



**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 Michael Williamson  
**DATE:** February 21, 2024  
**SUBJECT:** Policy Updates for CBR 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 300 Use of Force** Amended to include the Level 2 SUFR exception in addition to Lexipol major policy update per CA AB 360 and 2022 Presidential Executive Order

**Policy 318 Canines** Lexipol major policy update per HR 8454

**Policy 336 Victim and Witness Assistance** Lexipol major policy update per CA SB 376

**Policy 338 Hate Crimes** Lexipol major policy update per CA AB 449

**Policy 344 Report Preparation** Update to vehicle report notification to records

**Policy 402 Bias-Based Policing** Updated per 2022 Presidential Executive Order and to include identity in the training section

**Policy 428 Immigration Violations** Lexipol major policy update per CA AB 1261

**Policy 432 Patrol Rifle Operator Program** Policy amended to reflect new rifle procedures and training

**Policy 463 Train Searches** Updated to remove RATS tracking system as it is no longer in use

**Policy 510 Vehicle Towing and Release** Lexipol major policy update per CA AB 925

**Policy 600 Investigation and Prosecution** Lexipol major policy update per CA AB 1406

**Policy 806 Records Division** Updated per 2022 Presidential Executive Order

**Policy 1028 Special Assignments** Updated policy to reflect proper testing, selection and time commitment guidelines

**Policy 1035 Lactation Break Policy** Lexipol major policy update per HR 2617

**Policy 1053 Business Cards and Trading Cards** Updated distribution section per Chief's request

Respectfully,

A handwritten signature in black ink, appearing to read "M Williamson".

Michael Williamson #25  
Lieutenant Support Services  
Bay Area Rapid Transit Police Department

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Lexipol Release Notes

**Lexipol 300:**

January 2024

This policy is being updated based on a May 2022 Presidential Executive Order and subsequent May 2023 accreditation standards issued by the United States Department of Justice (DOJ). State accrediting entities must comply with the 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 **DEADLY FORCE APPLICATIONS**, content has been added to provide that an officer should not use deadly force against a person whose actions are a threat solely to property, a citation has been updated, and gendered pronouns have been removed.
- In **SHOOTING AT OR FROM MOVING VEHICLES**, content has been updated to make it clear that this subsection should be read in conjunction with **DEADLY FORCE APPLICATIONS**.
- **TRAINING** has been updated to provide for annual use of force training. Additionally, content relating to specific required annual topics has been moved to **TRAINING REQUIREMENTS** and **STATE-SPECIFIC TRAINING REQUIREMENTS**.
- **TRAINING REQUIREMENTS** has been added as a new subsection in **TRAINING** to outline required annual training topics based on the requirements in the DOJ standards.
- **STATE-SPECIFIC TRAINING REQUIREMENTS** has been added as a new subsection in **TRAINING** to address specific state training requirements.

December 2023

This policy has been updated because legislative action impacts its content. 2023 CA AB 360, effective Jan. 1, 2024, amended law relating to the use of the term "excited delirium" in police reports. The new law prohibits a peace officer from using the term to describe an individual in an incident report, but does not prohibit the peace officer from describing the individual's behavior. Changes to this policy include:

- **REPORT RESTRICTIONS** has been added as a new subsection in **REPORTING THE USE OF FORCE** to include the new restriction. KMS automatically adds all new subsections to the bottom of the section, so as not to alter any agency-specific customization. To move the new subsection to the location Lexipol recommends (above **NOTIFICATION TO SUPERVISORS**), first, accept all updates. Then, while in the edit mode, hold the cursor over **REPORT RESTRICTIONS**, right-click for options, and select the option "Move." The subsection titles will appear. Select **NOTIFICATION TO SUPERVISORS**, and click "Move" once more. You will be prompted to select "Move Above" or "Move Below." Select Move Above. KMS will refresh, the new subsection will be in the correct location, and the other subsections will be renumbered

accordingly. Your agency can also accept all updates without relocating the subsection, but that is not recommended.

Unrelated to the legislative update, additional changes include:

- In **ADDITIONAL RESTRICTIONS**, content has been updated to include best practices, and a comma has been removed.

**Lexipol 318:**

January 2024

This policy has been updated because legislative action impacts its content. The update should be accepted and implemented as soon as possible. 2022 HR 8454 updated the federal statute regarding the Controlled Substance Act, resulting in the renumbering of certain content that is applicable to canine handlers. Changes to this policy include:

- In **CONTROLLED SUBSTANCE TRAINING AIDS**, a citation has been updated.

**Lexipol 336:**

December 2023

This policy has been updated because legislative action impacts its content. 2023 CA SB 376, effective Jan. 1, 2024, amended law by requiring victims of human trafficking to be provided notification of certain rights regarding support persons prior to interviews. Changes to this policy include:

- In **CRIME VICTIM LIAISON DUTIES**, content has been updated to include an additional responsibility.

**Lexipol 338:**

December 2023

This policy has been updated because legislative action impacts its content. 2023 CA AB 449 amended law by mandating that law enforcement agencies adopt a hate crimes policy that meets the requirements of Penal Code § 422.87 by July 1, 2024, which includes a supplemental hate crime report developed by the California Commission on Peace Officer Standards and Training. Changes to this policy include:

- In **APPENDIX**, the Supplemental Hate Crime Report has been added as a PDF.

**Lexipol 402:**

January 2024

This policy is being updated based on a May 2022 Presidential Executive Order and subsequent May 2023 accreditation standards issued by the United States Department of Justice (DOJ). Although the standards issued by the DOJ do not directly impact local law enforcement agencies, the federal action is structured to encourage these 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 **DEFINITIONS**, a term has been added, and content has been updated to clarify that bias-based policing includes policing based on inappropriate explicit and implicit biases.
- **TRAINING** has been updated to require annual training to include implicit biases and how to avoid improper profiling, and the Edit Level has been changed from "State" to "Best Practice."
- **ADDITIONAL STATE REQUIREMENTS** has been added as a new subsection in **TRAINING**, and state-specific content from **TRAINING** has been moved to this subsection.

**Lexipol 428:**

December 2023

This policy has been updated because legislative action impacts its content. 2023 CA AB 1261, effective Jan. 1, 2024, amended law relating to U visa and T visa applications by requiring agencies to provide assistance with the completion of the application, forms, and written notices of denials. Changes to this policy include:

- In **U VISA AND T VISA NONIMMIGRANT STATUS**, content has been updated to include the new provisions, and content from **TIME FRAMES FOR COMPLETION** has been included.
- In **TIME FRAMES FOR COMPLETION**, some content has been moved to a more appropriate location in **U VISA AND T VISA NONIMMIGRANT STATUS**.

**Lexipol 510:**

December 2023

This policy has been updated because legislative action impacts its content. 2023 CA AB 925, effective Jan. 1, 2024, requires that an agency engaged in enforcing parking laws to verify, using available Department of Motor Vehicles (DMV) records, that no current vehicle registration exists before having the vehicle removed. Vehicles that have a current registration on file with the DMV shall not be towed. Changes to this policy include:

- **TOWING FOR EXPIRED REGISTRATION** has been added as a new section to address the requirements.

Unrelated to the legislative update, additional changes include:

- In **VEHICLE STORAGE REPORT**, an incorrectly placed word has been removed, punctuation has been corrected, and a serial comma has been added.
- In **RECORDS BUREAU RESPONSIBILITY**, content has been updated for clarity, and punctuation has been corrected. The subsection title is based on a text entity and may vary depending on how you answered the General Information Questionnaire.

**Lexipol 600:**

December 2023

This policy has been updated because legislative actions impact its content. 2023 CA AB 1406, effective Jan. 1, 2024, amended law relating to firearms that have been reported as lost or stolen. 2023 CA AB 732, also effective Jan. 1, 2024, amended law by requiring law enforcement agencies to designate a person responsible for entering and receiving information in the Armed Prohibited Persons System to verify that firearms have been relinquished for prohibited possessors of firearms, and adding new reporting requirements. Changes to this policy include:

- **STATE REQUIREMENTS FOR FIREARM INVESTIGATIONS** has been added as a new section to include **CALIFORNIA DOJ NOTICE OF LOCATION OF REPORTED LOST OR STOLEN FIREARM** and **RELINQUISHMENT OF FIREARMS VERIFICATION** as subsections, which include the new requirements.

Unrelated to the legislative update, additional changes include:

- In **DISCONTINUATION OF INVESTIGATIONS**, a serial comma has been added.

#### **Lexipol 806:**

January 2024

This policy is being updated based on a May 2022 Presidential Executive Order and subsequent May 2023 accreditation standards issued by the United States Department of Justice (DOJ). State accrediting entities must comply with the 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 these 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.

The DOJ standards require agencies to have written directives relating to the collection of specific data. In addition to the collection of certain data, agencies are required to either submit, or be working toward the ability to submit, appropriate data to specific federal databases. Changes to this policy include:

- In **RECORDS BUREAU**, additional responsibilities and data collection and submission guidance have been added. The subsection name is based on a text entity and may vary depending on how you answered the General Information Questionnaire.
- The Guide Sheet has been updated.

#### **Lexipol 1035:**

January 2024

This policy has been updated because legislative action impacts its content. The update should be accepted and implemented as soon as possible. 2022 HR 2617 changed the location of some federal statutory content. As a result, federal statutes cited in this policy were renumbered. Changes to this policy include:

- In **POLICY**, a citation and terminology have been updated, and a gendered pronoun has been removed.

- In **LACTATION BREAK TIME** and **PRIVATE LOCATION**, citations and terminology have been updated.

Unrelated to the legislative update, additional changes include:

- In **PURPOSE AND SCOPE**, **STORAGE OF EXPRESSED MILK**, and **STATE REQUIREMENTS**, terminology has been updated.