

San Francisco Bay Area Rapid Transit District

2150 Webster Street, P. O. Box 12688, Oakland, CA 94604-2688



COMMITTEE MEETING AGENDA

Monday, July 8, 2024

4:00 PM

This Meeting will be held in-person and via simultaneous teleconference, with an option for public participation via teleconference.

BART Board Room, 2150 Webster Street, 1st Floor, Oakland, CA 94612. Zoom Link: <https://us06web.zoom.us/j/85179518861>

BART Police Citizen Review Board

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
2150 Webster Street, P.O. Box 12688, Oakland, CA 94604-2688

NOTICE OF MEETING AND AGENDA
BART POLICE CITIZEN REVIEW BOARD

July 8, 2024

4:00 p.m.

A regular meeting of the BART Police Citizen Review Board (BPCRB) will be held on Monday, July 8, 2024, at 4:00 p.m., in the BART Board Room, 2150 Webster Street, 1st Floor, Oakland, California 94612. This meeting shall consist of a simultaneous teleconference at the following locations:

BART Board Room
2150 Webster Street, 1st Floor
Oakland, CA 94612

The Warner Library
Reserved Room (See Librarian for Room Location)
121 North Broadway
Tarrytown, NY 10591

Please note that this meeting will be held in person in the BART Board Room, 2150 Webster Street, 1st Floor, Oakland, California 94612, and via teleconference at the locations listed above.

Please refrain from wearing scented products (perfume, cologne, after-shave, etc.) to these meetings, as there may be people in attendance susceptible to environmental illnesses.

Presentation materials will be available at least 72 hours prior to the BPCRB Meeting at <https://bart.legistar.com/Calendar.aspx> (click on "Agenda").

You may attend the BPCRB Meeting in person or join via Zoom by calling (833) 548-0282 (Toll Free) and entering access code 851 7951 8861; logging in to Zoom.com and entering access code 851 7951 8861; or typing the following Zoom link into your web browser:

<https://us06web.zoom.us/j/85179518861>

If you wish to make a public comment:

1) Submit written comments via email to CitizenReviewBoard@bart.gov, using "public comment" as the subject line. Your comment will be provided to the BPCRB and will become a permanent part of the file. Please submit your comments as far in advance as possible. Emailed comments must be received before 9:00 a.m., on July 8, 2024, in order to be included in the record.

2) Complete a “Request to Address the BART Police Citizen Review Board” form (available at the entrance to the Board Room) and give it to the District Secretary’s Office staff before the Item is considered by the BPCRB.

3) Call (833) 548-0282 (Toll Free), enter access code 851 7951 8861, dial *9 to raise your hand when you wish to speak, and dial *6 to unmute when you are requested to speak; log in to Zoom.com, enter access code 851 7951 8861, and use the raise hand feature; or join the BPCRB Meeting via the Zoom link (<https://us06web.zoom.us/j/85179518861>) and use the raise hand feature.

Public comment is limited to three (3) minutes per person.

AGENDA

1. Call to Order.
 - a. Roll Call.
 - b. Pledge of Allegiance.

2. Approval of Minutes of the Meeting of June 10, 2024. For Action.

Attachments: [Approval of Minutes of the Meeting of June 10, 2024](#)

3. Public Comment. (Limited to 3 minutes per speaker.) (An opportunity for members of the public to address the BPCRB on matters under their jurisdiction and not on the agenda.)

4. Reporting Out Announcement from BART Police Citizen Review Board (BPCRB) Subcommittees. For Discussion.

5. (Continued from the June 10, 2024, BPCRB meeting)
Review of the Draft 2024 BPCRB - BART Citizen Oversight Model
(Requested by BPCRB - Citizen Oversight Model - Ad Hoc Subcommittee
Members Perezvelez,
Rodrigues, and White). For Discussion and Action.

Attachments: [BART Citizen Oversight Model - 07.2024 Redlines](#)
[BART Citizen Oversight Model - Amended 07.12.18](#)

(Continued from the May 13, 2024, BPCRB meeting)

6. Review of Draft Language and Definitions for BART Police Department’s Lexipol Policy 300 - Use of Force (Chair Perezvelez’s Request). For Action.

Attachments: [Lexipol Policy 300 – Use of Force Redlines May 2024 - Memo](#)
[Lexipol Policy 300 – Use of Force April 2024](#)

7. Chief of Police's Report(s). For Discussion.
 - a. BART Police Department's Monthly Report(s) for April 2024.
 - b. (Continued from the June 10, 2024, BPCRБ meeting)
BART Police Department's Use of Force Investigation Process Training (30 Minutes).

Attachments: [2024-04 Monthly Chiefs Report CRB 06132024](#)
 [Use of Force Investigation Process - Training](#)
8. Independent Police Auditor's Report(s). For Discussion.
9. Annual Election of BPCRБ Officers. For Discussion and Action.
10. National Association for Civilian Oversight of Law Enforcement (NACOLE) 2024 Organizational Membership – Disposition of Proxy for Board Meetings. For Discussion and Action.
11. Participation of BPCRБ Member(s) in the 2024 Annual National Association for Civilian Oversight of Law Enforcement (NACOLE) Conference (October 13-17, 2024 in Tucson, Arizona). For Discussion and Action.
12. Closed Session.
 - a. To Consider Public Employee Discipline/Dismissal/Release in Office of the Independent Police Auditor (OIPA) Case #23-36 and Case# 24-04. Govt. Code §54957.
 - b. To Consider BPCRБ Chair George Perezvelez's report on Chief of Police Kevin Franklin's Appeal to the General Manager per the BART Citizen Oversight Model Chapter 1-04 B, for Office of the Independent Police Auditor (OIPA) Case #23-16. Govt. Code §54957.
13. Open Session.
 - a. Announcement(s) from Closed Session, if any.
14. Adjournment.

BART provides services/accommodations upon request to persons with disabilities and individuals who are limited English proficient and wish to address Board/Committee matters. A request must be made within one and five days in advance of Board/Committee meetings, depending on the service requested. Please contact the Office of the District Secretary at (510) 464-6083 for information.

Pursuant to Govt. Code §54953.5, the audio recording of the open session portions of this public meeting shall be subject to inspection pursuant to the California Public Records Act (CPRA). Requests for information under the CPRA should be filed with the BART Office of the District Secretary.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
2150 Webster Street, P.O. Box 12688, Oakland, CA 94604-2688
BART Police Citizen Review Board Meeting Minutes
Monday, June 10, 2024

A regular meeting of the BART Police Citizen Review Board (BPCRB) was held on June 10, 2024, convening at 4:00 p.m. in the BART Board Room, 2150 Webster Street, 1st Floor, Oakland, California 94612. The meeting was called to order by Chairperson George Perezvelez; and Mag Tatum, Recording Secretary.

Chairperson George Perezvelez gave instructions on the in-person meeting, with an option for public participation via teleconference, accessing the presentation materials online, Public comments, and Members' remarks.

1. Call to Order.

The regular meeting was convened at 4:00 p.m. by Chairperson George Perezvelez.

Members Present in Oakland, CA: Members Erin Armstrong, Torin Fischer, Dana Lang, Lester. M. Mensinger, Gabriel Rodrigues, Sonja Shephard, William White, and George Perezvelez.

Absent: Members Todd Davis and David Rizk.

Vice Chairperson Dana Lang entered the meeting.

The Pledge of Allegiance was recited.

2. Approval of Minutes of the Meeting May 13, 2024.

Vice Chairperson Lang moved that the Minutes of the Meetings of May 13, 2024, be approved. Member Fischer seconded the motion, which was carried by a roll call vote.

Ayes – 7: Members Armstrong, Fischer, Lang, Mensinger, Rodrigues, Shephard, and Perezvelez. Noes – 0. Abstain – 0. Absent – 3: Members Davis, Rizk, and White. Vacant – 1.

Member William White entered the meeting.

3. Public Comment.

Chairperson Perezvelez called for Public Comments.

Aleta Dupree addressed the Board.

4. Reporting Out Announcement from BART Police Citizen Review Board (BPCRB) Subcommittees.

Vice-Chair Lang presented information regarding the various BART Police Citizen Review Board (BPCRB) Subcommittees.

Director Raburn and Aleta Dupree addressed the Board.

5. Review of the Draft 2024 BPCRB - BART Citizen Oversight Model (Requested by BPCRB - Citizen Oversight Model – Ad hoc Subcommittee Members Perezvelez, Rodrigues, and White).

Chairperson Perezvelez presented information regarding the Draft 2024 BPCRB - BART Citizen Oversight Model, before the Board.

Director Raburn and Aleta Dupree addressed the Board.

Member Shephard moved to change Chapter 2-04 BPCRB Member Meeting Attendance, Section A-i, to the BART Citizen Oversight Model, be approved.

Chapter 2-04 BPCRB MEMBER MEETING ATTENDANCE

A) BPCRB members may not miss three regularly scheduled meetings per year.

i) The appointment of any BPCRB member who has been absent from three (3) **consecutive** regular meetings **or four (4) meetings in total** during the fiscal year, shall automatically expire effective on the date that such absence is reported by the ~~OIPA~~ **BPCRB** to the DSO.

Chair Perezvelez seconded the motion, which was carried by a roll call vote.

Ayes – 7: Members Fischer, Lang, Mensinger, Rodrigues, Shephard, White and Perezvelez.

Noes – 1: Member Armstrong. Abstain – 0. Absent – 2: Members Davis and Rizk.

Vacant – 1.

6. Review of Draft Language and Definitions for BART Police Department’s Lexipol Policy 300 – Use of Force (Chair Perezvelez’s Request).

Chairperson Perezvelez continued Draft Language and Definitions for BART Police Department’s Lexipol Policy 300 – Use of Force, to a future BPCRB meeting.

7. Independent Police Auditor’s Report(s).

a. Office of the Independent Police Auditor (OIPA) Monthly Report(s) for February 2024 and March 2024.

Russell Bloom, Independent Police Auditor, presented the OIPA Monthly Reports for February 2024 and March 2024, before the Board. The report was discussed.

Aleta Dupree addressed the Board.

8. Chief of Police's Report(s).

- a. BART Police Department's Monthly Report(s) for March 2024.
- b. BART Police Department's Use of Force Investigation Process Training (30 Minutes).
- c. BART Police Department's 2022 Use of Force Annual Report.
- d. Lexipol Policy Updates from the BART Police Department to the BPCRB – March 2024
 - i. Lexipol Policy 200: Organizational Structure and Responsibility Updated (Organizational Chart and Progressive Policing and Community Engagement (PPCE) Language).
 - ii. Lexipol Policy 312: Firearms Patrol Rifle (Language Update and Lexipol Major Policy Update Review of Department of Justice (DOJ) Item).
 - iii. Lexipol Policy 318: Canines (Change to Handler Selection Minimum Qualification).
 - iv. Lexipol Policy 402: Bias Based Policing (Lexipol Major Policy Update to Correct Government Code).
 - v. Lexipol Policy 419: Fare Evasion and Proof of Payment (Updated to Include the Fire Fighter Exemptions).
 - vi. Policy 451: Body Worn Camera (Updated to Include Evidence and Property Recordings).
 - vii. Policy 600: Investigation and Prosecution (Lexipol Major Policy Update to Correct Penal Code).
 - viii. Policy 711 and 711.4: Specialized or Military Type Equipment (Updated Annual Inventory Attachment).
 - ix. Policy 1000: Recruitment and Selection (Update for State Law Marijuana Use Inquiries and Lexipol Major Policy Update to Meet Department of Justice (DOJ) Selection Process Standards).
- e. Lexipol Policy Updates from the BART Police Department to the BPCRB – May 2024:
 - i. Lexipol Policy 209: Use of Police Gym Facilities (New Policy to include the Department Required Waiver.)
 - ii. Lexipol Policy 804: Property and Evidence (Updated Language to Address Authority to Release Property to Include the Disposition of Safe-keeping and Evidence Items.)
 - iii. Lexipol Policy 1010: Reporting of Arrests, Convictions, and Court Orders (Lexipol Major Policy Update to Reformat Policy Sections and Correct Grammar, Punctuation and Gendered Pronouns)
 - iv. Lexipol Policy 1046: Uniform Regulations (Update to the Uniform Standards Attachment Based on Uniform Committee Recommendations)

Chief Kevin Franklin presented the BART Police Department's Monthly Report(s) for March 2024, BART Police Department's 2022 Use of Force Annual Report, and the Lexipol

Policy Updates from the BART Police Department to the BPCRB for March 2024 and May 2024. The reports were discussed. Please note that the BART Police Department's Command Structure Training item, was continued to a future BPCRB meeting.

Chairperson Perezvelez announced that the Board would enter into a closed session under item 9-A, Public Employee Discipline/Dismissal/Release in OIPA Case #23-31 of the regular meeting agenda, and that the Board would reconvene in open session at the conclusion of the closed session.

The Meeting recessed at 6:28 p.m.

The Meeting reconvened in Closed Session at 7:29 p.m.

9. Closed Session.

- a. To Consider Public Employee Discipline/Dismissal/Release in Office of the Independent Police Auditor (OIPA) Case(s) #23-31. Govt. Code §54957.

Members Present in Oakland, CA: Members Erin Armstrong, Torin Fischer, Dana Lang, Lester. M. Mensinger, Gabriel Rodrigues, Sonja Shephard, William White and George Perezvelez.

Absent: Members Todd Davis and David Rizk.

10. Open Session.

The Meeting reconvened into an Open Session at 7:29 p.m.

Chairperson Perezvelez announced that the Board voted to accept the findings in OIPA Case #23-31, with the following: Ayes – 5: Members Armstrong, Lang, Perezvelez, Rodrigues, and White. Noes – 3: Members Fischer, Mensinger, and Shephard, Abstain – 0. Absent – 2: Members Davis and Rizk. Vacant – 1.

11. Adjournment.

The Meeting was adjourned at 7:30 p.m.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
CITIZEN OVERSIGHT MODEL

Purpose: To provide an effective independent citizen oversight system that promotes integrity and encourages systemic change and improvement in the police services that the San Francisco Bay Area Rapid Transit District (BART) provides to the public by ensuring that internal police accountability system functions properly; that behavioral, procedural, and policy deficiencies are identified and appropriately addressed, including racial profiling and allegations of racially abusive treatment; and, that complaints are investigated through an objective and fair process for all parties involved. The system will analyze allegations of misconduct; utilize data to identify trends, including disciplinary outcomes and trends; recommend corrective action and or training; maintain confidentiality; make policy recommendations; and report regularly to the BART Board of Directors and the public. The essential community involvement component of the system shall be accomplished through the inclusion of a BART Police Citizen Review Board. ([see name change below](#))

Chapter 1:

- 1-01 OFFICE OF THE INDEPENDENT POLICE AUDITOR
- 1-02 APPOINTMENT OF THE INDEPENDENT POLICE AUDITOR
- 1-03 SCOPE
- 1-04 DUTIES AND RESPONSIBILITIES
- 1-05 RELATIONSHIP BETWEEN OIPA AND THE BART POLICE
- CITIZEN REVIEW BOARD 1-06 RELATIONSHIP BETWEEN OIPA, BPD,
- DISTRICT SECRETARY, AND OTHER DISTRICT DEPARTMENTS
- 1-07 COOPERATION WITH OIPA
- 1-08 INDEPENDENCE OF OIPA
- 1-09 CONFIDENTIALITY OF RECORDS AND INFORMATION
- 1-10 CODE OF ETHICS
- 1-11 TIMELINESS

Chapter 2:

- 2-01 BART POLICE CITIZEN REVIEW BOARD
- 2-02 APPOINTMENT OF BPCRB MEMBERS
- 2-03 BPCRB MEMBER QUALIFICATIONS AND RESTRICTIONS
- 2-04 BPCRB MEMBER MEETING ATTENDANCE
- 2-05 BPCRB VACANCIES
- 2-06 SCOPE
- 2-07 DUTIES AND RESPONSIBILITIES
- 2-08 RELATIONSHIP BETWEEN THE BPCRB AND OIPA
- 2-09 CONFIDENTIALITY OF RECORDS AND INFORMATION
- 2-10 CODE OF ETHICS

Chapter 3:

- 3-01 PERIODIC OVERSIGHT SYSTEM EVALUATION

Chapter 1-01 OFFICE OF THE INDEPENDENT POLICE AUDITOR

Pursuant to California Public Utilities Code Section 28767.8, the Office of the Independent Police Auditor (OIPA) shall be established by the Board of Directors (Board) in keeping with the Core Principles for an Effective Police Auditor's Office.¹

Chapter 1-02 APPOINTMENT OF THE INDEPENDENT POLICE AUDITOR

The Independent Police Auditor (IPA) shall be appointed by and report directly to the Board. **Chapter 1-03 SCOPE**

OIPA shall have the authority to exercise its duties and responsibilities as outlined below, regarding any and all law enforcement and police activities or personnel operating under the authority of the BART Police Department (BPD). OIPA shall be authorized to investigate any complaints alleging police officer misconduct that implicate the policies of the BPD. OIPA shall be committed to the prompt, timely, and efficient resolution of all complaints, including, but not limited to, adherence to all applicable statutory requirements. OIPA's scope of authority shall not extend beyond the BPD.

Chapter 1-04 DUTIES AND RESPONSIBILITIES

A. Complaints Received from Members of the Public

Any person may file a complaint or allegation of wrongdoing with the OIPA against any BPD employee. Upon receipt of a complaint or allegation, OIPA shall:

- i) Ensure that a timely, thorough, complete, objective, and fair investigation into the complaint is conducted by OIPA or BPD.
- ii) Provide the complainant and all other officers who are the subject(s) of the investigation with timely updates on the progress of all investigations conducted by OIPA, unless the specific facts of the investigation would prohibit such notification.
- iii) Reach an independent finding as to the facts of an investigation.
- iv) The OIPA shall assess the conduct of the BPD employee considering the facts discovered through investigation, the law, the policies, and training of the BPD.

B. Recommendations for Corrective Action

- i) Independent investigative findings of "Sustained" made by OIPA shall include recommendations for corrective/punitive action, up to and including termination where warranted, and shall include prior complaints and their disposition. When the evidence does not support the allegations of misconduct, the IPA shall recommend a finding of Unfounded, Exonerated, or Not Sustained.

- ii) In a confidential personnel meeting, the IPA shall submit his/her investigative findings and recommendations to the BART Police Citizen Review Board (BPCRB) for review. Should the BPCRB agree by simple majority with the findings and recommendations, the report will be submitted to the Chief of Police for appropriate action. The Chief of Police shall implement the recommended action, absent appeal.
 - iii) The BPCRB shall announce each member's vote regarding its acceptance of the OIPA findings and recommendations for discipline in open session, and in cases in which a non unanimous majority agrees with the OIPA findings and recommendations, the dissenting

¹ Report of the First National Police Auditors Conference, March 26-27, 2003, Prepared by Samuel Walker
Page | 2

- members should generate a memorandum including the rationale for diverging from the majority opinion without divulging privileged or confidential information and evidence. iv) Should the Chief of Police disagree with the findings and recommendations of OIPA and the BPCRB, the Chief of Police may appeal to the General Manager (GM) within 45 calendar days of the issuance of the findings and recommendations. The Chief of Police will submit his/her appeal in a writing setting forth his/her disagreements with the findings and provide recommendations to the IPA, the BPCRB, and the GM. After receipt of the appeal, the GM shall convene a confidential personnel meeting to include the Chief of Police, the IPA, and a representative of the BPCRB. After receiving input from the Chief of Police, the IPA, and the BPCRB representative, the GM shall rule and submit his/her decision in writing to the Chief of Police, the IPA and the BPCRB. The Chief of Police shall implement the GM's decision.
- v) Should the BPCRB disagree with the OIPA findings by simple majority, in a confidential personnel meeting, the IPA and the BPCRB shall attempt to come to a consensus. If the BPCRB and the IPA fail to come to a consensus, by simple majority, the BPCRB may appeal. The efforts made to achieve consensus shall be documented by the BPCRB and shall be forwarded to the GM as a part of the appeal. All appeals regarding findings and recommendations for corrective/punitive action or dismissal, between the BPCRB and the IPA will be appealed to the GM, in a confidential personnel meeting to include the Chief of Police. At the confidential personnel meeting, The BPCRB Chair and the IPA will submit their disagreements and recommendations to the GM. The GM shall rule on the matter and make his/her decision known to the Chief of Police, the BPCRB and the IPA. The Chief of Police shall implement the GM's decision, which will be final.
 - vi) Discipline recommended pursuant to these processes shall be subject to an administrative hearing prior to implementation in a manner consistent with addressing the due process rights of public employees, when applicable. Any final determinations that modify or rescind initial dispositions and arbitration determinations shall be evaluated by the IPA to identify any systemic issues and/or potential for the serious erosion of accountability related to such

modifications, and shall be included in a public IPA report. The IPA shall work with BPD to remedy any such issues identified by the evaluation.

C. Review Legal Claims, Lawsuits, and Settlements

- i) OIPA shall be authorized to review any legal claims and/or lawsuits against BART that relate to the conduct of BPD personnel to ensure that all allegations of misconduct are thoroughly investigated by OIPA and/or BPD, and to identify any systemic issues regarding BPD practices and/or policies.
- ii) OIPA shall be authorized to review any significant settlements and adverse judgments involving BPD.
- iii) OIPA shall work with BPD to develop corrective action intended to remediate any systemic issues identified through review of any significant settlements or adverse judgments involving the BPD.
- iv) OIPA shall publicly report its involvement in the review of legal claims, lawsuits and settlements in a manner consistent with all applicable confidentiality requirements.

D. Review Investigations Conducted by BPD

- i) OIPA shall be authorized to review BPD Internal Affairs Bureau (IA) investigations to determine whether the investigations are complete, thorough, objective, and fair.

Page | 3

- ii) The IPA shall, subject to his or her discretion, have authority to monitor or require follow up investigation into any citizen complaint or allegation that is investigated by BPD.
- iii) OIPA should provide recommendations to the BPD regarding investigative quality and/or appropriateness of disciplinary recommendations prior to the finalization of the investigative report and notification of disposition to subject officers and complainants.
- iv) OIPA is authorized to publicly report any resistance by the BPD to conduct reasonable additional investigative tasks, including by way of notification to the Board, the BPCR, and the GM.

E. Review Uses of Force by BPD Officers

- i) OIPA shall have the authority and responsibility to review all Use of Force (UOF) incidents by BPD officers to determine whether the UOF should be the subject of an IA investigation and/or whether other issues are implicated for the individual officer or for BPD, including but not limited to training, equipment, supervision, and policy.
- ii) OIPA shall be authorized to regularly participate in the BPD UOF Review Board process by attending meetings and/or reviewing determinations made by the BPD UOF Review Board.
- iii) OIPA shall report publicly on its involvement in the BPD UOF review process including determinations made by BPD UOF reviewers in a manner consistent with all applicable confidentiality requirements.

F. BPD Early Intervention Systems

- i) OIPA shall be involved in the review and evaluation of data, alerts, and reports

related to the BPD Early Intervention System (EIS).

- ii) The OIPA may use the EIS data to determine whether conduct or disciplinary issues regarding BPD or individual officers exist.
- iii) OIPA shall regularly report on the status and effectiveness of the BPD EIS in a manner consistent with all applicable confidentiality requirements.

G. Auditing

- i) OIPA shall have the necessary access and authority to review BPD data, records, and staffing information for the purpose of conducting systemic audits of BPD functions that impact the quality of the Department and the services provided by BPD to the public.
- ii) OIPA shall have the necessary access and authority to monitor any audits conducted by the BPD regarding BPD functions that impact the quality of the Department and the services provided by the BPD to the public.
- iii) OIPA shall be authorized to publicly report on the results of any audits or monitored audits as described in this section in a manner consistent with all applicable confidentiality requirements.

H. Mediation

OIPA shall develop a voluntary alternative dispute resolution (ADR) process for resolving complaints which involve conduct that may most appropriately be corrected or modified through alternative means. OIPA shall review a draft of the voluntary ADR process with the BPCRB and BART Police Associations and secure their concurrence prior to implementation.

Page | 4

I. Appeal of IA Findings

Any complainant may file an appeal of an internal investigation conducted by BPD with the OIPA. Upon receipt of an appeal, OIPA shall:

- i) Review the completed BPD investigation.
- ii) Determine whether further investigation is warranted and, if necessary, ensure that a timely, thorough, complete, objective and fair follow-up investigation into the complaint or allegation is conducted. A follow-up investigation may, at the discretion of the IPA, be conducted by the OIPA, the BPD or any other competent investigative agency.
- iii) Provide timely updates on the progress of the review and any follow-up investigation to the complainant and the BPD employee who was the subject of the original investigation, to the extent permitted by law unless the specific facts of the investigation would prohibit such notification.
- iv) Based on the review of the original investigation and, where appropriate, the results of any follow-up investigation, OIPA shall reach an independent finding as to the facts of the underlying allegation or complaint.
- v) Independent investigative findings of "Sustained" made by OIPA shall include recommendations for corrective/punitive action, up to and including termination where warranted. When the evidence does not support the

allegations of misconduct, the IPA shall recommend a finding of Unfounded, Exonerated, or Not Sustained.

- vi) All BPD investigative findings that are appealed to OIPA shall be subject to the procedures defined in Chapter 1-04(B).

J. Critical Incidents

- i) The IPA shall be notified immediately by BPD personnel to respond to the investigative scene(s) of any BPD officer-involved shooting, use of force resulting in life threatening injury, use of force resulting in bodily injury requiring transportation and admittance to a hospital, , or in-custody death.
- ii) The BPD officer in charge at the investigative scene(s) shall provide the IPA and OIPA staff with access to the investigative scene(s) equivalent to BPD Internal Affairs Investigators upon their arrival at the investigative scene.
- iii) The OIPA shall have the authority to monitor all aspects of the ensuing investigation that the BPD Internal Affairs investigators have authority to monitor while the investigation is in progress. The BPD will grant the OIPA access equivalent to BPD Internal Affairs investigators to the site(s) of all interviews related to a critical incident involving BPD personnel.
- iv) The IPA may observe interviews of employees, public complainants, and witnesses that are conducted by BPD Internal Affairs Investigators and may submit questions to the interviewer to be asked by the interviewer in accordance with state and federal law.

K. Recommendations on Procedures, Practices and Training

- i) OIPA shall develop specific recommendations concerning policies, procedures, practices, and training of BPD personnel. The goal of the above OIPA recommendations, shall be improving the professionalism, safety record, effectiveness, and accountability of BPD employees. OIPA shall consult with the Chief of Police and other stakeholders and shall present its recommendations to the BPCRb for review and comment.

Page | 5

- ii) Should BPD reject policy recommendations submitted by OIPA, the IPA may forward the recommendations to the GM and/or the Board for further consideration.
- iii) OIPA shall have the authority and responsibility to provide input to the BPD during the development of any significant BPD-initiated policy creation or revision.
- iv) OIPA shall publicly report on its involvement in the development and revision of BPD policies and shall report annually regarding any outstanding recommendations and the degree to which they were endorsed by the BPCRb and accepted by BPD.

L. BART Police Associations

- i) The IPA shall meet periodically with and seek input from the BART Police

Managers Association (BPMA) and the BART Police Officers Association (BPOA) regarding the work of OIPA.

ii) OIPA shall report annually on whether meetings with BPMA and BPOA occurred.

M. Community Outreach

OIPA shall develop and maintain a regular program of community outreach and communication for the purpose of listening to and communicating with members of the public in the BART service area. The OIPA community outreach program shall set out to educate the public regarding the responsibilities and services of OIPA and the functions of the BPCRB.

N. Reporting

The IPA shall prepare annual reports to the Board and the public in a manner consistent with all applicable confidentiality requirements, which prior to being finalized shall be reviewed, in draft form, by the BPCRB. To the extent permitted by law, reports shall include the number and types of cases filed, number of open cases, the disposition of and any action taken on cases including recommendations for corrective/punitive action, and the number of cases being appealed; findings of trends and patterns analyses; and recommendations to change BPD policy and procedures, as appropriate. The reports shall include all complaints regarding police officers received by OIPA, BPD, BART District Secretary (DSO), and other District departments.

O. Public Statements

The IPA shall be authorized to make public statements regarding any aspect of BPD policies and practices, the Citizen Oversight Model, and in conjunction with any public report or findings in a manner consistent with all applicable confidentiality requirements.

Chapter 1-05 RELATIONSHIP BETWEEN OIPA AND THE BPCRB

A. OIPA and the BPCRB shall be established and operated as separate, complementary entities with different roles that are and shall remain independent of one another. B. On a no less than monthly basis, the BPCRB shall receive reports from OIPA in a manner consistent with all applicable confidentiality requirements, including the number and types of cases filed, number of open cases, the disposition of and any action taken on cases, recommendations for corrective/punitive action, including discipline and dismissals, and the number of independent investigations concluded by OIPA. The report shall also include the

Page | 6

number and outcome of cases being appealed either to OIPA by members of the public, the BPCRB or the Chief of Police pursuant to the appeals process described in Chapter 1- 04(B), above.

- i) Reports shall include all complaints received by OIPA, BPD, BPCRB, DSO, and other District departments.
- ii) For tracking and timeliness purposes, this report shall include the number of

days that have elapsed between the date of the complaint and the date of the written report to the BPCRB.

- C. OIPA may present reports related to OIPA-monitored BPD investigations to the BPCRB in closed session for its input and feedback. BPD personnel may be present during the closed session to respond to any BPCRB inquiries regarding the investigation and/or related investigative processes.
- D. OIPA shall, for informational purposes, promptly notify the Chair of the BPCRB whenever the IPA is informed of a critical incident as described in Chapter 1-04(J).
- E. The BPCRB and OIPA will coordinate community outreach activities and communication with the public.

Chapter 1-06 RELATIONSHIP BETWEEN OIPA, BPD, DSO, AND OTHER DISTRICT DEPARTMENTS

- A. The Chief of Police, DSO and other Executive Managers with employees that routinely receive comments/complaints from the public shall each, jointly with the IPA, develop standard operating procedures to govern the relationship and flow of communication regarding complaints involving police officers between OIPA and each of their respective departments.
- B. OIPA and the Chief of Police shall provide each other with timely notification of complaints, investigations, appeals and findings and with such information and cooperation as is appropriate and necessary.

Chapter 1-07 COOPERATION WITH OIPA

- A. OIPA shall have unfettered access to police reports and police personnel records. All parties who have access to confidential information shall comply with all confidentiality requirements of the BPD, the District, and all state and federal laws.
- B. During an investigation, all involved BPD personnel shall be compelled to meet and cooperate with OIPA in accordance with Government Code Section 3300-3313.
- C. No person shall directly or indirectly force, or by any threats to person or property, or in any manner willfully intimidate, influence, impede, deter, threaten, harass, obstruct or prevent, another person, including a child, from freely and truthfully cooperating with OIPA.

Chapter 1-08 INDEPENDENCE OF OIPA

- A. The IPA and any employee of the OIPA shall, at all times, be totally independent. All investigations, findings, recommendations, and requests made by OIPA shall reflect the views of OIPA alone.
- B. No District employee or Director shall attempt to unduly influence or undermine the independence of the IPA or any employee of the OIPA in the performance of his or her duties and responsibilities set forth herein.

Page | 7

- C. DSO staff shall perform administrative and organizational tasks for the BPCRB, which will be intended to clarify, strengthen, and maintain the delineation and

separation of the BPCRB and OIPA.

Chapter 1-09 CONFIDENTIALITY OF RECORDS AND INFORMATION

OIPA 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.

Chapter 1-10 CODE OF ETHICS

The employees of OIPA shall adhere to the National Association for Civilian Oversight of Law Enforcement (NACOLE) Code of Ethics.

Chapter 1-11 TIMELINESS

Nothing in this Model is intended to delay or interfere with the timely investigation and disposition of internal affairs investigations of alleged police misconduct. OIPA and the BPCRB shall jointly develop a timeline for completion of the disciplinary process that will be concluded within 365 days from the time of discovery by BPD Internal Affairs, BPD supervisory level personnel, the OIPA, or the BPCRB.

Chapter 2-01 BART POLICE CITIZEN REVIEW BOARD

A BART Police Citizen Review Board **(Name change)*** shall be established by the Board of Directors to increase visibility for the public into the delivery of BART police services, to provide community participation in the review and establishment of BPD policies, procedures, practices and initiatives, and to receive citizen complaints and allegations of misconduct by BPD employees. Results of investigations into allegations of misconduct by BPD employees and recommendations for corrective/punitive action, including discipline, will be reviewed by the BPCRB. The members of the BPCRB shall adhere to the National Association for Civilian Oversight of Law Enforcement (NACOLE) Code of Ethics and comply with all applicable state and federal laws regarding confidentiality.

***(Change name to BART Police Civilian Review Board) Approved 05.13.2024**

Chapter 2-02 APPOINTMENT OF BPCRB MEMBERS

- A. The BPCRB shall report directly to the Board.
- B. The BPCRB shall consist of eleven (11) members appointed as follows:
 - i) Each BART Director shall appoint one (1) member.
 - ii) The BPMA and BPOA shall jointly appoint one (1) member.

- iii) There shall be one (1) Public-at-Large member to be appointed by the Board.
- iv) All appointments or re-appointments to the BART Police Citizen Review Board shall be for two-year terms. Those members appointed by Directors representing odd numbered

Page | 8

Districts, as well as the Public-at-Large member shall have their terms expire on June 30th of the respective even numbered year. Those members appointed by Directors from even numbered Districts, as well as the BART Police Associations' member, shall have their terms expire on June 30th of the respective odd numbered year.

- v) Service on the BPCRB shall be voluntary.
- vi) A newly-elected Director may replace the seated BPCRB appointee representing their District within ninety 90 calendar days of taking office, otherwise the seated BPCRB member will continue to serve until expiration of the applicable term, unless otherwise disqualified as described herein

Chapter 2-03 BPCRB MEMBER QUALIFICATIONS AND RESTRICTIONS

- A. Members of the BART Police Citizen Review Board must reside within Alameda, San Francisco, Contra Costa, or San Mateo County.
- B. BPCRB members shall agree to adhere to the Code of Ethics described in Chapter 2-10.
- C. BPCRB members must be fair-minded and objective with a demonstrated commitment to community service.
- D. No person currently employed in a law enforcement capacity, either sworn or non-sworn, shall be eligible for appointment to the BPCRB.
- E. No current or former BPD employee shall serve on the BPCRB, and no relative of any current or former BPD employee shall serve on the BPCRB.²
- F. All appointees to the BPCRB shall be subject to background checks.
- G. No person convicted of a felony shall serve on the BPCRB.
- H. Members serving on the BPCRB are not required to be U.S. citizens.

Chapter 2-04 BPCRB MEMBER MEETING ATTENDANCE

- A. BPCRB members may not miss three regularly scheduled meetings per year. i) The appointment of any BPCRB member who has been absent from three (3) regular meetings during the fiscal year, shall automatically expire effective on the date that such absence is reported by the OIPA to the DSO, except in the case of an approved absence or leave of absence as described herein.

(restriction change)*

- * The appointment of any BPCRB member who has been absent from three (3) **consecutive regular meetings or four (4) meetings in total during the fiscal year, shall automatically expire effective on the date that such absence is reported by the BPCRB to the DSO.**

Approved June 06.13.2024

ii) The DSO shall notify any BPCRB member whose appointment has automatically terminated, and report to the Board and the BART Police Associations that a vacancy exists on the BPCRB. The vacancy shall then be filled in accordance with Chapter 2-06. B. Excused Absences from Regularly Scheduled Meetings

i) A BPCRB Member may request an excused absence from their appointing Director, and that excuse shall be transmitted to the DSO. Such excused absences shall be granted by the Board President regarding the Public-at-Large appointee, or from the Police Associations regarding the Police Associations' appointee. Such excused absences will not count against the member's absence limitations.

ii) BPCRB members may be granted a leave of absence by their appointing Director not to exceed three (3) months. When such a leave of absence is granted, the seat may be

² Relatives include spouse, domestic partner, child, parent, brother, sister, grandparent, step-parent, step-child, legal guardian, father-in-law and mother-in-law.

filled for the period of such leave and may be filled in accordance with the procedure described herein, subject to ratification by the Board. Such leaves of absence shall be granted by the Board President regarding the Public-at-Large appointee, or from the Police Associations regarding the Police Associations' appointee.

Chapter 2-05 BPCRB VACANCIES

- A. Vacancies on the BPCRB shall be filled for the unexpired portion of the term, subject to ratification by the Board.
- B. A vacancy in a seat representing one of the nine BART Districts shall be filled by the Director whose appointee has ceased to serve.
- C. A vacancy in the seat that represents the BART Police Associations shall be filled by the BART Police Associations.
- D. A vacancy in the seat representing the Public-at-Large shall be filled by the Board from the pool of qualified applications submitted during the most recent

application period for the Public-at-Large seat. If no qualified Public-at-Large applicants are available or willing to serve, the Board shall solicit new applications.

- E. The IPA may provide input to the Board regarding the performance of any BPCR member who seeks reappointment.
- F. The Board should consider a BPCR member's annual outreach activity when deciding whether to reappoint a member to the BPCR.

Chapter 2-06 SCOPE

The BPCR shall have the authority to exercise its duties and responsibilities as outlined below, regarding law enforcement and police activities or personnel operating under authority of BART.

Chapter 2-07 DUTIES AND RESPONSIBILITIES (added process)*

- A. Complaints Received from Members of the Public
Any person may file a complaint or allegation of wrongdoing against any BPD employee with the BPCR. Upon receipt of a complaint or allegation, the BPCR shall immediately turn the complaint or allegation over to the OIPA, and OIPA shall proceed according to Chapter 1-04 above.
- B. Recommendations for Corrective Action
 - i) The IPA shall submit his/her investigative findings and recommendations to the BPCR for review in a confidential personnel meeting, where the processes described in Chapter 1-04(B)(ii-vi) including, but not limited to, appeal procedures shall apply.
 - ii) The BPCR shall announce each member's vote regarding its acceptance or rejection of the OIPA findings and recommendations for discipline in open session, and in cases in which a non-unanimous majority agrees with the OIPA findings and recommendations, the dissenting members should generate a memorandum including the rationale for diverging from the majority opinion without divulging privileged, protected, or confidential information and evidence.
- C) **Closed Session Process**
 - i) All findings brought by the OIPA to the BPCR show be broken down by individual counts. Each BART Police member mentioned in the OIPA report shall have their findings individually voted on by the BPCR. Each of the BART PD members' findings will be listed in a numerical order as referred to as "Count 1, Count 2, etc..
 - ii) When the BPCR reports out the votes from the closed session, the voting will be announced by the vote on each count.

iii) During the BPCRb closed session, the OIPA role is to present the facts of the case, their findings and answer any questions. Once the BPCRb Chairperson deems the discussion to be completed, only one member of the OIPA will remain in the closed session to answer any and all other questions the BPCRb may have. During deliberations the role of the OIPA representative answers any questions related to their own findings and policy but not the deliberative process of the BPCRb.

iv) Any BART PD policy violations mentioned in the OIPA report will have a copy of the policy attached to the OIPA report for the BPCRb to refer to in closed session.

v) For all OIPA sustained counts, the BPCRb members MUST review All of the evidence presented. This includes written photos, and videos. If a BPCRb member has not reviewed all of the evidence for a sustained finding, the member MUST abstain from voting.

vi) Any BPCRb members who vote to not accept an OIPA finding must write a dissenting memo. A draft of any dissenting memos must be reviewed by an attorney assigned by the BART Legal Department to ensure no confidential information is divulged. Once BART legal deems the memo to be in compliance, the memo MUST be distributed and a copy sent to the BART General Manager, the BART Chief of Police, and the BPCRb Chairperson. If there are multiple dissenting members, they may collaborate and submit one dissenting memo.

D. BPCRb Legal Support:

The BPCRb will be assigned an attorney from the BART Legal Department to be available to assist the BPCRb with all legal issues.

Sections C : v and vi- approved 05.13.2024

Section D- Approved 05.13.2024

Page | 10

C. Recommendations on Policies, Procedures, Practices and Training

- i) The BPCRb shall develop and review recommendations as to the policies, procedures, and practices of BPD in consultation with the IPA.
- ii) The goal of BPCRb recommendations shall be to improve the professionalism, safety record, effectiveness, and accountability of BPD employees.
- iii) The BPCRb may make recommendations to the Chief of Police, GM, and Board, as appropriate.
- iv) The BPCRb shall review and comment on all additions and changes to policy, procedures and practices as well as all new initiatives (including training and

equipment) proposed by BPD or OIPA and make recommendations to the Board.

(Process change)*

The BPCRБ shall be notified in writing with redline changes 14 days prior to any policies, procedures and training as well as all new initiatives (including training and equipment) proposed by BPD or OIPA. The notification to the BPCRБ will be followed by an item on the agenda by the Chief of Police or OIPA to clarify and discuss all changes. The BPCRБ may agendaize the policy(ies) changes for discussion and action inclusive but not limited to language and/or timeline proposals as well as the creation of a subcommittee for further review, discussion and commentary inclusive of recommendations.

D. Disagreements Regarding Proposed Policies, Procedures, Practices, and Training The Board shall review and resolve all disagreements regarding proposed policies, procedures, practices and training that may arise between the BPCRБ and the Chief of Police, IPA, or GM. The Board shall make the final determination in all such instances.

E. BART Police Associations

The BPCRБ shall meet periodically with and seek input from the BPMA and BPOA on issues of interest to the parties. The BPCRБ shall report annually on whether meetings with the BPMA and the BPOA occurred.

F. Community Outreach

The BPCRБ shall develop and maintain a regular program of community outreach and communication for the purpose of listening to and communicating with members of the public in the BART service area. The BPCRБ community outreach program shall seek to educate the public about the responsibilities and services of OIPA and functions of the BPCRБ.

i) The DSO will provide staff support to and facilitate training for the BPCRБ.

ii) The BPCRБ should endeavor to conduct meetings in varying locales, where feasible to increase exposure of its work to a wider array of community members.

G. Reporting

The BPCRБ shall file quarterly reports of its activities with the DSO for distribution to the Board and shall prepare an annual report on its accomplishments and activities (including recommendations to improve BPD services) for presentation to the Board and the public.

H. Monitor Study Recommendations

The BPCRБ shall report on the accomplishments and progress made by BPD in implementing recommendations resulting from periodic studies that may be conducted to look at departmental policies, procedures, practices, and training.

I. Public Statements

The Chair of the BPCRB shall be authorized to make public statements on behalf of the BPCRB regarding the role and processes of the BPCRB when an exigency to respond to an inquiry is presented.

Page | 11

J. Selection of the Chief of Police and Independent Police Auditor

The BPCRB (as well as the BART Police Associations) shall participate in an advisory role in the selection of the Chief of Police by interviewing finalist candidates. (Change in language and process)*

*The BART Police Associations shall participate in an advisory role in the selection of the Chief of Police and/or Independent Police Auditor by interviewing finalist candidates

*The BPCRB shall participate in an advisory role composed only of BPCRB members in the selection of the Chief of Police and/ or Independent Police Auditor by being given ample time to review resumes of candidates, being able to give input on questionnaires and interviewing finalist candidates. In addition, the BPCRB shall be given ample time to review credentials, interview notes and deliberate before their recommendations are submitted to the General Manager.

K. Staff Support for the BPCRB (Language Changes)*

The DSO will provide staff support to the BPCRB including but not limited to the following: i) Facilitation of training for the BPCRB.

ii) Preparation and maintenance of records of meetings of the BPCRB.

iii) Distribution of reports by the BPCRB to the Board and the public.

iv) Facilitation of the application process for appointment to the BPCRB and coordination of the selection and ratification processes with the Board.

v) Provision of training including a curriculum designed for newly-appointed BPCRB members.

vi) Provision and maintenance of an ongoing in-service training program.

*K. Staff Support for the BPCRB

The DSO will provide staff support to the BPCRB including but not limited to the following:

i) Preparation and maintenance of records of meetings of the BPCRB.

ii) Distribution of reports by the BPCRB to the Board and the public.

iii) Facilitation of the application process for appointment to the BPCRB and coordination

of the selection and ratification processes with the Board.

- iv) Provision of training including scheduling and maintenance of a curriculum designed for newly-appointed BPCRB as well as an ongoing in-service training program.
- v) Implementation with the assistance of the BPCRB and OIPA, of an onboarding and orientation program for all new BPCRB members
- vii) Assist the BPCRB with all community outreach efforts
- vi) Monitor email and field calls from members of the public in regards to the work of the BPCRB and report on all calls and communications on a monthly basis.
- vii) Attend seminars, webinars, conferences and/or oversight training in order to fully assist the BPCRB in its oversight functions
- viii) Provision of attendance and record keeping of all closed sessions meetings

Chapter 2-08 RELATIONSHIP BETWEEN THE BPCRB AND OIPA

A. No less than monthly, the BPCRB shall receive reports from the IPA including the number and types of cases filed, number of open cases, the disposition of and any action taken on cases, recommendations for corrective/punitive action, including discipline and dismissals, and the number of independent investigations concluded by OIPA.

- i) The report shall also include the number of cases being appealed either to OIPA by members of the public or by the BPCRB pursuant to the appeals process described in Chapter 1-04(B), above.
- ii) OIPA reports to the BPCRB shall include all complaints received by OIPA, BPD, the BPCRB, DSO, and other District departments.
- iii) This report shall also include the number of days that have elapsed between the date of the complaint and the report to the BPCRB.
- iv) OIPA reports shall include the degree to which OIPA and BPCRB disciplinary recommendations were implemented by BPD.

B. The Chair of the BPCRB shall, for informational purposes, be promptly informed by the OIPA of all critical incidents involving BPD.

C. The BPCRB may report to the Board of Directors' Personnel Committee on the performance and effectiveness of OIPA.

D. The BPCRB (as well as the BART Police Associations) shall participate in an advisory role in the process of selecting all successors to the first IPA.

E. The BPCRB will participate in a regular program of community outreach and communication with the public, in conjunction with OIPA.

F. The BPCRB shall make forms available at BPCRB meetings to accept complaints and allegations of police misconduct from the public and shall forward any received complaints to OIPA for appropriate action.

Chapter 2-09 CONFIDENTIALITY OF RECORDS AND INFORMATION

Page | 12

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

Chapter 2-10 CODE OF ETHICS

The members of the BPCRB shall adhere to the National Association for Civilian Oversight of Law Enforcement (NACOLE) Code of Ethics.

Chapter 3-01 OVERSIGHT SYSTEM EVALUATION

The Board, with input from the BPCRB, IPA, BART Police Associations, GM, DSO, complainants and the public will evaluate the BART Police citizen oversight structure every 3 years to determine whether the need exists to make changes and/or otherwise make adjustments to the system to improve its continued performance. These evaluations shall in no way be intended to eliminate the BART Police citizen oversight structure.

Chapter 3-02 Budgetary Considerations (Addition)

In order to ensure training, subject matter knowledge and increase the legitimacy of the BPCRB as a separate, complementary, independent, entity with a different role from the OIPA, the Board of Directors shall review and make the necessary budgetary allocations in order to fund staff support, training and development inclusive but not limited to membership in NACOLE, attendance to webinars, seminars and subject matter conferences like NACOLE, NOBLE and others.

Page | 13

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

CITIZEN OVERSIGHT MODEL

Purpose: To provide an effective independent citizen oversight system that promotes integrity and encourages systemic change and improvement in the police services that the San Francisco Bay Area Rapid Transit District (BART) provides to the public by ensuring that internal police accountability system functions properly; that behavioral, procedural, and policy deficiencies are identified and appropriately addressed, including racial profiling and allegations of racially abusive treatment; and, that complaints are investigated through an objective and fair process for all parties involved. The system will analyze allegations of misconduct; utilize data to identify trends, including disciplinary outcomes and trends; recommend corrective action and or training; maintain confidentiality; make policy recommendations; and report regularly to the BART Board of Directors and the public. The essential community involvement component of the system shall be accomplished through the inclusion of a BART Police Citizen Review Board.

Chapter 1:

- 1-01 OFFICE OF THE INDEPENDENT POLICE AUDITOR
- 1-02 APPOINTMENT OF THE INDEPENDENT POLICE AUDITOR
- 1-03 SCOPE
- 1-04 DUTIES AND RESPONSIBILITIES
- 1-05 RELATIONSHIP BETWEEN OIPA AND THE BART POLICE CITIZEN REVIEW BOARD
- 1-06 RELATIONSHIP BETWEEN OIPA, BPD, DISTRICT SECRETARY, AND OTHER DISTRICT DEPARTMENTS
- 1-07 COOPERATION WITH OIPA
- 1-08 INDEPENDENCE OF OIPA
- 1-09 CONFIDENTIALITY OF RECORDS AND INFORMATION
- 1-10 CODE OF ETHICS
- 1-11 TIMELINESS

Chapter 2:

- 2-01 BART POLICE CITIZEN REVIEW BOARD
- 2-02 APPOINTMENT OF BPCRB MEMBERS
- 2-03 BPCRB MEMBER QUALIFICATIONS AND RESTRICTIONS
- 2-04 BPCRB MEMBER MEETING ATTENDANCE
- 2-05 BPCRB VACANCIES
- 2-06 SCOPE
- 2-07 DUTIES AND RESPONSIBILITIES
- 2-08 RELATIONSHIP BETWEEN THE BPCRB AND OIPA
- 2-09 CONFIDENTIALITY OF RECORDS AND INFORMATION
- 2-10 CODE OF ETHICS

Chapter 3:

- 3-01 PERIODIC OVERSIGHT SYSTEM EVALUATION

Chapter 1-01 OFFICE OF THE INDEPENDENT POLICE AUDITOR

Pursuant to California Public Utilities Code Section 28767.8, the Office of the Independent Police Auditor (OIPA) shall be established by the Board of Directors (Board) in keeping with the Core Principles for an Effective Police Auditor's Office.¹

Chapter 1-02 APPOINTMENT OF THE INDEPENDENT POLICE AUDITOR

The Independent Police Auditor (IPA) shall be appointed by and report directly to the Board.

Chapter 1-03 SCOPE

OIPA shall have the authority to exercise its duties and responsibilities as outlined below, regarding any and all law enforcement and police activities or personnel operating under the authority of the BART Police Department (BPD). OIPA shall be authorized to investigate any complaints alleging police officer misconduct that implicate the policies of the BPD. OIPA shall be committed to the prompt, timely, and efficient resolution of all complaints, including, but not limited to, adherence to all applicable statutory requirements. OIPA's scope of authority shall not extend beyond the BPD.

Chapter 1-04 DUTIES AND RESPONSIBILITIES

A. Complaints Received from Members of the Public

Any person may file a complaint or allegation of wrongdoing with the OIPA against any BPD employee. Upon receipt of a complaint or allegation, OIPA shall:

- i) Ensure that a timely, thorough, complete, objective, and fair investigation into the complaint is conducted by OIPA or BPD.
- ii) Provide the complainant and all other officers who are the subject(s) of the investigation with timely updates on the progress of all investigations conducted by OIPA, unless the specific facts of the investigation would prohibit such notification.
- iii) Reach an independent finding as to the facts of an investigation.
- iv) The OIPA shall assess the conduct of the BPD employee considering the facts discovered through investigation, the law, the policies, and training of the BPD.

B. Recommendations for Corrective Action

- i) Independent investigative findings of "Sustained" made by OIPA shall include recommendations for corrective/punitive action, up to and including termination where warranted, and shall include prior complaints and their disposition. When the evidence does not support the allegations of misconduct, the IPA shall recommend a finding of Unfounded, Exonerated, or Not Sustained.
- ii) In a confidential personnel meeting, the IPA shall submit his/her investigative findings and recommendations to the BART Police Citizen Review Board (BPCRB) for review. Should the BPCRB agree by simple majority with the findings and recommendations, the report will be submitted to the Chief of Police for appropriate action. The Chief of Police shall implement the recommended action, absent appeal.
- iii) The BPCRB shall announce each member's vote regarding its acceptance of the OIPA findings and recommendations for discipline in open session, and in cases in which a non-unanimous majority agrees with the OIPA findings and recommendations, the dissenting

¹ Report of the First National Police Auditors Conference, March 26-27, 2003, Prepared by Samuel Walker

- members should generate a memorandum including the rationale for diverging from the majority opinion without divulging privileged or confidential information and evidence.
- iv) Should the Chief of Police disagree with the findings and recommendations of OIPA and the BPCRB, the Chief of Police may appeal to the General Manager (GM) within 45 calendar days of the issuance of the findings and recommendations. The Chief of Police will submit his/her appeal in a writing setting forth his/her disagreements with the findings and provide recommendations to the IPA, the BPCRB, and the GM. After receipt of the appeal, the GM shall convene a confidential personnel meeting to include the Chief of Police, the IPA, and a representative of the BPCRB. After receiving input from the Chief of Police, the IPA, and the BPCRB representative, the GM shall rule and submit his/her decision in writing to the Chief of Police, the IPA and the BPCRB. The Chief of Police shall implement the GM's decision.
 - v) Should the BPCRB disagree with the OIPA findings by simple majority, in a confidential personnel meeting, the IPA and the BPCRB shall attempt to come to a consensus. If the BPCRB and the IPA fail to come to a consensus, by simple majority, the BPCRB may appeal. The efforts made to achieve consensus shall be documented by the BPCRB and shall be forwarded to the GM as a part of the appeal. All appeals regarding findings and recommendations for corrective/punitive action or dismissal, between the BPCRB and the IPA will be appealed to the GM, in a confidential personnel meeting to include the Chief of Police. At the confidential personnel meeting, The BPCRB Chair and the IPA will submit their disagreements and recommendations to the GM. The GM shall rule on the matter and make his/her decision known to the Chief of Police, the BPCRB and the IPA. The Chief of Police shall implement the GM's decision, which will be final.
 - vi) Discipline recommended pursuant to these processes shall be subject to an administrative hearing prior to implementation in a manner consistent with addressing the due process rights of public employees, when applicable. Any final determinations that modify or rescind initial dispositions and arbitration determinations shall be evaluated by the IPA to identify any systemic issues and/or potential for the serious erosion of accountability related to such modifications, and shall be included in a public IPA report. The IPA shall work with BPD to remedy any such issues identified by the evaluation.

C. Review Legal Claims, Lawsuits, and Settlements

- i) OIPA shall be authorized to review any legal claims and/or lawsuits against BART that relate to the conduct of BPD personnel to ensure that all allegations of misconduct are thoroughly investigated by OIPA and/or BPD, and to identify any systemic issues regarding BPD practices and/or policies.
- ii) OIPA shall be authorized to review any significant settlements and adverse judgments involving BPD.
- iii) OIPA shall work with BPD to develop corrective action intended to remediate any systemic issues identified through review of any significant settlements or adverse judgements involving the BPD.
- iv) OIPA shall publicly report its involvement in the review of legal claims, lawsuits and settlements in a manner consistent with all applicable confidentiality requirements.

D. Review Investigations Conducted by BPD

- i) OIPA shall be authorized to review BPD Internal Affairs Bureau (IA) investigations to determine whether the investigations are complete, thorough, objective, and fair.

- ii) The IPA shall, subject to his or her discretion, have authority to monitor or require follow-up investigation into any citizen complaint or allegation that is investigated by BPD.
- iii) OIPA should provide recommendations to the BPD regarding investigative quality and/or appropriateness of disciplinary recommendations prior to the finalization of the investigative report and notification of disposition to subject officers and complainants.
- iv) OIPA is authorized to publicly report any resistance by the BPD to conduct reasonable additional investigative tasks, including by way of notification to the Board, the BPCRB, and the GM.

E. Review Uses of Force by BPD Officers

- i) OIPA shall have the authority and responsibility to review all Use of Force (UOF) incidents by BPD officers to determine whether the UOF should be the subject of an IA investigation and/or whether other issues are implicated for the individual officer or for BPD, including but not limited to training, equipment, supervision, and policy.
- ii) OIPA shall be authorized to regularly participate in the BPD UOF Review Board process by attending meetings and/or reviewing determinations made by the BPD UOF Review Board.
- iii) OIPA shall report publicly on its involvement in the BPD UOF review process including determinations made by BPD UOF reviewers in a manner consistent with all applicable confidentiality requirements.

F. BPD Early Intervention Systems

- i) OIPA shall be involved in the review and evaluation of data, alerts, and reports related to the BPD Early Intervention System (EIS).
- ii) The OIPA may use the EIS data to determine whether conduct or disciplinary issues regarding BPD or individual officers exist.
- iii) OIPA shall regularly report on the status and effectiveness of the BPD EIS in a manner consistent with all applicable confidentiality requirements.

G. Auditing

- i) OIPA shall have the necessary access and authority to review BPD data, records, and staffing information for the purpose of conducting systemic audits of BPD functions that impact the quality of the Department and the services provided by BPD to the public.
- ii) OIPA shall have the necessary access and authority to monitor any audits conducted by the BPD regarding BPD functions that impact the quality of the Department and the services provided by the BPD to the public.
- iii) OIPA shall be authorized to publicly report on the results of any audits or monitored audits as described in this section in a manner consistent with all applicable confidentiality requirements.

H. Mediation

OIPA shall develop a voluntary alternative dispute resolution (ADR) process for resolving complaints which involve conduct that may most appropriately be corrected or modified through alternative means. OIPA shall review a draft of the voluntary ADR process with the BPCRB and BART Police Associations and secure their concurrence prior to implementation.

I. Appeal of IA Findings

Any complainant may file an appeal of an internal investigation conducted by BPD with the OIPA. Upon receipt of an appeal, OIPA shall:

- i) Review the completed BPD investigation.
- ii) Determine whether further investigation is warranted and, if necessary, ensure that a timely, thorough, complete, objective and fair follow-up investigation into the complaint or allegation is conducted. A follow-up investigation may, at the discretion of the IPA, be conducted by the OIPA, the BPD or any other competent investigative agency.
- iii) Provide timely updates on the progress of the review and any follow-up investigation to the complainant and the BPD employee who was the subject of the original investigation, to the extent permitted by law unless the specific facts of the investigation would prohibit such notification.
- iv) Based on the review of the original investigation and, where appropriate, the results of any follow-up investigation, OIPA shall reach an independent finding as to the facts of the underlying allegation or complaint.
- v) Independent investigative findings of "Sustained" made by OIPA shall include recommendations for corrective/punitive action, up to and including termination where warranted. When the evidence does not support the allegations of misconduct, the IPA shall recommend a finding of Unfounded, Exonerated, or Not Sustained.
- vi) All BPD investigative findings that are appealed to OIPA shall be subject to the procedures defined in Chapter 1-04(B).

J. Critical Incidents

- i) The IPA shall be notified immediately by BPD personnel to respond to the investigative scene(s) of any BPD officer-involved shooting, use of force resulting in life threatening injury, use of force resulting in bodily injury requiring transportation and admittance to a hospital, , or in-custody death.
- ii) The BPD officer in charge at the investigative scene(s) shall provide the IPA and OIPA staff with access to the investigative scene(s) equivalent to BPD Internal Affairs Investigators upon their arrival at the investigative scene.
- iii) The OIPA shall have the authority to monitor all aspects of the ensuing investigation that the BPD Internal Affairs investigators have authority to monitor while the investigation is in progress. The BPD will grant the OIPA access equivalent to BPD Internal Affairs investigators to the site(s) of all interviews related to a critical incident involving BPD personnel.
- iv) The IPA may observe interviews of employees, public complainants, and witnesses that are conducted by BPD Internal Affairs Investigators and may submit questions to the interviewer to be asked by the interviewer in accordance with state and federal law.

K. Recommendations on Procedures, Practices and Training

- i) OIPA shall develop specific recommendations concerning policies, procedures, practices, and training of BPD personnel. The goal of the above OIPA recommendations, shall be improving the professionalism, safety record, effectiveness, and accountability of BPD employees. OIPA shall consult with the Chief of Police and other stakeholders and shall present its recommendations to the BPCRB for review and comment.

- ii) Should BPD reject policy recommendations submitted by OIPA, the IPA may forward the recommendations to the GM and/or the Board for further consideration.
- iii) OIPA shall have the authority and responsibility to provide input to the BPD during the development of any significant BPD-initiated policy creation or revision.
- iv) OIPA shall publicly report on its involvement in the development and revision of BPD policies and shall report annually regarding any outstanding recommendations and the degree to which they were endorsed by the BPCRB and accepted by BPD.

L. BART Police Associations

- i) The IPA shall meet periodically with and seek input from the BART Police Managers Association (BPMA) and the BART Police Officers Association (BPOA) regarding the work of OIPA.
- ii) OIPA shall report annually on whether meetings with BPMA and BPOA occurred.

M. Community Outreach

OIPA shall develop and maintain a regular program of community outreach and communication for the purpose of listening to and communicating with members of the public in the BART service area. The OIPA community outreach program shall set out to educate the public regarding the responsibilities and services of OIPA and the functions of the BPCRB.

N. Reporting

The IPA shall prepare annual reports to the Board and the public in a manner consistent with all applicable confidentiality requirements, which prior to being finalized shall be reviewed, in draft form, by the BPCRB. To the extent permitted by law, reports shall include the number and types of cases filed, number of open cases, the disposition of and any action taken on cases including recommendations for corrective/punitive action, and the number of cases being appealed; findings of trends and patterns analyses; and recommendations to change BPD policy and procedures, as appropriate. The reports shall include all complaints regarding police officers received by OIPA, BPD, BART District Secretary (DSO), and other District departments.

O. Public Statements

The IPA shall be authorized to make public statements regarding any aspect of BPD policies and practices, the Citizen Oversight Model, and in conjunction with any public report or findings in a manner consistent with all applicable confidentiality requirements.

Chapter 1-05 RELATIONSHIP BETWEEN OIPA AND THE BPCRB

- A. OIPA and the BPCRB shall be established and operated as separate, complementary entities with different roles that are and shall remain independent of one another.
- B. On a no less than monthly basis, the BPCRB shall receive reports from OIPA in a manner consistent with all applicable confidentiality requirements, including the number and types of cases filed, number of open cases, the disposition of and any action taken on cases, recommendations for corrective/punitive action, including discipline and dismissals, and the number of independent investigations concluded by OIPA. The report shall also include the

number and outcome of cases being appealed either to OIPA by members of the public, the BPCRB or the Chief of Police pursuant to the appeals process described in Chapter 1-04(B), above.

- i) Reports shall include all complaints received by OIPA, BPD, BPCRB, DSO, and other District departments.
 - ii) For tracking and timeliness purposes, this report shall include the number of days that have elapsed between the date of the complaint and the date of the written report to the BPCRB.
- C. OIPA may present reports related to OIPA-monitored BPD investigations to the BPCRB in closed session for its input and feedback. BPD personnel may be present during the closed session to respond to any BPCRB inquiries regarding the investigation and/or related investigative processes.
 - D. OIPA shall, for informational purposes, promptly notify the Chair of the BPCRB whenever the IPA is informed of a critical incident as described in Chapter 1-04(J).
 - E. The BPCRB and OIPA will coordinate community outreach activities and communication with the public.

Chapter 1-06 RELATIONSHIP BETWEEN OIPA, BPD, DSO, AND OTHER DISTRICT DEPARTMENTS

- A. The Chief of Police, DSO and other Executive Managers with employees that routinely receive comments/complaints from the public shall each, jointly with the IPA, develop standard operating procedures to govern the relationship and flow of communication regarding complaints involving police officers between OIPA and each of their respective departments.
- B. OIPA and the Chief of Police shall provide each other with timely notification of complaints, investigations, appeals and findings and with such information and cooperation as is appropriate and necessary.

Chapter 1-07 COOPERATION WITH OIPA

- A. OIPA shall have unfettered access to police reports and police personnel records. All parties who have access to confidential information shall comply with all confidentiality requirements of the BPD, the District, and all state and federal laws.
- B. During an investigation, all involved BPD personnel shall be compelled to meet and cooperate with OIPA in accordance with Government Code Section 3300-3313.
- C. No person shall directly or indirectly force, or by any threats to person or property, or in any manner willfully intimidate, influence, impede, deter, threaten, harass, obstruct or prevent, another person, including a child, from freely and truthfully cooperating with OIPA.

Chapter 1-08 INDEPENDENCE OF OIPA

- A. The IPA and any employee of the OIPA shall, at all times, be totally independent. All investigations, findings, recommendations, and requests made by OIPA shall reflect the views of OIPA alone.
- B. No District employee or Director shall attempt to unduly influence or undermine the independence of the IPA or any employee of the OIPA in the performance of his or her duties and responsibilities set forth herein.

- C. DSO staff shall perform administrative and organizational tasks for the BPCRB, which will be intended to clarify, strengthen, and maintain the delineation and separation of the BPCRB and OIPA.

Chapter 1-09 CONFIDENTIALITY OF RECORDS AND INFORMATION

OIPA 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.

Chapter 1-10 CODE OF ETHICS

The employees of OIPA shall adhere to the National Association for Civilian Oversight of Law Enforcement (NACOLE) Code of Ethics.

Chapter 1-11 TIMELINESS

Nothing in this Model is intended to delay or interfere with the timely investigation and disposition of internal affairs investigations of alleged police misconduct. OIPA and the BPCRB shall jointly develop a timeline for completion of the disciplinary process that will be concluded within 365 days from the time of discovery by BPD Internal Affairs, BPD supervisory level personnel, the OIPA, or the BPCRB.

Chapter 2-01 BART POLICE CITIZEN REVIEW BOARD

A BART Police Citizen Review Board shall be established by the Board of Directors to increase visibility for the public into the delivery of BART police services, to provide community participation in the review and establishment of BPD policies, procedures, practices and initiatives, and to receive citizen complaints and allegations of misconduct by BPD employees. Results of investigations into allegations of misconduct by BPD employees and recommendations for corrective/punitive action, including discipline, will be reviewed by the BPCRB. The members of the BPCRB shall adhere to the National Association for Civilian Oversight of Law Enforcement (NACOLE) Code of Ethics and comply with all applicable state and federal laws regarding confidentiality.

Chapter 2-02 APPOINTMENT OF BPCRB MEMBERS

- A. The BPCRB shall report directly to the Board.
- B. The BPCRB shall consist of eleven (11) members appointed as follows:
 - i) Each BART Director shall appoint one (1) member.
 - ii) The BPMA and BPOA shall jointly appoint one (1) member.
 - iii) There shall be one (1) Public-at-Large member to be appointed by the Board.
 - iv) All appointments or re-appointments to the BART Police Citizen Review Board shall be for two-year terms. Those members appointed by Directors representing odd numbered

Districts, as well as the Public-at-Large member shall have their terms expire on June 30th of the respective even numbered year. Those members appointed by Directors from even numbered Districts, as well as the BART Police Associations' member, shall have their terms expire on June 30th of the respective odd numbered year.

- v) Service on the BPCRB shall be voluntary.
- vi) A newly-elected Director may replace the seated BPCRB appointee representing their District within ninety 90 calendar days of taking office, otherwise the seated BPCRB member will continue to serve until expiration of the applicable term, unless otherwise disqualified as described herein

Chapter 2-03 BPCRB MEMBER QUALIFICATIONS AND RESTRICTIONS

- A. Members of the BART Police Citizen Review Board must reside within Alameda, San Francisco, Contra Costa, or San Mateo County.
- B. BPCRB members shall agree to adhere to the Code of Ethics described in Chapter 2-10.
- C. BPCRB members must be fair-minded and objective with a demonstrated commitment to community service.
- D. No person currently employed in a law enforcement capacity, either sworn or non-sworn, shall be eligible for appointment to the BPCRB.
- E. No current or former BPD employee shall serve on the BPCRB, and no relative of any current or former BPD employee shall serve on the BPCRB.²
- F. All appointees to the BPCRB shall be subject to background checks.
- G. No person convicted of a felony shall serve on the BPCRB.
- H. Members serving on the BPCRB are not required to be U.S. citizens.

Chapter 2-04 BPCRB MEMBER MEETING ATTENDANCE

- A. BPCRB members may not miss three regularly scheduled meetings per year.
 - i) The appointment of any BPCRB member who has been absent from three (3) regular meetings during the fiscal year, shall automatically expire effective on the date that such absence is reported by the OIPA to the DSO, except in the case of an approved absence or leave of absence as described herein.
 - ii) The DSO shall notify any BPCRB member whose appointment has automatically terminated, and report to the Board and the BART Police Associations that a vacancy exists on the BPCRB. The vacancy shall then be filled in accordance with Chapter 2-06.
- B. Excused Absences from Regularly Scheduled Meetings
 - i) A BPCRB Member may request an excused absence from their appointing Director, and that excuse shall be transmitted to the DSO. Such excused absences shall be granted by the Board President regarding the Public-at-Large appointee, or from the Police Associations regarding the Police Associations' appointee. Such excused absences will not count against the member's absence limitations.
 - ii) BPCRB members may be granted a leave of absence by their appointing Director not to exceed three (3) months. When such a leave of absence is granted, the seat may be

² Relatives include spouse, domestic partner, child, parent, brother, sister, grandparent, step-parent, step-child, legal guardian, father-in-law and mother-in-law.

filled for the period of such leave and may be filled in accordance with the procedure described herein, subject to ratification by the Board. Such leaves of absence shall be granted by the Board President regarding the Public-at-Large appointee, or from the Police Associations regarding the Police Associations' appointee.

Chapter 2-05 BPCRB VACANCIES

- A. Vacancies on the BPCRB shall be filled for the unexpired portion of the term, subject to ratification by the Board.
- B. A vacancy in a seat representing one of the nine BART Districts shall be filled by the Director whose appointee has ceased to serve.
- C. A vacancy in the seat that represents the BART Police Associations shall be filled by the BART Police Associations.
- D. A vacancy in the seat representing the Public-at-Large shall be filled by the Board from the pool of qualified applications submitted during the most recent application period for the Public-at-Large seat. If no qualified Public-at-Large applicants are available or willing to serve, the Board shall solicit new applications.
- E. The IPA may provide input to the Board regarding the performance of any BPCRB member who seeks reappointment.
- F. The Board should consider a BPCRB member's annual outreach activity when deciding whether to reappoint a member to the BPCRB.

Chapter 2-06 SCOPE

The BPCRB shall have the authority to exercise its duties and responsibilities as outlined below, regarding law enforcement and police activities or personnel operating under authority of BART.

Chapter 2-07 DUTIES AND RESPONSIBILITIES

- A. Complaints Received from Members of the Public
Any person may file a complaint or allegation of wrongdoing against any BPD employee with the BPCRB. Upon receipt of a complaint or allegation, the BPCRB shall immediately turn the complaint or allegation over to the OIPA, and OIPA shall proceed according to Chapter 1-04 above.
- B. Recommendations for Corrective Action
 - i) The IPA shall submit his/her investigative findings and recommendations to the BPCRB for review in a confidential personnel meeting, where the processes described in Chapter 1-04(B)(ii-vi) including, but not limited to, appeal procedures shall apply.
 - ii) The BPCRB shall announce each member's vote regarding its acceptance or rejection of the OIPA findings and recommendations for discipline in open session, and in cases in which a non-unanimous majority agrees with the OIPA findings and recommendations, the dissenting members should generate a memorandum including the rationale for diverging from the majority opinion without divulging privileged, protected, or confidential information and evidence.

- C. Recommendations on Policies, Procedures, Practices and Training
- i) The BPCRB shall develop and review recommendations as to the policies, procedures, and practices of BPD in consultation with the IPA.
 - ii) The goal of BPCRB recommendations shall be to improve the professionalism, safety record, effectiveness, and accountability of BPD employees.
 - iii) The BPCRB may make recommendations to the Chief of Police, GM, and Board, as appropriate.
 - iv) The BPCRB shall review and comment on all additions and changes to policy, procedures and practices as well as all new initiatives (including training and equipment) proposed by BPD or OIPA and make recommendations to the Board.
- D. Disagreements Regarding Proposed Policies, Procedures, Practices, and Training
- The Board shall review and resolve all disagreements regarding proposed policies, procedures, practices and training that may arise between the BPCRB and the Chief of Police, IPA, or GM. The Board shall make the final determination in all such instances.
- E. BART Police Associations
- The BPCRB shall meet periodically with and seek input from the BPMA and BPOA on issues of interest to the parties. The BPCRB shall report annually on whether meetings with the BPMA and the BPOA occurred.
- F. Community Outreach
- The BPCRB shall develop and maintain a regular program of community outreach and communication for the purpose of listening to and communicating with members of the public in the BART service area. The BPCRB community outreach program shall seek to educate the public about the responsibilities and services of OIPA and functions of the BPCRB.
- i) The DSO will provide staff support to and facilitate training for the BPCRB.
 - ii) The BPCRB should endeavor to conduct meetings in varying locales, where feasible to increase exposure of its work to a wider array of community members.
- G. Reporting
- The BPCRB shall file quarterly reports of its activities with the DSO for distribution to the Board and shall prepare an annual report on its accomplishments and activities (including recommendations to improve BPD services) for presentation to the Board and the public.
- H. Monitor Study Recommendations
- The BPCRB shall report on the accomplishments and progress made by BPD in implementing recommendations resulting from periodic studies that may be conducted to look at departmental policies, procedures, practices, and training.
- I. Public Statements
- The Chair of the BPCRB shall be authorized to make public statements on behalf of the BPCRB regarding the role and processes of the BPCRB when an exigency to respond to an inquiry is presented.

J. Selection of the Chief of Police

The BPCRB (as well as the BART Police Associations) shall participate in an advisory role in the selection of the Chief of Police by interviewing finalist candidates.

K. Staff Support for the BPCRB

The DSO will provide staff support to the BPCRB including but not limited to the following:

- i) Facilitation of training for the BPCRB.
- ii) Preparation and maintenance of records of meetings of the BPCRB.
- iii) Distribution of reports by the BPCRB to the Board and the public.
- iv) Facilitation of the application process for appointment to the BPCRB and coordination of the selection and ratification processes with the Board.
- v) Provision of training including a curriculum designed for newly-appointed BPCRB members.
- vi) Provision and maintenance of an ongoing in-service training program.

Chapter 2-08 RELATIONSHIP BETWEEN THE BPCRB AND OIPA

- A. No less than monthly, the BPCRB shall receive reports from the IPA including the number and types of cases filed, number of open cases, the disposition of and any action taken on cases, recommendations for corrective/punitive action, including discipline and dismissals, and the number of independent investigations concluded by OIPA.
 - i) The report shall also include the number of cases being appealed either to OIPA by members of the public or by the BPCRB pursuant to the appeals process described in Chapter 1-04(B), above.
 - ii) OIPA reports to the BPCRB shall include all complaints received by OIPA, BPD, the BPCRB, DSO, and other District departments.
 - iii) This report shall also include the number of days that have elapsed between the date of the complaint and the report to the BPCRB.
 - iv) OIPA reports shall include the degree to which OIPA and BPCRB disciplinary recommendations were implemented by BPD.
- B. The Chair of the BPCRB shall, for informational purposes, be promptly informed by the OIPA of all critical incidents involving BPD.
- C. The BPCRB may report to the Board of Directors' Personnel Committee on the performance and effectiveness of OIPA.
- D. The BPCRB (as well as the BART Police Associations) shall participate in an advisory role in the process of selecting all successors to the first IPA.
- E. The BPCRB will participate in a regular program of community outreach and communication with the public, in conjunction with OIPA.
- F. The BPCRB shall make forms available at BPCRB meetings to accept complaints and allegations of police misconduct from the public and shall forward any received complaints to OIPA for appropriate action.

Chapter 2-09 CONFIDENTIALITY OF RECORDS AND INFORMATION

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

Chapter 2-10 CODE OF ETHICS

The members of the BPCRB shall adhere to the National Association for Civilian Oversight of Law Enforcement (NACOLE) Code of Ethics.

Chapter 3-01 OVERSIGHT SYSTEM EVALUATION

The Board, with input from the BPCRB, IPA, BART Police Associations, GM, DSO, complainants and the public will evaluate the BART Police citizen oversight structure every 3 years to determine whether the need exists to make changes and/or otherwise make adjustments to the system to improve its continued performance. These evaluations shall in no way be intended to eliminate the BART Police citizen oversight structure.

TO: BART Police Citizen Review Board

From : BPCRB Use of Force Standing Committee Members, George Perezvlez, Chair

DATE: May 13th, 2024

SUBJECT: Review and changes to Policy 300: Use of Force

As per BPCRB Model mandate to review and make recommendations on policies, The BPCRB empanelled a subcommittee to review and make recommendations to policy 300 in 2022. The subcommittee held a total of 12 meetings and submitted a memo for review and discussion on March 11th 2022, September 28th 2023, June 25th, 2023 and December 26th, 2023 before a final vote for submission to the full BPCRB was held on January 8th, 2024. The vote to forward the recommendations to the full BPCRB was unanimous. Present during the discussion was command staff represented by Deputy Chief Logan and deputy Chief Patzer .

The subcommittee was composed of Board Members Perezvelez, White, Davis, Armstrong and Longmire with Perezvelez, White and Davis finalizing the memo for BPCRB review. The subcommittee focused on a change in the directive of when and how to apply force as well as a review of the use of force standard. Once those aspects were finalized, the review focused on how those two changes would impact the scope and direction of the full policy.

All submission will be preceded by the original language followed by subcommittee recommendations in red.

Recommendation Purpose and Scope

300.1 PURPOSE AND SCOPE

The BART Police Department's highest priority is safeguarding the life, dignity, and liberty of all persons. Officers shall demonstrate this principle in their daily interactions with the community they are sworn to protect and serve. The Department is committed to accomplishing this mission with respect and minimal reliance on the use of force by using rapport-building communication, crisis intervention, and de-escalation tactics before resorting to force, whenever feasible. This Department policy builds upon the Supreme Court's broad principles in *Graham v. Connor* (1989) 490 U.S. 386 and is more restrictive than the constitutional standard and state law. The Law Enforcement Code of Ethics requires all sworn law enforcement officers to carry out their

duties with courtesy, respect, professionalism, and to never employ unnecessary force. These are key factors in maintaining legitimacy with the community and safeguarding the public's trust.

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial, non-biased, and reasonable manner.

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose. Officers must strive to use the minimal amount of force necessary.

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Techniques and Conducted Energy Device policies.

Recommendation

The BART Police Department's highest priority is safeguarding the life, dignity, and liberty of all persons. Officers shall demonstrate this principle in their daily interactions with the community they are sworn to protect and serve. The Department is committed to accomplishing this mission with respect and minimal reliance on the use of force by using rapport-building communication, crisis intervention, and de-escalation tactics before resorting to force. This Department policy builds upon the Supreme Court's broad principles in *Graham v. Connor* (1989) 490 U.S. 386 as a foundation and is more restrictive than the constitutional standard and state law. The Law Enforcement Code of Ethics requires all sworn law enforcement officers to carry out their duties with courtesy, respect, professionalism, and to never employ unnecessary force. These are key factors in maintaining legitimacy with the community and safeguarding the public's trust.

This policy provides guidelines on the use of force. While there is no way to specify the exact amount or type of force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial and unbiased manner.

Officers shall/must only use (changed from strive to) that amount of force that is objectively reasonable, objectively necessary and proportional with a minimal reliance on use of force in order to affect a law enforcement objective. (Approved 08.09.2021)

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the

potential use of force, including but not limited to the Control Devices and Techniques and Conducted Energy Device policies.

Recommendations and additions to definitions

300.1.1 DEFINITIONS

Force - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

Recommendation

Force - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched. Further, in any encounters that do call for applying force, officers shall use the minimal amount of force that is objectively reasonable and objectively necessary to safely achieve their legitimate law enforcement objective without increasing the risk to others.

Minimal amount of force necessary - The lowest level of force within the range of objectively reasonable force that is necessary to effect an arrest or achieve a lawful objective without increasing the risk to others.

Recommendation

Minimal amount of Force necessary –The least amount of force that is objectively reasonable and objectively necessary to safely effect an arrest or achieve some other legitimate law enforcement purpose. (APPROVED 06.12.2023)

Non-deadly Force - Any application of force that is not reasonably anticipated and intended to create a substantial likelihood of death or very serious bodily injury shall be considered non-deadly force.

Recommendation

Non-deadly Force - Any application of force that is not anticipated and OR intended to create a substantial likelihood of death or very serious bodily injury shall be considered non-deadly force. (Approved 10.16.2023)

Addition under definitions

MINIMIZING THE USE OF DEADLY FORCE. Deadly force may only be used when the officer believes that such action is immediately necessary to protect the officer or another person from imminent danger of death or serious bodily harm. Officers shall not use deadly force if the officer reasonably believes that alternative techniques will eliminate the imminent danger and ultimately achieve the law enforcement purpose with less risk of harm to the officer or to other persons

Addendums

Addendum 1 BPCRB Model Language

C. Recommendations on Policies, Procedures, Practices and Training

- i) The BPCRB shall develop and review recommendations as to the policies, procedures, and practices of BPD in consultation with the IPA.
- ii) The goal of BPCRB recommendations shall be to improve the professionalism, safety record, effectiveness, and accountability of BPD employees.
- iii) The BPCRB may make recommendations to the Chief of Police, GM, and Board, as appropriate.
- iv) The BPCRB shall review and comment on all additions and changes to policy, procedures and practices as well as all new initiatives (including training and equipment) proposed by BPD or OIPA and make recommendations to the Board.

Addendum 2 Berkeley Police Department Use Of Force Policy 300

300.1.2 USE OF FORCE STANDARD

In dealing with suspects, officers shall use alternatives to physical force whenever reasonably possible. In all cases where physical force is used, officers shall use a minimum amount of force that is objectively reasonable, objectively necessary, and proportional to effectively and safely resolve a conflict.

The United States Supreme Court in *Graham v. Connor*, 490 U.S. 386 (1989), held that, in order to comply with the U.S. Constitution, an officer's use of force must be objectively reasonable under the totality of circumstances known to the officer at the time. Additionally, Penal Code section 835(a) imposes further restrictions on an officer's use of force. But these standards merely set the minimum standard for police conduct, below which an officer's conduct would be regarded as unlawful.

In fulfilling this Department's mission to safeguard the life, dignity, and liberty of officers themselves and all members of the community they are sworn to protect and serve, this policy requires more of our officers than simply not violating the law. As a result, this policy is more restrictive than the minimum constitutional standard and state law in two important respects. First, it imposes a higher duty upon officers to use a minimal amount of force objectively necessary to safely achieve their legitimate law enforcement objective. And, second, this policy imposes a stricter obligation on officers to exert only such force that is objectively proportionate to the circumstances, requiring a consideration of the seriousness of the suspected offense, the availability of de-escalation and other less aggressive techniques, and the risks of harm presented to members of the public and to the officers involved.

Addendum 3 Seattle Police Department Core Principles of Force

Seattle Police Manual USE OF FORCE POLICY Sections 8.000, 8.050, 8.100, 8.200

8.000 Use of Force – CORE PRINCIPLES

1. Every Member of the Seattle Police Department is Committed to Upholding the Constitution and Laws of

the United States and the State of Washington, and Defending the Civil Rights and Dignity of All Individuals, While Protecting Human Life and Property and Maintaining Civil Order.

It is the policy of the Seattle Police Department to accomplish the police mission with the cooperation of the public and as effectively as possible, and with minimal reliance upon the use of physical force.

The community expects and the Seattle Police Department requires that officers use only the force necessary to perform their duties and that such force be proportional to the threat or resistance of the subject under the circumstances.

An officer's commitment to public safety includes the welfare of members of the public, the officer, and fellow officers, with an emphasis on respect, professionalism, and protection of human life, even when force is necessary.

Officers who violate those values by using objectively unreasonable force degrade the confidence of the community, violate the rights of individuals upon whom unreasonable force is used, and may expose the

Department and fellow officers to legal and physical hazards.

Conversely, officers who fail to use timely and adequate force when it is necessary fail in their duty to act as public guardians and may endanger themselves, the community and fellow officers.

Use of Force: When Authorized

An officer will use only the force objectively reasonable, necessary, and proportional to effectively bring an incident or person under control, while protecting the life and safety of all persons.

Addendum 4 2023 The American Law Institute

§ 7.03. Minimum Force Necessary

In instances in which force is used, officers should use the minimum force necessary to perform their duties safely. Agencies should promote this goal through written policies, training, supervision, and reporting and review of use-of-force incidents.

Comment:

a. Minimum force. As noted in § 7.01, these Sections assert principles to which agencies and their policies should adhere, rather than standards for legal liability. They adopt the view that use-of-force policies should be more specific and informative than the general “reasonableness” standard applied pursuant to the U.S. Supreme Court’s constitutional precedents, though these Principles may also contribute to courts’ understanding of appropriate constitutional limits on the use of force. Thus, agency policies should require officers to use only the minimum force that is necessary under the circumstances. Force cannot be considered necessary if a practical, less harmful alternative means exists for achieving the same law-enforcement ends. Force should not be used simply to resolve a situation more quickly, unless the extended delay would risk the safety of the subject, officers, or others, or if it would risk damage to property or would significantly interfere with other legitimate law-enforcement objectives. Nor should force be used before a suspect manifests an imminent threat, when alternatives to force are feasible, or after a suspect no longer threatens a law-enforcement objective.

Addendum 5 Chicago Police Department General Order, G03-02 USE OF FORCE

This directive sets forth Department policy regarding sworn members’ and detention aides’ use of force.

II. DEPARTMENT POLICY

- **Sanctity of Human Life.** The Department’s highest priority is the sanctity of human life. In all aspects of their conduct, Department members will act with the foremost regard for the preservation of human life and the safety of all persons involved.

- Public Cooperation. A strong partnership with the public is essential for effective law enforcement. Inappropriate or excessive uses of force damage that partnership and diminish the public trust that is a cornerstone of policing in a free society.
- Core Principle. The Chicago Police Department seeks to gain the voluntary compliance of subjects, when consistent with personal safety, to eliminate the need to use force or reduce the force that is needed.
- Assessing Uses of Force. The Chicago Police Department recognizes that Department members are often forced to make split-second decisions—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation. These decisions must therefore be judged based on the totality of the circumstances known by the member at the time and from the perspective of a reasonable Department member on the scene, in the same or similar circumstances, and not with the benefit of 20/20 hindsight. Nothing in this policy requires members to take actions, or fail to take actions, that unreasonably endanger themselves or others.
NOTE: Nothing in this policy precludes the legally mandated oversight or assessment of a Department member's use of force consistent with the procedures established in this policy.

III. USE OF FORCE - WHEN AUTHORIZED

- Definition of Force. Force is defined as any physical contact by a Department member, either directly or through the use of equipment, to compel a subject's compliance.
- Use of Force: Objectively Reasonable, Necessary, and Proportional. Department members may only use force that is objectively reasonable, necessary, and proportional in order to ensure the safety of a member or third person, stop an attack, make an arrest, control a subject, or prevent escape.

1. Objectively reasonable. The main issue in evaluating every use of force is whether the amount of force used by the officer was objectively reasonable in light of the totality of the circumstances faced by the officer on the scene. Reasonableness is not capable of precise definition or mechanical application. Factors to be considered by the officer include but are not limited to:

a. b. c.

G03-02 Use of Force

© Chicago Police Department

whether the subject is posing an imminent threat to the officer or others. the risk of harm, level of threat or resistance presented by the subject. the subject's proximity or access to weapons.

Page 1 of 5

2. Necessary. Department members will use only the amount of force required under the circumstances to serve a lawful purpose.
3. Proportional. Department members will use only the force that is proportional to the threat, actions, and level of resistance offered by a subject. This may include using greater force or a different type of force than that used by the subject. The greater the threat and the more likely that the threat will result in death or serious physical injury, the greater the level of force that may be necessary to overcome it. When or if the subject offers less resistance, however, the member will decrease the amount or type of force accordingly.
4. De-escalation. Members will use de-escalation techniques to prevent or reduce the need for force when it is safe and feasible to do so based on the totality of the circumstances. This includes continually assessing the situation and modifying the use of force as circumstances change and in ways that are consistent with officer safety. Examples of de-escalation techniques include but are not limited to:
 - exercising persuasion and advice, and providing a warning prior to the use of force.
 - determining whether the member may be able to stabilize the situation through the use of time, distance, or positioning to isolate and contain a subject.
 - requesting additional personnel to respond or make use of specialized units or equipment including crisis-intervention-team trained officers.
 -

Addendum 6 NIJ, National Institute of Justice

Date Published

March 5, 2020

Broadly speaking, the use of force by law enforcement officers becomes necessary and is permitted under specific circumstances, such as in self-defense or in defense of another individual or group.

There is no single, universally agreed-upon definition of use of force. The International Association of Chiefs of Police has described use of force as the "amount of effort required by police to compel compliance by an unwilling subject" [\[1\]](#).

Officers receive guidance from their individual agencies, but no universal set of rules governs when officers should use force and how much.

Context counts. No two situations are the same, nor are any two officers. In a potentially threatening situation, an officer will quickly tailor a response and apply force, if necessary. Situational awareness is essential, and officers are trained to judge when a crisis requires the use of force to regain control of a situation. In most cases, time becomes the key variable in determining when an officer chooses to use force.

Amount of Force Used

Law enforcement officers should use only the amount of force necessary to mitigate an incident, make an arrest, or protect themselves or others from harm. The levels, or continuum, of force police use include basic verbal and physical restraint, [less-lethal force](#), and lethal force.

[Learn more about the use-of-force continuum.](#)

The level of force an officer uses varies based on the situation. Because of this variation, guidelines for the use of force are based on many factors, including the officer's level of training or experience.

An officer's goal is to regain control as soon as possible while protecting the community. Use of force is an officer's last option — a necessary course of action to restore safety in a community when other practices are ineffective.

Injuries may occur in any use-of-force incident, and police should ensure that those injured receive medical aid and that the family of any injured person is notified.

Addendum 7 UNODC United Nations Office on Drugs and Crime

Accordingly, force must never be used vindictively or as a form of extrajudicial punishment; meted out in a discriminatory manner; or applied against an individual offering no resistance. In addition, no additional force is lawful when the need has passed, such as when a suspect is safely and lawfully detained. Discriminatory practices, such as those carried out by law enforcement officials against minorities, are clearly a violation of international law.

Central to the principle of necessity, however, is that when force is necessary, it must be no more than the minimum reasonably necessary in the circumstances. This means that even violent or potentially violent suspects should be arrested, or killed, except in very extreme cases where using force and lethal force is the only possibility to stop an imminent risk to life.

In 1982, the Human Rights Committee stated in their views in the case of *Guerrero v. Colombia* that the state acted unlawfully by shooting suspected terrorists instead of arresting them, as they could have done in the circumstances. In 2015, in *Bouyid v. Belgium* (No. 23380/09), the Grand Chamber of the European Court of Human Rights reiterated that "in respect of a person who is ... confronted with law-enforcement officers, any recourse to physical force which has not been

made strictly necessary by his own conduct diminishes human dignity and is, in principle, an infringement" of the right to freedom from torture and inhuman or degrading treatment

Addendum 8 Objectively Necessary Cambridge Dictionary

in a way that is [based](#) on [facts](#) and not [influenced](#) by [personal beliefs](#) or [feelings](#). [weigh](#) the [evidence logically](#) and objectively.

Addendum 9 Is “Objective Reasonableness” Really Objective? Examining the Shortcomings of Police Use of Force Evaluations

Posted by

[University of Baltimore Law Review Staff October 30, 2020](#)

IV. Conclusion

Continued use of the Graham standard for evaluating police use of force makes truly objective evaluations of such use impossible.^[39] However, as activism against systematic racism and police brutality continues, the debate over the best ways to reform policing remains an ongoing development.^[40] With continued protests and community dialogue, it may be possible to find a means of evaluating use of force that renders police officers truly accountable, but this can only happen when decisions about the use of force are made by someone other than the very officers who must decide its appropriateness.^[4]

Addendum 10 January 29, 2016, the Police Executive Research Forum (“PERF”) “Use of Force: Taking Policing to a Higher Standard; 30 Guiding Principles.”

“The sanctity of human life should be at the heart of everything an agency does.” “Agency mission statements, policies, and training curricula should emphasize the sanctity of all human life—the general public, police officers, and criminal suspects—and the importance of treating all persons with dignity and respect.”

“Departments should adopt policies that hold themselves to a higher standard than the legal requirements of *Graham v. Connor*.”

“This landmark decision should be seen as ‘necessary but not sufficient,’ because it does not provide police with sufficient guidance on use of force.”

Use of Force

300.1 PURPOSE AND SCOPE

The BART Police Department's highest priority is safeguarding the life, dignity, and liberty of all persons. Officers shall demonstrate this principle in their daily interactions with the community they are sworn to protect and serve. The Department is committed to accomplishing this mission with respect and minimal reliance on the use of force by using rapport-building communication, crisis intervention, and de-escalation tactics before resorting to force, whenever feasible. This Department policy builds upon the Supreme Court's broad principles in *Graham v. Connor* (1989) 490 U.S. 386 and is more restrictive than the constitutional standard and state law. The Law Enforcement Code of Ethics requires all sworn law enforcement officers to carry out their duties with courtesy, respect, professionalism, and to never employ unnecessary force. These are key factors in maintaining legitimacy with the community and safeguarding the public's trust.

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial, non-biased, and reasonable manner.

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose. Officers must strive to use the minimal amount of force necessary. (Government Code § 7286)

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Techniques and Conducted Energy Device policies.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Deadly force - Any use of force that creates a substantial risk of causing death or serious bodily injury, including but not limited to the discharge of a firearm (Penal Code § 835a).

Explicit Bias - Conscious belief or attitude toward a specific social group that may lead an individual to act in discriminatory ways.

Feasible - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person (Government Code § 7286(a)).

Bay Area Rapid Transit Police Department

BART PD Policy Manual

Use of Force

Force - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

Implicit Bias - Unconscious belief or attitude toward a specific social group that may lead an individual to unknowingly act in discriminatory ways. People are generally unaware of their implicit biases and may even hold contradictory conscious beliefs.

Legitimate law enforcement objective - Effect a lawful arrest, detention, or search; overcome resistance or prevent escape; prevent the commission of a public offense; in defense of others or in self-defense; gain compliance with a lawful order; to prevent a person from injuring himself/herself.

Minimal amount of force necessary - The lowest level of force within the range of objectively reasonable force that is necessary to effect an arrest or achieve a lawful objective without increasing the risk to others.

Non-deadly Force - Any application of force that is not reasonably anticipated and intended to create a substantial likelihood of death or very serious bodily injury shall be considered non-deadly force.

Personal Body Weapons - An officer's use of his/her body part, including but not limited to hand, foot, knee, elbow, shoulder, hip, arm, leg or head by means of high velocity kinetic energy transfer (impact) to gain control of a subject.

Proportionality - Considers whether a particular use of force is proportionate and appropriate to the totality of the circumstances, and requires officers to consider whether alternative lesser or non-force options are feasible and likely to be effective. Proportional force does not imply equal force; officers may use superior force, consistent with this policy.

Reasonable Belief - An objective belief determined by the facts and circumstances reasonably available to the officer at the time (on-scene and without hindsight) and viewed from the perspective of a reasonable peace officer in the same situation, guided by the principles set forth in this policy.

Reasonable Force - An objective standard of force viewed from the perspective of a reasonable officer, without the benefit of 20/20 hindsight, and based on the totality of the circumstances known to or perceived by the officer at the time.

Serious bodily injury - A serious impairment of physical condition, including but not limited to the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement (Penal Code § 243(f)(4)).

Totality of the circumstances - All facts known to the officer at the time, including the conduct of the officer and the subject leading up to the use of force (Penal Code § 835a).

Use of Force

300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose. Officers must strive to use the minimal amount of force necessary.

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by the Department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force. Retreating for a tactical advantage should be considered and utilized, when feasible and appropriate.

Officers shall not use force with bias, based upon: race; ethnicity or nationality; religion; sex; sexual orientation; economic status; age; cultural group; disability; or affiliation with any other similar identifiable group.

Use of force against vulnerable populations (such as, without limitation, children, elderly, pregnant women, people with physical and mental disabilities, and people with limited English proficiency) can undermine public trust and should only be used if no other options appear reasonable or effective. It is recognized that the above may not be readily apparent or known to the officer. Any

Bay Area Rapid Transit Police Department

BART PD Policy Manual

Use of Force

evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

The Department recognizes that transparency and accountability in the use of force is essential to preserving the trust of the community and to maintaining professional standards. This policy therefore requires rigorous reporting and review of all instances of the use of force.

300.2.1 DUTY TO INTERCEDE

A use of excessive force by law enforcement personnel is a matter of serious concern to the community, and even a single instance of excessive force may critically undermine public trust in the Department. Any officer present and observing another law enforcement officer or an employee using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, shall, when in a position to do so, intercede (as defined by Government Code § 7286) to prevent the use of unreasonable force.

When observing force used by a law enforcement officer, each officer should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject (Government Code § 7286(b)).

300.2.2 DE-ESCALATION TECHNIQUES

Officers shall use de-escalation techniques whenever feasible and appropriate: to potentially reduce or eliminate the need to use force; and to prevent injuries to the subject, the public and the officer(s). Use of de-escalation techniques must allow for the fact that officers are often forced to make split-second decisions, with limited information, and in circumstances that are tense, uncertain and rapidly evolving.

- (a) Officers shall, when feasible, continually assess the dynamics of a situation, and modulate their response and actions appropriately. Officers may be justified in using force at one moment, but not justified in using force the next moment due to a change in dynamics.
- (b) De-escalation techniques may include verbal persuasion, warnings and tactical de-escalation techniques, such as: slowing down the pace of an incident; “waiting out” subjects; creating distance (and thus the reactionary gap) between the officer and the threat; and requesting additional resources (e.g., specialized units, mental health care providers, negotiators, etc.) to resolve the incident.
 - (a) Officers should recognize that they may withdraw to a position that is tactically advantageous or allows them greater distance to de-escalate a situation.
 - (b) Officers should consider a variety of options, including lesser force or no force options.
 - (c) Officers should perform their work in a manner that avoids unduly jeopardizing their own safety or the safety of others.

Bay Area Rapid Transit Police Department

BART PD Policy Manual

Use of Force

- (d) Officers shall not intentionally and unnecessarily escalate and/or create a need to use force.
- (e) Officers should attempt to understand and consider possible reasons why a subject may be noncompliant or resisting arrest. A subject may not be capable of understanding the situation because of a medical condition; mental, physical, or hearing impairment; language barrier; drug interaction; or emotional crisis, and have no criminal intent. These situations may not make the subject any less dangerous, but understanding a subject's situation may enable officers to calm the subject and allow officers to use de-escalation techniques while maintaining public and officer safety.
- (f) Officers should continue de-escalation techniques, when feasible and appropriate, and take as much time as reasonably necessary to resolve the incident, in effort to avoid and/or minimize the use force.
- (c) When an officer recognizes that mental illness, post-traumatic stress disorder, alcohol and/or drug addictions, or other health issues are causing an individual to behave erratically, the officer shall, when feasible and appropriate, try to de-escalate the situation using de-escalation and/or Crisis Intervention techniques.

Establishing Communication - Communication with non-compliant subjects is often most effective when officers establish rapport, use the proper voice intonation, ask questions and provide advice to defuse conflict and achieve voluntary compliance before resorting to force options.

Supervisors conducting a use of force investigation will indicate de-escalation as a force option in BlueTeam whenever de-escalation was attempted or used in an incident.

300.2.3 FAIR AND UNBIASED USE OF FORCE

Officers are expected to carry out their duties, including the use of force, in a manner that is fair and unbiased (Government Code § 7286(b)). See the Bias-Based Policing Policy for additional guidance.

300.2.4 DUTY TO REPORT EXCESSIVE FORCE

Any employee who observes a law enforcement officer or another employee use force that potentially exceeds what the employee reasonably believes to be necessary shall immediately report these observations to a supervisor (Government Code § 7286(b)).

As used in this subsection, "immediately" means as soon as it is safe and feasible to do so.

300.2.5 FAILURE TO INTERCEDE

An officer who has received the required training on the duty to intercede and then fails to act to intercede when required by law, may be disciplined in the same manner as the officer who used force beyond that which is necessary (Government Code § 7286(b)).

Use of Force

300.3 USE OF FORCE

Officers shall use only that amount of force that reasonably appears necessary given the facts and totality of the circumstances known to or perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose (Penal Code § 835a).

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain, and rapidly evolving.

There are circumstances in which a force option may be legally justified under the principles set forth in *Graham v. Connor*, but the use of that force option may not be appropriate, warranted, and/or necessary.

This policy builds upon the broad principles in *Graham v. Connor* by adding additional, more restrictive factors upon which an officer's use of force shall be evaluated. These factors should be considered when determining whether to apply force (as time and circumstances permit), and in evaluating whether an officer has used reasonable force.

Additional factors set forth by case law and by this Policy:

- (a) Immediacy and severity of the threat to officers or others.
- (b) The feasibility, efficacy, and safety of alternative lesser or non-force options, including the availability of de-escalation techniques that might reduce or eliminate the need to use force, or prevent injuries to the subject, the public and the officer(s).
- (c) Whether the force option is proportionate and appropriate to the totality of the circumstances, and whether alternative lesser or non-force options are feasible and likely to be effective. Proportional force does not imply equal force; officers may use superior force, consistent with this policy.
- (d) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (e) The conduct of the officer prior to the use of force. Specifically, did the officer violate policy and unnecessarily escalate the situation to a use of force.
- (f) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (g) The effects of drugs or alcohol.
- (h) Subject's mental state or capacity, including any apparent/known mental health issues.
- (i) Proximity of weapons or dangerous improvised devices.
- (j) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (k) The availability of other options and their possible effectiveness.

Bay Area Rapid Transit Police Department

BART PD Policy Manual

Use of Force

- (l) Seriousness of the suspected offense or reason for contact with the individual.
- (m) Training and experience of the officer.
- (n) Potential for injury to officers, suspects and others.
- (o) Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the officer.
- (p) The risk and reasonably foreseeable consequences of escape.
- (q) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- (r) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (s) Prior contacts with the subject or awareness of any propensity for violence.
- (t) Any other exigent circumstances.
- (u) Officers must strive to use the minimal amount of force necessary.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident. Officers may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance (Government Code § 7286(b)).

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the approved tools, weapons, or methods provided by the Department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be objectively reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

300.3.1 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the person can comply with the direction or orders of the officer
- (c) Whether the person has been given sufficient opportunity to comply.

Bay Area Rapid Transit Police Department

BART PD Policy Manual

Use of Force

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

300.3.2 PERSONAL BODY WEAPONS

Personal body weapon strikes, punches, lifts or kicks for which the officer has received department-approved training, may be used when the officer reasonably believes that the use of such force appears necessary to further a legitimate law enforcement purpose.

Personal body weapon strikes, punches, or kicks to the rear of the head, neck or spine are prohibited. The only exception to this prohibition would be under exigent circumstances when deadly force is justified and reasonable.

300.3.3 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the Department for this specific purpose.

300.3.4 RESTRICTIONS ON THE USE OF A CHOKE HOLD/CAROTID RESTRAINT

Officers of this department are not authorized to use a choke hold or carotid restraint. A choke hold means any defensive tactic or force option in which direct pressure is applied to a person's trachea or windpipe. Carotid restraint means a vascular neck restraint or any similar restraint, hold, or other defensive tactic in which pressure is applied to the sides of a person's neck that involves a substantial risk of restricting blood flow and may render the person unconscious in order to subdue or control the person. (Government Code § 7286.5).

300.3.5 ADDITIONAL RESTRICTIONS

Terms such as "positional asphyxia," and "restraint asphyxia," continue to remain the subject of debate among experts and medical professionals, are not universally recognized medical conditions, and frequently involve other collateral or controlling factors such as narcotics or alcohol influence, or pre-existing medical conditions. While it is impractical to restrict an officer's use of reasonable control methods when attempting to restrain a combative individual, officers are not authorized to use any restraint or transportation method which might unreasonably impair an individual's breathing or respiratory capacity for a period beyond the point when the individual has been adequately and safely controlled. Once controlled, the individual should be placed into a recovery position (e.g., supine or seated) and monitored for signs of medical distress (Government Code § 7286.5).

Use of Force

300.4 DEADLY FORCE APPLICATIONS

Where feasible, the officer shall, prior to the use of deadly force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts (Penal Code § 835a).

If an objectively reasonable officer would consider it safe and feasible to do so under the totality of the circumstances, officers shall evaluate and use other reasonably available resources and techniques when determining whether to use deadly force. To the extent that it is reasonably practical, officers should consider their surroundings and any potential risks to bystanders prior to discharging a firearm (Government Code § 7286(b)).

The use of deadly force is only justified when the officer reasonably believes it is necessary in the following circumstances (Penal Code § 835a):

- (a) An officer may use deadly force to protect themselves or others from what the officer reasonably believes is an imminent threat of death or serious bodily injury to the officer or another person.
- (b) An officer may use deadly force to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.

Officers shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the officer or to another person (Penal Code § 835a).

Additionally, an officer should not use deadly force against a person whose actions are a threat solely to property.

An "imminent" threat of death or serious bodily injury exists when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the officer or another person. An officer's subjective fear of future harm alone is insufficient as an imminent threat. An imminent threat is one that from appearances is reasonably believed to require instant attention (Penal Code § 835a).

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective. It is also noted that in many circumstances, disabling the driver of a vehicle may increase the potential for harm to bystanders and/or the officer.

- Officers should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants.
- Officers shall not intentionally and unnecessarily move into the path of an approaching vehicle to create their own exigent circumstance.
- Officers should not shoot at any part of a moving vehicle in an attempt to disable the vehicle.

Bay Area Rapid Transit Police Department

BART PD Policy Manual

Use of Force

- Officers shall not discharge a firearm at a moving vehicle or its occupants when there are other reasonable means available to avert the threat.
- Officers shall not discharge a firearm from a moving vehicle when there are other reasonable means available to avert the present threat.
- Officers may only shoot at a moving vehicle under exigent circumstances, when the driver and/or occupants are targeting others with the intent to cause great bodily injury or death and there are no other reasonable means available to avert the threat.

300.4.2 DISPLAYING OF FIREARMS

Given that individuals might perceive the display of a firearm as a potential application of force, officers should carefully evaluate each tactical situation and use sound discretion when drawing a firearm in public by considering the following guidelines (Government Code § 7286(b)):

- (a) If the officer does not initially perceive a threat but reasonably believes that the potential for such threat exists, firearms should generally be kept in the low-ready or other position not directed toward an individual.
- (b) If the officer reasonably believes that a threat exists based on the totality of circumstances presented at the time (e.g., high-risk stop, tactical entry, armed encounter), firearms may be directed toward such threat until the officer no longer perceives such threat.

Once it is reasonably safe to do so, officers should carefully secure all firearms.

Whenever an officer draws/deploys a firearm during the performance of his/her duties to defend, detain or take any person into custody (the suspect is contacted or arrested, the officer is present and is within potential sight of the suspect), it is considered a use of force and an account of the incident must be made in a police report. The officer should include in the narrative of the report how the weapon was used in the incident, as well as the justification for such action. The documentation of how the weapon was used should include information on how the weapon was presented. The officer must notify a supervisor as soon as practical, and the supervisor will complete a Use of Force Investigation with accompanying documentation as outlined in this policy.

Whenever an officer draws/deploys a firearm during the performance of his/her duties in the presence of others, but does not use the firearm to defend, detain or take any person into custody (the suspect is not contacted or arrested), it is not considered a use of force and an account of the incident must be made in a police report.

Whenever an officer draws/deploys a firearm during the performance of his/her duties not in the presence of others, it is not considered a use of force and no documentation is required. An example of that type of incident would include, but is not limited to, the search of an empty building or car where no person is contacted during the search.

To the extent reasonable under the circumstances, officers shall consider their surroundings and potential risks to bystanders before discharging a firearm

Bay Area Rapid Transit Police Department

BART PD Policy Manual

Use of Force

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances.

Supplemental reports will be completed by personnel who are present and witness the force used by another officer. Officers have a duty to report all pertinent facts known to them.

All police reports, inclusive of any supplemental reports, involving the documentation of a use of force must be reviewed and approved by a supervisor prior to the employee going off duty.

To collect data for purposes of training, resource allocation, analysis, and related purposes, the Department may require the completion of additional report forms.

300.5.1 NOTIFICATION TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following any Level 2, 3, or 4 application of force. Levels of force and the respective reporting, investigation, documentation, and review requirements are defined in section 300.5.2.

All use of force must be documented in a police report and reviewed by a supervisor.

300.5.2 USE OF FORCE INVESTIGATION, DOCUMENTATION, AND REVIEW

Upon receiving notification of a use of force, a supervisor who was not involved in the use of force incident, will determine the level of investigation and documentation.

The following categories and parameters will explain levels of force and the respective reporting, investigation, documentation, and review requirements. Incidents will be categorized as Level 1, Level 2, Level 3, or Level 4.

Level 1: Documentation in a Police Report Only

Level 1 Incident Parameters:

- (a) Officer used any of the following, and the circumstances of the application would lead a reasonable officer to conclude that the subject did not experience more than momentary discomfort:
 - 1. Control holds/pressure point application
 - 2. Leverage
 - 3. Grab
 - 4. Bodyweight
 - 5. The officer lowered the subject to a seated position or to the ground while partially or completely supporting the person's bodyweight.
- (b) Officer used any of following:
 - 1. TASER/LLIMs Deployed (no activation)

Bay Area Rapid Transit Police Department

BART PD Policy Manual

Use of Force

2. Drawn/deployed firearm, but no suspect contacted or arrested
 - (c) Subject has no visible injury due to interaction with officer.
 - (d) Subject has no complaint of injury or continuing pain.
 - (e) Subject does not indicate intent to pursue litigation.
 - (f) Subject was not rendered unconscious due to interaction with officer.
 - (g) No allegation of misconduct against officer, regarding force.
 - (h) Entirety of the contact was captured on audio and video, inclusive of the buffering period.

Level 1 Incidents should be documented by an officer in an appropriate police report, citation, Field Interview, and/or CADS entry. Supervisors will review police report narratives for approval.

Level 2: Use of Force

Level 2 Incident Parameters:

- (a) No suspect injury or complaint of continuing pain due to interaction with officer.
- (b) No allegation of misconduct against officer, regarding force.
- (c) Entirety of the contact was captured on audio and video, inclusive of the buffering period.
- (d) Officer's use of force was limited to the following:
 1. Any takedown, that did not appear to cause more than momentary discomfort.
 2. Firearm drawn/deployed but not fired, suspect contacted
 3. Control hold, pressure point, leverage, grab, and/or bodyweight, and the application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.

An uninvolved supervisor will respond to the scene and conduct a Use of Force Investigation, ensuring that statements are taken from the suspect and witnesses, and that photos are taken of the involved parties. If the incident fits the parameters for a Level 2 incident, the supervisor will enter all applicable data into BlueTeam and attach a completed Use of Force Investigation Checklist with a brief summary.

In circumstances where the highest level of force used was a firearm drawn or deployed, but not fired, to detain or take a subject into custody, an involved sergeant may conduct the use of force investigation. In order for an incident to qualify it must be a reportable use of force where the highest level of force used was the firearm being drawn or deployed. The involved sergeant must contact the on-duty Watch Commander and advise them of the details. The on-duty Watch Commander will make the determination if the sergeant can handle the use of force investigation. If approved, the sergeant will document the use of force incident as normal in the Supervisor's Use of Force report (SUFR). In the conclusion section of the SUFR,

Bay Area Rapid Transit Police Department

BART PD Policy Manual

Use of Force

the sergeant will not comment or make a determination of their own use of force. The Watch Commander reviewing the use of force will comment in the notes section in BlueTeam on whether the sergeant's force was justified and within policy.

Witness statements from fire and medical personnel are not required under the following circumstance: an officer assists medical personnel to restrain and/or secure a subject to a gurney for medical transport in a non-criminal detention (i.e. 5150 or 5170 detention), and all of the following conditions are met:

- (a) The officer only used force options limited to the following: grab, hold, leverage, and/or bodyweight.
- (b) No subject injury or complaint of continuing pain due to interaction with officer.
- (c) No allegation of misconduct against officer, regarding force.
- (d) Entirety of the contact was captured on audio and video, inclusive of the buffering period.
- (e) The unit number for the fire and medical personnel is obtained.

Level 3: Use of Force

Level 3 Incident Parameters:

- (a) Would have otherwise been classified as a Level 2, except one or more of the following apply:
 1. Suspect injury or complaint of injury or continuing pain due to interaction with officer.
 2. Allegation of misconduct against officer, regarding force.
 3. Entirety of the contact was not captured on audio and video, inclusive of the buffering period.
- (b) The use of force is Level 3 if the officer used any of the following force options:
 1. Any takedown, that appears to have caused more than momentary discomfort.
 2. TASER Activation/LLIMS Activation
 3. Chemical Agents/Munitions
 4. Impact Weapon Strikes
 5. Personal Body Weapons
 6. Police canine deployment resulting in injury

An uninvolved supervisor will respond to the scene and conduct a Use of Force Investigation, ensuring that statements are taken from the suspect and witnesses. If the incident fits the parameters for a Level 3 incident, the supervisor will enter all applicable data into BlueTeam and attach a completed Use of Force Investigation Checklist. The supervisor will also complete a Use of Force Investigation Report narrative for review through the Use of Force Review process. Suspect and witness statements from the crime report will be attached

Bay Area Rapid Transit Police Department

BART PD Policy Manual

Use of Force

to the use of force investigation. Use of Force involving police canines will be documented and reviewed additionally per Policy 318.

Level 4: Use of Deadly Force

Level 4 Incident Parameters:

- (a) Use of firearm, officer involved shooting
- (b) Or any force likely to cause death or serious bodily injury

An uninvolved supervisor will respond to the scene. The incident will be investigated, documented, and reviewed in adherence to Policy 310.

300.5.3 EMPLOYEES WHO USE FORCE WHILE ON A SPECIAL ASSIGNMENT

When a BART Police employee has a use of force as defined in this policy, the use of force must be reported to a BART Police supervisor and investigated in accordance with this policy.

When two or more BART Police officers are temporarily assigned to assist an outside agency or multi-agency task force in the performance of law enforcement activities, a BART police supervisor should also be present.

300.5.4 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

Statistical data regarding all officer-involved shootings and incidents involving use of force resulting in serious bodily injury is to be reported to the California Department of Justice as required by Government Code § 12525.2. See the Records Division Policy.

300.5.5 REPORT RESTRICTIONS

Officers shall not use the term "excited delirium" to describe an individual in an incident report. Officers may describe the characteristics of an individual's conduct, but shall not generally describe the individual's demeanor, conduct, or physical and mental condition at issue as "excited delirium" (Health and Safety Code § 24402).

300.6 MEDICAL CONSIDERATION FOLLOWING A USE OF FORCE

Prior to booking or release, and as soon as possible under the circumstances, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed. Officers should pay particular attention to vulnerable populations, including but not limited to, children, elderly persons, pregnant individuals and individuals with physical, mental and developmental disabilities, whose vulnerabilities could exacerbate the impact or risk of injury.

Based upon the officer's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff or medical staff at the jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another

Use of Force

officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain, or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage nearby if appropriate.

Terms such as "positional asphyxia," and "restraint asphyxia," continue to remain the subject of debate among experts and medical professionals, are not universally recognized medical conditions, and frequently involve other collateral or controlling factors such as narcotics or alcohol influence, or pre-existing medical conditions. While it is impractical to restrict an officer's use of reasonable control methods when attempting to restrain a combative individual, officers are not authorized to use any restraint or transportation method which might unreasonably impair an individual's breathing or respiratory capacity for a period beyond the point when the individual has been adequately and safely controlled. Once controlled, the individual should be placed into a recovery position (e.g., supine or seated) and monitored for signs of medical distress (Government Code § 7286.5).

300.7 SUPERVISOR RESPONSIBILITY

Other than an involved supervisor taking a Level 2 - Gunpoint use of force as authorized in 300.5.2, an uninvolved supervisor should respond to the scene of a Level 2, Level 3, or Level 4 use of force. The supervisor is expected to do the following:

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) Ensure that arrestees and witnesses are interviewed, and that the interviews are audio/video recorded. If the arrestee invokes their Miranda rights at any point, all interrogation shall cease as outlined per case law.
 1. Officers should take recorded suspect and witness statements related to all criminal charges as appropriate, including the circumstances involving the use of force. These statements will be documented in the crime report. If the responding

Bay Area Rapid Transit Police Department

BART PD Policy Manual

Use of Force

supervisor conducts the interview, then the supervisor should document the statement in the crime report.

2. In addition to the statement taken for the criminal report, supervisors conducting the use of force investigation should seek a voluntary statement regarding the use of force from suspects who have not invoked their Miranda rights. The interview should be audio/video recorded. If the statement contains information that is relevant to the criminal case but is not covered in the primary crime report, the supervisor will document the interview in a supplemental crime report.
 3. In the event that force is used on an individual with no criminal charges (i.e. psychiatric detentions), then the responding supervisor should interview the detainee regarding the use of force.
 4. In all cases, the responding supervisor should identify themselves as a supervisor to the arrestee/detainee. If the subject makes an allegation of misconduct, the supervisor will receive and forward the complaint to Internal Affairs.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.
 - (e) Review the portion(s) of the body worn camera video pertaining to the use of force and/or allegation of misconduct.
 - (f) Ensure the Use of Force category is added onto all digital evidence items pertaining to their supervisor's use of force investigation, to include the videos that captured the use of force, as well as all items that pertain to the use of force investigation.
 - (g) Review and approve all related reports.

In the event that an uninvolved supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit. The investigation will be documented in a Use of Force Investigation checklist and narrative as warranted.

When practical, involved supervisors, meaning those who use force in a given incident or those who witness the use of force by another officer in a given incident, should not obtain statements from other officers as part of a report on the use of force, as such is the responsibility of an uninvolved supervisor. Furthermore, involved supervisors and officers shall not attempt to influence other officers' or civilian witnesses' accounts of what occurred during the incident or otherwise compromise the integrity of the use of force investigation.

Use of Force Investigation Reports will be forwarded and reviewed through the chain of command.

300.7.1 WATCH COMMANDER RESPONSIBILITY

A watch commander will review the Use of Force Investigation Report to ensure compliance with this policy and that any training issues are addressed.

Bay Area Rapid Transit Police Department

BART PD Policy Manual

Use of Force

Nothing in the policy precludes the watch commander from requiring that a supervisor complete a Use of Force Investigation Report for any incident involving force.

The on-duty watch commander shall promptly notify the Office of the Independent Police Auditor in the event that a use of force resulted in significant (i.e. life threatening) injury, notwithstanding the notification requirements regarding officer-involved shootings and in-custody deaths pursuant to Policy 310.

300.8 TRAINING

Officers will receive annual training on this policy (at a minimum) and demonstrate their knowledge and understanding.

Departmental personnel authorized to carry lethal and less-lethal weapons will be issued copies of, and be instructed in, the policies of lethal and less-lethal force before being authorized to carry a weapon. The issuance and instruction shall be documented.

Training standards and requirements relating to demonstrated knowledge and understanding of the use of force policy, and training about interactions with vulnerable populations (including, but not limited to, children, elderly persons, people who are pregnant, and people with physical, mental, and developmental disabilities) are established in the Department's Training Plan. Relevant course titles from the Training Plan include, but are not limited to; POST Basic Academy material, POST-Approved Field Training Program, POST Continued Professional Training, POST-Certified Force Options Update, POST-Certified Driving Update, POST-Certified Force Options Update, POST Certified Driving Update, POST Certified Arrest & Control, POST-Certified Tactical Communications, First Aid/CPR Update, Firearm Qualification, Patrol Rifle, Racial Profiling or Fair & Impartial Update, Impact Weapons Update, TASER Training, Code of Ethics Training, Crisis Intervention Training, Reality Based Training, Active Shooter Training, Cultural Diversity Training, POST Field Training Officer Course, Field Training Officer Update Course, Firearms Instructor Course, Firearms Instructor Update, Arrest & Control/Impact Weapons Instructor, Arrest & Control/Impact Instructor Update, Impact Weapons Instructor Update, In-House New Sergeant Orientation, Officer Involved Shooting – Supervisor Responsibilities, POST Basic Instructor Development Institute, Fair and Impartial Policing Train the Trainer, Racial Profiling Instructor Course, Tactical Medical Course, POST First Aid / CPR Instructors Course, Force Options Simulator Instructor Course, Basic TASER Instructor Course, TASER Instructor Recertification Course.

300.9 USE OF FORCE ANALYSIS

At least annually, the Operations Bureau Deputy Chief should prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Police, the Office of the Independent Police Auditor, and the BART Police Citizen Review Board. The report should not contain the names of officers, suspects or case numbers, and should include:

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.

Use of Force

- (d) Policy revision recommendations.

300.10 USE OF FORCE COMPLAINTS

Complaints by members of the public related to this policy may be filled with the BART Police Department Internal Affairs Division (IAD), the BART Police Citizen Review Board (BPCRB) or the Office of the Independent Auditor (OIPA). The receipt, processing, and investigation of civilian complaints involving use of force incidents should be handled in accordance with the Personnel Complaints Policy (Government Code § 7286(b)). Complaints filed with the BPCRB and/or OIPA will be investigated with the applicable procedures of the BART Citizen Oversight Model.

300.11 POLICY REVIEW

The Chief of Police or the authorized designee should regularly review and update this policy to reflect developing practices and procedures (Government Code § 7286(b)).

300.12 POLICY AVAILABILITY

The Chief of Police or the authorized designee should ensure this policy is accessible to the public (Government Code § 7286(c)).

300.13 PUBLIC RECORDS REQUESTS

Requests for public records involving an officer's personnel records shall be processed in accordance with Penal Code § 832.7 and the Personnel Records and Records Maintenance and Release policies (Government Code § 7286(b)).

BART POLICE DEPARTMENT



April 2024

MONTHLY REPORT



Bay Area Rapid Transit Police Department

101 8th St, Oakland, CA, 94607 (510) 464-7000 www.bart.gov/police

April 2024

Performance Measurement Review - **Systemwide**

PART 1 UCR Crime	2019	2020	2021	2022	2023	YTD 2023	YTD 2024	PCT %
Homicide	2	0	0	4	1	0	0	-%
Rape	7	5	8	7	7	1	2	+100%
Robbery	378	252	143	225	235	68	77	+13%
Aggravated Assault	112	95	71	114	154	45	41	-9%
Violent Crime Subtotal	499	352	222	350	397	114	120	+5%
Burglary (Structural)	16	12	11	23	25	9	9	0%
Larceny & Auto Burglary	3,177	1,038	882	1,118	1,497	454	432	-5%
Auto Theft	247	100	134	231	671	181	191	+6%
Arson	4	4	5	10	4	2	0	-100%
Property Crime Subtotal	3,444	1,154	1,032	1,382	2,197	646	632	-2%
TOTAL	3,943	1,506	1,254	1,732	2,594	760	752	-1%

Part 1 Crimes: Top Five Stations

April 2024

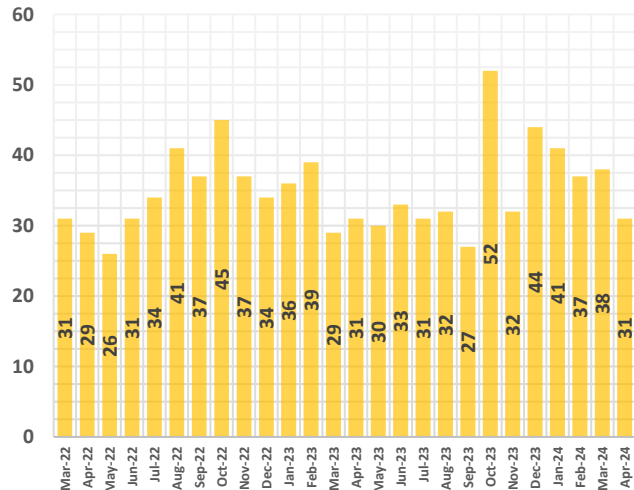
M10/OWS M50/BFS K30/MAS C60/CDS M60/TFS

Full Year 2023

M10/OWS M40/CCS A30/COS M30/PSS A60/HAS

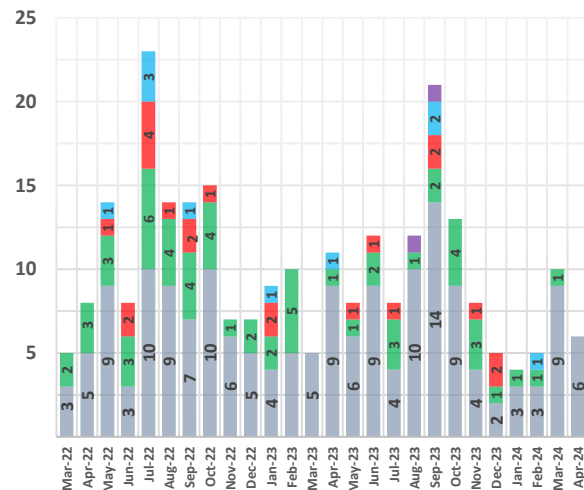
BATTERY & ASSAULT ON BART

Battery, Simple Assaults 04e



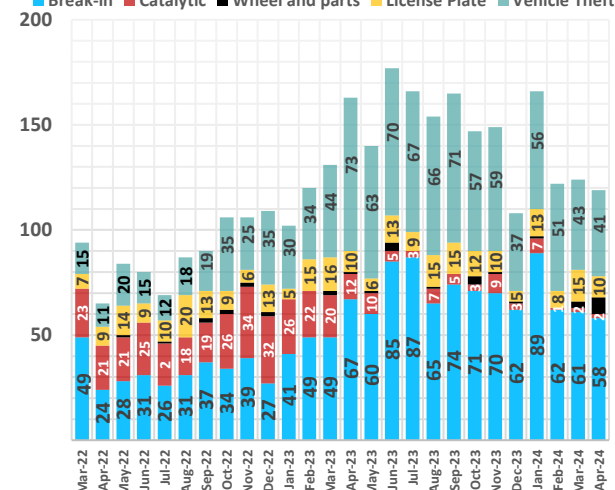
BICYCLE THEFT

Alameda Contra Costa San Francisco San Mateo Santa Clara



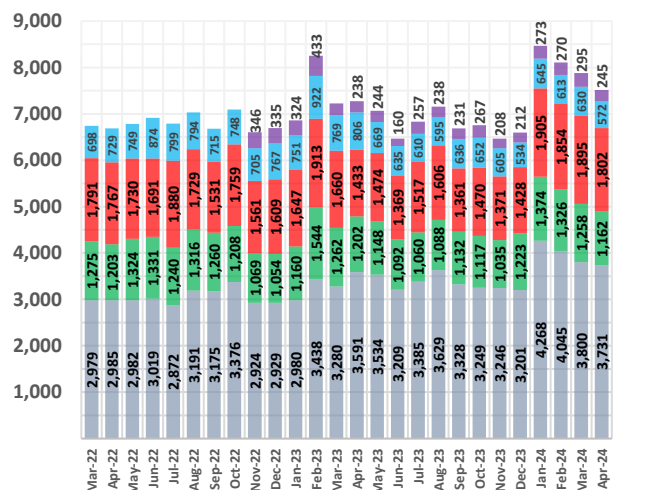
VEHICLE CRIME

Break-in Catalytic Wheel and parts License Plate Vehicle Theft



CALLS TO DISPATCH

Alameda Contra Costa San Francisco San Mateo Santa Clara

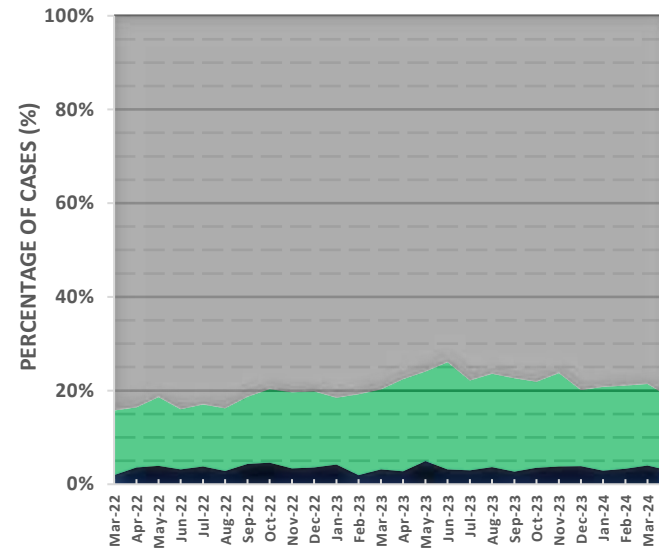


Preface: The data is retrieved from the BART Police Database and remains unaudited until corrections. Numbers may differ from the reported data in the Uniform Crime Reporting (UCR) program.

Late reporting, the reclassification or unbounding of crimes, may affect statistics. Infraction citations consist of all individual charges. Felony arrests, misdemeanor arrests and citations are based on each instance per individual

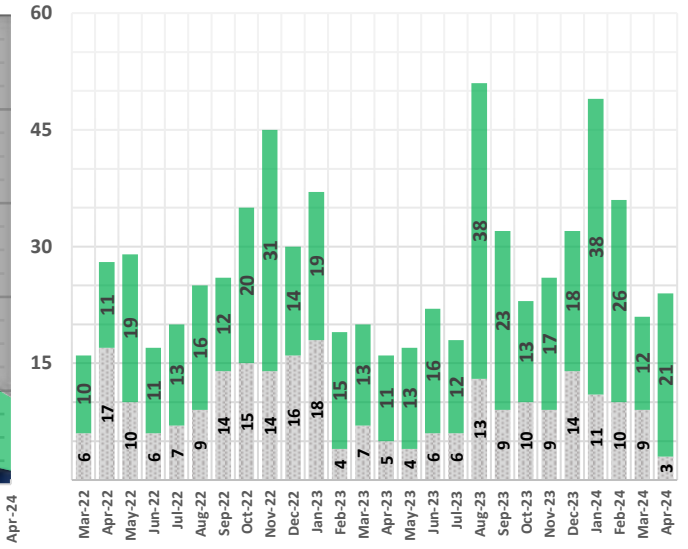
PART 1 CRIME OVERALL

Violent Crimes Property Crimes All other cases



ELECTRONIC CRIMES

Robbery Theft





Bay Area Rapid Transit Police Department

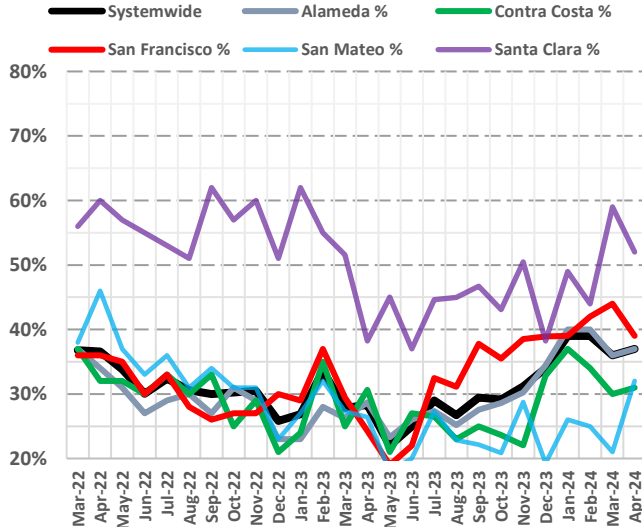
101 8th St, Oakland, CA, 94607 (510) 464-7000

www.bart.gov/police

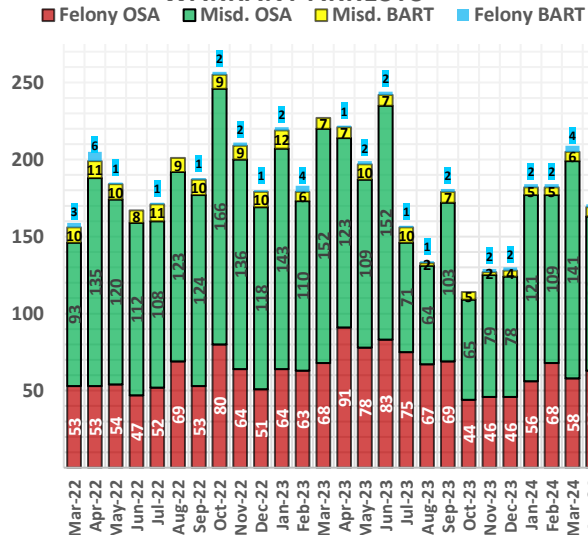
April 2024

Performance Measurement Review - **Systemwide**

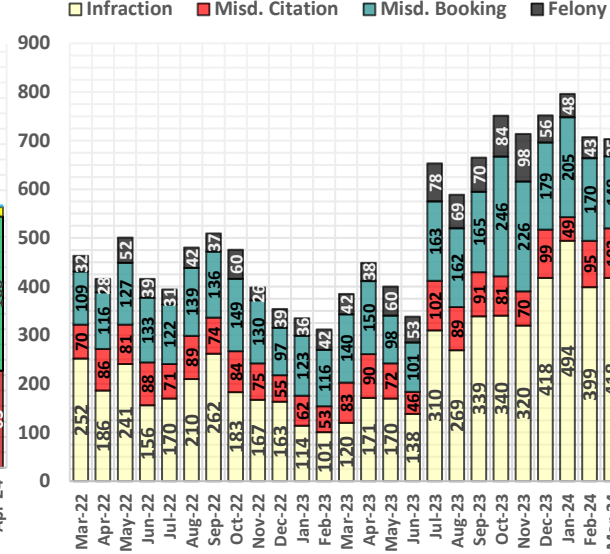
OFFICER-INITIATED INCIDENTS



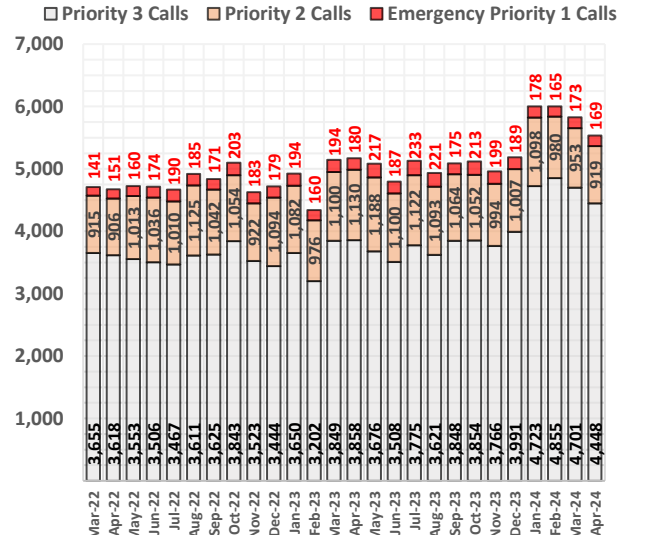
WARRANT ARRESTS



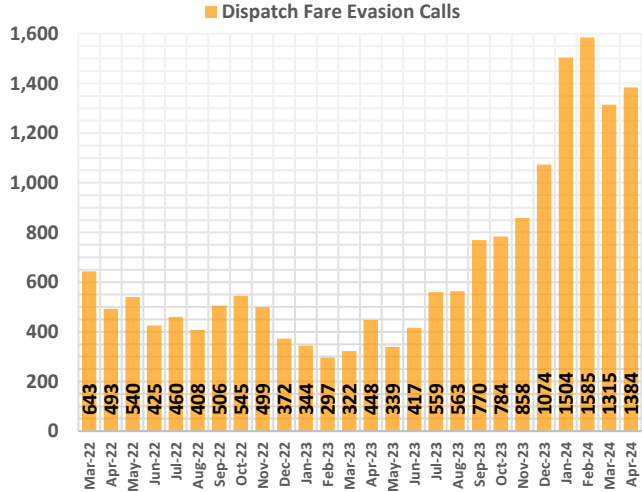
ALL BOOKINGS & ARRESTS



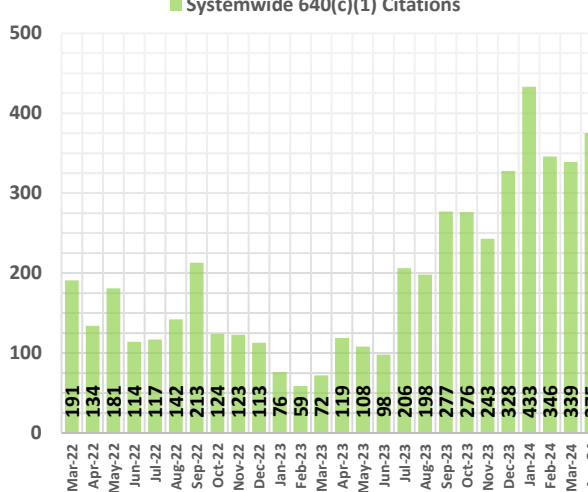
PRIORITY TYPE 1 - 3 CALLS



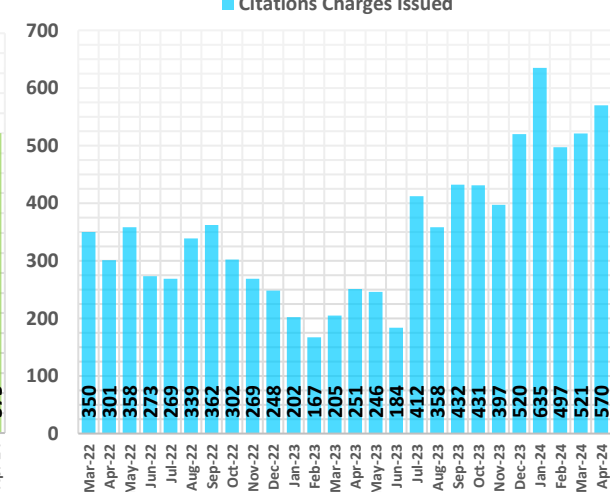
FARE EVASION CAD CALLS



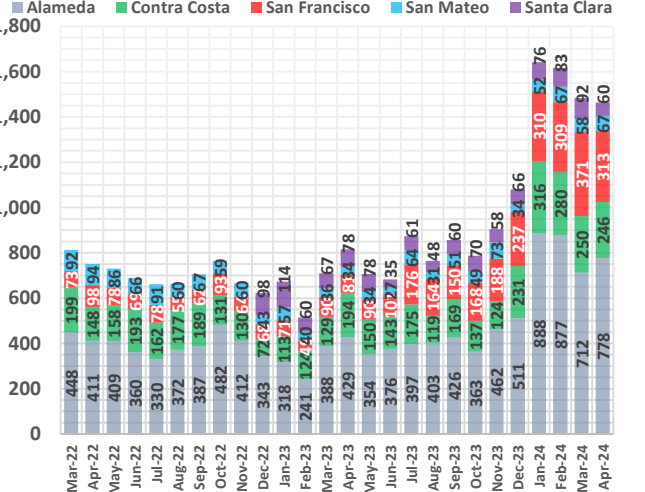
FARE EVASION CITATIONS



ALL CITATIONS



FIELD INTERVIEWS



Preface: The data is retrieved from the BART Police Database and remains unaudited until corrections. Numbers may differ from the reported data in the Uniform Crime Reporting (UCR) program.

Late reporting, the reclassification or unfounding of crimes, may affect statistics. Infraction citations consist of all individual charges. Felony arrests, misdemeanor arrests and citations are based on each instance per individual



Bay Area Rapid Transit Police Department

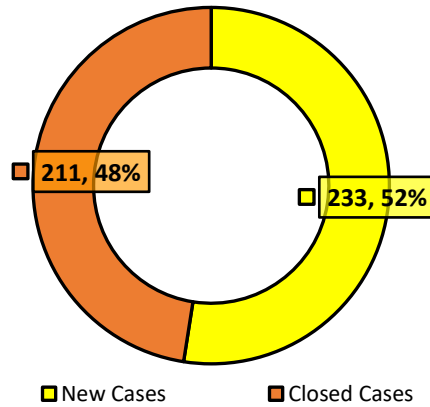
101 8th St, Oakland, CA, 94607 (510) 464-7000

www.bart.gov/police

April 2024

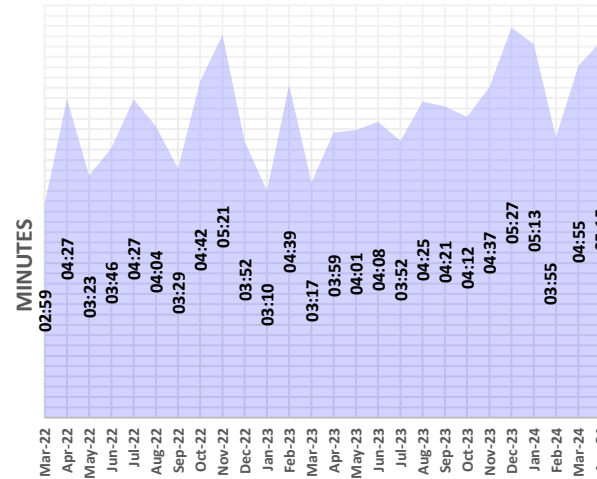
Performance Measurement Review - **Systemwide**

INVESTIGATIVE ASSIGNMENTS



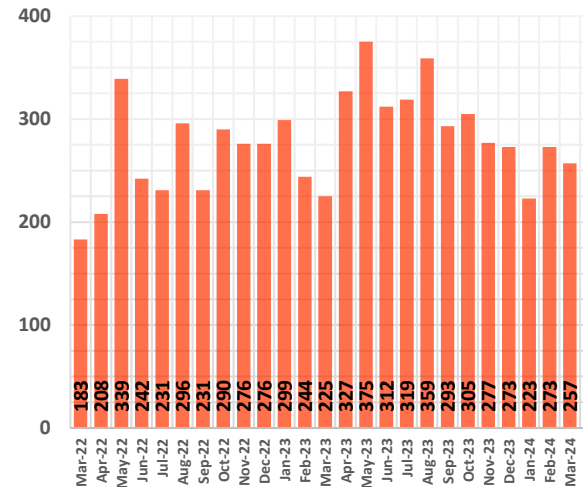
RESPONSE TIME (PRIORITY 1)

Emergency Response (Minutes)



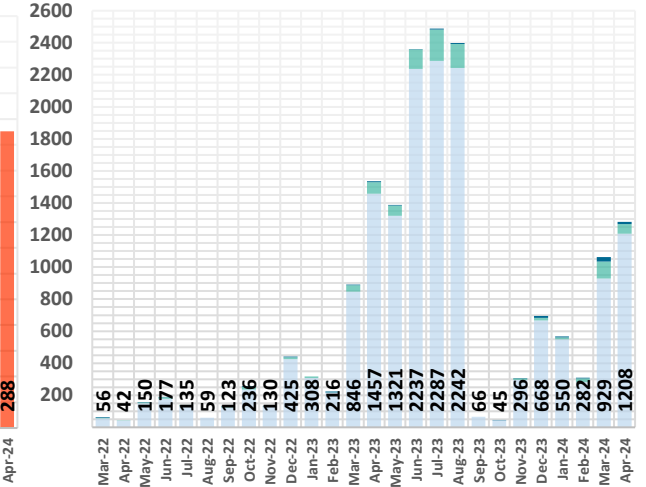
POLICE TRAIN HOLDS

Holds over 5 Minutes



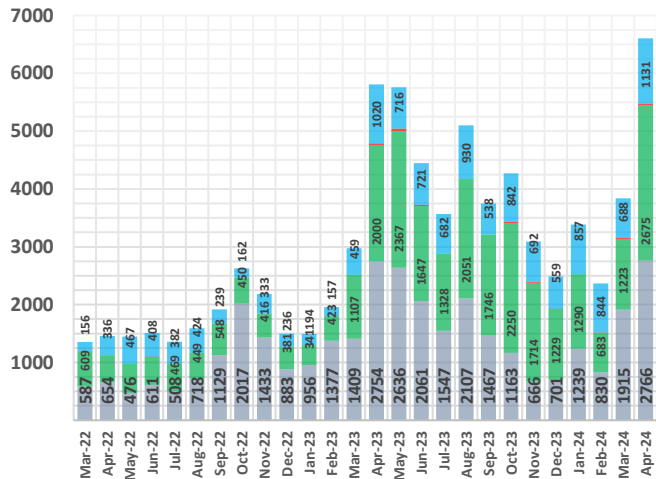
PROOF OF PAYMENT CITATIONS

Adult, Juvenile, Juvenile Fare Evasion

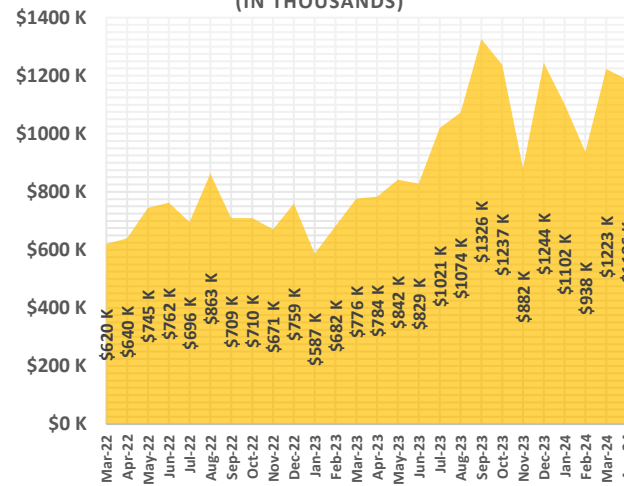


PARKING CITATIONS

Alameda, Contra Costa, San Francisco, San Mateo, Santa Clara

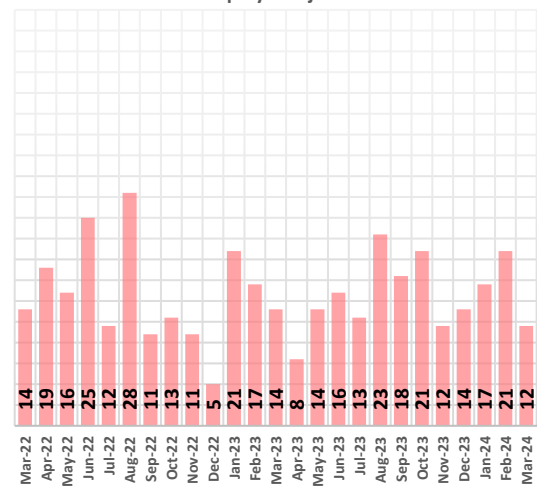


OVERTIME UTILIZATION (IN THOUSANDS)



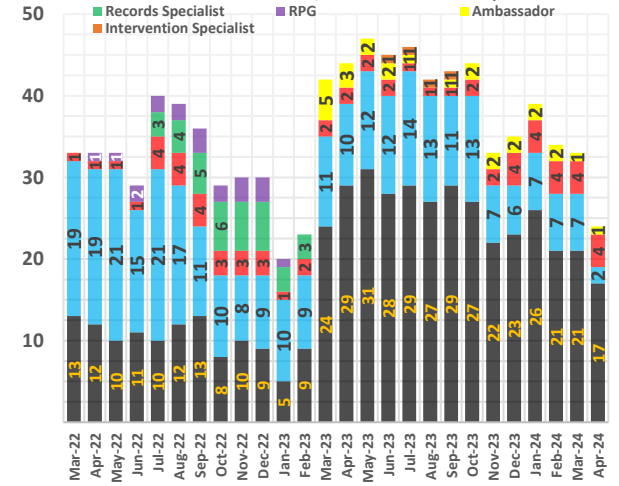
EMPLOYEE INJURIES

Employee Injuries



VACANCIES

Officer, CSO/FIO, Records Specialist, Intervention Specialist, RPG, Dispatch, Ambassador



Preface: The data is retrieved from the BART Police Database and remains unaudited until corrections. Numbers may differ from the reported data in the Uniform Crime Reporting (UCR) program.

Late reporting, the reclassification or unbounding of crimes, can affect crime statistics. Overtime costs are projected numbers. Information provided on the reports are subject to change.

† Beginning in March 2023, we are now reporting vacancies in Officer, Sr. Officer, and Master Officer, in the "Officer" category, providing a more accurate representation of vacancies.



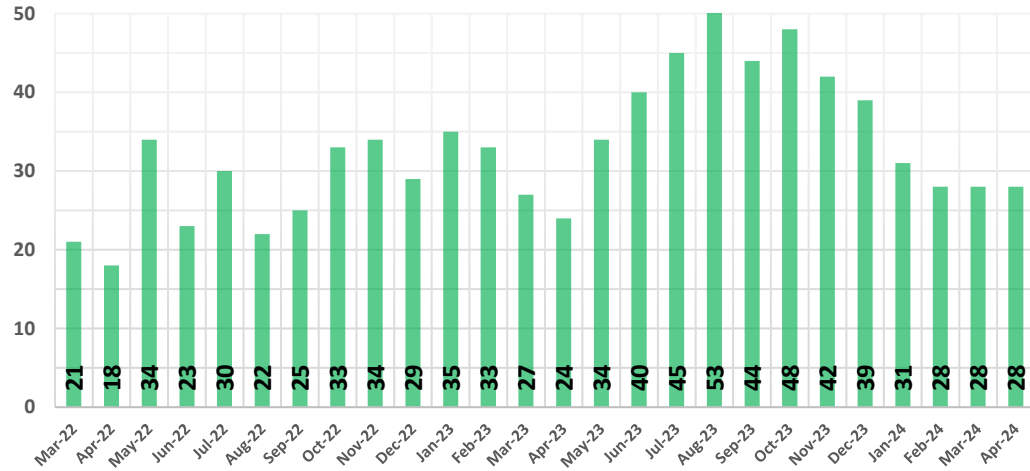
Bay Area Rapid Transit Police Department

101 8th St, Oakland, CA, 94607 (510) 464-7000 www.bart.gov/police

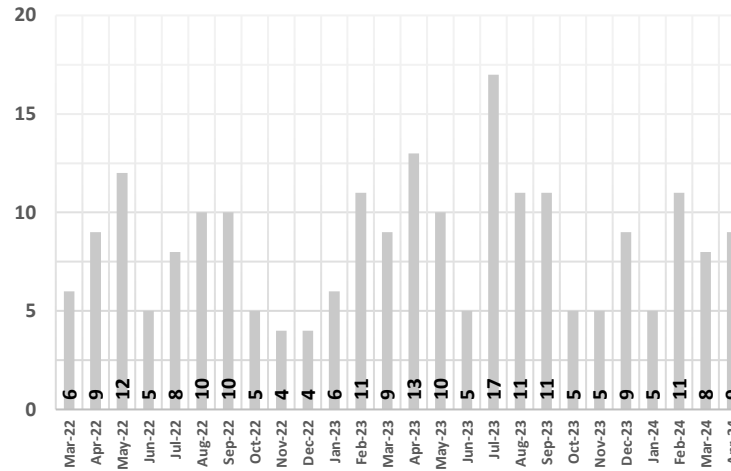
April 2024

Performance Measurement Review - **Systemwide**

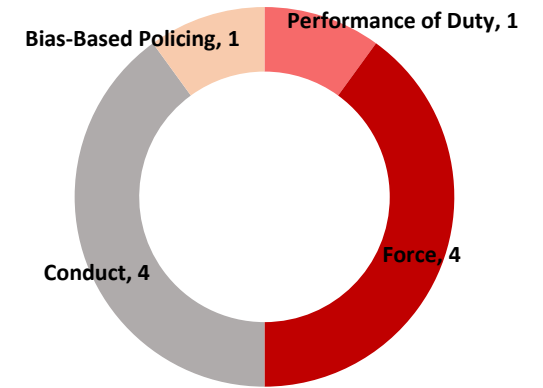
AB716 - PROHIBITION ORDERS



INTERNAL AFFAIRS COMPLAINTS

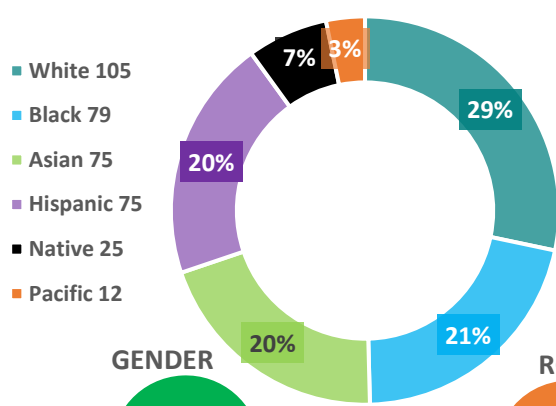


IA COMPLAINTS RECEIVED¹

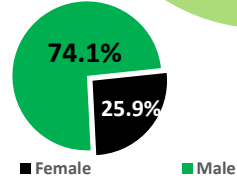


1: Each incident could contain more than one allegation. This chart reflects the most significant allegation per

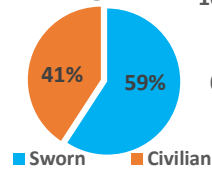
DEPARTMENT ETHNIC DIVERSITY



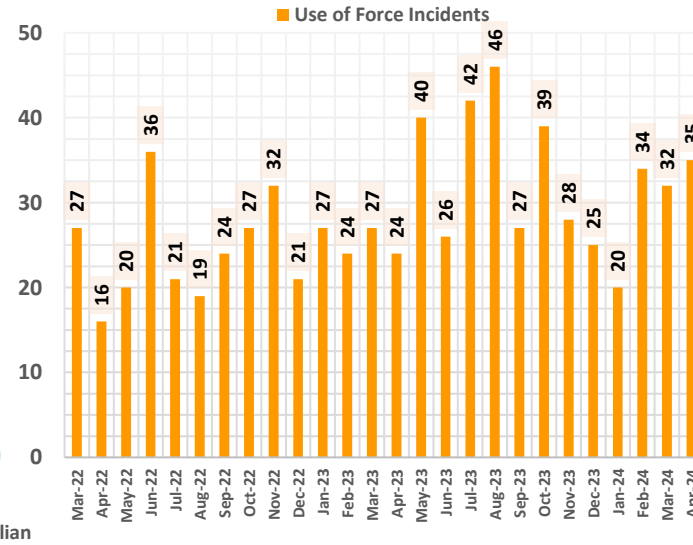
GENDER



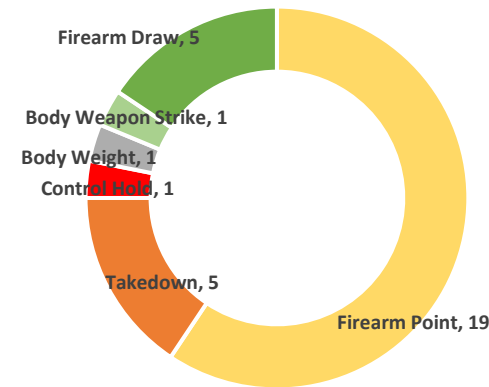
ROLE



USE OF FORCE INCIDENTS

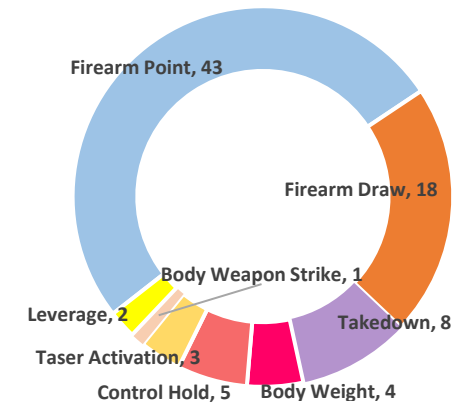


INCIDENT FORCE OPTIONS USED²



3: Some incidents involved the use of multiple force options. If two officers involved in the same incident used the same force option, this data would reflect both officers. As an example, if two officers used control holds in the same incident, this data would reflect two separate control holds.

TYPES OF FORCE USED³



2: Each incident could contain more than one force option. This chart reflects most significant force options used per incident.



Bay Area Rapid Transit Police Department

101 8th St, Oakland, CA, 94607 (510) 464-7000 www.bart.gov/police

April 2024

Performance Measurement Review - **Systemwide**

BART PD Uses of Force

Use of Force Incidents	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2024 CY	20	34	32	35									121
2023 CY	27	24	27	24	40	26	42	46	27	39	28	25	375
2022 CY	26	16	27	16	20	36	21	19	24	27	32	21	285
2021 CY	25	14	21	18	23	16	16	8	24	26	24	29	244
2024 YTD	20	54	86	121									
2023 YTD	27	51	78	102	142	168	210	256	283	322	350	375	
2022 YTD	26	42	69	85	105	141	162	181	205	232	264	285	
2021 YTD	25	39	60	78	101	117	133	141	165	191	215	244	

BART PD Dispatch Communications Center

Dispatch Center Calls	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2024 Calls for Service	8,539	8,143	7,905	7,546									32,133
2024 Priority 1 Calls	178	165	173	169									685
2024 Medical Emergencies	335	352	320	283									1,290
2024 Avg P1 Response Time	05:13	03:55	04:55	05:15									04:50
2023 Calls for Service	7,012	6,003	7,236	7,279	7,076	6,467	6,831	7,197	6,695	6,755	6,465	6,601	81,617
2023 Priority 1 Calls	194	160	194	180	217	187	233	221	175	213	199	189	2,362
2023 Medical Emergencies	412	344	398	378	357	338	352	293	310	316	303	325	4,126
2023 Avg P1 Response Time	03:10	04:39	03:17	03:59	04:01	04:08	03:52	04:25	04:21	04:12	04:37	05:27	04:11
2022 Calls for Service	6,087	5,802	7,138	6,936	7,080	7,191	7,081	7,330	6,956	7,433	6,609	6,694	82,337
2022 Priority 1 Calls	141	150	141	151	160	174	190	185	171	203	183	179	2,028
2022 Medical Emergencies	302	255	286	277	309	353	302	327	322	386	332	399	3,850
2022 Avg P1 Response Time	03:52	03:19	02:59	04:27	03:23	03:46	04:27	04:04	03:29	04:42	05:21	03:52	03:58
2019 Calls for Service	7,523	7,785	7,829	7,698	7,449	6,676	6,746	7,182	6,770	7,138	6,301	7,643	86,740
2019 Priority 1 Calls	203	181	202	204	202	213	205	199	222	205	192	192	2,420
2019 Medical Emergencies	361	310	370	321	396	360	318	323	339	329	329	381	4,137
2019 Avg P1 Response Time	05:16	05:10	04:49	04:40	03:52	06:17	04:38	06:45	05:34	05:30	04:57	03:47	05:06



Bay Area Rapid Transit Police Department

101 8th St, Oakland, CA, 94607 (510) 464-7000 www.bart.gov/police

April 2024

Performance Measurement Review - **Systemwide**

BART PD Enforcement Contacts													
Felony Arrests	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2024 Felony Arrest	48	43	35	45									171
2023 Felony Arrest	36	42	42	38	60	53	78	69	70	84	98	56	726
2022 Felony Arrest	27	35	32	28	52	39	31	42	37	60	26	39	448
2021 Felony Arrest	20	18	30	19	25	22	28	19	30	34	42	37	324
2024 Felony Arrest YTD	48	91	126	171									
2023 Felony Arrest YTD	36	78	120	158	218	271	349	418	488	572	670	726	
2022 Felony Arrest YTD	27	62	94	122	174	213	244	286	323	383	409	448	
2021 Felony Arrest YTD	20	38	68	87	112	134	162	181	211	245	287	324	
Misdemeanor Arrests	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2024 Misd. Arrest	205	170	148	153									676
2023 Misd. Arrest	123	116	140	150	98	101	163	162	165	246	226	179	1,869
2022 Misd. Arrest	113	91	109	116	127	133	122	139	136	149	130	97	1,462
2021 Misd. Arrest	82	87	122	114	109	102	117	85	108	158	130	133	1,347
2024 Misd. Arrest YTD	205	375	523	676									
2023 Misd. Arrest YTD	123	239	379	529	627	728	891	1,053	1,218	1,464	1,690	1,869	
2022 Misd. Arrest YTD	113	204	313	429	556	689	811	950	1,086	1,235	1,365	1,462	
2021 Misd. Arrest YTD	82	169	291	405	514	616	733	818	926	1,084	1,214	1,347	
Cite & Releases	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2024 Cite & Release	49	95	102	89									335
2023 Cite & Release	62	53	83	90	72	46	102	89	91	81	70	99	938
2022 Cite & Release	75	63	70	86	81	88	71	89	74	84	75	55	911
2021 Cite & Release	52	68	81	71	67	68	70	56	62	86	86	73	840
2024 Cite & Release YTD	49	144	246	335									
2023 Cite & Release YTD	62	115	198	288	360	406	508	597	688	769	839	938	
2022 Cite & Release YTD	75	138	208	294	375	463	534	623	697	781	856	911	
2021 Cite & Release YTD	52	120	201	272	339	407	477	533	595	681	767	840	
Field Interviews	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2024 Field Interview	1,642	1,616	1,483	1,511									6,252
2023 Field Interview	673	514	710	810	696	682	873	765	856	787	905	1,079	9,350
2022 Field Interview	633	756	882	828	814	770	716	734	775	869	792	624	9,193
2021 Field Interview	809	659	781	767	746	681	811	695	943	1,017	876	765	9,550
2024 Field Interview YTD	1,642	3,258	4,741	6,252									
2023 Field Interview YTD	673	1,187	1,897	2,707	3,403	4,085	4,958	5,723	6,579	7,366	8,271	9,350	
2022 Field Interview YTD	633	1,389	2,271	3,099	3,913	4,683	5,399	6,133	6,908	7,777	8,569	9,193	
2021 Field Interview YTD	809	1,468	2,249	3,016	3,762	4,443	5,254	5,949	6,892	7,909	8,785	9,550	
Combined Contacts	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2024 Monthly Enf. Contacts	1,944	1,924	1,768	1,798									7,434
2023 Monthly Enf. Contacts	894	725	975	1,088	926	882	1,216	1,085	1,182	1,198	1,299	1,413	12,883
2022 Monthly Enf. Contacts	848	945	1,093	1,058	1,074	1,030	940	1,004	1,022	1,162	1,023	815	12,014
2021 Monthly Enf. Contacts	963	832	1,014	971	947	873	1,026	855	1,143	1,295	1,134	1,008	12,061
2024 Enf. Contacts YTD	1,944	3,868	5,636	7,434									
2023 Enf. Contacts YTD	894	1,619	2,594	3,682	4,608	5,490	6,706	7,791	8,973	10,171	11,470	12,883	
2022 Enf. Contacts YTD	848	1,793	2,886	3,944	5,018	6,048	6,988	7,992	9,014	10,176	11,199	12,014	
2021 Enf. Contacts YTD	963	1,795	2,809	3,780	4,727	5,600	6,626	7,481	8,624	9,919	11,053	12,061	



Bay Area Rapid Transit Police Department

101 8th St, Oakland, CA, 94607 (510) 464-7000 www.bart.gov/police

April 2024

Performance Measurement Review - **Systemwide**

BART PD Warrant Arrests													
Warrant Arrests	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2024 BART Felony	2	2	4	2									10
2024 BART Misdemeanor	5	5	6	6									22
2024 Outside Felony	56	68	58	63									245
2024 Outside Misdemeanor	121	109	141	100									471
2024 Monthly Total	184	184	209	171									748
2024 YTD Total	184	368	577	748									
2023 BART Felony	2	4	0	1	2	2	1	1	2	0	2	2	19
2023 BART Misdemeanor	12	6	7	7	10	7	10	2	7	5	2	4	79
2023 Outside Felony	64	63	68	91	78	83	75	67	69	44	46	46	794
2023 Outside Misdemeanor	143	110	152	123	109	152	71	64	103	65	79	78	1,249
2023 Monthly Total	221	183	227	222	199	244	157	134	181	114	129	130	2,141
2023 YTD Total	221	404	631	853	1,052	1,296	1,453	1,587	1,768	1,882	2,011	2,141	
2022 BART Felony	2	1	3	6	1	0	1	0	1	2	2	1	20
2022 BART Misdemeanor	3	4	10	11	10	8	11	9	10	9	9	10	104
2022 Outside Felony	51	48	53	53	54	47	52	69	53	80	64	51	675
2022 Outside Misdemeanor	61	83	93	135	120	112	108	123	124	166	136	118	1,379
2022 Monthly Total	117	136	159	205	185	167	172	201	188	257	211	180	2,178
2022 YTD Total	117	253	412	617	802	969	1,141	1,342	1,530	1,787	1,998	2,178	
2021 BART Felony	2	2	0	2	4	4	8	2	6	0	2	4	36
2021 BART Misdemeanor	7	9	7	4	6	7	9	4	15	6	9	9	92
2021 Outside Felony	38	37	35	56	39	32	42	39	71	48	40	49	526
2021 Outside Misdemeanor	56	45	36	46	65	70	76	61	121	108	82	103	869
2021 Monthly Total	103	93	78	108	114	113	135	106	213	162	133	165	1,523
2021 YTD Total	103	196	274	382	496	609	744	850	1,063	1,225	1,358	1,523	



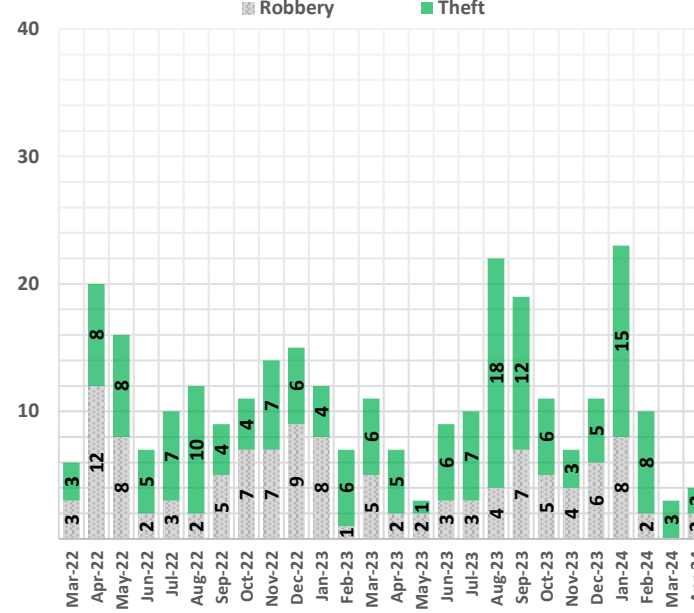
Bay Area Rapid Transit Police Department

101 8th St, Oakland, CA, 94607 (510) 464-7000 www.bart.gov/police

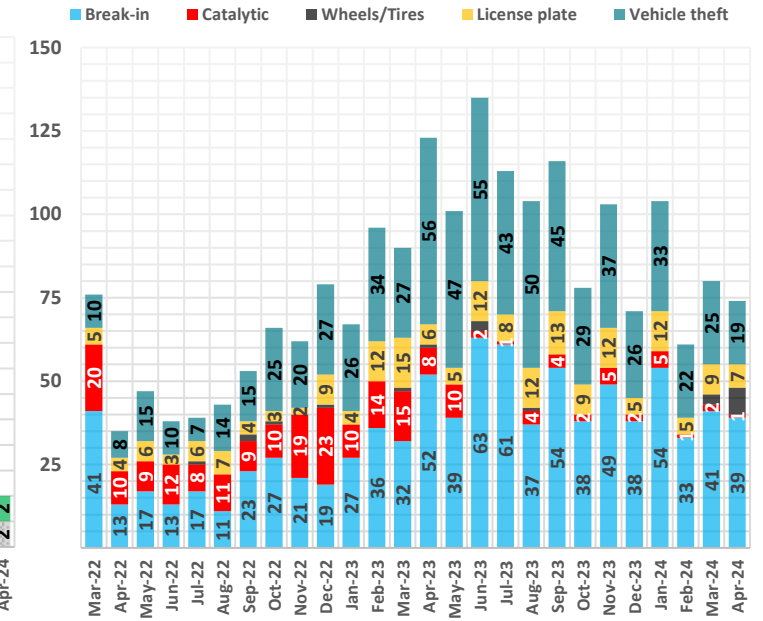
April 2024 Performance Measurement Review - Alameda County

PART 1 UCR Crime	2019	2020	2021	2022	2023	YTD 2023	YTD 2024	PCT %
Homicide	1	0	0	1	1	0	0	-%
Rape	2	3	2	3	3	0	0	-%
Robbery	229	122	64	123	119	34	32	-6%
Aggravated Assault	52	54	34	63	84	24	20	-17%
Violent Crime Subtotal	284	179	100	190	207	58	52	-10%
Burglary (Structural)	13	9	6	10	15	5	6	+20%
Larceny & Auto Burglary	1,634	577	472	627	915	283	254	-10%
Auto Theft	149	56	85	170	475	143	99	-31%
Arson	5	2	2	2	3	1	0	-100%
Property Crime Subtotal	1,801	644	565	809	1,408	432	359	-17%
TOTAL	2,085	823	665	999	1,615	490	411	-16%

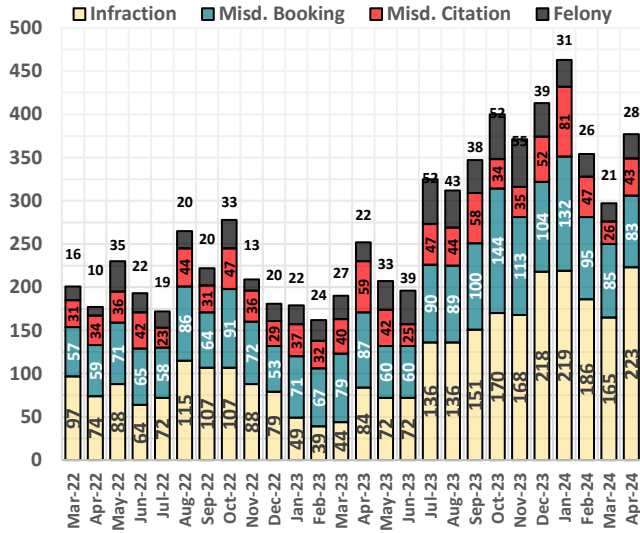
ALAMEDA ELECTRONIC CRIME



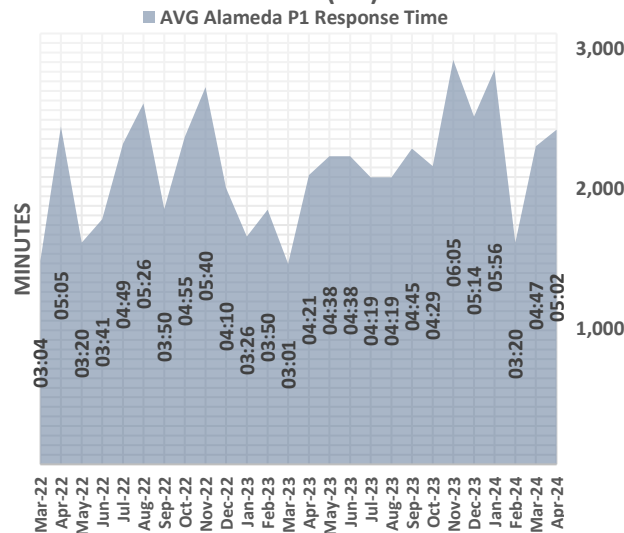
ALAMEDA VEHICLE CRIME



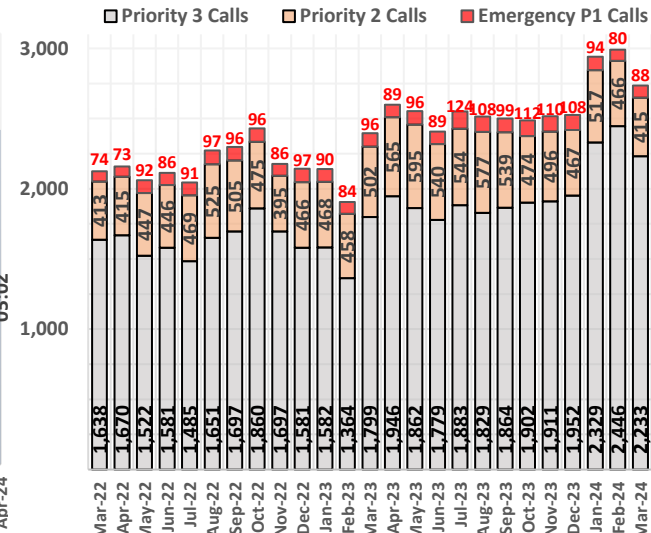
ALAMEDA ARRESTS & CITATIONS



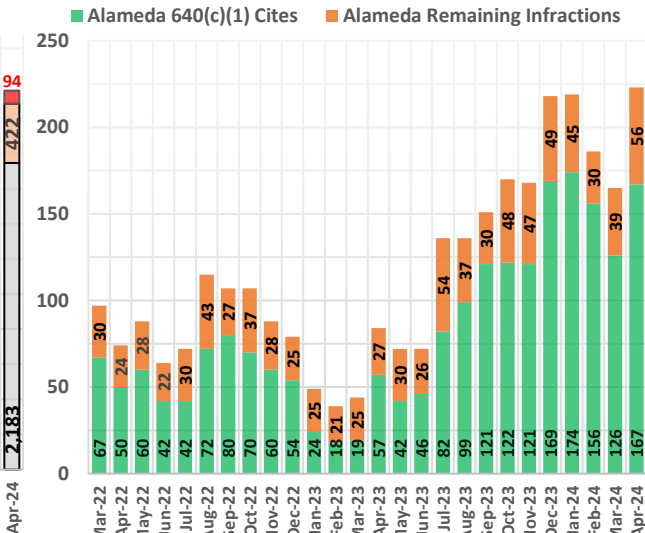
RESPONSE TIME (P1) AVG



ALAMEDA PRIORITY 1 - 3 CALLS



ALAMEDA FARE EVASION



Preface: The data is retrieved from the BART Police Database and remains unaudited until corrections. Numbers may differ from the reported data in the Uniform Crime Reporting (UCR) program.

Late reporting, the reclassification or unfounding of crimes, may affect statistics. Infraction citations consist of all individual charges. Felony arrests, misdemeanor arrests and citations are based on each instance per individual



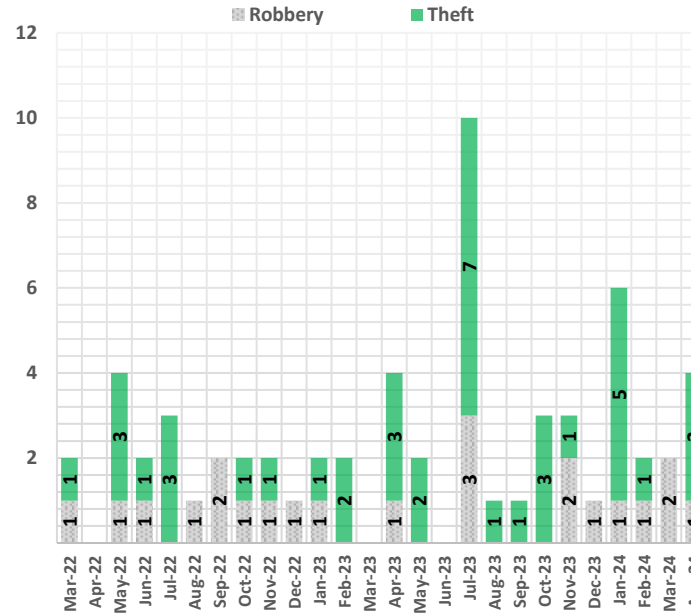
Bay Area Rapid Transit Police Department

101 8th St, Oakland, CA, 94607 (510) 464-7000 www.bart.gov/police

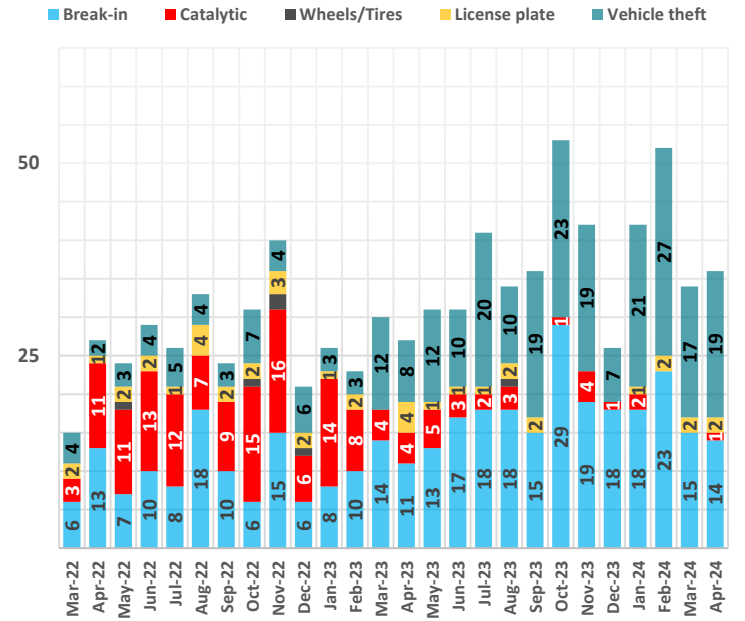
April 2024 Performance Measurement Review - Contra Costa County

PART 1 UCR Crime	2019	2020	2021	2022	2023	YTD 2023	YTD 2024	PCT %
Homicide	0	0	0	0	0	0	0	-%
Rape	4	0	4	4	4	1	2	+100%
Robbery	34	23	19	23	18	7	8	+14%
Aggravated Assault	23	17	19	21	23	8	10	+25%
Violent Crime Subtotal	61	40	42	48	45	16	20	+25%
Burglary (Structural)	2	1	1	4	7	2	2	0%
Larceny & Auto Burglary	592	202	226	328	322	97	86	-11%
Auto Theft	81	40	46	49	146	26	84	+223%
Arson	0	0	0	5	1	1	0	-100%
Property Crime Subtotal	675	243	273	386	476	126	172	+37%
TOTAL	736	283	315	434	521	142	192	+35%

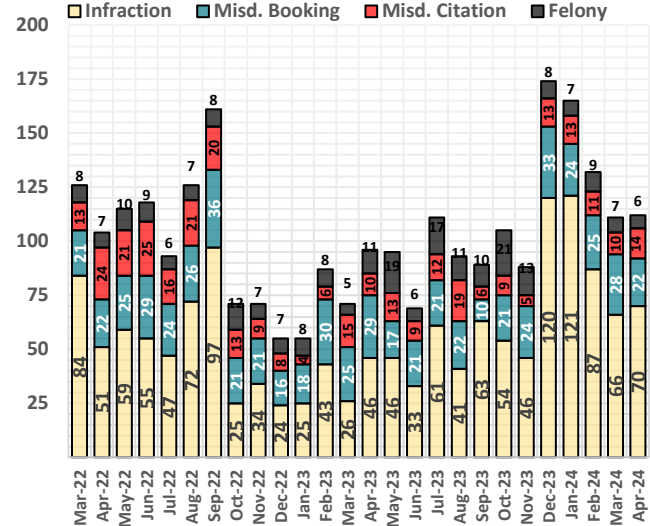
CONTRA COSTA ELECTRONIC THEFT



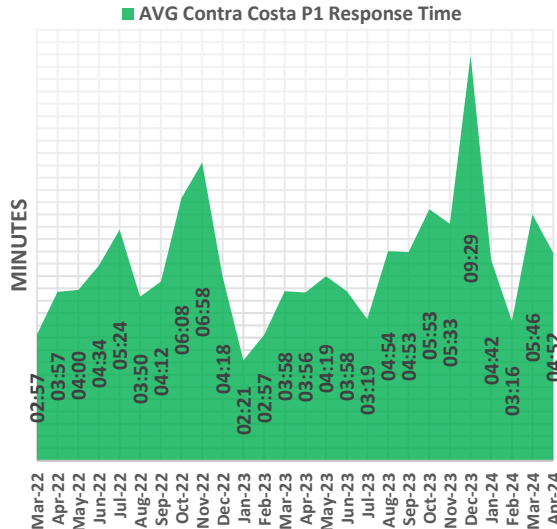
CONTRA COSTA VEHICLE CRIME



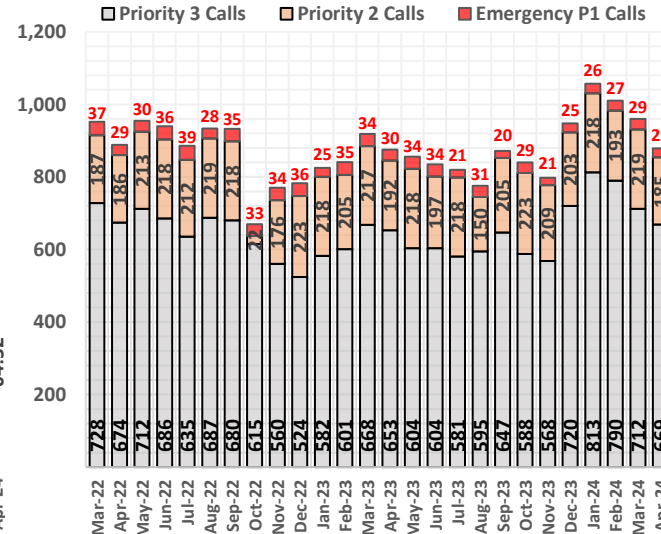
COCO ARRESTS & CITATIONS



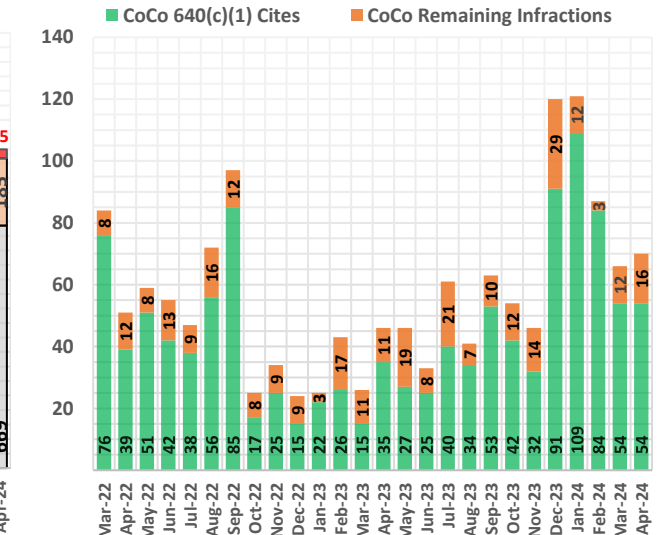
RESPONSE TIME (P1) AVG



COCO PRIORITY 1 - 3 CALLS



COCO FARE EVASION



Preface: The data is retrieved from the BART Police Database and remains unaudited until corrections. Numbers may differ from the reported data in the Uniform Crime Reporting (UCR) program.

Late reporting, the reclassification or unfounding of crimes, may affect statistics. Infraction citations consist of all individual charges. Felony arrests, misdemeanor arrests and citations are based on each instance per individual.



Bay Area Rapid Transit Police Department

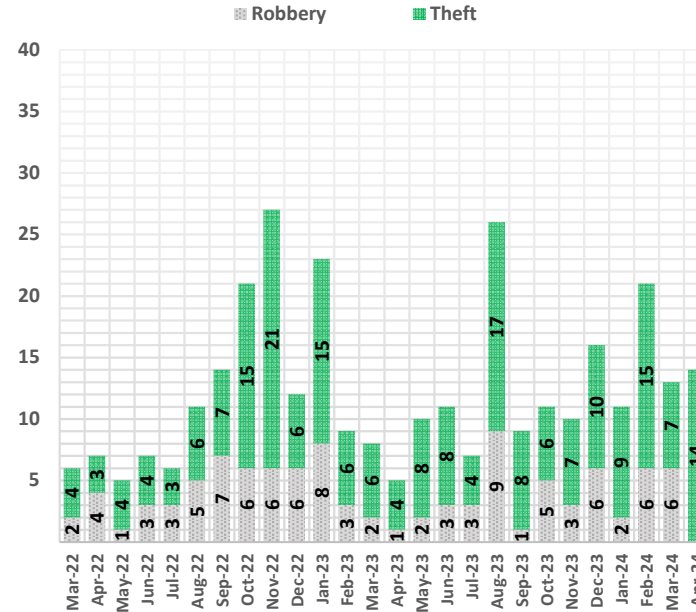
101 8th St, Oakland, CA, 94607 (510) 464-7000 www.bart.gov/police

April 2024

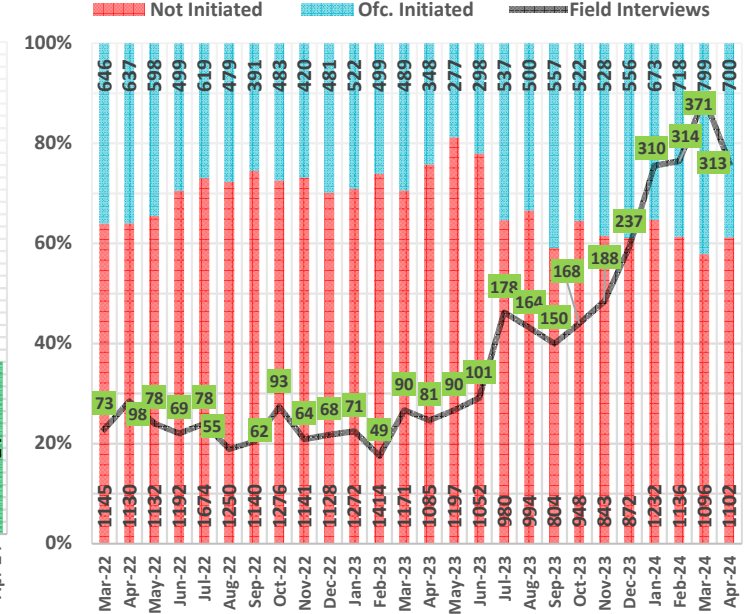
Performance Measurement Review - San Francisco County

PART 1 UCR Crime	2019	2020	2021	2022	2023	YTD 2023	YTD 2024	PCT %
Homicide	0	0	0	3	0	0	0	-%
Rape	0	4	1	0	0	0	0	-%
Robbery	104	101	47	66	82	24	32	+33%
Aggravated Assault	28	19	16	21	40	11	10	-9%
Violent Crime Subtotal	132	124	64	90	122	35	42	+20%
Burglary (Structural)	4	1	3	6	2	2	1	-50%
Larceny & Auto Burglary	619	200	103	110	147	41	52	+27%
Auto Theft	1	0	0	0	2	0	1	-%
Arson	0	1	2	1	0	0	0	-%
Property Crime Subtotal	624	202	108	117	151	43	54	+26%
TOTAL	756	326	172	207	273	78	96	+23%

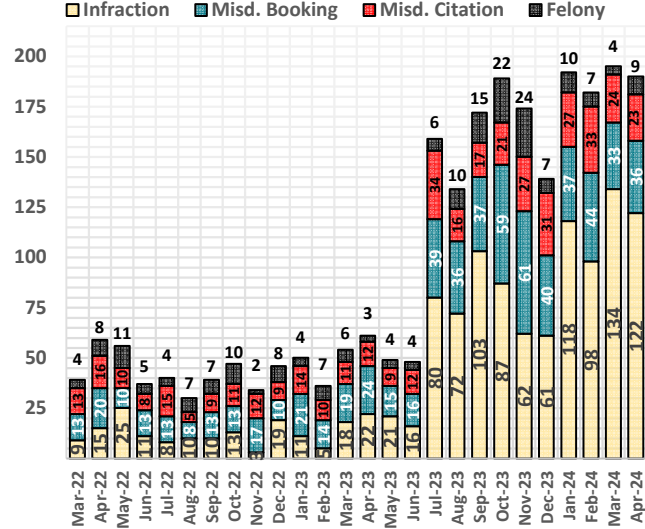
SAN FRANCISCO ELECTRONIC CRIMES



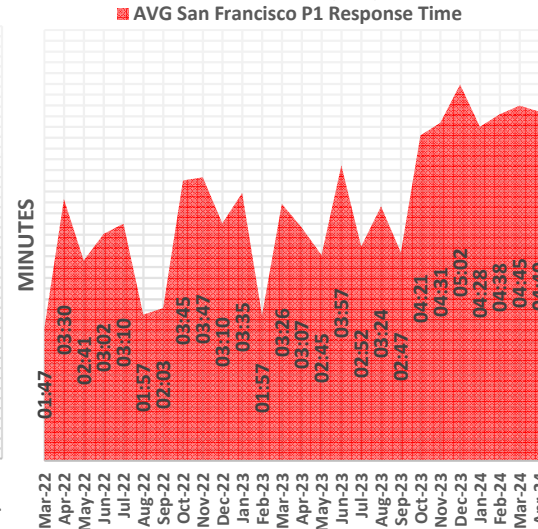
SF OFFICER-INITIATED INCIDENTS



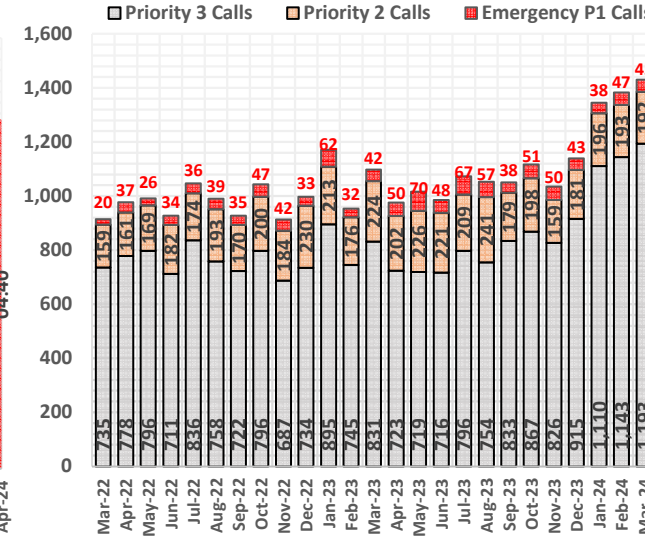
SF ARRESTS & CITATIONS



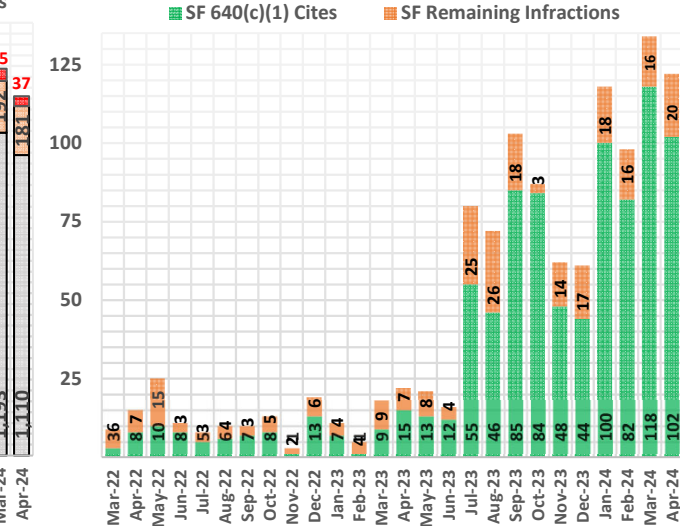
RESPONSE TIME (P1) AVG



SF PRIORITY 1 - 3 CALLS



SAN FRANCISCO FARE EVASION



Preface: The data is retrieved from the BART Police Database and remains unaudited until corrections. Numbers may differ from the reported data in the Uniform Crime Reporting (UCR) program.

Late reporting, the reclassification or unfounding of crimes, may affect statistics. Infraction citations consist of all individual charges. Felony arrests, misdemeanor arrests and citations are based on each instance per individual.



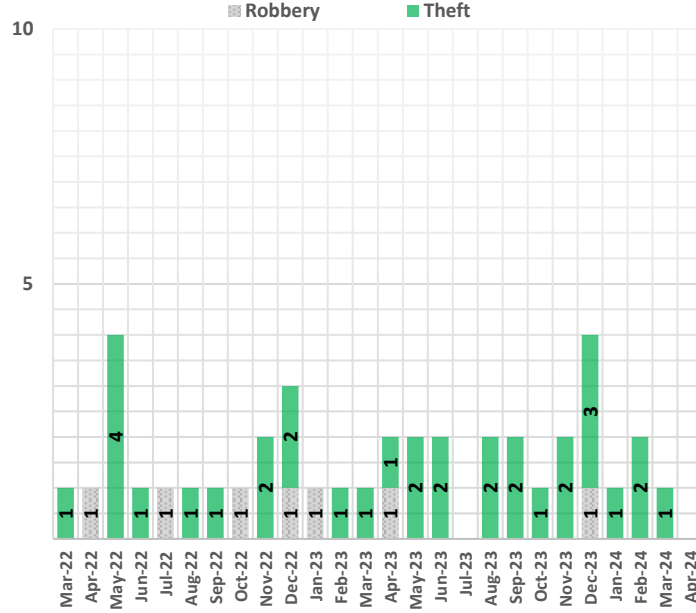
Bay Area Rapid Transit Police Department

101 8th St, Oakland, CA, 94607 (510) 464-7000 www.bart.gov/police

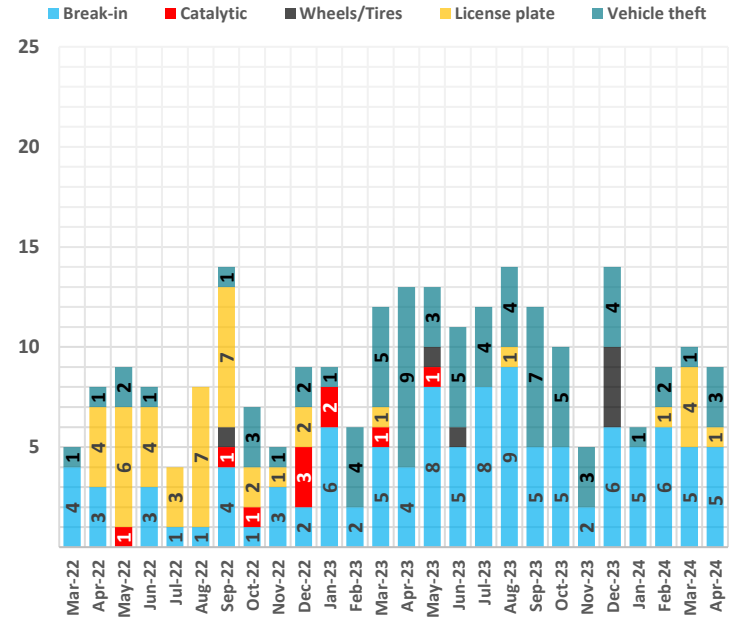
April 2024 Performance Measurement Review - **San Mateo County**

PART 1 UCR Crime	2019	2020	2021	2022	2023	YTD 2023	YTD 2024	PCT %
Homicide	0	0	0	0	0	0	0	-%
Rape	1	1	1	0	0	0	0	-%
Robbery	13	6	10	14	13	3	2	-33%
Aggravated Assault	8	4	2	3	9	7	1	-86%
Violent Crime Subtotal	22	11	13	17	22	10	3	-70%
Burglary (Structural)	0	1	1	1	0	0	0	-%
Larceny & Auto Burglary	332	75	81	87	101	33	40	+21%
Auto Theft	13	4	3	12	54	19	7	-63%
Arson	0	1	1	1	0	0	0	-%
Property Crime Subtotal	345	81	86	101	155	52	47	-10%
TOTAL	367	92	99	99	177	62	50	-19%

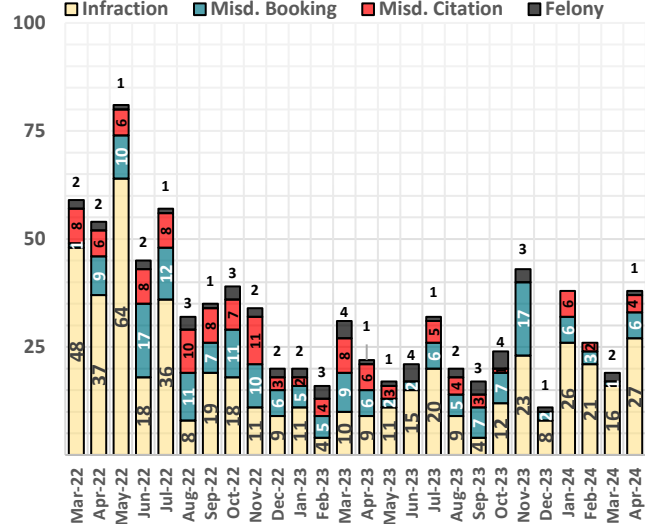
SAN MATEO ELECTRONIC CRIME



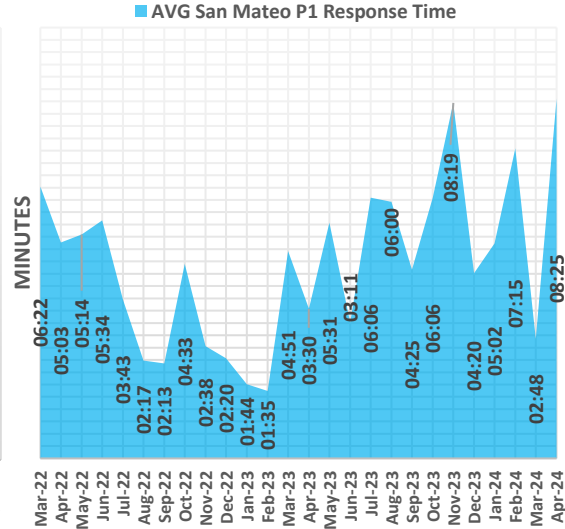
SAN MATEO VEHICLE CRIME



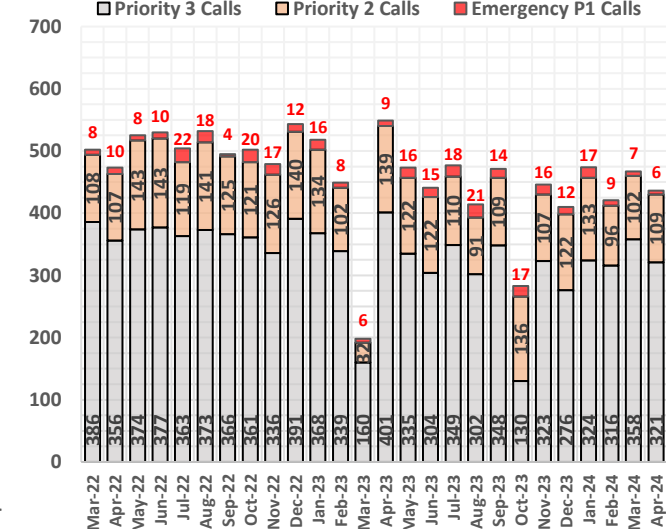
SMC ARRESTS & CITATIONS



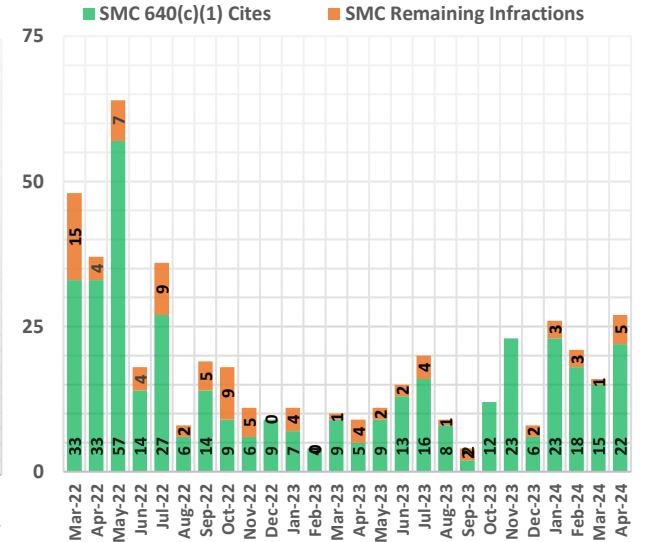
RESPONSE TIME (P1) AVG



SMC PRIORITY 1 - 3 CALLS



SMC FARE EVASION



Preface: The data is retrieved from the BART Police Database and remains unaudited until corrections. Numbers may differ from the reported data in the Uniform Crime Reporting (UCR) program.

Late reporting, the reclassification or unfounding of crimes, may affect statistics. Infraction citations consist of all individual charges. Felony arrests, misdemeanor arrests and citations are based on each instance per individual.



Bay Area Rapid Transit Police Department

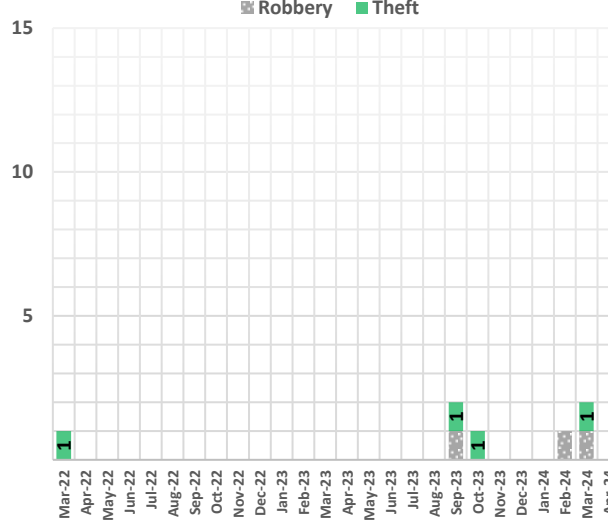
101 8th St, Oakland, CA, 94607 (510) 464-7000 www.bart.gov/police

April 2024

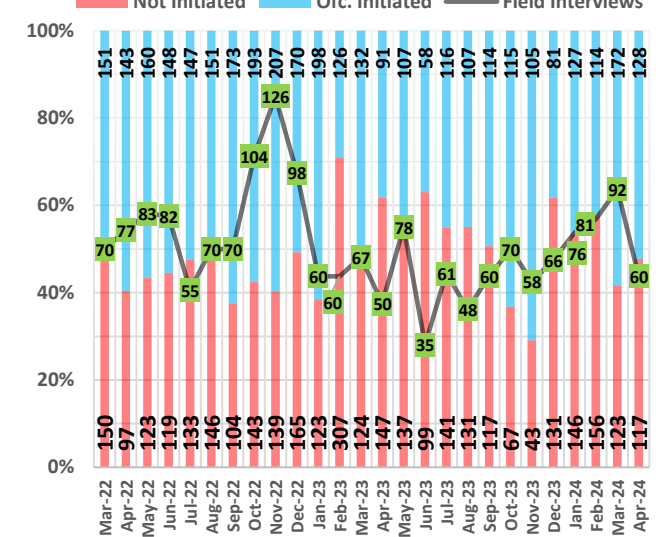
Performance Measurement Review - Santa Clara County

PART 1 UCR Crime	2019	2020	2021	2022	2023	YTD 2023	YTD 2024	PCT %
Homicide	-	-	0	0	0	0	0	-%
Rape	-	-	0	0	0	0	0	-%
Robbery	-	-	2	0	2	0	3	-%
Aggravated Assault	-	1	0	2	0	0	0	-%
Violent Crime Subtotal	0	1	2	2	2	0	3	-%
Burglary (Structural)	-	-	0	0	0	0	0	-%
Larceny & Auto Burglary	-	1	0	0	7	0	0	-%
Auto Theft	-	-	0	0	1	0	0	-%
Arson	-	-	0	0	0	0	0	-%
Property Crime Subtotal	0	1	0	0	8	0	0	-%
TOTAL	0	2	2	2	10	0	3	-%

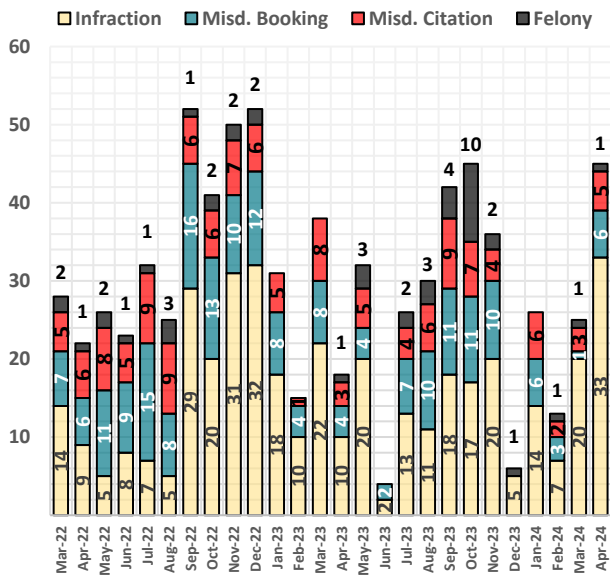
SANTA CLARA ELECTRONIC CRIME



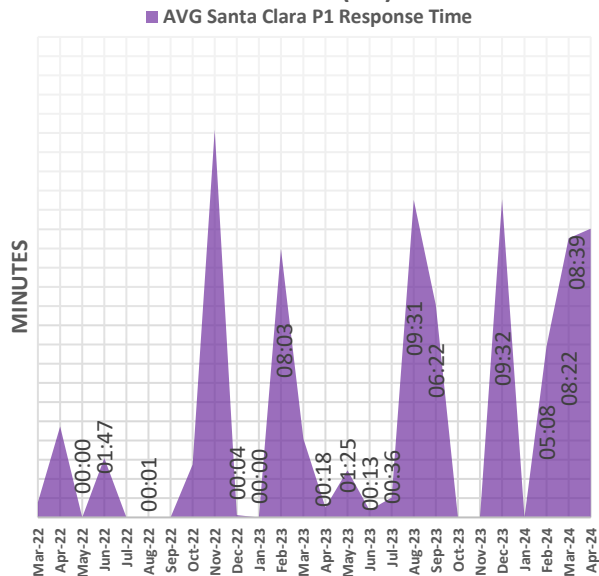
SCC OFFICER-INITIATED INCIDENTS



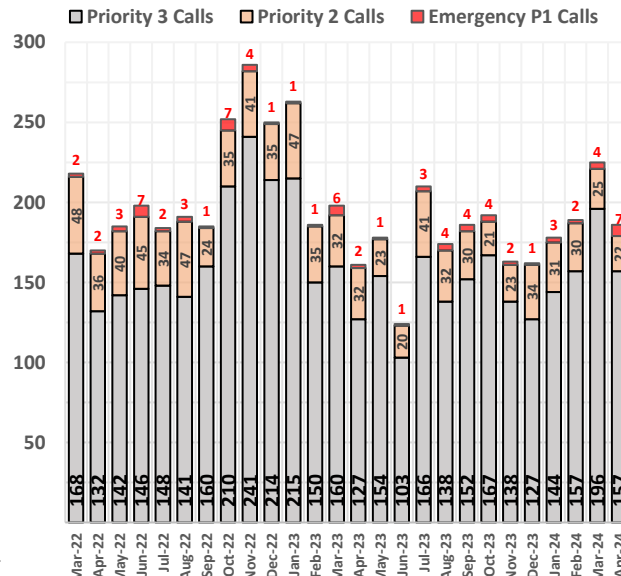
SCC ARRESTS & CITATIONS



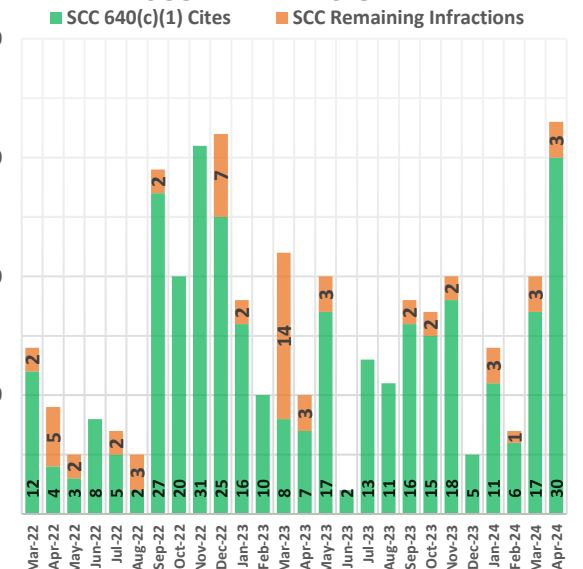
RESPONSE TIME (P1) AVG



SCC PRIORITY 1 - 3 CALLS



SCC FARE EVASION



Preface: The data is retrieved from the BART Police Database and remains unaudited until corrections. Numbers may differ from the reported data in the Uniform Crime Reporting (UCR) program.

Late reporting, the reclassification or unfounding of crimes, may affect statistics. Infraction citations consist of all individual charges. Felony arrests, misdemeanor arrests and citations are based on each instance per individual.

Internal Affairs Division Acronyms

Admin: Administrative

OIPA Investigation: Office of the Independent Police Auditor is conducting the investigation

S.R.: Supervisor Referral

Tolled: Internal Affairs Investigation is on hold (paused)

Allegation Types

Arrest or Detention

BBP: Bias Based

Policing

CUBO: Conduct Unbecoming an Officer

Courtesy

Force

POD: Performance of Duty

Policy Complaint

Policy/Procedure

Racial Animus

Reporting

Misconduct Search

or Seizure Service

Review Supervision

Truthfulness

Workplace Discrimination/Harassment

BART Police Department - Office of Internal Affairs									
Investigation Log									
IA#:	DATE OCC'D	DATE REC'D	ALLEGATION	MISC	INVESTIGATOR	STATUS	5 Month Date	Due Date	
IA2018-060	7/22/2018	7/23/2018	Service Review		Lt. Salas	Tolled	12/23/2018		
IA2022-093	12/6/2022	12/6/2022	Force, CUBO, Arrest		Sgt. Roan	Tolled	5/7/2023	12/6/2023	
IA2023-001	1/2/2023	1/3/2023	CUBO		Sgt. Roan	Tolled	6/7/2023	1/3/2024	
IA2023-009	2/7/2023	2/8/2023	BWC CUBO Policy/Procedure	OIPA Monitoring #	Sgt. Vuong	In Progress	7/9/2023	2/8/2024	
IA2023-022	2/27/2022	3/14/2023	Arrest/Detention, Force, BBP, BWC, Search/Seizure, CUBO	OIPA deferred to IA #23-05	Lt. Salas	In Progress	8/13/2023	3/14/2024	
IA2023-028	3/29/2023	3/28/2023	Search/Seizure		Lt. Salas	In Progress	8/29/2023	3/29/2024	
IA2023-029	3/29/2023	12/12/2022	Force, Arrest/Detention, CUBO		Lt. Salas	In Progress	8/29/2023	3/29/2024	
IA2023-030	4/1/2023	4/1/2023	Performance		Lt. Salas	In Progress	9/1/2023	4/1/2024	
IA2023-033	4/7/2023	4/7/2023	CUBO		Lt. Salas	In Progress	9/7/2023	4/7/2024	
IA2023-038	4/17/2023	4/24/2023	Bias/ CUBO		Sgt. Vuong	In Progress	9/25/2023	4/25/2024	
IA2023-044	04/04/02023	4/4/2023	CUBO		Lt. Salas	In Progress	9/4/2023	4/4/2024	
IA2023-045	5/10/2023	5/10/2023	Bias, Racial Animus, CUBO		Sgt. Vuong	In Progress	10/11/2023	5/11/2024	
IA2023-046	5/16/2023	5/16/2023	Force, CUBO		Sgt. Vuong	In Progress	10/17/2023	5/17/2024	
IA2023-047	4/20/2023	5/18/2023	CUBO		Sgt. Vuong	In Progress	10/19/2023	5/16/2024	

IA2023-048	5/20/2023	5/20/2023	CUBO, Bias		Lt. Salas	In Progress	10/20/2023	5/20/2024
IA2023-049	5/23/2023	5/25/2023	Arrest/Detention Force		Lt. Salas	In Progress	11/8/2023	5/25/2024
IA2023-050	6/9/2023	6/9/2023	Force		Sgt. Vuong	Tolled	11/12/2023	6/9/2024
IA2023-052	Unkown	4/27/2023	CUBO		Lt. Salas	In Progress	9/26/2023	4/27/2024
IA2023-053	6/9/2023	6/16/2023	Policy/Procedure BBP, CUBO	OIPA Monitoring #23-21	Sgt. Vuong	In Progress	11/15/2023	6/16/2024
IA2023-054	5/6/2023	5/6/2023	Force		Lt. Salas	In Progress	11/15/2023	5/6/2024
IA2023-056	6/23/2023	6/26/2023	Courtesy		Sgt. Vuong	In Progress	11/25/2023	6/26/2024
IA2023-057	6/7/2023	6/8/2023	CUBO	OIPA deferred to IA #23-19	Sgt. Roan	In Progress	11/7/2023	6/8/2024
IA2023-058	4/27/2023	4/27/2023	CUBO		Lt. Salas	In Progress	9/27/2023	4/27/2024
IA2023-059	7/3/2023	7/3/2023	Performance		Sgt. Roan	In Progress	12/3/2023	7/3/2024
IA2023-060	7/6/2023	7/6/2023	Bias, Performance		Sgt. Vuong	In Progress	12/6/2023	7/6/2024
IA2023-061	3/10/2023	7/5/2023	CUBO		Sgt. Roan	In Progress	8/10/2023	7/5/2024
IA2023-062	6/24/2023	7/10/2023	Force		Sgt. Vuong	In Progress	11/24/2023	6/24/2024
IA2023-063	7/10/2023	7/10/2023	CUBO		Sgt. Roan	In Progress	12/10/2023	7/10/2024
IA2023-065	7/3/2023	7/16/2023	Bias-Based Policing	OIPA deferred to IA # 23-27	Sgt. Roan	In Progress	12/3/2023	7/16/2024
IA2023-066	7/20/2023	7/23/2023	Arrest/Detention , Force, Policy/Procedure, Performance of Duty, Search/Seizure		Sgt. Vuong	In Progress	12/23/2023	7/23/2024
IA2023-067	7/22/2023	7/22/2023	POD	OIPA monitoring	Sgt. Vuong	In Progress	12/22/2023	7/22/2024
IA2023-068	7/17/2023	7/23/2023	Performance of Duty	OIPA deferred to IA # 23-28		In Progress	12/17/2023	7/23/2024

IA2023-069	5/7/2023	7/24/2023	CUBO		Sgt. Vuong	In Progress	10/7/2023	7/24/2024
IA2023-070	7/27/2023	7/27/2023	Force		Lt. Salas	In Progress	12/27/2023	7/27/2024
IA2023-071	7/28/2023	7/28/2023	CUBO		Sgt. Vuong	In Progress	12/28/2023	7/28/2024
IA2023-072	7/25/2023	7/28/2023	Performance of Duty	OIPA deferred to IA # 23-30	Sgt. Roan	In Progress	12/25/2023	7/28/2024
IA2023-073	7/24/2023	7/28/2023	Force		Sgt. Roan	In Progress	12/24/2023	7/28/2024
IA2023-074	7/25/2023	7/28/2023	Force		Sgt. Vuong	In Progress	12/25/2023	7/28/2024
IA2023-075	7/29/2023	7/29/2023	Force, CUBO		Sgt. Roan	In Progress	12/29/2023	7/29/2024
IA2023-076	7/31/2023	7/31/2023	Force		Sgt. Vuong	In Progress	12/31/2023	7/31/2024
IA2023-077	8/9/2023	8/9/2023	CUBO		Sgt. Roan	In Progress	1/9/2024	8/9/2024
IA2023-078	8/10/2023	8/10/2023	CUBO		Sgt. Vuong	In Progress	1/10/2024	8/10/2024
IA2023-079	Unkown	8/14/2023	CUBO Policy/Procedure	Retained by OIPA #23-31	OIPA	In Progress	1/14/2024	8/14/2024
IA2023-080	8/14/2023	8/14/2023	CUBO		Sgt. Roan	In Progress	1/14/2024	8/14/2024
IA2023-081	7/13/2023	8/15/2023	Force		Sgt. Roan	In Progress	12/13/2023	8/15/2024
IA2023-082	5/25/2023	8/18/2023	Force		Sgt. Roan	In Progress	10/25/2023	8/18/2024
IA2023-083	8/10/2023	8/16/2023	Force		Sgt. Vuong	In Progress	1/10/2024	8/16/2024
IA2023-084	8/17/2023	8/18/2023	CUBO		Sgt. Roan	In Progress	1/17/2024	8/18/2024
IA2023-085	8/18/2023	8/18/2023	Force, BWC		Sgt. Vuong	In Progress	1/18/2024	8/18/2024
IA2023-086	8/1/2023	8/25/2023	Force		Sgt. Vuong	In Progress	1/1/2024	8/18/2024
IA2023-087	8/16/2023	8/16/2023	CUBO		Lt. Salas	Tolled	1/16/2024	8/16/2024
IA2023-088	8/29/2023	9/1/2023	CUBO Courtsey		Sgt. Roan	In Progress	1/29/2024	8/29/2024

IA2023-089	9/1/2023	9/1/2023	CUBO		Sgt. Vuong	In Progress	2/1/2024	9/1/2024
IA2023-090	9/4/2023	9/4/2023	Bias		Sgt. Vuong	In Progress	2/4/2024	9/4/2024
IA2023-091	9/3/2023	9/3/2023	CUBO Performance of Duty		Lt. Salas	Tolled	2/3/2024	9/3/2024
IA2023-092	9/12/2023	9/14/2023	Bias-Based Policing	OIPA monitoring #23-35	Sgt. Vuong	In Progress	2/12/2024	9/12/2024
IA2023-093	7/24/2022	9/15/2023	Force CUBO		Sgt. Roan	In Progress	2/15/2024	9/15/2024
IA2023-094	9/13/2023	9/15/2023	Bias-Based Policing Performance of Duty Courtesy	OIPA deferred to IA #23-32	Sgt. Roan	In Progress	2/13/2024	9/13/2024
IA2023-095	9/21/2023	9/21/2023	CUBO, Force, POD, P/P		Lt. Salas	In Progress	9/21/2024	9/21/2024
IA2023-096	9/13/2023	9/20/2023	Bias-Based Policing Force CUBO	OIPA deferred to IA #23-33	Sgt. Vuong	In Progress	2/13/2024	9/13/2024
IA2023-097	9/8/2023	9/21/2023	CUBO		Sgt. Vuong	In Progress	2/8/2024	9/8/2024
IA2023-098	9/20/2023	9/22/2023	Force CUBO Bias-Based Policing		Sgt. Roan	In Progress	2/20/2024	9/20/2024
IA2023-099	10/6/2023	10/6/2023			Sgt. Roan	In Progress	3/6/2024	10/6/2024
IA2023-101	10/22/2023	10/24/2023	Force		Sgt. Vuong	To the Chief	3/24/2024	10/24/2024
IA2023-102	9/28/2023	10/25/2023	Policy/Procedure (Documentaion) Detention	OIPA Monitoring	Sgt. Roan	In Progress	3/25/2024	10/25/2024
IA2023-103	9/3/2023	10/19/2023	Bias , Policy/Procedure	OIPA # 23-36	OIPA	In Progress	3/25/2024	3/25/2024
IA2023-104	11/1/2023	11/1/2023	Courtesy		Sgt. Vuong	In Progress	4/1/2024	11/1/2024
IA2023-105	11/1/2023	11/1/2023	Force		Sgt. Roan	In Progress	4/1/2024	11/1/2024
IA2023-106	11/7/2023	11/7/2023	Policy/Procedure	Administrati ve	Sgt. Roan	In Progress	4/7/2024	11/7/2024

IA2023-107	8/17/2023	8/17/2023	Force		Sgt. Roan	In Progress	1/17/2024	8/17/2024
IA2023-108	11/20/2023	11/20/2023	Courtesy		Sgt. Vuong	In Progress	4/20/2024	4/20/2024
IA2023-109	11/8/2023	11/28/2023	CUBO		Sgt. Vuong	In Progress	4/8/2024	11/28/2024
IA2023-110	12/1/2023	12/1/2023	Force		Sgt. Roan	In Progress	5/1/2024	12/1/2024
IA2023-111	12/5/2023	12/5/2023	Bias		Sgt. Vuong	In Progress	4/1/2024	12/5/2024
IA2023-112	12/8/2023	12/6/2023	Force		Sgt. Roan	In Progress	5/8/2024	12/8/2024
IA2023-113	12/12/2023	12/9/2023	Force		Sgt. Vuong	In Progress	5/12/2024	12/12/2024
IA2023-114	12/12/2023	12/10/2023	CUBO		Sgt. Roan	In Progress	5/12/2024	12/12/2024
IA2023-115	12/20/2023	12/21/2023	Force		Sgt. Vuong	In Progress	5/21/2024	12/21/2024
IA2023-116	12/22/2023	12/23/2023	Force		Sgt. Roan	In Progress	5/22/2024	12/22/2024
IA2023-117	12/28/2023	12/28/2023	Force		Sgt. Vuong	In Progress	5/28/2024	12/28/2024
IA2023-118	12/28/2023	12/29/2023	Performance of Duty		Sgt. Roan	In Progress	5/28/2024	12/28/2024
IA2024-001	1/1/2024	1/2/2024	CUBO		Sgt. Vuong	In Progress	6/1/2024	1/1/2025
IA2024-002	10/25/2023	1/4/2024	Force		Sgt. Roan	In Progress	6/4/2024	1/4/2025
IA2024-003	1/4/2024	1/5/2024	Arrest or Detention	OIPA Monitoring #24-02	Sgt. Roan	In Progress	6/4/2024	1/4/2025
IA2024-005	1/30/2024	1/31/2024	Arrest/Detention, Force, Policy/Procedure, Performance of Duty	OIPA #24-04	OIPA		6/30/2024	1/30/2025
IA2024-006	2/3/2024	2/3/2024	CUBO		Sgt. Vuong	In Progress	7/3/2024	2/3/2025
IA2024-007	2/5/2024	2/5/2024	Force		Sgt. Vuong	In Progress	7/5/2024	2/5/2025
IA2024-008	2/5/2024	2/3/2024	Force		Sgt. Roan	In Progress	7/5/2024	2/3/2025

IA2024-009	2/4/2024	2/7/2024	Bias Based Policing, Performance of Duty , Policy/Procedure	OIPA #24-05	OIPA	In Progress	7/4/2024	2/7/2025
IA2024-010	2/16/2024	2/17/2024	CUBO		Sgt. Vuong	In Progress	7/16/2024	2/16/2025
IA2024-011	2/18/2024	2/24/2024	Force, Bias		Sgt. Roan	In Progress	7/18/2024	2/18/2025
IA2024-012	2/13/2024	2/15/2024	Arrest/Detention, Policy/Procedure	OIPA #24-06	OIPA		7/13/2024	2/13/2025
IA2024-013	2/28/2024	2/28/2024	Force		Sgt. Roan	In Progress	7/28/2024	2/28/2025
IA2024-014	2/29/2024	2/29/2024	Bias Based Policing, Force		Sgt. Roan	In Progress	7/29/2024	2/29/25
IA2024-015	2/28/2024	2/29/2024	Bias Based Policing, CUBO		Sgt. Roan	In Progress	7/28/2024	2/28/2025
IA2024-016	3/1/2024	3/1/2024	Conduct Unbecoming		Sgt. Roan	In Progress	8/1/2024	3/1/2025
IA2024-017	2/9/2024	3/1/2024	CUBO, Bias Based, Arrest/Detention	OIPA Monitoring #24-08	Sgt. Roan	In Progress	8/1/2024	3/1/2025
IA2024-018	2/22/2024	2/27/2024	CUBO	OIPA Intake #24-07	OIPA	In Progress	7/27/2024	2/27/2025
IA2024-019	2/18/2024	3/8/2024	Force		Sgt. Vuong	In Progress	7/18/2024	2/18/2025
IA2024-020	3/13/2024	3/15/2024	Force		Sgt. Vuong	In Progress	8/13/2024	3/13/2025
IA2024-021	3/16/2024	3/18/2024	Arrest/Detention, BWC(Late Activation), Search/Seizure, Force, Policy/Procedure (report writing), Policy/ Procedure (improper citation)	OIPA Monitoring #24-12	Sgt. Roan	In Progress	8/16/2024	3/16/2025
IA2024-022	UNKOWN	3/19/2024	CUBO		Lt. Salas	In Progress	8/19/2024	3/19/2025
IA2024-023	3/14/2024	3/20/2024	CUBO		Sgt. Vuong	In Progress	8/14/2024	3/14/2025

IA2024-024	3/19/2024	3/20/2024	Force		Sgt. Vuong	In Progress	8/19/2024	3/19/2025
IA2024-025	UNKOWN	3/22/2024	CUBO, Policy/Procedure, Performance of Duty		Lt. Salas	In Progress	8/22/2024	3/22/2025
IA2024-026	4/2/2024	4/2/2024	CUBO, Arrest/Detention		Sgt. Roan	In Progress	9/2/2024	4/2/2025
IA2024-027	4/6/2024	4/8/2024	Performance of Duty	OIPA Intake #24-19	OIPA	In Progress	9/6/2024	4/6/2025
IA2024-028	1/30/2024	4/2/2024	CUBO, Force		Sgt. Vuong	In Progress	9/30/2024	4/2/2025
IA2024-029	3/24/2024	4/5/2024	CUBO		Sgt. Roan	In Progress	4/5/2024	4/5/2025
IA2024-030	3/28/2024	3/28/2024	CUBO	OIPA Monitoring #24-15	Sgt. Roan	In Progress	8/28/2024	3/28/2025
IA2024-031	4/16/2024	4/16/2024	CUBO , Performance of Duty (Supervision), Policy of Procedure (Retaliation)		Lt. Salas	In Progress	9/16/2024	4/16/2025
IA2024-033	3/8/2024	4/22/2024	Force		Sgt. Roan	In Progress	9/22/2024	4/22/2025
IA2024-034	4/19/2024	4/19/2024	Force		Sgt. Roan	In Progress	9/19/2024	4/19/2025
IA2024-035	4/30/2024	4/30/2024	Force		Sgt. Roan	In Progress	9/30/2024	4/30/2025
IA2024-036	4/15/2024	4/24/2024	CUBO, Performance of Duty	OIPA #24-22	OIPA	In Progress	9/24/2024	4/24/2025

BART Watch - 2024

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Crime in Progress	49	32	38	35									154
Disruptive Behavior	469	431	489	468									1857
Smoking or Drug Use	600	578	541	552									2271
Human Trafficking	0	1	2	1									4
Illegally Parked Vehicle	14	4	4	10									32
Aggressive Panhandling	10	15	18	20									63
Report a Crime Tip	17	21	21	19									78
Robbery / Theft	13	12	18	17									60
Sexual Assault / Lewd Behavior	15	10	23	16									64
Suspicious Activity	77	70	77	58									282
Unattended Bag or Package	38	25	31	42									136
Unsecure Door	15	11	8	10									44
Vandalism	61	55	42	54									212
Welfare Check	221	242	300	257									1020
Unwanted Sexual Harassment	6	5	4	4									19
Total	1605	1512	1616	1563	0	0	0	0	0	0	0	0	6296
Text-a-Tip	557	494	550	470									2071
BART Watch App Installs	1182	959	1170	821									4132

Lifetime Downloads: 106,435

USE OF FORCE INVESTIGATION PROCESS

BART POLICE DEPARTMENT

NOTIFICATION

- SUPERVISORY NOTIFICATION SHALL BE MADE AS SOON AS PRACTICABLE FOLLOWING ANY LEVEL 2, 3, OR 4 APPLICATION OF FORCE.
- UPON RECEIVING NOTIFICATION OF A USE OF FORCE, A SUPERVISOR WHO WAS NOT INVOLVED WILL RESPOND TO THE LOCATION OF THE INCIDENT TO CONDUCT A USE OF FORCE INVESTIGATION.

LEVEL ONE

- OFFICER USED ANY OF THE FOLLOWING, AND THE CIRCUMSTANCES OF THE APPLICATION WOULD LEAD A REASONABLE OFFICER TO CONCLUDE THAT THE SUBJECT DID NOT EXPERIENCE MORE THAN MOMENTARY DISCOMFORT:
 - CONTROL HOLDS/PRESSURE POINT APPLICATION
 - LEVERAGE
 - BODY WEIGHT
 - THE OFFICER LOWERED THE SUBJECT TO A SEATED POSITION OR TO THE GROUND WHILE PARTIALLY OR COMPLETELY SUPPORTING THE PERSON'S BODYWEIGHT.
- OFFICER USED ANY OF THE FOLLOWING:
 - TASER/LLIMS DEPLOYMENT (NO ACTIVATION)
 - DRAWN/DEPLOYED FIREARM, BUT NO SUSPECT CONTACTED OR ARRESTED.

LEVEL ONE

- SUBJECT HAS NO VISIBLE INJURY DUE TO INTERACTION WITH OFFICER
- SUBJECT HAS NO COMPLAINT OF INJURY OR CONTINUING PAIN
- SUBJECT DOES NOT INDICATE INTENT TO PURSUE LITIGATION
- SUBJECT WAS NOT RENDERED UNCONSCIOUS DUE TO INTERACTION WITH OFFICER
- NO ALLEGATION OF MISCONDUCT AGAINST THE OFFICER REGARDING THE USE OF FORCE
- ENTIRETY OF THE CONTACT WAS CAPTURED ON AUDIO AND VIDEO, INCLUSIVE OF BUFFERING PERIOD.

LEVEL TWO

- SUBJECT HAS NO INJURY OR COMPLAINT OF CONTINUING PAIN
- NO ALLEGATION OF MISCONDUCT AGAINST THE OFFICER REGARDING THE USE OF FORCE
- ENTIRETY OF THE CONTACT WAS CAPTURED ON AUDIO AND VIDEO, INCLUSIVE OF BUFFERING PERIOD.

LEVEL TWO

- OFFICER'S USE OF FORCE WAS LIMITED TO THE FOLLOWING:
 - ANY TAKEDOWN
 - FIREARM DRAWN/DEPLOYED BUT NOT FIRED, SUSPECT CONTACTED
 - CONTROL HOLD, PRESSURE POINT, LEVERAGE, GRAB, AND/OR BODYWEIGHT, AND THE INDIVIDUAL MAY HAVE EXPERIENCED MORE THAN MOMENTARY DISCOMFORT.

LEVEL THREE

- WOULD HAVE OTHERWISE BEEN CLASSIFIED AS A LEVEL 2, EXCEPT ONE OR MORE OF THE FOLLOWING WOULD APPLY:
 - SUSPECT INJURY OR COMPLAINT OF INJURY OR CONTINUING PAIN
 - ALLEGATION OF MISCONDUCT REGARDING THE USE OF FORCE
 - ENTIRETY OF THE CONTACT WAS NOT CAPTURED ON AUDIO AND VIDEO, INCLUSIVE OF BUFFERING PERIOD.

LEVEL THREE

- OFFICER'S USE OF FORCE WAS LIMITED TO THE FOLLOWING:
 - ANY TAKEDOWN THAT CAUSES MORE THAN MOMENTARY DISCOMFORT
 - TASER ACTIVATION/LLIMS ACTIVATION
 - CHEMICAL AGENTS/MUNITIONS
 - IMPACT WEAPON STRIKES
 - PERSONAL BODY WEAPONS
 - POLICE CANINE DEPLOYMENT RESULTING IN INJURY

LEVEL FOUR

- USE OF FIREARM, OFFICER-INVOLVED-SHOOTING
- ANY USE OF FORCE LIKELY TO CAUSE DEATH OR SERIOUS BODILY INJURY

SUPERVISOR RESPONSIBILITY

- OBTAIN BASIC FACTS FROM THE INVOLVED OFFICERS
- ENSURE MEDICAL ATTENTION IS PROVIDED IF NEEDED OR REQUESTED
- PHOTOGRAPH ALL INVOLVED, AS WELL AS ANY INJURIES
- INTERVIEW WITNESSES AND SUBJECT WHOM FORCE WAS USED ON
- REVIEW AVAILABLE BODY WORN CAMERA AND CLOSED-CIRCUIT CAMERA FOOTAGE
- COMPLETE SUPERVISOR USE OF FORCE REPORT FORM AND BLUETEAM ENTRIES

REVIEW PROCESS



- IDENTIFY TRAINING NEEDS
- ADDRESS ANY IDENTIFIED ISSUES
- CONFIRM IF THE USE OF FORCE WAS JUSTIFIED AND WITHIN DEPARTMENT POLICY

IF A REVIEWER DETERMINES THERE IS A POTENTIAL POLICY VIOLATION THAT NEEDS TO BE INVESTIGATED, THEN THE USE OF FORCE INVESTIGATION WILL BE FORWARDED TO THE OFFICE OF INTERNAL AFFAIRS