



BAY AREA RAPID TRANSIT POLICE DEPARTMENT
Kevin Franklin, Chief of Police
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MEMORANDUM

TO: Chief Kevin Franklin via the Chain of Command
FROM: Lieutenant Wendy Sanchez
DATE: January 13, 2025
SUBJECT: Policy Updates for CRB review

The Policy Review Committee met and approved the following policies for department review and acceptance. Please provide the necessary notification to the CRB at your convenience. The modifications to the policies are included below:

Policy 309 Conducted Energy Device Updated language based on updated case law, removed physically resisting and replaced with combative.

Policy 310 Officer-Involved Shootings and Deaths Updated language to reporting, removed citation, and criminal investigation section change District Attorney's Office responsibility from criminal investigation to criminal charging. Updated matrix in 310.4.4.

Policy 312 Firearms Updated to accept the Department of Justice accreditation standards and amended language to warning and other warning shots.

Policy 320 Domestic Violence Updated to accept legislative action impacts from AB 2907 – firearms checks and confiscations and CA POST language for lethality assessment.

Policy 324 Temporary Custody of Juveniles Updated to accept legislative action impacts from AB 2531 – added subsection in suicide and added clarifying language to death report.

Policy 326 Senior and Disability Victimization Updated to accept legislative action impacts of AB 2907 – removal of gender pronouns.

Policy 334 Public Alerts Updated to accepted legislative action impacts from AB 1863 and AB 2348.

Policy 338 Hate Crimes Updated to accept legislative action impacts from AB 2621- expanded list of communities that may be targeted for hate crimes and update new training requirements.

Policy 360 Death Investigation Updated to accept legislative action impacts from SB 989 - clarifying language and investigative steps for suspected homicide.

Policy 389 Gun Violence Restraining Orders Updated to accept legislative action impacts of AB 2621- include responsibility of developing and maintaining procedures, renaming sections and references.

Policy 810 Records Maintenance and Release Updated to accept legislative action impacts of AB 1877 – amended and added law regarding sealed juvenile records.

Policy 900 Temporary Custody of Adults Updated to accept legislative action impacts of AB 3092 and AB 253.

Policy 1014 Sick Leave Updated to accept legislative action impacts of AB 2499 – revised Government code 12945.8.

Policy1026 Personnel Records Updated to accept legislative action impacts from SB 400 – release termination information and capitalization correction.

Respectfully,

A handwritten signature in black ink, appearing to read "Wendy Sanchez". The script is cursive and fluid.

Wendy Sanchez #21
Lieutenant Support Services
Bay Area Rapid Transit Police Department

Lexipol Release Notes

Lexipol 310

December 2024

This policy has been updated because content pertaining to in-custody deaths is now addressed in the Temporary Custody of Adults Policy. Changes to this policy include:

- In **REPORTING**, content and a citation have been removed.

Lexipol 312

October 2024

This policy has been updated because the United States Department of Justice (DOJ) updated their accreditation standards. As a reminder, state accrediting agencies must comply with DOJ standards to qualify as independent credentialing bodies. Although the standards issued by the DOJ do not directly impact local law enforcement agencies, the federal action is structured to encourage local agencies to seek state accreditation by making certain federal grant funding dependent on an agency achieving accredited status. Lexipol has updated content to place agencies in the best position possible if and when they elect to seek accreditation. Changes to this policy include:

- In **WARNING AND OTHER SHOTS**, content has been updated to prohibit warning shots.

Lexipol 320

December 2024

This policy has been updated because legislative action impacts its content. 2024 CA AB 2907, effective Jan. 1, 2025, added requirements for law enforcement related to firearm checks and confiscations during domestic violence investigations. Changes to this policy include:

- **ARRESTING OFFICERS' RESPONSIBILITIES REGARDING FIREARMS** has been added as a new subsection in **INVESTIGATIONS** to include the new requirements. The subsection name is based on a text entity and may vary depending on how you answered the General Information Questionnaire.

Unrelated to the legislative update, this policy has been updated because CA POST has encouraged agencies to administer a lethality assessment to all victims of domestic violence to assess the level of danger and/or the severity of the situation. Agencies may find an assessment form on the POST website. Changes include:

- In **INVESTIGATIONS**, guidance for administering a lethality assessment has been added.

Lexipol 324

December 2024

This policy has been updated because legislative action impacts its content. 2024 CA AB 2531, effective Jan. 1, 2025, requires an agency to post specified information on its website when a juvenile who is in custody dies. The bill also added a definition for in-custody death to include a person, including a juvenile, who is detained, under arrest, or in the process of being arrested, and en route to be incarcerated. Changes to this policy include:

- **IN-CUSTODY DEATH PUBLICATION** has been added as a new subsection in **SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY OF A JUVENILE** to include the new requirements.

Unrelated to the legislative update, additional changes include:

- **SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY OF A JUVENILE** has been updated to clarify when the Board of State and Community Corrections shall be provided a copy of the medical and operational review of deaths report.

Lexipol 326

December 2024

This policy has been updated because legislative action impacts its content. 2024 CA AB 2907, effective Jan. 1, 2025, amended Penal Code § 368 by changing pronoun references. Changes to this policy include:

- In **DEFINITIONS** and **RELEVANT STATUTES**, gendered pronouns have been removed.

Lexipol 334

December 2024

This policy has been updated because legislative actions impact its content. 2024 CA AB 1863 and 2024 CA AB 2348, both effective Jan. 1, 2025, made amendments to law pertaining to Feather Alerts. The legislation revised the conditions under which a law enforcement agency or tribe may request the California Highway Patrol to activate a Feather Alert. Amended law authorizes an agency or tribe to make that request if the law enforcement agency determines a Feather Alert would be an effective tool in the investigation of missing and murdered Indigenous persons. To make that determination, the legislation requires a law enforcement agency to consider prescribed factors within 24 hours following the initial report. Changes to this policy include:

- In **FEATHER ALERT** and **CRITERIA FOR FEATHER ALERT**, content has been updated to address the new legislation.

2023 CA AB 1638, also effective Jan. 1, 2025, requires agencies to provide information related to certain emergencies in all languages spoken jointly by five percent or more of the population whenever those same people also speak English less than "very well" according to the data from the American Community Survey or data from an equally reliable source. Changes include:

- **LANGUAGE REQUIREMENTS FOR PUBLIC EMERGENCIES** has been added as a new section.
- The Guide Sheet has been updated.

Lexipol 338

December 2024

This policy has been updated because legislative action impacts its content. 2024 CA AB 2621, effective Jan. 1, 2025, expanded the various groups that may be targeted for hate crimes and added a training requirement to include gun violence restraining orders related to hate crimes. Changes to this policy include:

- In **HATE CRIMES COORDINATOR**, content has been updated for clarity and to expand the list of communities that may be targeted for hate crimes.

- In **TRAINING**, content has been updated to include the new training requirement.

Unrelated to the legislative update, additional changes include:

- In **APPENDIX**, the Supplemental Hate Crimes Report has been updated to include a version without a watermark.

Lexipol 360

December 2024

This policy has been updated because legislative action impacts its content. 2023 CA SB 989, effective Jan. 1, 2025, amended law by requiring officers to interview family members of a decedent with an identifiable history of being victimized by domestic violence prior to making findings as to the manner and cause of their death. Changes to this policy include:

- **DEATHS OF VICTIMS WITH AN IDENTIFIABLE HISTORY OF VICTIMIZED DOMESTIC VIOLENCE** has been added as a new subsection in **INVESTIGATION CONSIDERATIONS** to address the requirements.
- **CORONER REQUEST** has been renamed **MEDICAL EXAMINER REQUEST**, content has been added to address suicides where the deceased has a history of domestic violence, content has been updated for clarity, punctuation has been corrected, and text entities have been added. The new subsection title is based on a text entity and may vary depending on how you answered the General Information Questionnaire.

Unrelated to the legislative update, and as part of ongoing quality maintenance of manual content, this policy has been completely revised. All updates should be accepted to avoid mixing old and new content, which could result in conflicting or confusing policies. If any customization is needed, you may do so during the update process. If you choose to reject any portion of this policy, customization will be necessary. Before processing any updates, you should select the PDF "Compare Current to New Lexipol Update" document for a "strike out" version. Changes include:

- **PURPOSE AND SCOPE** has been updated to be more concise and for consistency with other policies in your manual, and punctuation has been corrected.
- **POLICY** has been added as a new section for consistency with other policies in your manual. KMS automatically adds all new sections to the bottom of the policy so as not to alter any agency-specific customization. To move the new section to the location Lexipol recommends (below **PURPOSE AND SCOPE**), first accept all updates. Then, while in the edit mode, hold the cursor over **POLICY**, right-click for options, and select the option "Move." The section titles will appear. Select **PURPOSE AND SCOPE** and click "Move" once more. You will be prompted to select "Position Above" or "Position Below." Select "Position Below." KMS will refresh, the new section will be in the correct location, and the other sections will be renumbered. Your agency can also accept all updates without relocating the section, but that is not recommended.
- In **INVESTIGATION CONSIDERATIONS**, content has been updated for clarity and with best practice content.
- **DEATH INVESTIGATION REPORTING** has been renamed **REPORTING** and Lexipol recommends moving it above **MEDICAL EXAMINER REQUEST**. To move the subsection to the location Lexipol recommends, first accept all updates. Then, while in the edit mode, hold the cursor over **REPORTING**, right-click for options, and select the option "Move." The subsection titles will appear. Select **MEDICAL EXAMINER REQUEST** and click "Move" once more. You will be prompted to select "Move Above" or "Move Below." Select "Move Above." KMS

will refresh, the subsection will be in the correct location, and the other subsections will be renumbered. Your agency can also accept all updates without relocating the subsection, but that is not recommended. One of the subsection names is based on a text entity and may vary depending on how you answered the General Information Questionnaire.

- In **SEARCHING DEAD BODIES**, content has been updated for clarity and to include best practice content, and text entities have been added.
- **DEATH NOTIFICATION** and **UNIDENTIFIED DEAD BODIES** have been deleted as subsections in **INVESTIGATION CONSIDERATIONS** and reincluded as sections. They have been updated for clarity and with best practice content.
- **SUSPECTED HOMICIDE** has been updated for clarity and to include best practice content, and text entities have been updated.
- **EMPLOYMENT RELATED DEATHS OR INJURIES** has been renamed **EMPLOYMENT-RELATED DEATHS OR INJURIES**, and content has been updated for clarity.
- The Guide Sheet has been updated.

Lexipol 389

December 2024

This policy has been updated because legislative action impacts its content. 2024 CA AB 2621, effective Jan. 1, 2025, amended provisions related to gun violence restraining orders. Changes to this policy include:

- In **GUN VIOLENCE RESTRAINING ORDER COORDINATOR**, content has been updated to include the responsibilities of developing and maintaining procedures for requesting and serving renewal orders and of coordinating with the training manager to ensure officers are trained on various aspects of gun violence restraining orders. Content has also been updated to address establishing standards and procedures for addressing violations of gun violence restraining orders and procedures for providing information regarding mental health referrals. Citations have been added and grammar has been corrected, as appropriate.
- In **ADDITIONAL CONSIDERATIONS**, content has been updated to include considering an order for those expressing an intent to acquire a firearm and content that is no longer included in the statute has been removed.
- **RELEASE OF FIREARMS AND AMMUNITION** has been renamed **STORAGE AND RELEASE OF FIREARMS AND AMMUNITION**, a citation has been added, and content has been updated to reference the **Property and Evidence Policy**.
- **RENEWAL OF GUN VIOLENCE RESTRAINING ORDERS** has been updated to include temporary or ex parte orders.

Lexipol 810

December 2024

This policy has been updated because legislative action impacts its content. 2024 CA AB 1877, effective Jan. 1, 2025, amended and added law regarding sealed juvenile records. The bill amended law to include

citations and other related records when a law enforcement agency receives notification from a probation department to seal a record.

The bill added Welfare and Institutions Code § 781.2 which requires the California Department of Justice (DOJ) to review statewide criminal justice databases on a monthly basis to identify persons who are eligible for arrest record relief. The bill requires the DOJ to provide a list of those arrests to all agencies associated with the record of arrest, and requires each arresting agency to review that list and seal its records of the arrest, if eligible. The bill requires the agency to report to the Department of Justice the records that are eligible to be sealed. Changes to this policy include:

- **SEALED JUVENILE ARREST RECORDS** has been renamed **SEALING JUVENILE RECORDS** and content has been updated to include the new requirements.

Lexipol 900

December 2024

This policy has been updated because legislative action impacts its content. 2024 CA AB 3092, effective Jan. 1, 2025, requires agencies to follow up on their reporting requirement to the California Attorney General if any of the information changes or new information becomes available regarding an in-custody death within 10 days of the date of the change or the date the new information becomes available. Changes to this policy include:

- **SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY** has been updated with the new requirement.

Additionally, 2024 CA AB 2531, also effective Jan. 1, 2025, requires agencies to post specified information on its website when a person who is in custody dies. An agency is also required to update the posting if the date the death is determined to have occurred changes once investigated by a medical examiner or similar entity. The bill also added a definition of an in-custody death to include a person who is detained, under arrest, or in the process of being arrested and en route to be incarcerated. Changes to this policy include:

- **IN-CUSTODY DEATH PUBLICATION** has been added as a new subsection in **SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY** to address the new requirements.

Lexipol 1014

December 2024

This policy has been updated because legislative action impacts its content. 2024 CA AB 2499, effective Jan. 1, 2025, recodified a statute referenced in this policy. Labor Code § 230.1 has been revised and recodified under Government Code § 12945.8 and the provisions for leave for victims of crime and abuse now fall under the enforcement authority of the California Civil Rights Department. Changes to this policy include:

- In **PURPOSE AND SCOPE**, citations have been updated.

Lexipol 1026

December 2024

This policy has been updated because legislative action impacts its content. 2024 CA SB 400, effective Jan. 1, 2025, amended provisions related to the release of information of a formerly employed peace

officer regarding the cause of termination. The legislation gives agencies the authority to release termination information without a request for a disclosable incident. However, it cannot include any information that is prohibited from disclosure. Changes to this policy include:

- In **RELEASE OF PERSONNEL INFORMATION**, content has been updated to address the new allowances and restrictions, and capitalization has been corrected.