

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, April 14, 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, April 14, 2025

A regular meeting of the BART Police Civilian Review Board (BPCRB) was held on **April 14, 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.

Member White announced that he was attending the Meeting via teleconference under the Just Cause provision of Government Code Section 54953(f).

1. Call to Order.

The regular meeting was convened at 4:03 p.m. by Chairperson George Perezvelez.

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

1c. Introduction of Special Guest Diana Cervantes, Cornerstone Transportation Consulting.

Diana Cervantes, Cornerstone Transportation Consulting, addressed the Board. The item was discussed.

Public Comment: No comments were received.

2. **Approval of Minutes of the Meeting of April 14, 2025.**

Member Lang moved that the Minutes of the Meetings of **April 14, 2025**, be approved. Member Norris seconded the motion, which was carried by a roll call vote.

Ayes – 8: Members Lang, Mensinger, Norris, Rodrigues Shephard, Sreekantaswamy, White, and Perezvelez. Noes – 0. Abstain – 0. Absent – 3: Members Fischer, Kincaid, and Rizk.

Public Comment: No comments were received.

3. **Public Comment.**

Chairperson Perezvelez called for Public Comments.

Public Comment: Aleta Dupree addressed the Board.

4. **Review of Draft Language and Definitions for BART Police Department's Lexipol Policy 300 – Use of Force (Chair Perezvelez's Request).**

Chairperson Perezvelez brought the matter of the Draft Language and Definitions for BART Police Department's Lexipol Policy 300 – Use of Force, before the Board. The item was discussed

Public Comment: No Public comments was received.

300.1.1 Definitions - Force

Member Lang moved that the Draft Language and Definitions for BART Police Department's Lexipol Policy 300 – Use of Force, for section ***300.1.1 Definitions – Force*** (Redlines Affixed), be approved. Member White seconded the motion, which was carried by a roll call vote.

Ayes – 6: Members Lang, Mensinger, Shephard, Sreekantaswamy, White, and Perezvelez.

Noes – 1: Member Rodrigues. Abstain – 1: Member Norris. Absent – 3: Members Fischer, Kincaid, and Rizk.

300.1.1 Definitions – Minimizing The Use of Force (Addition)

Member Mensinger moved that the Draft Language and Definitions for BART Police Department's Lexipol Policy 300 – Use of Force, for section ***300.1.1 – Minimizing The Use of Force (Addition)*** (Redlines Affixed), be approved. Member Shephard seconded the motion, which was carried by a roll call vote. Ayes – 6: Members Lang, Mensinger, Norris, Shephard, White, and Perezvelez.

Noes – 2: Members Rodrigues and Sreekantaswamy. Abstain – 0. Absent – 3: Members Fischer, Kincaid, and Rizk.

Please note that the redlines for Draft Language and Definitions for BART Police Department's Lexipol Policy 300 – Use of Force are affixed to the minutes.

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

a. Recommendation to Purchase Items for BPCRB Outreach Events (Member Lang's Request).

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.

6. BART Police Civilian Review Board (BPCRB) First Quarterly Report (Chair Perezvelez's Request).

Chairperson Perezvelez presented information regarding BPCRB's First Quarterly Report, before the Board. The item was discussed.

Member Norris moved that BPCRB's First Quarterly Report, be approved. Member Rodrigues seconded the motion, which was carried by a roll call vote.

Ayes – 8: Members Lang, Mensinger, Norris, Rodrigues Shephard, Sreekantaswamy, White, and Perezvelez. Noes – 0. Abstain – 0. Absent – 3: Members Fischer, Kincaid, and Rizk.

Public Comment: No comments were received.

7. Allocation and Disbursement of BPCRB Funding for Fiscal Years 2025 and 2026.

Chairperson Perezvelez presented information regarding BPCRB Funding for Fiscal Years 2025 and 2026, before the Board. The item was discussed.

Public Comment: No comments were received.

Member Norris moved that BPCRB Funding for Fiscal Years 2025 and 2026, be approved.

2025-2026 Budget Funding:

Fiscal Year 2025-2026: \$10,000.00

Disbursement Plan:

BPCRB Training: \$2500.00

BPCRB NACOLE Attendance: \$6500.00

Community Outreach: \$1000.00

Member Shephard seconded the motion, which was carried by a roll call vote.

Ayes – 8: Members Lang, Mensinger, Norris, Rodrigues Shephard, Sreekantaswamy, White, and Perezvelez. Noes – 0. Abstain – 0. Absent – 3: Members Fischer, Kincaid, and Rizk.

Please note that the BPCRB Funding for Fiscal Years 2025 and 2026 Disbursement Plan are affixed to the minutes.

8. Amendments to the 2025 BPCRB Bylaws:

- a. Yearly Funding and Expenditure.
- b. Yearly Training Requirements.

Chairperson Perezvelez presented information regarding Amendments to the 2025 BPCRB Bylaws for a) Yearly Funding and Expenditure; and b) Yearly Training Requirements, before the Board. The item was discussed.

A) Yearly Funding and Expenditure:

Member Norris moved that Amendments to the 2025 BPCRB Bylaws for a) Yearly Funding and Expenditure, be approved. Member Rodrigues seconded the motion, which was carried by a roll call vote. Ayes – 8: Members Lang, Mensinger, Norris, Rodrigues Shephard, Sreekantaswamy, White, and Perezvelez. Noes – 0. Abstain – 0. Absent – 3: Members Fischer, Kincaid, and Rizk.

B) Yearly Training Requirements:

Chairperson Perezvelez moved that Amendments to the 2025 BPCRB Bylaws for b) Yearly Training Requirements, be approved, as amended. Member Lang seconded the motion, which was carried by a roll call vote. Ayes – 8: Members Lang, Mensinger, Norris, Rodrigues Shephard, Sreekantaswamy, White, and Perezvelez. Noes – 0. Abstain – 0. Absent – 3: Members Fischer, Kincaid, and Rizk.

Please note that the Amendments to the 2025 BPCRB Bylaws for a) Yearly Funding and Expenditure; and b) Yearly Training Requirements are affixed to the minutes.

Public Comment: J.S. addressed the Board.

9. **Discussion of the Ride Along Report (Member Norris' Request).**

Member Norris presented information regarding the Ride Along Report, before the Board. The item was discussed.

Public Comment: No comments were received.

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

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

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

Public Comment: No comments were received.

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

Chief Kevin Franklin presented a) BART Police Department's 2024 Annual Military Equipment Report, b) Policy Updates from the BART Police Department to the BPCRB, and c) Lexipol Policy Updates from the BART Police Department to the BPCRB – March 2025; before the Board. The item was discussed.

Public Comment: No comments were received.

- a. BART Police Department's 2024 Annual Military Equipment Report.
- b. Policy Updates from the BART Police Department to the BPCRB:
 - **Policy 300 De-Escalation and Use of Force.**
 - **Policy 302 Use of Force Review.**
- c. Lexipol Policy Updates from the BART Police Department to the BPCRB – March 2025:
 - **Policy 306 Handcuffing Restraints:** Updated Restraint of Pregnant Person for Clarity, Punctuation Correction, Terminology Updated, and Gender Pronouns.
 - **Policy 402 Bias-Based Policing:** Updated Termination, Punctuation Correction, and Changed Gender Pronouns. Also amended Racial and Identity Profiling Act (RIPA) Stop Reports to Ensure Clarity and Proper Review.
 - **Policy 903 Processing and Handling of Arrestees:** Updated to Include Maximum Prisoner Transport in Van.
 - **Policy 1028 Special Assignments:** Updated/Added Time Commitments for Each Assignment.
 - **Policy 1049 Annuitants:** New Policy for New Annuitant Program.

Public Comment: No comments were received.

Chairperson Perezvelez announced that the Board would entered into a closed session under item **12-A**, To Consider Public Employee Discipline/Dismissal/Release in the Office of the Independent Police Auditor (OIPA) Case #24-26 and Case# 24-27 (Continued from the BPCRB Meeting, on March 10, 2025) of the regular meeting agenda, and that the Board would reconvene in open session at the conclusion of the closed session.

The Meeting recessed at 7:07 p.m.

The Meeting reconvened in Closed Session at 7:07 p.m.

12. Closed Session.

- a. To Consider a Public Employee Discipline/Dismissal/Release in the Office of the Independent Police Auditor (OIPA) Case #24-26 and Case# 24-27 (Continued from the BPCRB Meeting, on March 10, 2025). Govt. Code §54957.

Members Present in Oakland, CA: Members Dana Lang, Lester Mensinger, Byron Norris, Sonja Shephard, Nichin Sreekantaswamy, Gabriel Rodrigues, and George Perezvelez.

Member Present in Tarrytown, NY: Member William White (via Teleconference).

Absent: Members Veronica Kincaid, Torin Fischer, and David Rizk.

Public Comment: No comments were received.

13. Open Session.

The Meeting reconvened into an Open Session at 8:31 p.m.

Chairperson Perezvelez announced that the Board voted to accept the findings in OIPA Case# 24-26.

Chairperson Perezvelez announced that the Board voted to accept the findings in OIPA Case# 24-27: Ayes – 7: Members Lang, Mensinger, Rodrigues Shephard, Sreekantaswamy, White, and Perezvelez. Noes – 1: Member Norris. Abstain – 0. Absent – 3: Members Fischer, Kincaid, and Rizk.

Public Comment: No comments were received.

14. Adjournment.

The Meeting was adjourned at 8:34 p.m.

TO: Chief Kevin Franklin, BPOA, BPMA,

Cc: Deputy General Manager Michael Jones

From : BPCRB Use of Force Standing Committee Members, George Perezvlez, Chair

DATE: April 14th, 2025

SUBJECT: Review and changes to Policy 300: Use of Force

As per BPCRB Model mandate to review and make recommendations on policies, The BPCRB empanelled a subcommittee to review and make recommendations to policy 300 in 2022. The subcommittee held a total of 12 meetings and submitted a memo for review and discussion on March 11th 2022, September 28th 2023, June 25th, 2023 and December 26th, 2023 before a final vote for submission to the full BPCRB was held on January 8th, 2024. The vote to forward the recommendations to the full BPCRB was unanimous. Present during the discussion was command staff represented by Deputy Chief Logan and deputy Chief Patzer .

The subcommittee was composed of Board Member Perezvlez, White, Davis, Armstrong and Longmire with Perezvlez, White and Davis finalizing the memo for BPCRB review. The subcommittee focused on a change in the directive of when and how to apply force as well as a review of the use of force standard. Once those aspects were finalized, the review focused on how those two changes would impact the scope and direction of the full policy.

The full BPCRB finalized its recommendations on April 14th,2025

Recommendation #1 under Purpose and Scope

300.1 PURPOSE AND SCOPE

The BART Police Department's highest priority is safeguarding the life, dignity, and liberty of all persons. Officers shall demonstrate this principle in their daily interactions with the community they are sworn to protect and serve. The Department is committed to accomplishing this mission with respect and minimal reliance on the use of force by using rapport-building communication, crisis intervention, and de-escalation tactics before resorting to force, whenever feasible. This Department policy builds upon the Supreme Court's broad principles in *Graham v. Connor* (1989) 490 U.S. 386 and is more restrictive than the constitutional standard and state law. The

Law Enforcement Code of Ethics requires all sworn law enforcement officers to carry out their duties with courtesy, respect, professionalism, and to never employ unnecessary force. These are key factors in maintaining legitimacy with the community and safeguarding the public's trust.

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial, unbiased, and reasonable manner.

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

Officers must strive to use the minimal amount of force necessary. In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Techniques and Conducted Energy Device policies.

Recommendation (proposed change approved on February 10th, 2025)

The BART Police Department's highest priority is safeguarding the life, dignity, and liberty of all persons. Officers shall demonstrate this principle in their daily interactions with the community they are sworn to protect and serve. The Department is committed to accomplishing this mission with respect and minimal

reliance on the use of force by using rapport-building communication, crisis intervention, and de-escalation tactics before resorting to force. This Department policy builds upon the Supreme Court's broad principles in *Graham v. Connor* (1989) 490 U.S. 386 as a foundation and is more restrictive than the constitutional standard and state law. The Law Enforcement Code of Ethics requires all sworn law enforcement officers to carry out their duties with courtesy, respect, professionalism, and to never employ unnecessary force. These are key factors in maintaining legitimacy with the community and safeguarding the public's trust.

This policy provides guidelines on the use of force. While there is no way to specify the exact amount or type of force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial and unbiased manner.

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate

law enforcement purpose.

Officers **shall** use the minimal amount of force necessary **to affect a law enforcement objective.**

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Techniques and Conducted Energy Device policies

Recommendation #2 under definitions

300.1.1 DEFINITIONS

Force - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

Recommendation (proposed change approved on April 14th, 2025)

Force - The application of physical techniques or tactics, chemical agents, or weapons to another person. **It is not a use of force when a person allows him/herself to be searched. Further, in any encounters that do call for applying force, officers shall use the minimal amount of force necessary to safely achieve their legitimate law enforcement objective without increasing the risk to others.**

Recommendation #3 -addition under definitions

Addition (proposed addition approved on April 14th, 2025)

MINIMIZING THE USE OF DEADLY FORCE. Deadly force may only be used when the officer believes that such action is immediately necessary to protect the officer or another person from imminent danger of death or serious bodily harm.

Addendums

Addendum 1 BPCRB Model 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.

Addendum 2 Berkeley Police Department Use Of Force Policy 300

300.1.2 USE OF FORCE STANDARD

In dealing with suspects, officers shall use alternatives to physical force whenever reasonably possible. In all cases where physical force is used, officers shall use a minimum amount of force that is objectively reasonable, objectively necessary, and proportional to effectively and safely resolve a conflict.

The United States Supreme Court in *Graham v. Connor*, 490 U.S. 386 (1989), held that, in order to comply with the U.S. Constitution, an officer's use of force must be objectively reasonable under the totality of circumstances known to the officer at the time. Additionally, Penal Code section 835(a) imposes further restrictions on an officer's use of force. But these standards merely set the minimum standard for police conduct, below which an officer's conduct would be regarded as unlawful.

In fulfilling this Department's mission to safeguard the life, dignity, and liberty of officers themselves and all members of the community they are sworn to protect and serve, this policy

requires more of our officers than simply not violating the law. As a result, this policy is more restrictive than the minimum constitutional standard and state law in two important respects. First, it imposes a higher duty upon officers to use a minimal amount of force objectively necessary to safely achieve their legitimate law enforcement objective. And, second, this policy imposes a stricter obligation on officers to exert only such force that is objectively proportionate to the circumstances, requiring a consideration of the seriousness of the suspected offense, the availability of de-escalation and other less aggressive techniques, and the risks of harm presented to members of the public and to the officers involved.

Addendum 3 Seattle Police Department Core Principles of Force

Seattle Police Manual USE OF FORCE POLICY Sections 8.000, 8.050, 8.100, 8.200

8.000 Use of Force – CORE PRINCIPLES

1. Every Member of the Seattle Police Department is Committed to Upholding the Constitution and Laws of

the United States and the State of Washington, and Defending the Civil Rights and Dignity of All Individuals, While Protecting Human Life and Property and Maintaining Civil Order.

It is the policy of the Seattle Police Department to accomplish the police mission with the cooperation of the public and as effectively as possible, and with minimal reliance upon the use of physical force.

The community expects and the Seattle Police Department requires that officers use only the force necessary to perform their duties and that such force be proportional to the threat or resistance of the subject under the circumstances.

An officer's commitment to public safety includes the welfare of members of the public, the officer, and fellow officers, with an emphasis on respect, professionalism, and protection of human life, even when force is necessary.

Officers who violate those values by using objectively unreasonable force degrade the confidence of the community, violate the rights of individuals upon whom unreasonable force is used, and may expose the

Department and fellow officers to legal and physical hazards.

Conversely, officers who fail to use timely and adequate force when it is necessary fail in their duty to act as public guardians and may endanger themselves, the community and fellow officers.

Use of Force: When Authorized

An officer will use only the force objectively reasonable, necessary, and proportional to effectively bring an incident or person under control, while protecting the life and safety of all

persons.

Addendum 4 2023 The American Law Institute

§ 7.03. Minimum Force Necessary

In instances in which force is used, officers should use the minimum force necessary to perform their duties safely. Agencies should promote this goal through written policies, training, supervision, and reporting and review of use-of-force incidents.

Comment:

a. Minimum force. As noted in § 7.01, these Sections assert principles to which agencies and their policies should adhere, rather than standards for legal liability. They adopt the view that use-of-force policies should be more specific and informative than the general “reasonableness” standard applied pursuant to the U.S. Supreme Court’s constitutional precedents, though these Principles may also contribute to courts’ understanding of appropriate constitutional limits on the use of force. Thus, agency policies should require officers to use only the minimum force that is necessary under the circumstances. Force cannot be considered necessary if a practical, less harmful alternative means exists for achieving the same law-enforcement ends. Force should not be used simply to resolve a situation more quickly, unless the extended delay would risk the safety of the subject, officers, or others, or if it would risk damage to property or would significantly interfere with other legitimate law-enforcement objectives. Nor should force be used before a suspect manifests an imminent threat, when alternatives to force are feasible, or after a suspect no longer threatens a law-enforcement objective.

Addendum 5 Chicago Police Department General Order, G03-02 USE OF FORCE

This directive sets forth Department policy regarding sworn members' and detention aides' use of force.

II. DEPARTMENT POLICY

- **Sanctity of Human Life.** The Department's highest priority is the sanctity of human life. In all aspects of their conduct, Department members will act with the foremost regard for the preservation of human life and the safety of all persons involved.
- **Public Cooperation.** A strong partnership with the public is essential for effective law enforcement. Inappropriate or excessive uses of force damage that partnership and diminish the public trust that is a cornerstone of policing in a free society.
- **Core Principle.** The Chicago Police Department seeks to gain the voluntary compliance of subjects, when consistent with personal safety, to eliminate the need to use force or reduce the force that is needed.
- **Assessing Uses of Force.** The Chicago Police Department recognizes that Department members are often forced to make split-second decisions—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation. These decisions must therefore be judged based on the totality of the circumstances known by the member at the time and from the perspective of a reasonable Department member on the scene, in the same or similar circumstances, and not with the benefit of 20/20 hindsight. Nothing in this policy requires members to take actions, or fail to take actions, that unreasonably endanger themselves or others.

NOTE: Nothing in this policy precludes the legally mandated oversight or assessment of a Department member's use of force consistent with the procedures established in this policy.

III. USE OF FORCE - WHEN AUTHORIZED

- **Definition of Force.** Force is defined as any physical contact by a Department member, either directly or through the use of equipment, to compel a subject's compliance.
- **Use of Force: Objectively Reasonable, Necessary, and Proportional.** Department members may only use force that is objectively reasonable, necessary, and proportional in order to ensure the safety of a member or third person, stop an attack, make an arrest, control a subject, or prevent escape.

1. **Objectively reasonable.** The main issue in evaluating every use of force is whether the amount of force used by the officer was objectively reasonable in light of the totality of the

circumstances faced by the officer on the scene. Reasonableness is not capable of precise definition or mechanical application. Factors to be considered by the officer include but are not limited to:

a. b. c.

G03-02 Use of Force

© Chicago Police Department

whether the subject is posing an imminent threat to the officer or others. the risk of harm, level of threat or resistance presented by the subject. the subject's proximity or access to weapons.

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2. Necessary. Department members will use only the amount of force required under the circumstances to serve a lawful purpose.
3. Proportional. Department members will use only the force that is proportional to the threat, actions, and level of resistance offered by a subject. This may include using greater force or a different type of force than that used by the subject. The greater the threat and the more likely that the threat will result in death or serious physical injury, the greater the level of force that may be necessary to overcome it. When or if the subject offers less resistance, however, the member will decrease the amount or type of force accordingly.
4. De-escalation. Members will use de-escalation techniques to prevent or reduce the need for force when it is safe and feasible to do so based on the totality of the circumstances. This includes continually assessing the situation and modifying the use of force as circumstances change and in ways that are consistent with officer safety. Examples of de-escalation techniques include but are not limited to:
 - exercising persuasion and advice, and providing a warning prior to the use of force.
 - determining whether the member may be able to stabilize the situation through the use of time, distance, or positioning to isolate and contain a subject.
 - requesting additional personnel to respond or make use of specialized units or equipment including crisis-intervention-team trained officers.
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Addendum 6 NIJ, National Institute of Justice

Date Published

March 5, 2020

Broadly speaking, the use of force by law enforcement officers becomes necessary and is permitted under specific circumstances, such as in self-defense or in defense of another individual or group.

There is no single, universally agreed-upon definition of use of force. The International Association of Chiefs of Police has described use of force as the "amount of effort required by police to compel compliance by an unwilling subject" [\[1\]](#).

Officers receive guidance from their individual agencies, but no universal set of rules governs when officers should use force and how much.

Context counts. No two situations are the same, nor are any two officers. In a potentially threatening situation, an officer will quickly tailor a response and apply force, if necessary. Situational awareness is essential, and officers are trained to judge when a crisis requires the use of force to regain control of a situation. In most cases, time becomes the key variable in determining when an officer chooses to use force.

Amount of Force Used

Law enforcement officers should use only the amount of force necessary to mitigate an incident, make an arrest, or protect themselves or others from harm. The levels, or continuum, of force police use include basic verbal and physical restraint, [less-lethal force](#), and lethal force.

[Learn more about the use-of-force continuum.](#)

The level of force an officer uses varies based on the situation. Because of this variation, guidelines for the use of force are based on many factors, including the officer's level of training or experience.

An officer's goal is to regain control as soon as possible while protecting the community. Use of force is an officer's last option — a necessary course of action to restore safety in a community when other practices are ineffective.

Injuries may occur in any use-of-force incident, and police should ensure that those injured receive medical aid and that the family of any injured person is notified.

Addendum 7 UNODC United Nations Office on Drugs and Crime

Accordingly, force must never be used vindictively or as a form of extrajudicial punishment; meted out in a discriminatory manner; or applied against an individual offering no resistance. In addition, no additional force is lawful when the need has passed, such as when a suspect is safely and lawfully detained. Discriminatory practices, such as those carried out by law enforcement officials against minorities, are clearly a violation of international law.

Central to the principle of necessity, however, is that when force is necessary, it must be no more than the minimum reasonably necessary in the circumstances. This means that even

violent or potentially violent suspects should be arrested, or killed, except in very extreme cases where using force and lethal force is the only possibility to stop an imminent risk to life.

In 1982, the Human Rights Committee stated in their views in the case of *Guerrero v. Colombia* that the state acted unlawfully by shooting suspected terrorists instead of arresting them, as they could have done in the circumstances. In 2015, in *Bouyid v. Belgium* (No. 23380/09), the Grand Chamber of the European Court of Human Rights reiterated that "in respect of a person who is ... confronted with law-enforcement officers, any recourse to physical force which has not been made strictly necessary by his own conduct diminishes human dignity and is, in principle, an infringement" of the right to freedom from torture and inhuman or degrading treatment

Addendum 8 Objectively Necessary Cambridge Dictionary

in a way that is [based](#) on [facts](#) and not [influenced](#) by [personal beliefs](#) or [feelings](#). [weigh](#) the [evidence logically](#) and objectively.

Addendum 9 Is “Objective Reasonableness” Really Objective? Examining the Shortcomings of Police Use of Force Evaluations

Posted by

[University of Baltimore Law Review Staff October 30, 2020](#)

IV. Conclusion

Continued use of the Graham standard for evaluating police use of force makes truly objective evaluations of such use impossible.^[39] However, as activism against systematic racism and police brutality continues, the debate over the best ways to reform policing remains an ongoing development.^[40] With continued protests and community dialogue, it may be possible to find a means of evaluating use of force that renders police officers truly accountable, but this can only happen when decisions about the use of force are made by someone other than the very officers who must decide its appropriateness.^[4]

Addendum 10 January 29, 2016, the Police Executive Research Forum (“PERF”) “Use of Force: Taking Policing to a Higher Standard; 30 Guiding Principles.”

“The sanctity of human life should be at the heart of everything an agency does.” “Agency mission statements, policies, and training curricula should emphasize the sanctity of all human life—the general public, police officers, and criminal suspects—and the importance of treating all persons with dignity and respect.”

“Departments should adopt policies that hold themselves to a higher standard than the legal requirements of *Graham v. Connor*.”

“This landmark decision should be seen as ‘necessary but not sufficient,’ because it does not provide police with sufficient guidance on use of force.”

final recommendations

Date: TBD

To: BART Board of Directors

From: BART Police Civilian Review Board
George Perezvelez, Chairperson, District 9

Subject: 2025-2026 BPCRB Funds Disbursement Plan

Enclosed is the 2025-2026 disbursement plan. The disbursement plan was unanimously approved by the BPCRB at its regular meeting on April 14th, 2025 for submission and review by the BART Board of Directors.

BART Police Citizen Review Board Members:

Torin 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 Rodriques	BART Police Officers and Managers Associations

Former President Bevan Dufty 2024 Letter

In 2014, the Board of Directors authorized the allocation of \$3,500 to fund expenses related to the BART Police Citizen Review Board (BPCRB) members' attendance at the NACOLE annual conference. Via a unanimous vote at its meeting on February 12, 2024, the BPCRB is requesting that its funding allocation be increased to \$10,000 for NACOLE annual conference expenses, continued training, and community outreach. This increase is not budgeted in Fiscal Year 2025. Funds will be added to the Fiscal Year 2026 budget. Prior to the allocation of any portion of the designated amount, the BPCRB is responsible for establishing and documenting a process for determining how the allocation will be apportioned to fund expenses related to attendance at the NACOLE annual conference, participation in training, and engagement in community outreach. No allocation will be made until a documented process has been duly adopted by the BPCRB.

2025-2026 Budget Funding
Fiscal year 2025-2026: \$10,000.00

Disbursement Plan

BPCRB Training: \$2500.00
BPCRB NACOLE Attendance: \$6500.00
Community Outreach: \$1000.00

Budget amounts are not set as full expenditures. The proposed amounts are set on a “not to exceed” directive. Fiscal responsibility and a proper fiduciary process requires that a high level of review and judicious disbursement be the norm.

BPCRB Training; \$2500

The following are the topics NACOLE can train on this year. This was a scope of work submitted to the DSO by NACOLE. Please Note that once the training is done, the training module belongs to the BPCRB and can then be utilized for on boarding and continuous training. To ensure we fall within budget, some of the funding can be used for webinar attendance.

2025 Proposed Training by NACOLE

1. Principles for Effective Oversight
2. Effective Practices for Conducting and Reviewing Investigations
3. Transparency and Recommended Reporting Practices

2026 Proposed Training by NACOLE

4. Reviewing and Understanding Data
5. Community Outreach and Engagement
6. Identifying and Addressing Challenges and Opportunities

Additional NACOLE training topics can be evaluated in 2026

BPCRB NACOLE Attendance: \$6500.00

This year's conference is in Minneapolis, Minnesota in October.

1. The average airline ticket economy class is \$700.
2. The Hotel stay for a 5 day conference will be \$1300.
3. Conference registration fee will be \$580
4. Per Diem highest allowable reimbursement amount \$414 (inclusive of two partial days due to travel and understanding that breakfast might be included creating a lower reimbursement amount))
5. Airport transfers: \$100

Expected total expenditure amount per individual: \$3100 (rounded). This will allow for two Board Members to attend and expand their knowledge in the field of oversight.

Community Outreach: \$1000

For the purpose of buying collateral materials via the District procurement process and the DSO. Please see a proposal from the Outreach Subcommittee related to purchasing a table tent/table cloth with logo, pamphlets, pens etc.

Date: TBD

To: BART Board of Directors

From: BART Police Civilian Review Board
George Perezvelez, Chairperson, District 9

Subject: 2025 Bylaw Changes

Enclosed are proposed changes to the BPCRB Bylaws to address two (2) additional outstanding issues related to the notification, allocation and disbursement of yearly funds and new members as well as yearly training requirements. The proposed bylaw changes were unanimously approved by the BPCRB at its regular meeting on April 14th, 2025 for submission, review and approval by the BART Board of Directors. We apologize for the piecemeal approach to the bylaw submissions and appreciate the Board of Directors consideration.

BART Police Citizen Review Board Members:

Torin 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 Rodriques	BART Police Officers and Managers Associations

BART CITIZEN REVIEW BOARD BYLAWS

New Bylaw Proposals:

Funding Request, Allocation and Disbursement (new section)

On a yearly basis to coincide with the District's fiscal year of July 1st to June 30th, the BPCRB shall;

Place on the BPCRB agenda for public discussion and action any proposed funding for the upcoming fiscal year. The resolution and disposition of the agenda item will then be communicated to the BART Board of Directors via a formal letter from the Chair of the BPCRB. The letter will be inclusive of any request and reasoning for increased funding from the previous fiscal year and a breakdown of the ending fiscal year expenditures and disbursement.

Once funding for the current fiscal year has been approved by the BART Board of Directors, the BPCRB shall place on the agenda for discussion and action a detailed plan

for the allocation and disbursement of funds for the upcoming fiscal year. The plan shall include identification of funding for BPCRB members' attendance at the NACOLE annual conference, a training program, and community outreach. In instances in which the expenses are less than the allocated and budgeted amount, the BPCRB may agendize the reallocation of the funds before the end of the fiscal year.

The BPCRB will work closely with the DSO in the formulation of an expenditure plan and disbursement process.

The BPCRB will exercise fiduciary responsibility in the assessment of all proposed funding expenditures and disbursement.

Training Requirements (new section)

In order to ensure training, subject matter knowledge and increase legitimacy, the BPCRB shall establish training requirements for Board members.

Within the first six (6) months of appointment, each newly appointed Board Member shall receive training on the following:

- Principles of Oversight
- Quasi-judicial duties and obligations of the Board, Brown Act
- The Public Safety Officers Procedural Bill of Rights Act
- Police Department operations, policies, practices, and procedures
- Ride-Alongs, tour of BART stations and Police headquarters

Additionally, on a yearly basis, the following training topics must be placed on the agenda by the BPCRB:

- Office of the Independent Police Auditor investigations and complaint process
- BART Police Department (BPD) Internal Affairs investigation and complaint process
- BPD Crisis Intervention training (CIT)
- BPD Use of Force training and investigation process
- Ride-alongs

The BPCRB may place on the agenda for discussion and action any additional training it deems germane to its functions. The BPCRB may engage an outside contractor, if needed, for subject matter training by experts in the field. All scheduled training must be performed during the same fiscal year to coincide with the budgetary process.

The BPCRB will work closely with the DSO, BART Police Department and the Office of Independent Auditor (OIPA) on any other training topics. .