

Date: August 1st, 2024
To: BART Board of Directors
From: BART Police Citizen Review Board
George Perezvelez, Chairperson
Subject: 1st and 2nd Quarter 2024 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 June 2024

BART Police Citizen Review Board Members:

Toren Fischer	District 1
Sonja Shephard	District 2
William White	District 3
Dana Lang (Vice Chairperson)	District 4
Vacant	District 5
Lester M. Mensinger	District 6
Vacant	District 7
David Rizk	District 8
George Perezvelez (Chairperson)	District 9
Vacant	Public-At-Large
Gabriel Rodriques	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 ranged between continued public safety concerns due to individuals exhibiting mental health concerns, fare evasion, accessibility of the BART App, station cleanliness, police presence during high volume hours and parking lot lighting.

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

The Independent Police Auditor received complaints which were investigated. During these two quarters, six cases (OIPA Case #22-12, #22-16, #23-10, #23-14, #23-16, #23-31 Govt. Code 54957) were presented to the BPCRB. OIPA recommendations were agreed to by at least a majority of BPCRB members.

Board Elections

BPCRB held Chair and Vice-Chair elections in July 2024 for the 2024-2025 term. Board Members Perezvelez and Shephard were elected to the Chair and Vice-Chair positions respectively.

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 in October 2024.

Additionally, the Board voted unanimously to create an ad hoc subcommittee to review and generate recommendations to the existing enabling model of the BPCRB. The work of the ad hoc Model subcommittee should be finalized in September and all recommendations, in conjunction with the OIPA, will be forwarded as part of a formal package to the BART Board of Directors for discussion and action.

The BPD presented the 2023 Use of Force yearly report to the BPCRB. Board Members expressed great satisfaction with the quality and thoroughness of the report and the continuous efforts to minimize Use of Force and increase de-escalation. Nonetheless, the BPCRB has expressed concerns related to the percentages of firearm unholstering and brandishing by BPD officers during engagements with the public as a higher percentage of the reported Uses of Force.

The BPCRB discussed, reviewed and made recommendations on 30 Lexipol policies during the first half of the 2024 fiscal year.

The BPCRB continues to monitor the work of the BPD with open discussions of the department's monthly reports. It is worth mentioning the extensive and time consuming work the department engages in while generating the most thorough and data driven reports to the public since the inception of the oversight model.

Board Development Recommendations

Torin Fischer joined the BPCRB in 2024 as the representative of District 1. There are currently three vacancies that need appointments inclusive of the At large position. There has been quite a lot of interest in the current vacancies from the public. A fully appointed board is critical to the effectiveness of the oversight agency.

Community Outreach Activities

The Community Outreach Subcommittee continues to distribute and update a calendar of BART-related events and encourages all members to attend. BPCRB members attended the National Night Out, Seafood Festival, Juneteenth Festival, Bart's 20th Birthday at Orinda and the ground breaking at Pittsburg Center BART for Safe Routes to BART event.

Training

The OIPA and the BART Police Department continue to be full partners and engaged in the constant training of the BPCRB on critical subjects germane to their work and responsibilities. Additionally, with the expansion of funds approved by the BART Board of Directors , NACOLE webinars will be made available to the BPCRB Board for attendance and extra training.

The following subjects have been reviewed with others in the queue for future training:

- Principles of Oversight
- Brown Act
- BPCRB Oversight Model
- BPD Structure and Organization
- IA Investigation And Complaint Process Process
- Use of Force investigation process

Participation in the 2024 NACOLE Conference

Board Member George Perezvelez will attend the 2024 NACOLE Conference in Tucson, Arizona as a member of the NACOLE Board and as a representative of the BPCRB.