

1 [Urging the Board of Directors of the Bay Area Rapid Transit District (BART) to Establish an
2 Independent Civilian Oversight Body to Investigate Claims of BART Police Misconduct]

3 **Resolution urging the BART Board of Directors to immediately establish an**
4 **independent Civilian Oversight body to investigate claims of misconduct by the BART**
5 **Police, and urging our State Representatives to pass legislation requiring that BART**
6 **have independent third-party civilian oversight of its Police force.**

7
8 WHEREAS, It is an accepted best practice that police forces that operate in urban
9 areas have independent third-party civilian oversight; and

10 WHEREAS, In the last few years, the need for independent and impartial third-party
11 oversight has been illustrated by a number of incidents involving the BART police force,
12 including the prior death of Gerald Hall and the most recent tragic death of Oscar Grant; and,

13 WHEREAS, As early as 10 years ago, then Supervisor Tom Ammiano made official
14 inquiries about the BART Police and asked the BART Board of Directors to consider creating
15 a civilian oversight body to investigate claims of misconduct by its police force; and

16 WHEREAS, Requests for independent civilian oversight have fallen on deaf ears as it
17 has been more than a decade and the BART Board of Directors has not taken any steps to
18 establish a civilian oversight agency; and

19 WHEREAS, The egregious nature of the circumstances surrounding the death of
20 Oscar Grant and the appallingly slow pace of the incidents' investigation has led to a
21 complete breakdown in trust and confidence between BART's Peace Officers and BART's
22 ridership as well as widespread rioting within a community which depends heavily on BART
23 service; and
24
25

1 WHEREAS, It is in the interest of the rank and file officers of BART's police force to
2 have civilian oversight as an enhanced and impartial review of police conduct could reveal
3 that BART's officers are operating within the confines of the law the vast majority of the time;
4 and

5 WHEREAS, No modicum of trust between BART and the communities it serves can be
6 restored until citizens of the Bay Area know that they have *meaningful* official recourse if they
7 feel they have suffered abuse at the hands of BART's police force; and

8 WHEREAS, In light of the tragic death of Oscar Grant, Assemblyman Tom Ammiano
9 and State Senator Leland Yee will be introducing legislation establishing independent third-
10 party civilian oversight of the BART Police; now, therefore, be it

11 RESOLVED, That the San Francisco Board of Supervisors urges the BART Board of
12 Directors to immediately establish an independent Civilian Oversight body to investigate
13 claims of misconduct by the BART Police; now, therefore, be it

14 FURTHER RESOLVED, That the Board of Supervisors urges the California Assembly
15 and Senate to pass Assemblyman Ammiano and Senator Yee's legislation requiring that
16 BART have independent third-party civilian oversight of its police force.



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails
Resolution

File Number: 090030

Date Passed:

Resolution urging the BART Board of Directors to immediately establish an independent Civilian Oversight body to investigate claims of misconduct by the BART Police, and urging our State Representatives to pass legislation requiring that BART have independent third-party civilian oversight of its Police force.

January 27, 2009 Board of Supervisors — ADOPTED

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Mirkarimi

Absent: 2 - Alioto-Pier, Maxwell

File No. 090030

I hereby certify that the foregoing Resolution was ADOPTED on January 27, 2009 by the Board of Supervisors of the City and County of San Francisco.

2/6/09

Date Approved

Angela Calvillo
Clerk of the Board

Mayor Gavin Newsom