Bay Area Rapid Transit Police Department

BART PD Policy Manual

Use of Force Review

302.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a process to review the use of force by employees of this department.

302.2 POLICY

The Department is charged with the important responsibility of objectively evaluating the use of force. Any use of force by a member of this department which is subject to a Supervisor's Use of Force Report (as required by the Use of Force Policy Manual §300.7) will be reviewed by the Operations Bureau chain of command and by the selected use of force review board chairperson. A review will also be conducted for every intentional or unintentional discharge of a firearm, whether the employee is on duty of off duty, excluding range training or recreational use.

Reviews will be routed through- BlueTeam, and the routing notes should include:

- Training needs identified by the reviewer, if any
- Training assignments/referrals made by the reviewer
- Confirmation that assigned training has been scheduled/completed
- Confirmation that any late camera activations were addressed, if any
- Upon completion, the reviewer will approve the incident routing and indicate "Received and Reviewed"

If a reviewer determines that there is a potential policy violation that needs to be investigated, the reviewer should forward the incident to Internal Affairs. The chain of command review of the incident will defer to the Internal Affairs investigation for disposition.

302.3 USE OF FORCE REVIEW PROCEDURE

Reviews will be documented and routed through BlueTeams, and should take the following path:

- Sergeant
- Lieutenant
- Use of Force Review Committee Chair as identified by the Chief of Police
- Bureau Deputy Chief of Police
- Chief Of Police (as appropriate)

302.3.1 VIDEO REVIEW

As part of the Use of Force Review, the reviewer shall review available video to include body worn camera, station video, or video provided by witnesses or involved persons to assist in cataloging any force techniques, training topics, and de-escalation efforts. The review should include the entirety of the use of force, including the preceding circumstances, to appropriately document the totality of the circumstances which led up to the application of force

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<u>Video provides a visual perspective, but does not capture the full perspective or perceptions of those involved.</u> Reviewers should watch video of the Use of Force completely through at normal speed and then watch frame by frame as necessary.

Reviewers shall verify that the videos are accurately reflected in the police report and the Supervisor's Use of Force Report. If reviewers identify material inconsistencies between the documented reports and available video, the inconsistencies should be appropriately addressed through documentation, assessment of training needs and/or referral for administrative investigation. Material inconsistencies may include, but are not limited to: conflicting, contradictory statements or omissions of the subject's or officer's actions.

A documentation of video review may include a table including timestamp information (or frames) and a description of the events referenced.

302.3.2 DOCUMENTATION

During the process, routing notes should include:

- Confirmation that video(s) reviewed accurately reflect the Supervisor's Use of Force Report (SUFR)
- Training needs or successful techniques identified by the reviewer, if any
- Operational successes such as de-escalation achievements or providing exceptional service, if any
- Training assignment/referrals made by the reviewer
- Confirmation that assigned training has been scheduled/completed
- Confirmation that any late camera activations were addressed, if any
- <u>Upon completion, the reviewer will approve the incident routing and indicate "Received and Reviewed"</u>

302.3.3 POTENTIAL POLICY VIOLATIONS

If, while completing the Supervisor's Use of Force report form (SUFR), a reviewer determines that there is a potential policy violation related to the force used that needs to be investigated, the reviewer should forward the incident to Internal Affairs and email notification made to the Operations Bureau Chain of Command.