

Date: 8/13/24

TSAC

# Strategic Plan

(proposed)

XXX 2024 – XXX 2026

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# Introduction

Oscar Grant III was a 22-year-old African American man from Hayward, California, who was fatally shot by Bay Area Rapid Transit (BART) Police Officer Johannes Mehserle in the early hours of New Year's Day, January 1, 2009, at the Fruitvale Station in Oakland, California. The incident occurred after police responded to reports of a fight on a BART train. Grant, who was not involved in the altercation, was detained along with several others. While restrained and unarmed, he was shot in the back by Officer Mehserle, who later claimed he intended to use his Taser instead of his gun.

The shooting was captured on video by bystanders and quickly spread online, leading to widespread outrage and protests across the country. The case became a significant moment in the conversation about police brutality and racial injustice in the United States, contributing to the rise of the Black Lives Matter movement.

AB 716 and 730 are bills related to the case of Oscar Grant. In 2011, the Legislature passed, and the Governor signed Assembly Bill (AB) 716 (Dickinson) into law, granting BART the authority to implement a pilot program to issue prohibition orders. The program was created to improve front-line employee and rider safety by excluding persons from the transit system who had committed certain acts of violence, misdemeanors, or felonies.

BART began issuing prohibition orders in mid-2013 and throughout the program has focused on serious and repeat offenders who commit violent crimes, sexual offenses, or traffic and sell narcotics on BART property. In 2017, BART received permanent authority to issue prohibition orders through the passage of AB 730 (Quirk).

With permanent authority to issue prohibition orders, BART remains committed to public safety and the protection of our riders and employees. We believe that the authority to exclude individuals who commit violent crimes on BART property or cause drug-related safety concerns is essential to implementing an effective public safety strategy.

# Introduction (cont'd)

In accordance with AB730 Section 991712 (a) (1) of the Public Utilities Code, the Transit Security Advisory Committee shall:

1. Provide recommendations, in consultation with the County Mental Health Director, regarding the type and extent of training that should be undertaken by individuals with responsibility for issuance and enforcement of prohibition orders, with an emphasis on training designed to assist in identifying and interacting with persons who are homeless or who have psychiatric, developmental, or other disabilities;
2. Identify, in consultation with the County Mental Health Director, services and programs to which persons who are homeless or who have psychiatric, developmental, or other disabilities may be referred by transit district personnel prior to or in conjunction with issuance of a prohibition order;
3. Monitor the issuance of prohibition orders to assist BART in ensuring compliance with Section 51 of the Civil Code; and
4. Provide BART's Board of Directors and the California State Legislature with an annual report summarizing the number of prohibition orders issued by BART during the preceding year, including, but not limited to, the types and numbers of citations by category, and the number of exclusion orders appealed, the appeals granted, the reasons granted, and other relevant information directly related to those orders.

# Mission

The Transit Security Advisory Committee shall serve to provide recommendations to the BART Board of Directors and BART staff. The purpose of the committee is to evaluate the procedures for, and issuance of prohibition orders and recommends a course of training for personnel charged with issuance and enforcement of prohibition orders.

# Overview

Like other public transit systems in the state and across the country, BART is experiencing an increasing number of complaints from riders and employees regarding safety and security. The BART Board of Directors and the General Manager believes that the safety of its workers and riders must be an ongoing priority. For this reason, in 2010, BART sought to be included in state legislation, Assembly Bill 716 (Dickinson, 2011), which reauthorized programs assisting with crime control for the Sacramento Regional Transit District and Fresno Area Express.

AB 716 passed the Legislature, was signed by the Governor, and became law on January 1, 2012. As amended, the bill authorized the creation of a three-year pilot project where BART could focus on reducing the number of passenger disruptions and improving overall service through a process that would exclude passengers cited for certain offenses. The bill would also assist BART in protecting its front-line employees, including station agents, system service workers, and BART Police Officers from acts of violence. BART began to issue prohibition orders authorized by AB716 in 2013 and soon realized a significant number of the orders were issued for domestic violence offenses.

Introduced by Senator Loni Hancock (D-Berkeley) in 2014, SB 1154 clarified that BART Police are in fact included in the general provisions of the law enforcement response to domestic violence and have the authority to issue Emergency Protective Orders (EPO) and take temporary custody of firearms or deadly weapons while conducting domestic violence investigations. SB 1154 received no negative votes in either house of the Legislature and was signed into law by Governor Brown in September 2014. The bill added BART Police to the following Penal Code Sections: 13700, 646.91, and 18250. Additionally, the bill extended the sunset provisions relating to BART's prohibition order authority until January 1, 2018.

In 2017, AB 730, authored by Assembly member Bill Quirk (D-Hayward), was introduced, and granted permanent authority to BART to issue prohibition orders. Persons could be banned from entering BART property for 30, 90 or 180 days for committing specified acts and crimes as defined within the earlier AB 716. AB 730 was signed into law in July 2017 and went into effect on January 1, 2018.

# Overview

The purpose of AB 730 is to enhance safety and public transit system security by excluding public transit riders whose actions impact the safety and security of public transit passengers and public transit employees. The law allows BART to exclude passengers from entering the transit system for specified periods of time, depending on the nature and the frequency of offenses committed while on transit district property. The law does not intend to target or adversely impact any one group of individuals. The law relies in part on provisions in the state Public Utilities Code (PUC) to define those actions or behaviors which passengers see as disruptive and the number of offenses for which a passenger may be cited. Generally, AB 730:

1. Authorizes BART to issue a prohibition order to any person who, on at least three separate occasions within a period of 90 consecutive days, is cited for a transit related misdemeanor committed in or on a vehicle, bus stop, or light rail station of the transit district for any act that is a violation as specified in statute.
2. Authorizes a prohibition order to be issued to a person arrested or convicted for any misdemeanor or felony committed in or on BART District property.
3. Prohibits a person subject to a prohibition order from entering the property, facilities, or vehicles of BART for a period of time deemed appropriate.
4. Specifies prohibition processes, notification procedures, and hearing and appeals procedures.
5. Requires BART to establish an advisory committee and to ensure that personnel charged with issuance and enforcement of prohibition orders receive training as emphasized and recommended by the advisory committee.

# Purpose

On XXX XX, 2024, the TSAC unanimously approved the creation of a Strategic Planning Ad Hoc Committee.

While not a requirement, the TSAC has never had a strategic plan despite the fact that strategic planning is one of the fundamental duties of any board, commission, or committee.

Strategic planning is a disciplined effort to produce decisions and actions that shape and guide what an organization is, what it does, and why it does it.

Having a strategic plan will help the TSAC better serve the community through current and future challenges.



# Vision

A flexible and adaptive Strategic Plan will assist the TSAC in establishing priorities and a roadmap for achieving its goals over the next two years or beyond.

The plan is not intended to be prescriptive: the objectives outlined in the plan are presented for consideration, not automatic implementation. The plan should also be able to adapt to new or evolving circumstances, such as municipal, state, regional, or national issues.

Most of the plan is designed to be planned and executed through reports presented during the monthly meetings of the Committee. This can happen through long and short-term agenda planning. Some of the items may need to be planned and initiated through ad hoc committees or outreach to the public, then reported on during monthly meetings.

It's also reasonable to expect some trial and error. A status report on the plan should be conducted at a minimum annually. The plan has been memorialized in writing so we can refer to it regularly and track our progress.

# Values

Below are four core values that reflect this plan's intent and spirit. We hope these values will guide us in carrying out our duties and improving MZ outcomes.

- **RESPECT and COURTESY** create space for honest conversations, which fosters greater participation and rewards us with perspectives we may not have otherwise considered. [9]
- **EVIDENCE-BASED DECISION MAKING** requires us to consider quantitative and qualitative data before making decisions. [41]
- **IMPACT-ORIENTATION** allows us to develop goals that build trust and confidence with the public and offer us the opportunity to be more effective.
- **TEAMWORK** can be directly linked to increased productivity because it inspires us to work together toward a common goal.

# Goals: Parts I, II, III, & IV

## Part 1

### Training Recommendations

#### **Stemming from the Duty of the Committee to:**

"Review fiscal and performance audits and evaluations" and "report issues identified", refine or create methods for clearly evaluating how MZ funds are spent on programs mandated by the Ordinance.

## Part 2

### Ensure Compliance with Prohibition Order Requirements

#### **Stemming from the Duty of the Committee to:**

"Evaluate, inquire, and review the administration, coordination, and evaluation of strategies and practices mandated by MZ."

## Part 3

### Community Outreach & Engagement

#### **Stemming from the Duty of the Committee to:**

"Conduct public informational meetings on the subject of public safety" and establish a structured way to consistently reach out to the public and discuss the efficacy of MZ.

## Part 4

### Policies & Practices to Improve AB730 Outcomes

#### **Stemming from the Duty of the Committee to:**

"Recommend ordinances, resolutions, & regulations to ensure compliance with the requirements and intent of the Ordinance."

## **Part I: Training Recommendations**

### **Stemming from the Duties of the Committee to:**

"Review performance audits and evaluations and report issues identified, refine or create methods for clearly evaluating how AB730 strategies are designed and deployed.

#### **OBJECTIVE\_1.1**

Receive an annual report from PPCEB about which areas they need more funding for training so that they further develop as a bureau.

#### **OBJECTIVE\_1.2**

Receive an annual report concerning training designed to combat domestic violence on BART facilities.

#### **OBJECTIVE\_1.3**

#### **OBJECTIVE\_1.4**

#### **OBJECTIVE\_1.5**

## **Part II: Ensure Compliance with Prohibition Order Requirements**

### **Stemming from the Duty of the Committee to:**

"Evaluate, inquire, and review the administration, coordination, and evaluation of strategies and practices mandated by AB730."

#### **OBJECTIVE\_2.1**

Receive a detailed annual Crisis Intervention Team report that illustrates to the public through additional metrics, the effectiveness of this violence reduction measure. [39]

#### **OBJECTIVE\_2.2**

Create a document that tracks all recommendations. This will help us gain a deeper understanding of the timeline for implementation on each recommendation and whether they are ultimately successful.

#### **OBJECTIVE\_2.3**

#### **OBJECTIVE\_2.4**

#### **OBJECTIVE\_2.5**

## **Part III: Community Outreach & Engagement**

### **Stemming from the Duty of the Committee to:**

"Conduct public informational meetings on the subject of public safety" and establish a structured way to consistently reach out to the public and discuss the efficacy of AB730

#### **OBJECTIVE\_3.1**

Consider creating a community outreach and engagement committee to discuss the efficacy of AB730 with other community members that may benefit from knowing this information and provide them with the opportunity to provide feedback.

Within the committee share all the areas AB730 funds are spent on. Discuss past, present, and future recommendations.

## **Part IV: Policies & Practices to Improve AB730 Outcomes**

**Stemming from the Duty of the Committee to:**

Recommend ordinances, resolutions, & regulations to ensure compliance with the requirements and intent of the Ordinance."

### **OBJECTIVE\_4.1**

Consider drafting Ordinances, Resolutions, or Regulations that support the objectives of AB730. For example, policies designed to increase investments in Crisis Intervention as a violence reduction measure.

### **OBJECTIVE\_4.2**

Create an annual report that includes the completion of Strategic Plan objectives.

# Objective Summary

- 1.1** Analyze the city auditor's report of each department's MZ funds.
- 1.2** Analyze whether OPD's hiring plan demonstrates how to achieve or maintain the force required by MZ.
- 1.3** Receive a report from DVP about areas they need more funding for.
- 1.4** Receive an annual report from SVS on expenditures to combat the commercial sexual exploitation of children.
- 1.5** Receive an annual report from DVP on expenditures to combat GBV.
- 2.1** Receive a detailed annual Ceasefire analysis.
- 2.2** Receive an annual report on CRO projects and request a metric be created to measure how they support MZ goals.
- 2.3** Request a crime reduction metric for OPS 1-3 personnel be created.
- 2.4** Create a document that tracks all recommendations from Evaluations.
- 2.5** Receive updates on diversity and recruitment goals for MZ positions.
- 2.6** Receive a report on success markers for OFD + analysis of 911 times.
- 3.1** Create a community engagement plan.
- 3.2** Create an annual report and present it at the joint meeting.
- 4.1** Consider drafting Ordinances, Resolutions, or Regulations.



# Implementation

The Strategic Plan has 14 total objectives that were designed to be implemented over the course of twelve months, through long and short-term agenda planning. With the exception of Part III, which was designed for committees.

Alternatively, since there are twenty-four months until the expiration of MZ, we have the flexibility to create new objectives or to spread out the implementation of these over the course of 18-24 months. Below is a breakdown of how each is designed to be initiated:

- 9 are reports we'll receive presentations from other departments.
- 2 are either a request for a new metric or new policy.
- 2 involve policies or metrics we give ourselves the option of creating.
- 2 are committees created to increase community engagement.

All are designed to complete oversight over every aspect of MZ, so we can consistently track the efficacy of the ordinance then educate the public, or give ourselves the option of having more tools created to influence better outcomes.

# Creating Objectives

The following scoring system will help guide us in creating or changing Strategic Plan objectives. The intent is to have a diverse set of objectives that cover the span of MZ goals.

Oversight actions described by the Ordinance for the SSOC to take, such as "evaluate, inquire, review, report, and recommend", can be used as starting points for creating or initiating new objectives.

A racial equity section is included to foster equitable outcomes. This will assist us in serving the population we represent.

- |  |         |
|--|---------|
| 1) Financial Accountability & Transparency | 1 point |
| 2) Emergency Response Times                | 1 point |
| 3) Geographic Policing                     | 1 point |
| 4) Violence Prevention & Intervention      | 1 point |
| 5) Community Outreach & Engagement         | 1 point |
| 6) Policy Recommendation                   | 1 point |
| 7) Maintenance of Sworn Personnel          | 1 point |
| 8) Fire Services Delivery or Training      | 1 point |
| 9) Practice Recommendation                 | 1 point |

## Racial Equity.

- |  |         |
|--|---------|
| 10) Improves access to public safety services        | 1 point |
| 11) Addresses systemic & institutional racism        | 1 point |
| 12) Empowers disproportionately affected populations | 1 point |

# Objective Scoring

<b>TIER 1: 3.1</b> Create a community engagement plan that includes sharing with the public the different areas MZ funds are spent on [1, 3, 4, 5, 12 = 5 pts]	<b>TIER 1: 2.1</b> Receive a detailed annual Ceasefire analysis that illustrates to the public the effectiveness of this violence reduction measure [3, 4, 5, 12 = 4 pts]	
<b>TIER 1: 4.1</b> Consider drafting Ordinances, Resolutions, or Regulations that support the three primary objectives of MZ, such as investments in Restorative Justice as a violence reduction measure that train youth to become circlekeepers and peacemakers in their communities, or ways to increase CRO activities [2, 4, 9, 6, 10, 12 = 6 pts]	<b>TIER 1: 2.2</b> Receive an annual update concerning the quality, quantity, and beat location of CRO SARAnet-based projects that are in progress or completed and request for the department to create a metric to determine how each project supports MZ goals [3, 4, 9, 10 = 4 pts]	
<b>TIER 2: 2.6</b> Receive a report on success markers for OFD in relation to the three primary objectives of MZ, including analysis from Dudek (sp?) regarding OFD 911 response times [2, 4, 8 = 3 pts]	<b>TIER 2: 2.3</b> Request that a metric for OPS 1-3 personnel (aka CRTs) be created that will assist the SSOC in evaluating their crime reduction efforts [3, 4, 9 = 3 pts]	<b>TIER 2: 2.5</b> Receive updates concerning staffing for CROs, OPS 1-3 personnel, Ceasefire Officers, and SVS personnel who are under MZ-funded positions as well as plans for improved diversity and recruitment within those ranks [3, 7, 11 = 3 pts]
<b>TIER 2: 2.4</b> Create a document that tracks all recommendations from Evaluations [1, 3, 4 = 3 pts]	<b>TIER 2: 1.2</b> Before the city adopts its 2-year or mid-cycle budget, determine whether OPDs hiring plan demonstrates how they'll achieve or maintain the force required by MZ and recommend whether they should be prohibited from collecting the taxes [1, 6, 7 = 3 pts]	
<b>TIER 3: 1.4</b> Request an annual report concerning expenditures to combat the commercial sexual exploitation of children from the SVS [1, 4 = 2 pts]  ----- <b>TIER 3: 1.3</b> Receive an annual report from DVP on which areas they need more funding for that would significantly aide in their development as a department [1, 4 = 2 pts]	<b>TIER 3: 1.5</b> Receive an annual report from DVP on how much is being spent the estimated number of residents who are victims of GBV and out of the 4,200 estimated residents DVP will be able to serve per year, what percentage are victims of commercial sexual exploitation, intimate partner violence, and sexual violence and how much is being spent per person, per category [1, 4 = 2 pts]	<b>TIER 3: 1.1</b> Analyze the city auditor's report of each department's funds. The tax proceeds raised through MZ are only allowed to pay for costs or expenses related to or arising from efforts to achieve the three primary objectives of the Ordinance [1 = 1 pt]  ----- <b>TIER 3: 3.2</b> Create an annual report that includes the completion of Strategic Plan objectives, and present it at the joint meeting [5, 6 = 2 pts]

# 1st Quarter Agenda Example

## December 2022

**2.4** Discuss creating a document that tracks all recommendations from Evaluations

Item 2?

## January 2023

**1.4** Request an annual report concerning expenditures to combat the commercial sexual exploitation of children from the SVS

### **3.1**

Discuss creating a community engagement plan that includes sharing with the public the different areas MZ funds are spent on [33]

## February 2023

**2.2** Receive an annual update concerning the quality, quantity, and beat location of CRO SARAnet-based projects that are in progress or completed and request for the department to create a metric to determine how each project supports MZ goals [21, 32, 35, 37]

**2.5** Receive updates concerning staffing for MZ-funded positions as well as plans for improved diversity and recruitment within those ranks [28, 31, 38]

# 2nd Quarter Agenda Example

## March 2023

**1.1** Analyze the city auditor's report of each department's funds. The tax proceeds raised through MZ are only allowed to pay for costs or expenses related to or arising from efforts to achieve the three primary objectives of the Ordinance [16]

Item 2?

## April 2023

**2.1** Receive a detailed annual Ceasefire analysis that illustrates to the public the effectiveness of this violence reduction measure [39]

**2.3** Request that a metric for OPS 1-3 personnel (aka CRTs) be created that will assist the SSOC in evaluating their crime reduction efforts [19, 36]

## May 2023

**1.2** Analyze whether OPDs hiring plan demonstrates how they'll achieve or maintain the force required by MZ and recommend whether they should be prohibited from collecting the taxes

**2.6** Receive a report on success markers for OFD in relation to the three primary objectives of MZ, including analysis from Dudek (sp?) regarding OFD 911 response times [18, 40]

# 3rd Quarter Agenda Example

June 2023	July 2023	Aug 2023 (retreat)
<b>2.1</b> Receive and review detailed biannual Ceasefire analysis that illustrates to the public the effectiveness of this violence reduction measure [39]	<b>1.5</b> Receive an annual report from DVP on how much is being spent the estimated number of residents who are victims of GBV and out of the 4,200 estimated residents DVP will be able to serve per year, what percentage are victims of commercial sexual exploitation, intimate partner violence, and sexual violence and how much is being spent per person, per category	<b>4.1</b> Discuss drafting Ordinances, Resolutions, or Regulations that support the three primary objectives of MZ [13]
Item 2?	<b>1.3</b> Receive an annual report from DVP on which areas they need more funding for that would significantly aide in their development as a department	Item 2?

# 4th Quarter Agenda Example

September 2023	October 2023	Nov or Dec 2023
<b>3.2</b> Create an annual report that includes the completion of Strategic Plan objectives, and present it at the joint meeting (start)	<b>3.2</b> Create an annual report that includes the completion of Strategic Plan objectives, and present it at the joint meeting (finish)	Joint Meeting?

# Thank you for listening!

## References

1. MZ page 1, paragraphs 2 and 5, and page 2, Part 1, Section 1B
2. MZ Section 4A, page 7
3. MZ page 1 paragraph 6
4. MZ page 2 Part 1 Section 1(A)
5. MZ Section 4(A)6(a) page 8
6. MZ Section 4(A)6(b), page 8
7. SSOC 4/25/22 Meeting Items 7 and 10
8. Strategic Planning for Public & Nonprofit Organizations: A Guide to Strengthening & Sustaining Organizational Achievement (3rd edition), page 6
9. Oakland Board & Commission Member Handbook "Collaborating with the public" page 10
10. MZ section 4 "Planning, Accountability And Evaluation" page 7
11. MZ section 4A6(a)(b), page 8
12. Efficacy of MZ presentation 12/7/21
13. MZ section 4A6F, page 9
14. MZ section 4 "Planning, Accountability And Evaluation" page 7
15. MZ Part II, Section 4(B), page 14, and Section 5, page 15
16. MZ Part I, Section 3(A), page 3
17. MZ Part I, Section 3(C)2(c)(d), pages 4-5
18. MZ section 4A6(a)(b), page 8
19. SSOC 6/27/22 Meeting Items 6 and 7
20. MZ section 4A6F, pg 9
21. OPD 2020 Evaluation, page 2 paragraph 4, and last line on page
22. OPD 2020 Evaluation, page 3 2nd bullet item
23. OPD 2020 Evaluation, page 4, paragraph 1
24. OPD 2020 Evaluation, page 6, paragraphs 1 and 2
25. OPD 2020 Evaluation, page 6, paragraph 3
26. SSOC By-Laws, Article IX, page 7
27. Robert's Rules 11th Edition, page 328
28. OPD 2020 Evaluation, pages 10-12
29. OPD 2020 Evaluation Recommendation 2, page 25
30. OPD 2020 Evaluation Recommendation 3, page 26
31. OPD 2020 Evaluation Recommendation 4, page 26
32. OPD 2020 Evaluation Recommendation 5, page 26
33. OPD 2020 Evaluation Recommendation 6, page 27
34. OPD 2020 Evaluation Recommendation 7, page 27
35. OPD 2018 Evaluation Finding #2, page 42
36. OPD 2018 Evaluation Finding #13 page 46
37. OPD 2018 Evaluation Recommendation #4, page 48
38. OPD 2019 Evaluation Recommendation #6, page 29
39. Ceasefire Evaluation 2018, page 100
40. SSOC 6/27/22 Meeting Item 7
41. Oakland Board & Commission Member Handbook "Expressions of Personal Opinion" page 9