

Public Comment

Community Meeting - 7/30/09

GENERAL COMMENTS

Draft should be more focused on how to prevent problems from occurring.
How will the NACOLE code of ethics be enforced for staff in the Auditor's Office?
Model should have more emphasis on how to build relationships.
Need to add words: community, democracy, citizen
Problem with perception of what this is all about. Community will never accept it until consequences for those on platform are implemented.
Do officers carry weapons when they are off-duty? Are they compelled to carry their gun? Are they ever off-duty?

TRAINING

Officers should receive sensitivity training.
Officers training on how to better interact with youth.

RELATIONSHIP WITH THE PUBLIC

BART Police need to build relationships with the communities they serve.
BART Police should interact more with the community on a personal level.
Officers need to know updated policies, i.e., student discount policy.

CITIZEN BOARD

Explain more fully the eligibility for participation.
Is 1-2 years enough time for the Citizen Board to serve?
Will there be term limits?
Need more detail on composition of Citizen Board, i.e., who we want to serve on the Board, look more broadly at what we mean by citizen.
No former police should serve on the Citizen Board.
Citizen Board should be able to force changes in policy.
Citizen Board is not independent if Directors can fire them at any time.
Citizen Board should review how officers are trained.

INVESTIGATIVE PROCESS

Need to consider timeliness – action should be immediate not in 365 days.
Timelines should be established for complaint review and for Citizen Board review.

DISCIPLINE

Strip officers of benefits if they quit before discipline can be imposed.
Is the GM skilled to be involved in oversight?
Why are the GM and Chief counter balancing the process?
Why is a super majority needed?
Disagreements should be resolved by the elected board and not the GM.

In keeping with the purpose of the BART Citizen Oversight Model "To provide an effective, independent citizen oversight system that promotes integrity" it is necessary that integrity be the foundation that everything within the scope of work that is to be performed.

With that being said, points made within the draft need to be corrected before moving to the next phase.

Chapter 1-04 Duties and Responsibilities Pg 2

A, F, "On-duty police"

Chapter 1-05 Relationship Between Office of the Independent Police Auditor and the Citizen Board Pg 6

B "On-duty police"

Chapter 2-06 Duties and Responsibilities Pg 9

A "On-duty police"

*** The language "on-duty police" need not be emphasized because consistent with standard policy police are always on duty. In addition, if an individual who is a sworn officer within the department is off duty and has to address a matter that they determine to be within their jurisdiction that individual taking action will automatically place them on duty. There for the distinction need not be made.

B Recommendations for Corrective Action Pgs 2, 3 & 4

Chapter 1-05 Relationship Between Office of the Independent Police Auditor and the Citizen Board F Pg 7

1. i) *When the evidence does not support the allegations of misconduct the Auditor shall recommend that the matter be dismissed.*

*** Will the Auditor have complete autonomy to determine whether the evidence is non-supportive of the allegation or will the Citizen Board have input before the Auditor makes the

determination and will that information be made available to the public.

2. ii) iii) iv) v) vi) vii) all explain the process of appeal yet there is no mention of the statute of limitations for the appeal process at any level. Will there be a process and will it eventually be documented for future reference?

And since this entire process will culminated with the presentment of an administrative hearing will safeguards be put in place to give the complainant an option to pursue the matter further if the Citizen fail to meet its burden?

Chapter 2-02 Appointment of Citizen Board Members

According to what is outlined BART's Board of Directors appoints 2 members to the Citizen Board and the Police Association appoints one member however there is no mention as to who will appoint the Auditor although the language implies that the selection process will also take place by the BART Board. My concern is what the criteria will be for the selection process of the Auditor and the public at large member aside from the obvious that is mentioned?

Chapter 2-08 Confidentiality of Records and Information Pg 13

Members of the Citizen Board shall comply with all state and federal laws requiring confidentiality of law enforcement records, information, and confidential personnel records and respect the privacy of all individuals involved.

This policy should apply across the board. Everything about the process shall be confidential and no one complaining shall be subjected to what amounts to ambiguity when it comes to determining what is or is not respectful.

Chapter 1-04 Duties and Responsibilities F Pg 5

Chapter 1-05 Relationship Between Office of the Independent Police Auditor and the Citizen Board B Pg 6

"On Duty Officer Involved Shooting incidents"

The word incident should be change to read "*occurrences*" the Auditor shall be contacted anytime an officer discharges his weapon and tazes someone. There should not be a distinction as to when this level of an occurrence measured as to what is or is not critical.

Typos:

Page 3 iv) "The efforts made to achieve consensus"

Page 13 D "Police Auditor will the provide"

barbara.attard@

07/30/2009 03:28 PM

To BoardofDirectors@bart.gov
cc
Subject Draft Civilian Oversight Proposal

Dear Directors--

I am unable to attend your meeting this evening--but I wanted to present some feedback to you regarding your civilian oversight proposal. Since meeting with your oversight committee earlier in the year, I looked forward to seeing the oversight system that you developed.

Your oversight BART proposal attempts to integrate internal affairs (IA), an auditor, and a civilian review board. This is a complicated process; as written I believe there are serious issues:

Authority Questions—

- Τη λινεσ οφ αυτηοριτω αρε νοι χλεαρλψ σπεχιφιεδ. The draft discusses at length the appeals process and procedures for handling disagreements between the police chief, the general manager, the auditor and the board—this is a complicated process which could keep cases mired in discussions/ negotiations causing the disciplinary timelines to be exceeded and the cases to become irrelevant.
- The auditor has the authority to audit IA investigations; will all of the complaints be investigated by both offices?
- The list of types of complaints investigated by the IPA does not include discourtesy and neglect of duty. (While these issues may seem insignificant, dealing with a discourteous officer can change a problematic behavior issue before it escalates.)

Officer-involved shootings and other critical incidents:

- The auditor has the authority to respond to the scene of shootings—but no further authority is stated. (It is important that the auditor have the authority to audit and/or investigate all shooting and other critical incidents resulting in death or serious injury whether or not a complaint is filed. As part of this process the auditor should have the authority to sit in on interviews regarding these cases.)

Police procedures, practices and training:

- The auditor and commission should be informed when there are new police procedures being developed and have the authority to weigh in.

I hope that these comments are helpful to you--

Best regards.

Lori Bush <eastbaylady334@>

08/03/2009 10:44 AM

To boardofdirectors@bart.gov
cc
Subject civilian review

as a current law enforcement officer with this department I implore you to reconsider you pending actions as non of you have ever walked two feet in my shoes, come out and take a moment to see what I do and endure on a daily basis. You think you have the ability to decide what discipline I should endure.

Before any of you decide my fate you need to be educated in my job and my rights per POBAR you need to attend the appropriate courses of Law Enforcement and at least come out a day or two and see what I do.

I invite any and all of you to come do a ride-a-long with me in east oakland, west oakland or downtown and see how you enjoy the adventure.

Until then understand I STRONGLY OPPOSE THIS DECISION.

bartdog@
08/03/2009 11:41 AM
Please respond
to

To
Cc Subject civilian oversight

Board of Directors, I've been a police officer with the BART police department for 22 years, and I Sincerely regret the events of of January 1st. I knew that based on those circumstances some type of civilian review board was going to be implemented and I was willing to accept it. However, after reading the proposed plan I need to expressed my opposition to part of your plan. As a police officer I do not mind someone else reviewing my work if a complainant thought that I violated someones civil rights. My opposition is the freedom given to the public if they feel that the punishment is not sufficient at a certain level. They are allowed to continue moving up the chain of command ladder until they feel they got what they wanted. A civilian should not have the power to implement the punishment on a police officer. I understand trying to please the public at some level but disregarding other successful programs already in place in other police departments, such as in San Francisco or San Jose is beyond me.

Please reconsider your current plan for the sake of the BART district and its police department.

Sincerely.

BART Police Officer
Alfredo Zamora #259

Kim Garner <kim.garner@bart.gov>

08/03/2009 04:52 PM

To boardofdirectors@bart.gov

cc

Subject comment

BART Board of Directors:

I am retiring in two weeks so I feel that I can make a comment without retribution. That will remain to be seen. I know that there will be other officers that won't feel free to voice their comments. I have heard that the BPMA have not made a comment, or taken a stance on this matter. I'm sure that they figure their silence will be rewarded with a juicy contract. Or maybe they don't feel that this will effect them. That's the BART way.

If you are appointing an "independent auditor" who will report directly to you, how independent are they going to be?? Won't they just be your paid puppets?

How is this 11 member citizen board going to be selected? If they are selected by the board, they will just be an extension of your bias' and beliefs. How do you know they won't have a special bias against the police? How do you know they won't be criminals, activists, militiamen, etc.? Everyone has their own agenda.

Most of BART police policies, practices, and procedures, are "borrowed" from Oakland PD, San Francisco PD, and other surrounding agencies. They were drafted with the rules of law in mind not just fictional short stories. How are they going to make recommendations if they know nothing about law enforcement? Perhaps you can pay to have them go through a police academy to learn first hand.

How many complaints against BART police are there in a year? Especially when you compare them to other agencies. What happened to the positive discipline that BART has, already in place?

I can tell you what will happen.....as it already has happened. We have already witnessed the decline in morale. Do you really think that the current officers want to go out and do police work? No! It will only get worse. God forbid there is any conflict....you might get fired. I would even think twice about having to protect myself or someone else, as there would be all kinds of "Monday morning quarter backing" by people such as yourselves, that know nothing about police work. A police officer should not have to think about that at that moment when someones life is in peril.

The big question is... how is all of this going to prevent another "accident" from happening?

Kim Garner #352
BART Police

K209frosty@

08/03/2009 09:08 PM

To boardofdirectors@bart.gov
cc bpoa@hotmail.com
Subject BART PD Civilian Review

Dear Board Members:

As a 27 year BART PD employee and registered voter in the BART District, I am writing to you regarding the proposed Civilian Review process.

Since January 1, I have sat quietly waiting for some voice of reason from the BOARD. But, what I see now disturbs me. You have failed to listen to the vast silent majority. The hard working, tax paying residents, not the few who are looking for their 15 minutes of fame and care nothing about how these decisions will effect the Department, the District, and the Bay Area, for years to come.

In the days and months after the shooting it was not a pleasant thing to come to work and put on my uniform. But I and my co-workers have done just that, day after day. We still hear the comments made as people walk by, but we still do our jobs, serving the citizens of BART. What I don't hear... comments of support for the working men and women of this Department. I don't hear it from the Board, BART's executive staff, BART's spokesperson, nor the Department's leadership. What I do hear are the positive comments from average citizens. The words of support from anonymous patrons on their way home after a day at work. All those fare paying riders who are glad we are there and support us. Those are the persons the Board should be listening too. They are not interested in Civilian Oversight.

If the Board wishes to have Civilian Review, you should look at the San Jose model. San Jose is a highly regarded department and has few Civilian Review issues. It is a simple yet effective model. DO NOT implement the model that has been proposed.

Many years ago, a committee, similar to the Board sub-committee, was put in place to design a horse. The result was the committee designed a camel. Don't let Civilian Review become your "camel". In fact, this proposal is not even Civilian Review, it is clearly Civilian Oversight. This horse already has one hump and is working on it's second.

It appears that this Board has lost it's focus of Civilian Review. This proposal goes far beyond Civilian Review. Any policy change proposed could not be implemented without review (and implicitly, approval) by the Civilian Oversight Committee.

Imagine if the Chief wanted to change from brass buttons on uniforms to black because studies have shown black buttons save officer's lives as they do not reflect light at night. Under this proposal he would first have to seek approval from the Oversight Committee. Does anyone think any Chief would go through those additional hurdles each and every time he wanted to change policy? I don't. Is this the kind of oversight you first envisioned? I can't believe it is.

It appears this proposed oversight goes far beyond the original Civilian Review concept. Please, I urge you to send it back to committee with clear direction for a simple yet effective Civilian Review. Remembering that the majority of your constituents are silent because they already know Civilian Oversight is unnecessary at BART Police.

Respectfully

Kory Frost

"Hunter, Patrick" <HunterP@>

08/04/2009 10:57 AM

To

<boardofdirectors@bart.gov>

cc

Subject: Civilian Oversight

Congratulations on your decision to undertake civilian oversight of law enforcement.

The Citizens' Review Board on Police Practices (CRB) in San Diego recently created a video to take some of the mystery out of our Board process. Maybe you can use some of the information that we've already pulled together. We have been taking the video to community groups and SDPD line-ups and so far we think we're hitting the mark. The 12-minute video is accessible on our website, [and click on the "Watch Video About ..."](#) If you have a few moments to view the video - we'd be interested in your comments.

Best of luck in the formation of your model of civilian oversight.

Respectfully,

Patrick A. Hunter
Executive Director
Citizens' Review Board on Police Practices
City of San Diego
Office of Administration
202 "C" Street, 9th Floor, MS 9A
San Diego, CA 92101
619.236.6125

From: Angela deVictoria

August 10, 2009

Board of Directors BART
General Manager
300 Lakeshore Drive
Oakland, CA 94607

I am a concerned citizen writing to PROTEST the proposed committee of "overseeing" our policemen/women. According to the training and schooling the police received, they are highly qualified to follow the rules and regulations as stated when they were approved to be on the police force. To have such a committee sounds more like they are being monitored and yes spied on. So it would behoove you to reconsider this whole nonsense situation. I am sure there are more pressing matters where this money can be spent and another place of better value to put this "so called committee".

Sincerely,

Angela deVictoria



Marcia E
deVaughn/LMA/Oak/BART
08/09/2009 11:56 AM

To
cc
bcc
Subject Public Comment on Citizen Oversight



Comment from Angela deVictoria, Concerned Citizen.PDF



Cassandra Owyang
<clowyang@>
08/05/2009 10:58 AM

To <boardofdirectors@bart.gov>
cc
Subject Civillianoversight

Dear BART Board of Directors,

I just need to know one answer, how could someone or a group of people decide on punishment or change policy if one doesn't have any POLICE EXPERIENCE? It is like me having a review board on how the BOARD does their job. Thank you for your immediate answer and attention to this question.

Sincerely,
Cassandra Lee

Have a Great Day! ☺
Cassandra



Alex Kirchoff
<alexkirchoff@>
08/06/2009 08:56 AM

To Kenneth 4Duron <kduron@bart.gov>
cc
Subject Comment by Alex Kirchoff re Draft BART Civilian Oversight Model .

Comment by Alex Kirchoff re Draft BART Civilian Oversight Model

August 6, 2009

Dear Mr. Duron,

Attached to this email are two Microsoft Word Documents. One is the 13 page "Draft BART Civilian

Oversight Model" as proposed by the BART Board of Directors. The other is a 3 page Comment Letter where I address several issues in regards to the proposed "Draft".

Could you please print out my Comment Letter and see that each BART Board Member receives a copy. Could you also see that General Manager Dorothy Dugger, District Counsel Matt Burros, and Police Chief Gary Gee receive a copy as well.

Thank you very much,

Alex Kirchoff

**Comment on the
BART Board's "Draft BART Civilian Oversight Model".
By Alex Kirchoff
Member of the BART Police Officers' Association**

August 6, 2009

President Thomas Blalock
Vice President James Fang
Director Gail Murray
Director Joel Keller
Director Bob Franklin
Director Carole Ward Allen
Director John McPartland
Director Lynette Sweet
Director Tom Radulovich

BART Board of Directors
P.O. Box 12688
Oakland, CA 94604-2688
boardofdirectors@bart.gov

Honorable Person(s):

Per the BART.gov News Release dated August 3, 2009, I offer the following opinions and comments in regards to the BART Board's "Draft BART Civilian Oversight Model."

As proposed, your "Draft BART Civilian Oversight Model" will cause more problems than the perceived problems you intend to solve. There are many problems with your thirteen page document that will require the involved parties to meet and confer. The following three issues are the most serious and are in need of immediate attention.

ISSUE #1 - On page 2 of the DRAFT, it states, in Chapter 1-04 (a)(iii), "The Auditor shall assess the conduct of the BART Police Officer in light of the facts discovered through the investigation, the law, and the policies and training of the BART Police Department."

COMMENT: What an insult! Who needs the opinion of the Chief of Police and his Command Staff, with the combined law enforcement experience of about 200 years, when we can now depend on a CIVILIAN Auditor to "assess" our "conduct"? Would we continue with the need of a paramilitary type "Chain of Command" in regards to police discipline? What exactly would the NEW role of Sergeants, Lieutenants, Commanders, and the Chief of Police entail? Could an officer make a formal complaint to the Civilian Auditor to investigate and "assess the conduct" of a higher ranking officer?

ISSUE #2 - On page 2 and 3 of the DRAFT, it states, in Chapter 1-04 (b)(i), "Independent investigative findings made by the Office of the Police Auditor shall include recommendations for corrective action, up to and including termination where warranted and shall include prior complaints and their disposition."

COMMENT: "Shall include PRIOR COMPLAINTS and their disposition"? What is PRIOR? Complaints an officer had five or ten or twenty years ago? Complaints maintained ONLY AFTER "Civilian Oversight" is implemented? Minor complaints? Serious complaints? "Unfounded" or "Exonerated" complaints? While normal American Citizens are protected by the Fifth Amendment of the United States Constitution against "Double Jeopardy"; BART Police Officers subject to your forced "Civilian Oversight" are NOT, when "PRIOR" complaints are brought up again and again during such time as when the Auditor "assesses" our "conduct."

ISSUE #3 - On page 4 of the DRAFT, it states, in Chapter 1-04 (b)(vi), in regards to the final Appeal process, "The Chief will implement the decision of the Board of Directors, which will be final."

COMMENT: In my opinion, this language in YOUR "Civilian Oversight" will cause extreme problems to the BART Police Department, now and in the future. Here's why. If the BART Board were to be the "Final say" in ALL (even minor complaints involving the daily operations of the BPD) police discipline matters, then the current Chief of Police and every FUTURE Chief of Police would be perceived as nothing more than a "Paper Tiger" and or a "Figure Head" and or a "Political Puppet". This one issue WILL wreak havoc inside any paramilitary organization, to include the BART Police Department. Once Chief Gary Gee retires, what professional – self-respecting - true leader, from either inside or outside, would want to work under such conditions and be the Chief of Police of the BART Police Department?

In an effort to keep this letter brief, I will close with this final thought. The entire issue of "Civilian Oversight" is POST-FRUITVALE. That is, as a politically active member of the BART Police Officers' Association, I don't remember any mention or move toward "Civilian Oversight" for the BART Police Department prior to January 1, 2009. Yes, a tragedy occurred on New Year's Night. One life was lost. Another, forever changed. In the BART.gov News Release dated August 3, 2009 – "BART seeks public comment on Draft

Model of Citizen Oversight of BART Police”, it states, “...to take the necessary steps to make sure the tragedy of New Year’s Day never happens again.” Please CEASE AND DESIST making any further “never again” statement(s), as this is a promise that the BART Board and the BART Police Department may not be able to keep.

With the approximate 200 BART Police Officers working around the approximate 300,000 BART Patrons each and every day; there will one day, be another officer involved shooting. Accidental or intentional, justified or not, we shall see. But another officer involved shooting is inevitable. You could stack, a mile high, all your proposed policies and procedures and training plans and Civilian Oversight Models, and it will never stop, in that split-second, a Police Officer from squeezing the trigger with the intent to neutralize a person who is a threat to the life of that officer or a to the life of another person.

So, while your “Civilian Oversight” idea may be giving the community a warm and fuzzy feeling, in America, the harsh reality is that police use some level of force to overcome resistance every minute of every day. As it has always been and will continue to be, this use of force is almost always reasonable and necessary. On rare occasions, a mistake is made. And on very very rare occasions, a mistake is made of epic proportions.

It is my sincere hope that the BART Board can continue with the needed dialogue and meet and confer with the leadership of the BART Police Officers’ Association and the BART Managers’ Association in the spirit of compromise and good common sense to bring the shared goal of a “Civilian Oversight” Model that will serve all involved and maintain the integrity of the BART Police Department.

With respect,

Alex Kirchoff

cc:
General Manager Dorothy Dugger
District Counsel Matt Burrows
Police Chief Gary Gee

Comment_on_BART_BOARD_Draft_of_Civilian_Oversight_by_Alex_Kirchoff.doc Draft_Model.7.24.09.FINAL_DRAFT.doc



Dexter Lawley
<dexter.lawley@bart.gov>

08/06/2009 12:33 PM

To boardofdirectors@bart.gov

cc

Subject Civilian Review



To all the BART Directors,

I understand that there is a draft proposal for a civilian review board, which allows discipline of BART Police Officers. I must say, I am completely appalled and against this draft as it is. This model will only demoralize BART Police Officers and will cause crimes on the BART System to increase exponentially.

If this draft is adopted into the system then what is the purpose for the Chief of Police. You would be stripping the COP of his powers and therefore he would become useless in the whole process. As for crimes on the BART system, I know for fact that Officer's will turn a "blind eye" and look the other way when it comes to crime. Why you ask? And I say, why would an Officer want to risk confronting a person who just committed a crime or an infraction when that person can make a false accusation and the Officer can still be disciplined regardless of what the Chief of Police says.

This is contrary to good policing and all that Police Officers have been taught and strive to do on a daily basis. I for one WILL NOT confront anyone and on most other occasions the offender will likely get a warning if this policy is enforced.

I can honestly say that I am not the only officer who feels this way. BART Police is already ran like a corporation, not like a Police Agency where the Chief has the final say in matters and now this draft will strip the Chief of Police of more police powers.

As an Officer, I understand the civilian review board is coming, but the disciplinary actions should and must stay within the Police Department, not with a civilian who does not know how a police agency is ran.



zzzeemon@

08/06/2009 12:55 PM

To boardofdirectors@bart.gov

cc

Subject Civilian Review - Bart Police

Dear Board of Directors:

Your current Civilian Review proposal relies upon a final appeal through the General Manager and your seat as the political's with authority to issue discipline. That is analogous to a City having the City Manager and the council members construed to public safety membership which is not the case. City Manager's authority is to discipline or fire the Chief while the seated council has autonomy over the City Manager. Those similarities to the BART Board are already in place and you have yet to exercise that option. Responsibility still lies at the top of an organization.

Although the BART police department faces major change and much of it, welcomed, discipline should still remain within the powers of the Chief of Police. As a 21 year veteran and having been subject to the current positive discipline guidelines, I can attest to the fact that you will not find persons willing to continue to have tenure in the business of securing BART and protecting the general public if the current model in fact implemented. I have no aversion to Civilian Review, oversight and transparency can certainly make for a much improved organization. I just believe we should heed the call of police work and what it really requires to do a job that only a small percentage of the public would be willing to do.

Thank you for your consideration.

God Bless your endeavors to facilitate a brighter future for our organization.

E. Timothy "ET" Parker #278



James Burrows
<james_burr1@

08/06/2009 02:03 PM

To boardofdirectors@bart.gov

cc

Subject Civilian Oversight Committee

Greetings Board Members,

After reviewing the Draft Model of Citizen Oversight of BART police, I felt a strong need to express my concerns. I am one of those everyday BART customers that utilize the BART system for work commutes and entertainment purposes. I love using the BART system and have been a grateful customer for years. BART not only provides a great transportation service, but the system itself is relatively safe and secure in my eyes. These officers provide a safe and secure area allows people like me to use the system with confidence. To have their abilities compromised and hindered would greatly compromise their ability to exercise their trained judgments. Now I am a fan of having a citizens committee of some sort, but not nearly as influential and powerful as the one proposed here in your document proposal. Here are some of the highlights of my concerns with the Draft Model of Citizen Oversight program.

- An 11 member Citizen Board. (Who will these people be? Will this be a fair and balanced board? What are the backgrounds of these people? Will they take into account the officers rights and safety as well as my safety?)
- The power to review BART police policies, practices and procedures, and recommend changes. (Again, what are the backgrounds of these people proposing the changes? Do any of these people have law enforcement background or know anything about the existing policies and procedures and why they re there in the first place? Will these recommendations take into consideration the offices safety as well as the communities best interests?)
- The power to investigate complaints against officers. (What does this power entail? I really hope this power doesn't get into the officers personnel record because there are rights that these officers currently have that would be ignored. I hope this means the right to request information from existing management with management's ability to deny or accept based on the rights protecting the officer.)
- The power to recommend discipline against the officer. (I strongly disagree with this proposal. Being that we are emotional beings we tend to make choices based off of emotions before facts are solidified. I've seen this happen time and time again. I have faith in our justice system and would rather place the faith in our court system and management. If you disagree with my opinion, maybe you should concentrate on those two fronts before proposing overstepping this process completely.)

I really hope we are thinking about the legality of the proposals and the affects these choices might make in the long run. I know there's a lot of emotion and fear invested into this particular situation and would advise that we look at these proposals from a calm and even mindset. I can guarantee you this, if safety is compromised from officers not having the ability to perform their day to day duties freely the safety of your customers will be compromised also. As a happy customer of BART, this would bring the end of our daily relationship.

Thank you for your time.

James Burrows



"cymomof3@
<cymomof3@

08/06/2009 04:12 PM

To boardofdirectors@bart.gov



cc
Subject Civilian Oversight Draft Model

To Whom it may Concern,

I'm writing regarding the Civilian Oversight Draft Model. My understanding is as follows: There is a proposal in the works where a Civilian Oversight Draft Model will be set in place for BART. The proposal would set up an independent auditor appointed by BART's board, and an 11-member citizen's board, both of which could recommend discipline against officers. The auditor would investigate complaints and the commission would monitor the auditor.

In theory, this sounds like a good idea, however, my feeling is that it's ridiculous for a group of citizens to have the power to recommend discipline for the officers. The citizens should be part of the checks and balances, NOT a committee with the authority to initiate an investigation. The committee would not necessarily have any knowledge of police procedure and quite frankly, their reactions are likely to be emotionally motivated and the result could be the loss of a career for a good officer.

I urge you to rethink this model! Please DO NOT pass this proposal as it stands. A civilian oversight committee could be an asset to the department, but they SHOULD NOT have the authority to recommend discipline for the officers!!

Thanks,
Pat Murray



"Michael & Liza Levin"
<mikenliza@> > To <boardofdirectors@bart.gov>
08/06/2009 04:24 PM cc
Please respond to
<mikenliza@> Subject Civilian Oversight draft model

I am writing to express my concern over the idea of a civilian body to recommend discipline over police officers. I would strongly oppose this.

I would argue that civilians are more likely to react with their emotions rather than objectively. They have not been through police training so are unaware of any policies or procedures for officers, and could not correctly assess a certain situation from an officer's point of view.

Possibly a board with a few civilians and the majority being officers (from a different town or force) could work.

Thank you for hearing my thoughts,
Liza Levin



Chris Chazer
<cchazer@> To boardofdirectors@bart.gov
08/06/2009 04:30 PM cc
Subject Civilian Oversight

To Whom it may Concern,

I'm writing regarding the Civilian Oversight Draft Model. As I understand it there is currently a proposal regarding civilian oversight for the police department. The proposal would set up an independent auditor appointed by BART's board, and an 11-member citizen's board, both of which could recommend discipline against officers. The auditor would investigate complaints and the commission would monitor the auditor.

This makes absolutely no sense. Not only will these civilians have no idea what police procedure would dictate they will often be motivated by a let's get someone in power attitude. Pressure from the community and family can lead a civilian to make a biased and uninformed decision. These types of decisions can destroy the careers and families of good officers.

I hope you will not pass this proposal.

Thanks,
Christopher Chazer



jandckehoe@
08/06/2009 04:36 PM

To boardofdirectors@bart.gov
cc
Subject Civilian Oversight Draft Model

To Whom it may Concern,

I'm writing regarding the Civilian Oversight Draft Model. My understanding is as follows: There is a proposal in the works where a Civilian Oversight Draft Model will be set in place for BART. The proposal would set up an independent auditor appointed by BART's board, and an 11-member citizen's board, both of which could recommend discipline against officers. The auditor would investigate complaints and the commission would monitor the auditor.

In theory, this sounds like a good idea, however, my feeling is that it's ridiculous for a group of citizens to have the power to recommend discipline for the officers. The citizens should be part of the checks and balances, NOT a committee with the authority to initiate an investigation. The committee would not necessarily have any knowledge of police procedure and quite frankly, their reactions are likely to be emotionally motivated and the result could be the loss of a career for a good officer.

I urge you to rethink this mode!! Please DO NOT pass this proposal as it stands. A civilian oversight committee could be an asset to the department, but they SHOULD NOT have the authority to recommend discipline for the officers!!

Sincerely yours,
Christine Kehoe



mchernandez1965@
.net
08/06/2009 04:51 PM

Please respond to
mchernandez1965@
net

To boardofdirectors@bart.gov
cc
Subject Civilian Oversight Draft Model

To Whom it may Concern,

I'm writing regarding the Civilian Oversight Draft Model. My understanding is as follows: There is a proposal in the works where a Civilian Oversight Draft Model will be set in place for BART. The proposal would set up an independent auditor appointed by BART's board, and an 11-member citizen's board, both of which could recommend discipline against officers. The auditor would investigate complaints and the commission would monitor the auditor. In theory, this sounds like a good idea, however, my feeling is that it's ridiculous for a group of citizens to have the power to recommend discipline for the officers. The citizens should be part of the checks and balances, NOT a committee with the authority to initiate an investigation. The committee would not necessarily have any knowledge of police procedure and quite frankly, their reactions are likely to be emotionally motivated and the result could be the loss of a career for a good officer. I urge you to rethink this model! Please DO NOT pass this proposal as it stands. A civilian oversight committee could be an asset to the department, but they SHOULD NOT have the authority to recommend discipline for the officers!!

Thanks,
Maria Hernandez
Sent via BlackBerry by AT&T



jon RUSTEEN
<csusjr@
08/06/2009 04:57 PM

To <boardofdirectors@bart.gov>
cc
Subject

To Whom it may Concern,

I'm writing regarding the Civilian Oversight Draft Model. My understanding is as follows: There is a proposal in the works where a Civilian Oversight Draft Model will be set in place for BART. The proposal would set up an independent auditor appointed by BART's board, and an 11-member citizen's board, both of which could recommend discipline against officers. The auditor would investigate complaints and the commission would monitor the auditor.

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Jim Chazer
<jchazer@
e.com>
08/06/2009 05:17 PM

To <boardofdirectors@bart.gov>
cc
Subject Civilian Oversight Committee

Hello to my old friend James Fang and to the rest of the board!

I understand that you are considering putting in place a committee of civilians to oversee complaints regarding your BART police officers. Given the recent killing of BART passenger Oscar Grant, I can

certainly see where you feel you are in a position where you feel you have to do something.

But a civilian-only board is a bad idea from two standpoints.

1) It certainly isn't fair for police officers to be judged by civilians who have no idea what police officers go through and who will be reacting from a position of ZERO knowledge regarding police protocol. Let's face it, if this moves forward, the people who WANT to be on this type of board tend to be people who think it's more important to make a political point than it is to be fair.

Perhaps you could put together a board with a minority of civilians and sprinkle in some current and retired police from other jurisdictions. Or maybe you could have no civilians and fill the board with current and retired IAB officers. That way you couldn't be accused of being "soft" on the police.

2) An uninformed committee that is pre-disposed to be anti-police is AS FIDUCIARILY IRRESPONSIBLE as taking no action at all. If you take no action, BART will be painted as not managing their police force. Obviously, this would not play well in front of a jury in any future lawsuits. But if you have even one board member making stupid and/or inflammatory statements about your police, those statements will be used in lawsuits too. IT IS YOUR JOB and your duty to protect BART from either of these possibilities.

I'm sure this isn't an easy issue for you to wrestle with. Good luck with it.

Best regards,

Jim Chazer
South San Francisco



John Martin
<jnrmrtn@bart.gov>
08/06/2009 05:19 PM

To "boardofdirectors@bart.gov" <boardofdirectors@bart.gov>
cc
Subject BART Seeks Public Comment on Draft Model of Citizen Oversight of BART Police

This oversight committee will endanger officers and is in direct conflict with the Police officer's bill of rights. I urge you to reject this proposal in favor of something rational and legal.

Sincerely,

A concerned citizen

Sent from my iPhone



eddie isho
<tarmac57@bart.gov>
08/06/2009 07:29 PM

To boardofdirectors@bart.gov
cc
Subject Concerned Citizen about Citizen Oversight Committee

I do not think that citizens of the public are qualified to have any jurisdiction over police procedures. Its like you wouldn't tell a computer programmer how to design and implement a database software that captures sensitive data for cancer research. The same type of idea here with this ridiculous Citizen Oversight Committee. I think it would hinder the police (Bart) efforts to clean up the streets

and to stop negative activity from happening. There are a lot of good police officers and the actions of one shouldn't punish the whole the department. The proverbial; "One bad apple spoils a Bunch" does not apply to this matter. It was unfortunate what happened on New Years, it was a horrible Mistake on the officers behalf, but at the same time the person who was shot wasn't exactly an honorable member of society either. Implementing this Oversight Committee will further hinder the officer's ability to do their jobs, and if it wasn't for officers the real "Bad Apples" (criminals) would run wild. I ask you as a concerned citizen please do not let this injustice happen i know it will hurt more than help citizens. There are so many variables that would have to be answered first, that it would be an impossible task, let alone the legal ramifications of this decision.

Thank you for your time!



kathleen murray
<cykat@
08/06/2009 08:51 PM

To boardofdirectors@bart.gov
cc
Subject

To Whom It May Concern,

I'm writing regarding the Civilian Oversight Draft Model. My understanding is as follows: There is a proposal in the works where a Civilian Oversight Draft Model will be set in place for BART. The proposal would set up an independent auditor appointed by BART's board, and an 11-member citizen's board, both of which could recommend discipline against officers. The auditor would investigate complaints and the commission would monitor the auditor.

In theory, this sounds like a good idea, however, my feeling is that it's ridiculous \for a group of citizens to have the power to recommend discipline for the officers. The citizens should be part of the checks and balances, NOT a committee with the authority to initiate an investigation. The committee would not necessarily have any knowledge of police procedure and quite frankly, their reactions are likely to be emotionally motivated and the result could be the loss of a career for a good officer.

I urge you to rethink this model! Please DO NOT pass this proposal as it stands. A civilian oversight committee could be an asset to the department, but they SHOULD NOT have the authority to recommend discipline for the officers!!

Thanks,
Kathleen Murray



<cckpalomo@
08/06/2009 09:16 PM

To boardofdirectors@bart.gov
cc

Subject Draft Model of Citizen Oversight of BART Police

Dear Board of Directors,

This draft is so unnecessary in that you are giving a committee the power to tell the BART Policy how to do their job when they don't have first hand experience in the issues they deal with on a daily basis. It will greatly jeopardize our public safety in that you are sending the wrong message that the BART Policy are unable to do their job.

It is in your right mind to oppose this draft.

sincerely,
Carl Palomo



Jayson Wechter
<jayson@>

08/06/2009 09:49 PM

To boardofdirectors@bart.gov

cc

Subject Draft model of citizen oversight

Dear Directors:

I regret that I was unable to attend any of the public meetings you held concerning the draft model for civilian oversight, but would like to offer any technical assistance that may assist you in establishing this office.

I am a member of the NACOLE Board of Directors and Co-Chair of its Professional Standards Committee. I wrote most of the NACOLE Code of Ethics as well as NACOLE's Suggested Qualification Standards for Oversight Investigators and Supervisory Investigators and its Recommended Orientation and Training for Board, Committee, and Commission Members. I campaigned for the creation of San Francisco's Office of Citizen Complaints in 1982 and went to work there as one its first Senior Investigators in 1983. I left the agency in 1984 and operated a private investigative agency, but returned to the OCC in 1998 and have worked there as an investigator since then. I am deeply committed to civilian oversight and have done extensive training of oversight practitioners.

In the event that you may not have already seen it, I am attaching a copy of the NACOLE qualification standards mentioned above.

I am also attaching a report I wrote for the Police Professionalism Initiative of the University of Nebraska at Omaha entitled *Investigating Citizen Complaints is Different: The Special Challenges Of Investigating Citizen Complaints Against Police Officers*, which may contain information you will find useful.

Please let me know if there is anything I can do to assist BART as it implements a civilian oversight mechanism.



Professional Standards (Approved by Board 2-17-08).doc



Investigating Citizen Complaints is Different.doc

Jayson Wechter

912 Cole St., # 223, San Francisco, CA 94117415-519-9684E-mail: jayson@bart.gov



michael timbang
<mdtimbang@>

08/06/2009 10:02 PM

To "boardofdirectors@bart.gov" <boardofdirectors@bart.gov>

cc

Subject Draft proposal



Hello,

As a BART rider and Bay Area resident, my wife and I would like you to reconsider this drafted proposal. We agree that there should be a committee but this group is a misrepresentation of our people and this proposal is illegal.

When I see police around me, I always feel safe. Never once did I feel threatened even during my younger years. I have been stopped by police a few times but I have no fear or anger towards them. Why? It's because I know I have done nothing illegal. I just let them do their job and be respectful and pretty soon they get me to move on.

This proposal allows this committee to look into police personal life including their family. Who's looking at your info? Would you be upset if somebody was? Also, this proposal rids the chief of his decision making abilities. Why even have a chief if the committee can overturn all his decisions?

Most importantly, you cannot be serious about taking away guns from BART police. Criminals can but police cannot? That is insane. How will they protect the people?

If this proposal goes through, California will not only be the poorest state but also the most crime infested state. Most police officers will quit and future officers will rethink their career choice. Crime will increase rapidly, BART will lose riders, traffic will increase, pollution will increase and the word safety will no longer be a part of our vocabulary. Please reconsider this proposal.

Thanks,
Michael & Leilani Timbang
Newark, CA



"Michael Murray"
<mikemurr@
08/06/2009 10:16 PM

To <boardofdirectors@bart.gov>
cc

Subject Civilian Oversight Commission

Dear Directors,

Politics aside, the Bart Police Department has served your agency, the riders, quite well over the years. You do not have the same issues nor personnel issues that San Francisco Police Department do; that is a simple fact that Assemblyman Tom Ammiano is either too ignorant to understand or he is just like all the other politicians that will trample on the grave of someone to score cheap political points and I am one citizen who is insulted by his actions. Assemblyman Ammiano ought to worry about how to get a budget in on time and how to balance that budget without ripping off every City, County and Special Districts funding; taxing an illegal substance is not an acceptable form of raising money in my opinion!

To have Assemblyman Ammiano state in an op/ed in the San Francisco Chronicle that he is basically holding the cards "I agreed to hold the bill to provide BART the opportunity to develop a specific time line to implement civilian oversight.. How officer discipline is handled is at the heart of the debate regarding civilian review. Will BART create an independent oversight body that includes a strong civilian board with power or does BART intend to stay with the status quo?"

This Board is an elected Board and you hold the cards. Why does your Board need to pass on discipline to a "citizen's advisory committee"? Do you not feel that is what you hire a Chief and a General Manager

for? Do you feel that as elected officials you cannot or will not exercise sound personnel decisions? Hasn't the "status quo" been serving the public pretty good over the years?

Most Bay Area Police Departments do not have nor need civilian oversight. If this Board thinks that that is what is needed than vote for it and implement it; throw money away to appease certain elements of the community and score your cheap political points. What you should remember is that you have 206 Police Officers that serve a ridership of over 300,000 on a daily basis. Does Bart really have a problem or an incident every now and then which could be dealt with by the Chief, General Manager and/or Board?

I am not a member of any law enforcement agency; I just believe that the buck should stop with you the elected Board. I feel that it is your duty and responsibility that you should not pass off on a "citizen's advisory committee." I believe that instead of setting up an oversight Board you ought to set up a better way to communicate with the media because that is where you, your agency and the Bart Police Department failed in the aftermath of the tragedy that occurred on January 1, 2009. Nobody got your story out; you let public perception run amok, you allowed others to tell lies that went unanswered and you were AWOL when the media came knocking at your door. Now you are allowing Assemblyman Ammiano to beat up your officers more because you are as spineless today as you were in the aftermath of that fateful day and nobody from Bart has spoken up for the good men and women who put on their uniforms to protect your riders and properties on a daily basis. I know where the oversight has been...in protecting the reputation of these law enforcement professionals!

Sincerely

Michael S. Murray



M Toscano
<big0tire@
08/06/2009 10:26 PM

To boardofdirectors@bart.gov
cc

Subject Comment on Civilian Oversight

Dear Bart Board of Directors,

We are writing this letter as residents and business owners near the San Leandro, Hayward, Millbrae, North Concord and various other Bart Stations. We realize the seriousness of the tragedy on New Year's Eve. I reviewed the material you provided on public oversight of your Police Department, and we have concerns.

Our first concern is the Civilian Board. What is their expertise on police policies and procedures. We don't consider ourselves experts on police procedures and practices, so how will this group of people have that expertise. A good reference on this point is when a doctor conducts surgery on a patient, and an error occurs. Does the doctor go down to the hospital waiting room and get five patients to judge his actions?

The answer is no, the doctor is judged by experts in the field who can make those judgements.

The proposal that you have set forth answers no questions as to the expertise of these individuals or qualifications. Then to have these individuals have the power to appeal decisions made by an auditor or a chief of police just sounds irresponsible. Why are they even involved in the disciplining of an officer? We do not agree with this aspect of the oversight process.

This takes us to our second point. You have a police chief that runs your police department. It makes the most sense that the person you put in charge should be running the department. From what we read this

is not the case. It makes no sense to us that the police chief can be overruled by a board. Then why do you even have the Chief?

I feel that you have created another layer of beauracracy in bart. In a time which you claim budget woes, we see no mention of costs. How much will this cost, and is it even necessary? You have a police chief that runs the department, and if anything you should be making sure he/she is doing the job. If you have neglected in that case then shame on you.

In closing, we do not agree with your form of oversight of the police department..

Sincerely,

Mario Toscano
Tom Platz
Vinney Mehta
Louis Sweeny
Harry Bhatia
DJ Singh
Paul Singh
Bob Singh
Ann Singh
Bobby Sangha
Hardeep Sangha
Lamber Rai
Jasper Rai
S. Turk



Francisco Timbang
<frank.fely@>
08/06/2009 10:31 PM

To boardofdirectors@bart.gov
cc

Subject Citizen Oversight Draft

Hello,

As parents of a daughter married to a BART officer, we worry about the safety of our son-in-law and well being of our daughter daily. Now with this proposal, you are suggesting that their personal lives and possibly even ours will be open to this so called Citizen Committee. We feel this proposal is your way of giving in to the demands of anti-police, incompetent and ignorant trouble makers who are a misrepresentation of our people as a whole.

We agree that there should be an Oversight Committee but this proposal should not see the light of day.

Please rethink what this states and provide a proposal that does not disable the police, puts their families in danger and ruins safety in our community. You are breaking a lot of laws with this proposal and most of these decisions should be left to a statewide vote. Do not play politics only to satisfy the same rioters from earlier this year who's only drive in life is to commit crime freely.

Sincerely,
Frank and Fely
Union City, CA



CJ S <cjs309@
08/06/2009 10:51 PM

To boardofdirectors@bart.gov
cc Jesse Sekhon <bpoa@hotmail.com>
Subject Response to Citizen Oversight Model

To Whom It May Concern,

Attached is my letter with my response to the Citizen Oversight Model.

Chris Shipley
Police Officer
BART PD



Response on the Proposed Civilian Oversight Model.doc



David Martinez
<dafrma@!
08/07/2009 07:09 AM

To boardofdirectors@bart.gov
cc
Subject Civilian Review, keep it simple

Dear BART Directors:

The civilian review board should be kept simple so that it will work. The more complicated it is the more chaos it will cause. Chaos is bad for everyone; no one will be satisfied. It should be restricted to auditing IA investigations to insure complaints are investigated using sound, fair, and proven standards. As long as complaints are investigated in that manner their outcome can not be disputed. Concurrent investigation are a waste of time and money.

To allow a panel of non-subject experts to have input into police procedures is ill advised. Only trained experts (law enforcement professionals) are qualified for such work. The public is always welcome to come to BART board meetings to provide opinions and comments on matters that concern them. Allowing a review board to have input into procedural matters will have unexpected costs.

David Martinez
Resident of Contra Costa County



"OConnor, Matthew"
<Matthew.
08/07/2009 09:30 AM

To "boardofdirectors@bart.gov" <boardofdirectors@bart.gov>
cc
Subject Public comments on "Citizen Oversight"....

To whom it may concern:

I have seen the proposed draft for the "Citizen Oversight Committee" and I am very concerned about its development and overall purpose of this. I am wondering why we would even have a police force if we are giving civilians this much power. I believe that our police departments, nationwide, do a great job given the difficult tasks they are handed. Yes, there are some unfortunate instances that have hurt some police units more than others. But I must ask in those instances, would any "civilian" act any differently? They are very stressful situations that I can only imagine what its like to be in their shoes. What I am trying to say is we don't need a civilian committee to watch over our police. This is ridiculous and absurd. Do we have a Civilian Oversight Committee for our military? No, of course not. The military has had their fair share of less than stellar moments too.

I will not take this on a tangent, but will end this email by saying our police force does not need an oversight committee to run properly. I believe they function perfectly fine the way they are. They have internal procedures that have great oversight already and is effective. Don't screw it up by making a "Civilian Oversight Committee".

Thank you for hearing my opinion.
Regards,
Matt



m1zendejas@.
08/07/2009 10:31 AM

To boardofdirectors@bart.gov
cc
Subject

Dear Directors,

I am opposed to the discipline aspect of the Civilian Review model that is being proposed for the BART Police Department. All matters of discipline should be handled by the Chief of Police (COP) and only him. According to what is being proposed, if the review board does not agree with the C.O.P's finding they can overrule his decision. If you strip that away from him, why even have a C.O.P? This whole Review board is going way overboard and it concerns me that some of the directors see this department as a bunch of rogue cops.

These officers are professionals through and through. We respond when called for service and handle ourselves with integrity. Please don't be pressured to make a decision that will affect many hard working professional officers. Thank you for your time.

Michael Zendejas #448
BART Police Officer



Sebastian Delgado
<roloenusa@>
08/07/2009 10:40 AM

To boardofdirectors@bart.gov
cc
Subject Concerns regarding Model of Citizen Oversight for BART police.

Greetings Board Members,

After reviewing the Draft Model of Citizen Oversight of BART Police, I felt a strong need to express my concerns. I am one of those everyday BART customers that utilize the BART system for work commutes and entertainment purposes. I love using the BART system and have been a grateful customer for years. Moving from LA, it was a great relief to see a safe and efficient way of public transportation. These officers provide a safe and secure area that allows people like me to use the system with confidence. To have their abilities compromised and hindered would greatly compromise their ability to exercise their trained judgments. Now I am a fan of having a citizens committee of some sort, but not nearly as influential and powerful as the one proposed here in your document proposal. Here are some of the highlights of my concerns with the Draft Model of Citizen Oversight program.

* An 11 member Citizen Board. (Who will these people be? Will this be a fair and balanced board? What are the backgrounds of these people? Will they take into account the officers rights and safety as well as my safety?)

* The power to review BART police policies, practices and procedures, and recommend changes. (Again, what are the backgrounds of these people proposing the changes? Do any of these people have law enforcement background or know anything about the existing policies and procedures and why they are there in the first place? Will these recommendations take into consideration the offices safety as well as the communities best interests?)

* The power to investigate complaints against officers. (What does this power entail? I really hope this power doesn't get into the officers personnel record because there are rights that these officers currently have that would be ignored. I hope this means the right to request information from existing management with management's ability to deny or accept based on the rights protecting the officer.)

* The power to recommend discipline against the officer. (I strongly disagree with this proposal. Being that we are emotional beings we tend to make choices based off of emotions before facts are solidified. I've seen this happen time and time again. I have faith in our justice system and would rather place the faith in our court system and management. If you disagree with my opinion, maybe you should concentrate on those two fronts before proposing overstepping this process completely.)

I believe it was Benjamin Franklin who said it best 'Those who would sacrifice freedom for security deserve neither'. In this proposals, we are restricting the freedom of our officers. The same people who put their lives to protect ours. While I believe every individual should be accountable for their actions, I also believe that we wouldn't appreciate the police getting access to our work, and personal life records without going through the legal channels. It would be inappropriate for us to hinder their ability to provide us with security under the mob mentality that has been so swiftly running through the bay area after the unfortunate events on January 1st.

Thank you for your time,

Juan Sebastian Delgado
e-mail: roloenusa@



Jesse Sekhon
<bpoa@hotmail.com>
08/07/2009 01:51 PM

To <boardofdirectors@bart.gov>
cc

Subject FW: Civilian Oversight

Date: Thu, 6 Aug 2009 22:26:48 -0700
Subject: Civilian Oversight

From: jaguirre408@gmail.com
To: bpoa@hotmail.com

The BART Police Department does not need a civilian oversight board. Civilian boards tend to be populated by those who are anti-authority and have no idea what it means to put on a badge and do the job. What the BART Police Department does need is for the BART Board to hold its managers accountable for their inaction and lack of leadership. A civilian review board is merely smoke and mirrors in an attempt to be politically correct and kowtowing to a verbal assault from the loudest of malcontents.

If the Board were serious about improving its image and the image of the Police Department, they would insist that the Police had a command staff consisting of proven leaders who would move the Department forward. 2009 has been a horrible year for Bay Area law enforcement personnel. BART officers are subjected to insults and threats from the public on a daily basis, mainly because no one with the authority to do so stepped up back in January to diffuse a tragic situation. Those who should have been leading instead sat silently, twiddling their thumbs because no one knew what to do or how to handle the media. That lack of leadership translated into a barrage of negative publicity and a battering of officers' morale which has continued over the past seven months.

I have 24 years of experience as an officer and a sergeant working for the Oakland Police Department and 10 years as an officer for BART. In those ten years, I have been amazed on a daily basis at the lack of accountability, lack of a standard procedure for basic police operations, lack of training and lack of common sense.

Frankly, it comes as no surprise that the BART Board is considering addressing their problems by placing the responsibility of resolving the issues facing the Department into the hands of an oversight committee and not doing the job that the Board is supposed to do itself. It appears politically self-serving to hand over the hard work to someone else. I have not had the opportunity to see the memo, but it appears to be BART policy to pass the buck. It is a shame that what should be a premier transit system for the nation is so mired down by lack of leaders and political gamesmanship.

Jerry Aguirre



kenthom@c

08/07/2009 01:52 PM

To boardofdirectors@bart.gov

cc kenthom@c

Subject draft citizens oversight

As a concerned citizen I have copied and read the draft oversight model. I agree with board member Radulovich that it is complex. However, I believe it is also too labyrinthine to be as effective as you want. As you know, there are several models to choose from. The SJPD model which utilizes an auditor who observes and reports on that department's internal affairs investigations appears to be very effective and especially cost effective. Under your current model, it appears that the independent auditor actually displaces the function of Bart Police internal affairs investigators. Is that wise? Lastly I do not see any procedural waypoints at which time it would be proper to turn an investigation over to federal or state law enforcement for investigation and prosecution.

Michael Pon/bpd/BART

08/07/2009 05:10 PM

To boardofdirectors@bart.gov

cc bpoa@hotmail.com

Subject Citizen's Review Board

To the BART Board of Directors,

I do not object to the formation of a Citizen's Review Board for the BART Police Department. I agree that there should be transparency where complaints against BART police officers are investigated thoroughly, completely and fairly.

I have been with the BART Police Department for over 18 years. The BART Police Internal Affairs Office have done an outstanding job in investigating all complaints they received. Those BART police members who had committed actions that warrant discipline from minor violations to serious violations were quickly acted upon by BART police managers. I have seen BART police managers terminate BART police members. The BART Police Internal Affairs Office take all complaints seriously.

I strongly oppose the BART Citizen's Review Board having the authority to discipline any BART police member. I strongly believe that the BART Police Chief should have the final word on how the BART police member should be discipline.

I believe that a Citizen's Review Board should be just that. A Citizen's Review Board should review an Internal Affairs investigation report and see if it was done thoroughly, completely and fairly.

Thank you for your time this matter.

Michael Pon
BART Police Department
800 Madison Street
PO Box 12688
Oakland, CA 94604
Voice Mail: 510-464-6599 X51535
Email: mpon@bart.gov



Steven Langner/bpd/BART
08/07/2009 11:17 AM

To Marcia E deVaughn/LMA/Oak/BART@BART
cc Gregg Savage/bpd/BART@BART
Subject Comment on Police Review Committee

Hello Marcia,

I am sending this email on behalf of Gregg Savage and the BPPA. We have a member that just attended a Peace Officers Standards and Training (POST) approved Internal Affairs class. Our member believes that the course contains very valuable information for anyone that handles or is involved in the investigations of police conduct. Our member inquired with a course administrator and found that civilians may attend these courses. With that being said, it is the recommendation of the BPPA that the selected police auditor, as well as the citizen board members, all be required to attend and complete a POST approved Internal Affairs course. Please add this to the list of comments that are forwarded to the BPD Review Committee, Subcommittee and the Board of Directors.

Thank you,

Steve Langner



Marcia E
deVaughn/LMA/Oak/BART
08/09/2009 02:17 PM

To
cc
bcc
Subject

----- Forwarded by Kenneth A Duron/LMA/Oak/BART on 08/07/2009 03:16 PM -----



Jesse Sekhon
<bpoa@hotmail.com>
08/07/2009 03:09 PM

To <boardofdirectors@bart.gov>
cc
Subject Legislative Bill on Civilian Oversight by BART

Dear Bart Board of Directors,

I am writing this letter as the President of the BART Police Officers' Association(BPOA). You have recently requested your lobbyists in Sacramento to attempt to get a bill passed by the end of this year's legislative session regarding Civilian Oversight.

I have received the language of the proposed bill from PORAC(Peace Officers Research Association of California) and their lobbyists. PORAC represents and has membership of law enforcement Agencies across California, which also includes the BPOA. The bill that you have proposed raises serious concerns of PORAC.

PORAC has informed me that they will actively oppose your bill as it is written. They have also said that they will have every law enforcement agency in the state actively oppose the bill.

I understand the BART Board wants to create Civilian Oversight of the Police Department. However, what you are proposing is not acceptable. I've been advised to inform you, that if you will work with PORAC and the BPOA to come to a solution to rewrite your bill, PORAC would not actively oppose your efforts. Time is of the essence as you know. It is in all our best interests to work together.

If you have any questions, I have attached my phone number to reach me.

Jesse Sekhon
BPOA President
510-798-3032

