keeping of all closed sessions meetings and votes**

The expansion of support to the BPCRB is critical to its work. Additional support will assist with the writing of reports to the community, presentations to the Board of Directors, community outreach, administrative tasks and any other critical issues as they arise as an independent and equal oversight body.

Although the recommendation here is to expand the DSO assistance via their current staff designee, a consultant or the creation of an entry level secretary or administrative assistance position dedicated solely to the BPCRB with direct reporting to the Board of Directors should be considered.

Ultimately, independence of the BPCRB and its support structure from actual or perceived pressure or influence is critical. The BPCRB, like the OIPA, must continue to be free of any pressure from within to minimize undue influence and avoid any erosion of community trust and loss of legitimacy.

Selection of the Chief of Police and Independent Police Auditor (Chapter 2-07 section J)

New Language:

- The BPCRB (as well as the BART Police Associations) shall participate in an advisory role in the selection of the Chief of Police by interviewing finalist candidates**
- The BCPRB Chair and Vice Chair, or their designee(s), shall participate in an advisory role composed only of BPCRB members in the selection of the Chief of Police by being given sufficient time to review resumes of candidates, being able to give input on questionnaires, and interviewing finalist candidates.**
- In addition, the BPCRB shall be given no less than 72 hours (3 business days) to review credentials, interview notes, and deliberate before their recommendations are submitted to the legal department in writing.**
- The office of the OIPA as well as all BART Police Associations shall have their own independent and separate advisory role and process in the selection of the Chief of Police.**

Approved 07.08.2024

Reasoning:

The BPCRB, as an independent and equal body within the oversight structure of BART, must be able to individually and separately interview and make recommendations on the hiring of the Chief of Police. The bundling of the process with the unions is inappropriate and unbalanced. As both have different functions within the process, mandates and goals, the separation of the process is necessary.

New Section: Chapter 3-02 Budgetary Considerations

In order to ensure training, subject matter knowledge and increase the legitimacy of the BPCRB as a separate, complimentary and independent entity with a different role from the OIPA, the board of directors shall review and make the necessary budgetary allocations in order to fund staff support, training and development inclusive but not limited to membership in NACOLE, attendance to webinars, seminars and subject matter conferences like NACOLE, NOBLE and others.

In Conclusion

- **Our proposed changes focus on the delineation and clarification of some internal processes, ensuring we are able to sustain our oversight work while clarifying internal structures, adding internal accountability and memorializing procedural systems.**
- **The BPCRB is grateful for the opportunity to present its 2024 BART Oversight Model review and respectfully requests your consideration.**