

Proposed BPCRB Bylaw Amendment
- from Members Norris and Rodrigues

Article VI. Closed Session: Duties and Responsibilities

Closed Session – Dissenting Memo

A CRB member who votes in the minority to accept or not accept an OIPA Findings and Recommendations in closed session voting may write a “Dissenting Memo” expressing their views on why they dissented from the majority of CRB members. At said closed session, dissenting members shall expressly indicate whether they intend to submit a memo, and the CRB Chair shall inform the Chief of Police of the forthcoming memo following the closed session.

The memo may be written by each CRB member that did not vote with the majority. If there are multiple dissenting CRB members, they may choose to collaborate and write one memo.

The memo shall be designated as “confidential” and not released to the public.

Within 7 calendar days of the CRB vote, the memo shall be distributed to the Chief of Police, Independent Police Auditor, and CRB members. In the instances when the CRB majority appeals OIPA Findings and Recommendations, the CRB Chair shall also distribute the dissenting memo to the General Manager.

The Chief of Police or General Manager may use the memo in his or her decision(s) on any action to be taken regarding the sworn BART Police Department member that is the subject of the OIPA Findings and Recommendations.

Should the Chief of Police or General Manager need any clarification about the memo(s), the dissenting member(s) shall make themselves available to answer questions.

[Draft Date: August 19, 2025]