

Date: November 27th, 2024

To: BART Board of Directors

From: BART Police Citizen Review Board  
George Perezvelez, Chairperson

Subject: 3rd Quarter 2024 Report to Board of Directors

This quarterly report from the BART Police Citizen Review Board (BPCRB) to the BART Board of Directors covers the BPCRB's most significant activities for January through June 2024

#### **BART Police Citizen Review Board Members:**

Toren Fischer	District 1
Sonja Shephard	District 2
William White	District 3
Dana Lang (Vice Chairperson)	District 4
Vacant	District 5
Lester M. Mensinger	District 6
Vacant	District 7
David Rizk	District 8
George Perezvelez (Chairperson)	District 9
Vacant	Public-At-Large
Gabriel Rodriques	BART Police Officers and Managers Associations

#### **Reporting**

This is the formal written report to the Board of Directors.

#### **Primary Duties and Responsibilities**

The Citizen Oversight Model lists several primary duties and responsibilities for the BPCRB. The general topic headings below describe the BPCRB activities related to these tasks.

#### **Public Comment**

Public comment was received in person and via zoom attendance during all regular meetings of the BPCRB. Topics covered included commentary on the Chief of Police monthly report, Use of Force Policy and 2024 proposed BPCRB/OIPA Model changes.

#### **Receiving complaints, reviewing investigative reports and making recommendations for corrective action.**

The Independent Police Auditor received complaints which were investigated. During this third quarter, six (6) cases (OIPA Case#23-36, #24-04, #24-05, #24-17

#24-06, #24-19 Govt. Code 54957) were presented to the BPCRB. OIPA recommendations were agreed to by at least a majority of BPCRB members with the exception of case 24-17 which the BPCRB has decided to take up through the appeal process.

### **Board Vacancies**

BPCRB continued to engage the public in filling the current vacancies for District 5 and 7 and At Large. Nichin Sreekantaswamy District 5 and Veronica R. Kincaid District 7 were appointed by the BART Board of Directors on 10.24.2024.

### **Recommendations on Procedures, and Practices**

The work of the subcommittee on the Use of Force Policy #300 continues with a revision on the Use of Force standard and will be on the agenda for full discussion in November and December of 2024. The review had been stalled due to the work on the Model review.

The BPCRB Chair, George Perezvelez had the opportunity to present to the BART Board of Directors on the status of the BPCRB on September 26, 2024 and a full presentation on eight (8) Model changes on October 24, 2024.

The BPCRB discussed, reviewed and made recommendations on 10 Lexipol policies during the third quarter of the 2024 inclusive of a pilot program on use of force reporting and supervisor review..

The BPCRB continues to monitor the work of the BPD with open discussions of the department's monthly reports. Continued concern has been expressed by some Board Members on possible disparity of the racial makeup of “terry” and consensual stops.

Additionally, the BPCRB continues to express concerns related to the high amount of unholstering and pointing of firearms. Chief Franklin has assured the BPCRB that all uses of force have been reviewed properly for lawfulness and policy compliance. The BPCRB will continue to monitor.

### **Board Development Recommendations**

The Chair of the BPCRB and the DSO designee continue to make the NACOLE 2024 webinar series information available to all members. The Last webinar was held on **November 19, 2024: The Importance of a Discipline Matrix in Policing & Civilian Oversight**

### **Community Outreach Activities**

The Community Outreach Subcommittee continues to distribute and update a calendar of BART-related events and encourages all members to attend.

### **Training**

The OIPA and the BART Police Department continue to be full partners and engaged in the constant training of the BPCRB on critical subjects germane to their work and responsibilities. Last training for the year will be on **Crisis Intervention Training and Bias-Based Policing/Racial Profiling**

**Participation in the 2024 NACOLE Conference** Board Member George Perezvelez attended the 2024 NACOLE Conference in Tucson, Arizona as a member of the NACOLE Board and as a representative of the BPCRB.

Pending Approval by BPCRB