

June 1, 2022

To: BART Office of the Independent Auditor

Fr: William White and Dana Lang, BPCRB Members

cc: BART Police Citizen Review Board

Subject: Dissenting Opinion on OIPA Case # 22-17

Thank you for the opportunity to address this case. OIPA Case #22-17 Exonerated the Allegation of *Conduct Unbecoming an Officer*. OIPA indicated that it is more likely than not that the officer did not engage in *Conduct Unbecoming an Officer* when he addressed a Black juvenile by saying, "What up, boy?" OIPA's rationale was that the use of the word "boy" during the contact with the subject officer did not violate any applicable laws or policy.

The challenge for law enforcement is that cultural awareness is more significant than in any other profession because of the power held by police. It creates a special need for understanding a pluralistic, multicultural society. It is reasonable for officers to know that both the word "boy" has historically been offensive to African American males. This officer felt that this was a completely professional term.

Additionally, using slang terms, such as "*what up?*" could be seen as a taunt, and therefore offensive. It is reasonable to instruct officers to address the public, including juveniles, in a strictly professional manner. Best practices for communicating with juveniles when not using their given names would be to address persons generally (How are you?), not address juveniles as "boy" or "girl" and explain to officers the history of white peoples' use of these words to insult, intimidate or demean Black people.

The problem arises because under examination, the officer stated that he would not change his behavior based on the knowledge gained from the experience. The fact that he is a Training Officer exacerbates the potential of an attitude of cultural insensitivity among the Trainees that he instructs. An officer is taught to be respectful during the Fair and Impartial Policing course. This officer was informed of the sensitive nature of his use of the word "boy" but admittedly refuses to change his behavior, and thereby ignores Department Policy, demonstrating a *Conduct Unbecoming an Officer*.

The very success of the many facets of community-based policing is dependent on this understanding of culture. Cultural awareness training and its attempts to educate police officers to be more sensitive to different ethnic groups, races, and lifestyles, should be the foundation of modern-day police training. The point is argued that the Officers' Training does teach Sensitivity to cultural norms and nuances, however this officer continued to ignore the lesson. While no laws were broken, his sworn pledge to the community and state are being violated by his refusal to accept social norms different from what he is accustomed.