

**BEFORE THE BOARD OF DIRECTORS OF THE
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

**In the Matter of Calling for the Criminal
Prosecution of Former BART Police Officer
Anthony Pirone**

Resolution No.

WHEREAS, on January 1, 2009, Oscar Grant was shot and killed by former BART police officer Johannes Mehserle on the platform of the Fruitvale BART station, in Alameda County, CA;

WHEREAS, although Mehserle fired the fatal gunshot, several other BART police officers were present on the platform at that tragic moment;

WHEREAS, Mehserle resigned his employment with BART and was convicted of involuntary manslaughter for this shooting;

WHEREAS, one of those officers present on the platform, Anthony Pirone, participated in the detainment of Mr. Grant and his companions, and both struck and kned Mr. Grant while detaining him, with the autopsy report revealing that Mr. Grant suffered trauma in his facial area;

WHEREAS, Pirone also held Mr. Grant down on the platform by kneeling on him until just before Mr. Grant was shot by Mehserle;

WHEREAS, Pirone directed a racial slur at Mr. Grant during his detainment;

WHEREAS, BART commissioned an independent investigation into this tragedy and a report was issued;

WHEREAS, that report, among other findings, determined that "Officer Pirone's overly aggressive and unreasonable actions and conduct in violation of policy and acceptable standards, contributed substantially to the escalation of the hostile and volatile atmosphere during the course of the incident;"

WHEREAS that report also stated that "Pirone was, in large part, responsible for setting the events in motion that created a chaotic and tense situation on the platform, setting the stage, even if inadvertent, for the shooting of Oscar Grant;"

WHEREAS, Pirone was terminated from his employment at BART;

WHEREAS, Pirone has not yet been held criminally accountable for any of his actions that night;

WHEREAS, for more than a decade, the Justice for Oscar Grant Community Coalition, representing a broad array of community and religious organizations as well as legal and civil rights advocates, has organized rallies and peacefully protested the unjust killing of Oscar Grant;

WHEREAS, the steadfast action of the Justice for Oscar Grant Community Coalition movement has helped spawn movements throughout the country, such as Black Lives Matter, protesting police excessive use of force against people of color and demanding greater police accountability;

WHEREAS, the Justice for Oscar Grant Community Coalition is currently seeking action by the Alameda County District Attorney to file felony murder charges against Pirone to hold him accountable for behavior that led to the death of Oscar Grant;

WHEREAS, the BART Board of Directors supports the efforts of the Justice for Oscar Grant Community Coalition;

THEREFORE BE IT RESOLVED that the BART Board of Directors calls on the Alameda County District Attorney Nancy O'Malley to expeditiously charge Pirone with felony murder, and any other criminal charges she finds applicable; and

BE IT FURTHER RESOLVED THAT District Attorney O'Malley is urged to seek the maximum penalty for such crimes upon conviction.