

Date: April 14, 2025  
To: BART Board of Directors  
From: BART Police Citizen Review Board  
George Perezvelez, Chairperson  
Subject: 1st Quarter 2025 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 March 2025.

**BART Police Citizen Review Board Members:**

Toren Fischer	District 1
Sonja Shephard(Vice Chairperson)	District 2
William White	District 3
Dana Lang	District 4
Nichin Sreekantaswamy	District 5
Lester M. Mensinger	District 6
Veronica Kincaid	District 7
David Rizk	District 8
George Perezvelez (Chairperson)	District 9
Byron Norris	Public-At-Large
Gabriel Rodrigues	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, 2025 Bylaw changes, community outreach and Lexipol changes.

In January 2025 Janice Adam and Aleta Dupree addressed the Board during Public Comment.  
In February 2025 Aleta Dupree addressed the Board during Public Comment.  
In March 2025 Aleta Dupree addressed the Board during Public Comment.

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

During this first quarter, the Independent Police Auditor received complaints which were investigated and per Govt. Code 54957, presented to the BPCRB. On January 13, 2025 BPCRb went into Closed Session for an update on Appeal of Case #24-17. There were no announcements to be made after the Closed Session. On February 10, 2025 the BPCRb went into Closed Session for Case #24-13 and Case #24-34 and on March 10, 2025 BPCRb went into Closed Session for Case #24-22 and Case #24-27. Case #24-27 was not heard but postponed until the April meeting..

OIPA recommendations were agreed to by at least a majority of BPCRb members with the exception of Case# 24-17 which is still in the appeal process. The BPCRb is awaiting a decision on its disposition via an appeal hearing per the Model by the General Manager.

### **BART Police Department 2024 Use of Force Report**

During the March 2025 meeting, Chief Franklin presented to the BPCRb the 2023 Use of Force Annual Report. The BPCRb continues to express appreciation for the transparency and accountability aspect of the report. Although the BPCRb is cognizant of the operational circumstances behind the presentation for review of a report now one year behind, it is of the utmost importance that reports be presented on time in order to ensure timely discussions, review of existing and applicable policies and generate effective training recommendations.

Robust discussion centered on types of force by number of incidents, use of force incident circumstances, civilian and officer injury, demographics of use of force incidents and comparison of force reasons.

Although there is data in the report addressing the circumstances in which force was used as well as the nature of the calls, it must be noted that there is still a quantified disparity of uses of force against black and other minority racial groups.

Force was used on 427 individuals in 2023. 46.6% of which were Black males ( female and transgender for a total of 53.8%), 21.8% Latino ( male and female), 2.1% Asian (male and female). Other minority groups added an additional 1.1% for a total of 77.7% of all uses of force.

It is important to note for context that the 2022 BART rider demographic survey determined that 33% of all riders were white while 67% belonged to minority groups.

It is also important to point out the continued upward trend of firearm point and firearm drawn as a reportable use of force. In 2023 those particular uses of force were utilized 96% of the time on black males.

The BPCRb will continue the discussion on how to minimize this disparity, data perception by impacted communities and implementation of alternative solutions.

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**OIPA**

During the March 2025 meeting, the BPCRB was informed of the appointment of Patrick Cazerres as Interim Auditor. The BPCRB looks forward to the selection of a permanent Auditor and their participation in the process.

### **Board Vacancies**

No Board vacancies exist at this time but the continued excused presence by the Board Member from District 8, gives no representation to that community and affects the current quorum.

### **2025 Bylaws changes**

The finalized bylaw changes, to conform with the Model changes and with input from legal, have been submitted to the Board of Directors for review and approval.

### **Community Outreach**

Due to the lack of availability of a BART 2025 Event Calendar, there was no attendance to community outreach events by the BPCRB members during the first quarter of the year. The Outreach Committee members have received the 2025 BART Event Calendar.

The BPCRB is making preparations to have a table at the “Women In Law Enforcement” event on April 30, 2025 at Merritt College in Oakland and will attend others throughout the year. .

### **Consultant Status**

On January 17th, Chair Perezvelez and Vice- Chair Shephard met with the District Secretary , April Quintanilla and Mag Tatum to discuss any outstanding issues related to the engagement of a consultant for the BPCRB. The consultant will be engaged to do some basic administrative issues related to formatting of the Model and Bylaws. We are waiting for the final word on the implementation of this plan.

### **Other 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 and vote in February 2025. The review had been stalled due to the work on the Model and Bylaws 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.

### **Board Development Recommendations**

The Chair of the BPCRB and the DSO designee will continue to make the NACOLE 2025 webinar series information available to all members. On January 17th, Chair Perezvelez and Vice- Chair

Shephard met with the District Secretary , April Quintanilla and Mag Tatum to discuss additional training for Board Members inclusive of topics and funding.

### **Participation in the 2025 NACOLE Conference**

Details will be forthcoming for the 2025 NACOLE conference in Minneapolis, MN on October 26th-30th. Chair Perezvelez is the Chair of the Conference Committee and will keep the BPCRB apprised of all details.

### **2024 BPCRB Model Review Outstanding Issue**

#### **Selection of Chief of Police**

It is critical that the BPCRB be empowered to interview finalist candidates independently from all other stakeholders. The interpretation of bundling the BPCRB with other stakeholders is not the established process in the Model but an internal interpretation. The BPCRB is an independent oversight entity and as such should have the ability to advise the General Manager independently. During the first two selections of Chief of Police the process was that only BPCRB members interviewed candidates.

The BPCRB must be able to have interactions with prospective candidates based on its functions, responsibilities and mandates as a Civilian Oversight Agency. To bundle the BPCRB with other stakeholders diminishes the BPCRB's independence as an equal oversight entity within the District.

The Bart General Manager should welcome a more diverse and robust advisory process and not consider such efforts to be an undermining of his power. This language does not undermine any jurisdictional power or responsibility but aims to expand public trust in the BPCRB as well as promote legitimacy. The process as proposed should reside within the Model in order to ensure it is memorialized and transparent.

## **Chapter 2-07 DUTIES AND RESPONSIBILITIES**

### **Under L**

Selection of the Chief of Police

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.

### **New Language**

The BCPRB Chair and Vice Chair, or their designee's, shall participate in an advisory role composed of BPCRB members in the selection of the Chief of Police.

The office of the OIPA as well as all BART Police Associations shall have their own independent and separate advisory role in the selection process.

Additionally:

- The BPCRB must be given sufficient time to review resumes, give input on questionnaires and interview finalist candidates.
- The BPCRB shall be given sufficient time to review interview notes and deliberate before their recommendations are submitted to the General Manager in writing.

No provision in this section shall undermine the authority or preclude the General Manager from appointing the Chief of Police.

In any emergency or exigent circumstances, the General Manager retains the authority to appoint the Chief of Police.

**\*Additional resources related to the Selection of the Chief of Police (for comparison only)**

### **Oakland Process Measure LL**

“The Commission, with the assistance of the City Administrator, shall prepare and distribute a job announcement, and prepare a list of at least four candidates and transmit the names and relevant background materials to the Mayor. The Mayor shall appoint one person from this list, or reject the list in its entirety and request a new list from the Commission.”

### **City of Berkeley Process**

“Executive Recruitment and Stakeholder Input: The City retained Avery and Associates, an executive search firm, to conduct an extensive search for a new Police Chief. The recruitment process was designed to be a nationwide search, collaborative and inclusive in nature, while considering the needs and priorities of the Berkeley community, the Police Department, and the City Council. The City conducted a competitive interview process consisting of two interview panels made up of community members and City of Berkeley representatives, **and a third panel made up of members from the Police Accountability Board**. Top candidates were recommended for final interviews that were conducted by the City Manager.”

### **San Francisco Process**

The process for selecting the San Francisco Police Department's Chief of Police involves the Police Commission and the Mayor's office:

#### **Police Commission**

The Police Commission nominates the Chief of Police. The Police Commission is made up of seven members, four appointed by the Mayor and confirmed by the Board of Supervisors, and three appointed directly by the Board.

#### **Mayor's office**

The Mayor appoints the Chief of Police. The Mayor's nominations for the Police Commission are subject to a public hearing and vote within 60 days. If the Board of Supervisors rejects the Mayor's nomination, the Mayor can nominate someone else

