



SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

ANNUAL PROHIBITION ORDER REPORT TO THE CALIFORNIA LEGISLATURE

**2022 Report
Submitted September 2023**

This annual report summarizes the San Francisco Bay Area Rapid Transit District's prohibition order program pursuant to Assembly Bill 730 (Chapter 46, Statutes of 2017). The report contains data gathered from documented calls of service regarding incidents occurring on BART property and trains, in addition to statistics obtained from BART Police Officers.

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Message from the Chief of Police

Honorable Members of the California State Legislature,

The men and women of the San Francisco Bay Area Rapid Transit District (BART) Police Department are committed to ensuring the safety and security of all BART riders and employees.

In 2011, the Legislature passed, and the Governor signed 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.

As we continue to emerge from the COVID-19 pandemic, BART has made bringing ridership back a priority. Ensuring the safety of riders and front-line BART employees is a critical part of this effort. We made great strides in staffing up the Bureau of Progressive Policing and Community Engagement in 2022 and 2023, by completely filling our 20 Crisis Intervention Specialist positions. Additionally, the Bureau now operates from the beginning of revenue service to the end, addressing issues of homelessness, mental illness, and drug addiction in our stations and on our trains.

I have served as Interim Chief of the BART Police Department since the retirement of Chief Ed Alvarez in the spring of 2023. In this role, I remain committed to continuing reforms that we have advanced for more than a decade. These include expanded training and the implementation of new initiatives to bolster oversight, accountability, and trust within the communities we serve. As shown in our annual reports, BART is committed to collecting and analyzing data related to passenger behavior and crimes committed on BART property to ensure fair and impartial policing across arrests, citations, and police contacts. It is our hope these reviews will keep BART accountable to the public and help build community trust moving forward.

Thank you for your continued support,



Kevin Franklin
Interim Chief of Police

Message from the Transit Security Advisory Committee Chair

Honorable Members of the California State Legislature,

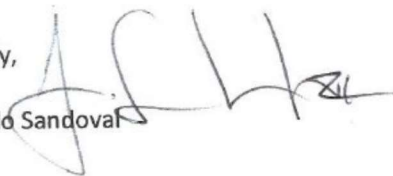
The Transit Security Advisory Committee (TSAC) of the San Francisco Bay Area Rapid Transit District (BART) is the citizen and community advisory committee that works to ensure that Assembly Bill (AB) 730 is implemented as the Legislature intended. AB 730 requires an annual report from BART to the Legislature on the statistics regarding prohibition orders and crimes of violence.

The TSAC is made up of both members of the community and BART employees. We take seriously our work examining the program's monthly statistics, making findings related to the issuance of prohibition orders, and proposing ways that BART can effectively promote the safety and security of both riders and employees.

The TSAC is also committed to focusing on more comprehensive reviews of monthly data; as we mark a decade since BART's prohibition order authority was granted, we will begin work on a big-picture review of all the data collected in that time. Additionally, we will continue to look at the determining factors leading to the issuance of a prohibition order, suggest proactive outreach strategies for engaging young people in the communities we serve, and offer recommendations for employee education and support to create a safer environment for both BART employees and its ridership.

Sincerely,

Armando Sandoval
Chair

A handwritten signature in blue ink, appearing to read 'A. Sandoval', is written over the printed name and title.

Overview of the Transit Security Advisory Committee

Pursuant to authorizing legislation, Assembly Bill 716 (Chapter 534, Statutes of 2011), BART established a Transit Security Advisory Committee (TSAC) to serve as a volunteer advisory group and review body for the implementation of BART's exclusion policy. Drawing from their private and public-sector experiences, committee members bring a diverse set of skills to the program's planning and review.

The advisory committee members and alternates are appointed by the BART Board of Directors. Meetings are generally held once per month. The committee consists of at least five members and no greater than seven. At least one of the committee members must have experience working with individuals with psychiatric or other disabilities, one must have experience as a youth advocate, and at least one advisory committee member must have law enforcement experience as a sworn peace officer.

In 2022, three of the advisory committee members have experience working with individuals with psychiatric or other disabilities, and at least two members have experience working in youth services. In addition, one advisory committee member is from the bargaining unit representing BART Station Agents.

The advisory committee is tasked with the following:

1. Providing recommendations, in consultation with the county mental health directors within the service area of the transit district, regarding the type and extent of training that should be undertaken by individuals with responsibility for issuance and enforcement of prohibition orders, with particular emphasis on training designed to assist those individuals in identifying and interacting with persons who are homeless or who have psychiatric or other disabilities.
2. Identifying, in consultation with the county mental health directors within the service area of the transit district, services and programs to which persons who are homeless or who have psychiatric, developmental, or other disabilities may be referred by transit district enforcement personnel prior to or in conjunction with issuance of a prohibition order.
3. Monitoring the issuance of prohibition orders to assist the transit district in ensuring compliance with Section 51 of the Civil Code, also known as the Unruh Civil Rights Act.
4. Providing the governing board of the transit district and the Legislature with an annual report summarizing the number of prohibition orders that were issued by the transit district 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.

Armando Sandoval, Chair
Behavioral Health/Youth Advocate
(Appointed 7/1/2023 – Term ends 6/30/2025)

Oleksii Chuiko
Public-at-Large
(Appointed 7/1/2023 - Term ends 6/30/2025)

Omar Farmer
Public-at-Large
(Appointed 7/1/2022 – Term ends 7/1/2024)

Gloria Garmon
Public-at-Large
(Appointed 7/1/2023 – Term ends 6/30/2025)

Julia Owens
Mental Health Advocate
(Appointed 7/1/2023 - Term ends 6/30/2025)

Tiffany Lacsado
Public-at-Large
(Appointed 7/1/2022 – Term ends 7/1/2024)

Randall Glock
Alternate
(Appointed 7/1/2022 – Term ends 7/1/2024)

TSAC Staff

Mag Tatum
BART, District Secretary Office

Former Members Serving In 2022

Janet Abelson
Angela Jenkins
Manual Vasquez
Yulanda Williams

Legislative History

Like many 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 believes 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 AB 716 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 Assemblymember 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.

In 2021, BART sponsored AB 1337 by Assemblymember Alex Lee (D-Milpitas), extending the authority to issue prohibition orders to areas where BART has an operating agreement but does not own the land. This was necessitated by the opening of new stations in Santa Clara County, situated on property that BART does not own. AB 1337 went into effect on January 1, 2022.

Summary of Assembly Bill 730

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.

Transit System Profile

BART is a special district created by the State of California consisting of Alameda County, Contra Costa County, and the City and County of San Francisco. BART is governed by a nine-member board of publicly elected Directors, each of whom represent specific geographic areas within the BART District. Each board member serves a term of four years. San Mateo County, which hosts six BART stations is not part of the BART district. BART, in partnership with the Santa Clara Valley Transportation Authority, has extended the system into Santa Clara County, with the opening of the Milpitas and Berryessa/North San José Stations. Santa Clara County is also not part of the BART district.

BART connects San Francisco with cities in the East Bay, Santa Clara County, and northern San Mateo County operating on five lines, 135 miles of track with 50 stations in five counties. Prior to the COVID-19 pandemic, average weekday daily ridership was 412,000 passengers, making BART the fifth-busiest heavy rail rapid transit system in the nation. As stay-at-home orders were issued in mid-March 2020, ridership plummeted practically overnight to only 6% of pre-pandemic levels; through the first year of the pandemic, BART served a transit-dependent population with 75% of passengers being persons of color. Throughout 2021 and into 2022, ridership began slowly recovering to a high of 41% of pre-pandemic numbers in September 2022. Unfortunately, ridership recovery stalled and declined to 35% in December 2022. Even with decreased ridership, BART continues to serve thousands of essential workers, transit-dependent riders, and low-income households each day. Several transit agencies also connect to BART including the San Francisco Municipal Transportation Agency (MUNI), Alameda Contra Costa Transit (AC Transit), San Mateo County Transit (SamTrans), County Connection, and the Golden Gate Bridge, Highway and Transportation District (Golden Gate Transit).

The BART Police Department (BPD) is comprised of 337 personnel, of which 207 are sworn peace officers and 57 are community service officers, 10 ambassadors and 19 crisis intervention specialists. The BART Chief of Police commands the department, which is the agency's law-enforcement entity, providing a full range of police services. Additionally, BART's Citizen Oversight Model established the Office of the Independent Police Auditor (OIPA) and the BART Police Citizen Review Board (CRB). Both provide for independent investigations of alleged police misconduct, review of BPD internal investigations, policy recommendations, reviews of every use-of-force incident, and civilian community engagement. In March 2023, a new deployment strategy was implemented that shifted patrol officers from vehicles into trains, resulting in up to 18 more officers riding trains per shift.

Progressive Policing and Community Engagement Bureau

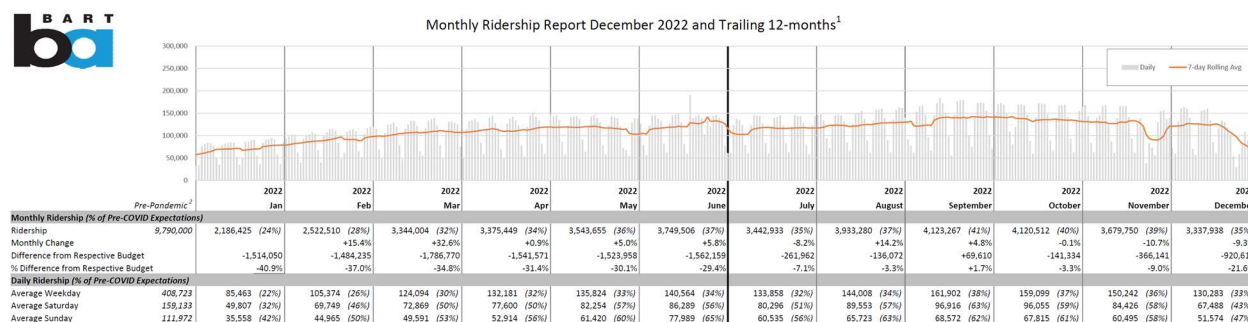
In 2021, the BART Police Department launched a new Progressive Policing and Community Engagement Bureau (PPCEB), which includes Transit Ambassadors, a Crisis Intervention Specialist (CIS) and Community Outreach Unit, and Community-Oriented Policing Division (COPPS). The Bureau's mission is to engage the Department in leading transparent, equitable, and innovative policing practices to improve public safety across the diverse communities served by BART. The Bureau includes 20 Crisis Intervention Specialists trained in de-escalation techniques; the positions are currently 95% hired. This builds on the successful launch of the department's Ambassador Program in 2020, which relies on non-sworn personnel to boost the visible safety presence in the system. Starting in 2022, the PPCEB is now available throughout the system from the start until the end of revenue service.

Conclusions and Observations for 2022

Ridership Trends and Customer Satisfaction

As we continue to make a somewhat uneven recovery from the COVID-19 pandemic, BART's average weekday ridership slowly rebounded throughout most of 2022 to a high of 41% of pre-pandemic ridership in September from a low of just 6% in April 2020. However, as new COVID variants started to spread, ridership began to dip again, ending at 35% of pre-pandemic ridership in December 2022.

Beginning in March 2020, Bay Area residents were encouraged to avoid non-essential travel, and many employers allowed employees to work from home when feasible. With the rollout of vaccinations beginning in late 2020, some employees began returning to workplaces for at least one day of the week, accounting for the slow but steady recovery throughout 2021 and 2022. In 2022, BART restored service to pre-pandemic levels and continued to run full-length trains despite reduced ridership to facilitate social distancing onboard.



According to BART's most recent [Customer Satisfaction Survey](#), conducted in fall of 2022, 67% of respondents are very or somewhat satisfied with the services provided by BART. This is down five percentage points from the 2020 survey but up eleven from 2018. Other key satisfaction metrics show similar trends of having declined slightly from the 2020 survey but having improved when compared to 2018 metrics. Seventy-six percent would definitely or probably recommend BART to a friend or out-of-town guest, which is down five percentage points from 2020 but up two from 2018. Sixty-four percent agree strongly or somewhat that "BART is a good value for the money, down two percentage points from 2020 but up ten from 2018.

The context of when a survey was administered should be kept in mind when comparing data between years. The 2020 survey was conducted at the height of the pandemic when ridership was very low and rider demographics were vastly different. The 2018 survey was conducted at a time of very high ridership, which was straining the system, potentially engendering relatively low ratings across the board.

A review of open-ended comments can provide some qualitative insight behind the ratings. In 2022, the greatest number of comments were received in the following categories: personal security/crime, police/security/enforcement, general positive/compliment, and on-time performance/reliability. Comments about personal security referenced the need for more police/security/enforcement on trains and in stations (with a few specifically mentioning evening hours and safety for women), open drug use/smoking on BART, the presence of homeless riders, fare evasion, and disruptive and/or mentally ill passengers.

Prohibition Orders and Crime Rates in 2022

In 2022, 310 prohibition orders were issued compared to 236 in 2021. Prohibition orders were issued at 42 BART stations, with only one issued on other BART property. The highest number of prohibition orders (106 total) were issued in Oakland stations and represent 34% of all prohibition orders. The lowest number, 12 (or 4%), were issued in Santa Clara County.

In 2021, 236 prohibition orders were issued compared to 255 in 2020. Prohibition orders were issued at 48 BART stations in 2021 and only a small number (1 of 236) were issued on other BART property. The highest number of prohibition orders (58 in total) were issued in the core East Bay stations in Oakland and represent approximately 25% of all prohibition orders.

The lowest number of prohibition orders, 6 (or 2.5%), were issued in Santa Clara County.

In 2020, 255 prohibition orders were issued compared to 317 in 2019. Prohibition orders were issued at 45 BART transit stations in 2020 and only a small number (5 of 255) were issued on other BART property. The highest number of prohibition orders (88 total) were issued in the core East Bay stations primarily in Oakland and represent 34% of all prohibition orders. The lowest number of prohibition orders, 13 (or 5%), were issued in San Mateo County.

Statistics related to age, race, and gender have remained relatively consistent over the years. However, the number of persons who received prohibition orders and are considered younger adults (under age 35) continues to be relatively high at 199 or 64% of all orders. Of this demographic, a disproportionate number of orders were issued to younger Black people, totaling 124 or 40% of all orders; while the overall number increased from 95 in 2021, it still represented 40% of all orders.

Violent Crime and Property Crime Statistics

During monthly meetings, the TSAC discusses crime trends that affect BART in relation to the number of prohibition orders issued. Crimes are separated into two categories: violent crimes and property crimes. Per the Department of Justice Uniform Crime Reporting system, crimes of violence include the categories of homicide, rape, robbery, and aggravated assault. Property crimes include the categories of burglary, larceny, auto theft, and arson.

In 2022, there were 350 violent crimes and 1,382 property crimes reported. The most common violent crime was robbery, with 225 instances. Aggravated assault increased from 71 in 2021 to 114 in 2022, matching pre-pandemic 2019 levels. The most common property crime was larceny and auto burglary, with 1,118 instances.

In 2021, there were 222 violent crimes and 1,031 property crimes reported. Robberies made up the majority (143) of violent crimes and general theft consisted of the greatest number (882) of property crimes.

In 2020, there were 352 violent crimes and 1,154 property crimes reported. Robberies made up the greatest number (252) of violent crimes and larceny/auto burglary made up the greatest number (1,038) of property crimes.

Department of Justice (DOJ) Uniform Crime Reporting (UCR) Crime Rates

	2018	%	2019	%	2020	%	2021	%	2022	%
Violent Crime	481	14%	499	13%	352	23%	222	18%	350	20%
Property Crime	2935	86%	3444	87%	1154	77%	1031	82%	1382	80%
Total	3416		3943		1506		1253		1732	

Prohibition Orders Issued for Specified Crimes

As society emerges from the COVID-19 pandemic, BART is seeing new trends in specified crimes. Battery/threats to patrons have rebounded to pre-pandemic levels, and battery/threats to employees are up more than three-fold from 2021.

Specified Crime	2018	% of issued orders	2019	% of issued orders	2020	% of issued orders	2021	% of issued orders	2022	% of issued orders
Domestic Violence	47	13%	46	12%	29	11%	29	12%	37	12%
Robbery/ Attempt Robbery	51	14%	51	14%	45	18%	25	11%	33	11%
Battery/Threats to Employees	82	22%	84	23%	41	17%	16	7%	54	17%
Battery/Threats to Patrons	94	25%	104	28%	64	25%	56	24%	93	30%
Total	274	73%	285	77%	179	70%	126	53%	217	70%

- Prohibition orders for Domestic Violence, including domestic battery/corporal injury, made up 12% of all prohibition orders, the same percentage as 2021.
- Prohibition orders for Robbery/Attempt Robbery accounted for 11% of all prohibition orders, the same percentage as 2021.
- Prohibition orders for Battery/Threats to Employees including station agents, train operators, system service workers, and officers rose to 17%, up from 7% in 2021.
- Prohibition orders for Battery/Threats to Patrons rose to 30% from 24% in 2021.

Battery Against BART Employees by Classification

	2018	% of issued orders	2019	% of issued orders	2020	% of issued orders	2021	% of issued orders	2022	% of issued orders
Battery Against Station Agents	24	6%	20	5%	12	5%	12	5%	17	5%
Battery Against Train Operators	5	1%	6	2%	2	1%	2	1%	1	<1%
Battery Against System Service/Others	7	2%	4	1%	2	1%	2	1%	0	0%
Battery Against Police Officers	46	2%	54	15%	25	10%	37	16%	36	12%
Total	82	21%	84	23%	41	16%	53	23%	54	17%

TSAC considers the prevention of violence against any employee a priority and seeks to identify additional measures beyond training and public education to prevent violence against BART employees. This training must be consistent system wide, and should include the police department employees, the front-line staff, and the transit supervisors.

The TSAC believes potential benefits from continued and additional training could include:

- Developing a Civilian Academy in partnership with OIPA, CRB, the Community Oriented Policing and Problem Solving (COPPS) program and other community partners and stakeholders.
- Develop a Crisis Intervention Team training academy at BART Police Department
- Helping employees de-escalate potentially dangerous behaviors and situations.
- Helping employees identify individuals with specific needs, implement preventative measures to avoid negative outcomes.
- Reducing the likelihood an employee is the victim of assault or battery.

In 2022, the TSAC received the following trainings and presentations:

- Presentations on updates from the PPCEB
- Ethics training

In 2021, the TSAC received the following trainings and presentations. Due to the COVID-19 pandemic, TSAC was limited as to what they received for 2021:

- Presentation on the District's Not One More Girl campaign
- Presentation on the PPCEB
- Ethics training

In 2020, the TSAC received the following trainings and presentations:

- Violence in the Workplace
- Districtwide use of Narcan and Fentanyl
- BART's Proof of Payment Teams
- Criteria for Dispatching BART Police Officers
- BART Police Department's Communication Division
- Office of the Independent Police Auditor

Battery on BART Patrons

Ninety-three, or 30%, of probation orders were issued in 2022 for battery and threats to BART patrons. This compares to 56 in 2021, 64 in 2020 and 104 in 2019; as we emerge from the COVID-19 pandemic, we are seeing numbers rebound to pre-pandemic levels.

To address crime on the BART system, BART Police have mounted a robust campaign to recruit more officers and implemented new techniques including high visibility foot patrols and dedicated commanders for specific zones of the system. In February 2020, BART also launched a pilot ambassador program to increase the presence of uniformed personnel on trains to address customers' concerns about safety and security. The unarmed ambassadors are non-sworn personnel who perform a variety of police services. The ambassadors receive additional de-escalation and anti-bias training and walk trains in teams of two, seven days a week. They focus their patrols on the most heavily traveled sections of the system.

BART Improvements to Improve Safety and Security

In an effort to reduce incidents of violence against the front-line BART employees, specifically stations agents, train operators, and system service personnel who deal with thousands of passengers each day, the TSAC recommends additional training for employees. Updated and expanded training is an important way to reduce incidents of violence against these employees who find themselves in the middle of disruptive and sometimes violent public actions. This recommended training should occur at the entry level stage of employment, as well as throughout the employee's career via routinely scheduled, specified recertification training.

The TSAC is currently reviewing training content with union leaders of station agents, system service employees, fore workers, and train operators for possible modifications to the current training guidelines.

The TSAC recommends the following to help continue to minimize areas of conflict with frontline employees and management staff:

- Identification and implementation of active listening, tactical communication, and de-escalation training.
- Employee education and resources on conflict resolution and peer support/wellness and self-care
- Continue increasing employee staffing levels across service classifications, especially station agents and police officers.
- Continued support of the Proof of Payment program and its personnel assigned to the enforcement.
- Support of the newly implemented Ambassador and CIS program and its unarmed personnel assigned to engage with the public and special populations.
- Public Service Announcements (PSAs) via BART Media Relations and the BART Police Department regarding AB 730.
- Additional signage at station agent booths to help inform the public of AB 730.
- Crisis intervention training and a dedicated Crisis Intervention Response Team allowed to address problems district wide with the assistance of a county wide Multi-Disciplinary Forensic Teams (MDFT).

Youth and Young Adults

In 2022, 29 persons under 18 years old were issued prohibition orders, compared to 11 in 2021, 25 in 2020 and 43 in 2019. The TSAC has shown interest in the youth population because of the high volume of juveniles in the area who are transit dependent. Special attention will be paid to demographics, age and ethnicity as outreach programs are created and designed for the groups that have the greatest needs.

In 2019, dedicated Zone Commander positions were created for each county/zone. Zone Commanders are responsible for collaborating with the PPCEB Supervisors and coordinating all COPPS efforts and initiatives in their respective zone through our Community Engagement Team (CET). Zone Commanders hear recommendations and complaints from community stakeholders, and they work to address issues, concerns and challenges that are important to the community. These Zone Commanders coordinate with PPCEB and COPPS in their zones.

BART Police has been involved in programs in Alameda County such as Gang Resistance Education and Training (GREAT) at the grammar school level. GREAT offers many components to help

children focus on life skills while helping them avoid delinquent behavior and violence. Educating our youth stakeholders and providing a positive citizen/police encounter at this early age group will assist in reducing the incidences of criminal behavior later in life for many of these juveniles.

The TSAC recommends pursuing additional outreach efforts, at the BART District and Police Department levels including:

- Frontline staff and BART PD developing rapport with young riders through community outreach.
- Expanding the Community Engagement Team (CET) to extending the outreach to all patrol zones by providing one CET assigned employee per zone.
- Continuance of the GREAT program and an expansion of the program outside of Alameda County to include Crisis Intervention Specialist.
- Deployment of Crisis Intervention Trained (CIT) law enforcement personnel, Crisis Intervention Specialists, Transit Ambassadors and trained professional staff, an initiative of the Progressive Policing & Community Engagement Bureau.
- Recruitment of a youth services representative to the TSAC.
- Partnering with local youth at risk/youth empowerment programs.

Request for Appeals

A person issued a prohibition order also receives notice of their right to appeal. The individual must request an appeal within ten days after being served the order. Once an appeal is initiated, the Exclusion Administrator, a position appointed by the General Manager, shall determine whether the order meets requirements under the law and if the offense or offenses for which the person was issued the order are proven by a preponderance of the evidence. The results of the initial review are then served to the person contesting the notice by personal service. This decision shall become final after the expiration of ten days after service unless the person is dissatisfied with the results of the initial review and requests an administrative hearing within the ten days' time.

If an administrative hearing is requested, the excluded individual shall be entitled to a hearing conducted by mail or in person. The Hearing Officer, also appointed by the General Manager, can overturn the order if he or she determines the person did not understand the nature and extent of his or her actions or did not have the ability to control his or her behavior. If the person issued the prohibition order is disabled or otherwise dependent on the BART system for trips of necessity, including for medical or legal appointments or for school or employment, the Hearing Officer shall modify the order to allow for those trips.

Of the 310 prohibition orders issued in 2022, none were appealed. Of the 236 prohibition orders issued in 2021, one appeal was initiated, and the prohibition order was upheld. Of the 255 prohibition orders issued in 2020, none were appealed.

Continued Need for Outreach Efforts Involving Mental Health & Homelessness

In 2022, of the 310 prohibition orders issued, 18 of the offenders were identified as "in crisis" or struggled with a mental health condition and identified as a danger to self or others. An additional 42 individuals issued a prohibition order were identified as unhoused.

In 2021, of the 236 prohibition orders issued, 9 of the offenders were identified as "in crisis" or struggled with a mental health condition and identified as a danger to self or others. Additionally,

23 were identified as unhoused.

In 2020, of the 255 prohibition orders issued, 8 of the offenders were identified as “in crisis” or struggled with a mental health condition and identified as a danger to self and or others. In addition, 34 were identified as unhoused.

	2020	2021	2022
Total number of prohibition orders	255	236	310
Number of individuals in crisis	8	9	18
Number of individuals unhoused	34	23	42

BART Police is constantly addressing issues and concerns of individuals struggling with homelessness and/or mental health conditions. The PPCEB Crisis Intervention Specialists (CIS), Transit Ambassadors and police personnel continue to offer services at the scene by referring them to appropriate resources through local city or county organizations. BART is one of a few transit agencies in the nation to employ two full-time CIS Supervisor and Community Outreach Liaison to connect individuals who may be in crisis to specific mental health or social services. Our CI Supervisor is a member of the TSAC and works with homeless outreach teams in all five counties that BART operates. The two BART Police CIT Supervisors are either on scene and/or meets with police personnel to review individual cases and develop an action plan to connect or re-connect individuals to specific mental health or appropriate services daily. CISs also track these individuals as they move forward with their action plan and share information with mental health and public health partners.

The following BART police personnel, eligible to attend training, have completed crisis intervention training (CIT):

Crisis Intervention Training

1 of 1	Chief
3 of 3	Deputy Chiefs
12 of 13	Lieutenants
35 of 36	Sergeants
112 of 157*	Officers
11 of 13	Dispatchers + 2 Dispatch Supervisors
27 of 49*	Community Service Officers
2 of 2	Crisis Intervention Team Supervisors
201 of 273	Eligible Personnel Trained

**These relatively low numbers are the result of insufficient availability of academy training sessions, an effect of the COVID-19 pandemic and attendant vendor issues.*

To continue to develop and increase relationships with key outreach groups in the Bay Area, BART PD has worked with the Homeless Outreach Teams (HOT) in all five of the counties it serves. Information on mental health incidents is gathered and shared at monthly Multi-Disciplinary Forensic Team (MDFT) workgroup meetings in each of the following counties: Alameda, Contra Costa, San Mateo and San Francisco. The MDFT is a voluntary coalition of law enforcement agencies and allied service providers who assist individuals with mental illness, substance abuse and co-occurring disorders who are at high risk of involuntary hospitalization and are arrested

for behaviors and activity related to their disabilities. BART PD has been able to make referrals to the District Attorney, Public Defender's office and Forensic Mental Health in the county jails through collaboration with MDFT workgroups to help specify treatment for individuals to reduce recidivism and focus on chronic cases that tend to exhaust valuable resources and prevent uses of force for many police agencies.

Homeless Outreach Initiatives

BART continues to invest in a process to reduce prohibition orders resulting from conditions related to homelessness. BART extended partnerships with Contra Costa County Department of Public Health's CORE (Coordinated Outreach, Referral and Engagement) Team, to conduct homeless outreach in BART stations and on BART trains in Contra Costa County. New partnerships have been developed in Alameda County with La Familia CARES Navigation Center and in San Francisco with the Abode Program. In San Mateo County BART is also establishing relationships with LifeMoves Outreach Teams to address issues and concerns at our end of the line stations and San Francisco Airport.

The District also hired its first Senior Manager of Social Service Partnerships to advise and push forward the District's Quality of Life initiatives. This hire has allowed the District to expand its partnerships with the five counties it serves. The Manager was tasked with developing the District's first Homeless Action Plan, which was presented to the Board in early 2023. BART continues to be involved in a district wide approach to addressing the challenge of homelessness by partnering with each county in a regional collaboration as well as advocacy to the State Legislature to make the District eligible for state homelessness funding.

Prior Year Annual Reports

In BART's commitment to transparency and accountability, prior year reports to the California legislature on BART's prohibition order program can be found online at bart.gov/reports.

Prohibition Order Statistics
From January 1, 2022 to December 31, 2022)

Crime	Description	Prohibition Orders Issued	In-Custody	In-Custody Percentage	Citations	Citation Percentage
243.3/243d/422 PC	Battery/Threats to Patron	93	79	85%	14	15%
243(b)/69/422PC	Battery/Threats to Officer	36	35	97%	1	3%
211 PC 664/211/212.5 PC	Robbery/ Attempt Robbery	33	31	94%	2	6%
245 PC	Assault with Deadly Weapon	25	24	96%	1	4%
243(e)(1) PC	Domestic Battery	25	25	100%	0	0%
241/243/422/415(3) PC	Assault/Battery/Threats to Station Agents	17	15	88%	2	12%
11352/11360 H&S	Narcotic Sales	17	16	94%	1	6%
417 PC	Brandishing Weapon	14	14	100%	0	0%
314 PC	Indecent Exposure	14	14	100%	0	0%
273.5 PC	Domestic Battery– Corporal Injury	12	11	92%	1	8%
647(a) PC	Lewd Conduct	10	10	100%	0	0%
243.4/288 PC	Sexual Battery	5	5	100%	0	0%
664/187 PC	Attempt Murder	2	2	100%	0	0%
215 PC	Carjacking	2	2	100%	0	0%
148 PC/237 PC	Resisting Arrest/ False Imprisonment	1	1	100%	0	0%
597 PC	Animal Cruelty	1	1	100%	0	0%
369 I PC	Trespassing Violation	1	1	100%	0	0%
29800 PC	Possession of Firearm	1	1	100%	0	0%
243/422 PC	Battery/Threats to Train Operator	1	1	100%	0	0%
243/422 PC	Battery/Threats to System Service or Other	0	0	0%	0	0%
273d(a) PC/ 243a(b) PC	Child Abuse/ Endangerment	0	0	0%	0	0%
Total		310	288	93%	22	7%

2022 AB730 STATISTICS

Crime	Description	Arrests	Appeals	Mental Illness *	Transient	Juvenile (<18)
243.3 PC/422 PC	Battery/Threats to Patron	79	0	5	12	8
243(b)/69/422 PC	Battery/Threats to Officer	35	0	4	7	0
211 PC 664/211/212.5 PC	Robbery/Attempt Robbery	31	0	1	8	8
243(e)(1) PC	Domestic Battery	25	0	1	0	0
245 PC	Assault w/ Deadly Weapon	24	0	1	2	5
11352/11360 H&S	Sales of Illegal Narcotics	16	0	1	5	2
243/422 PC	Battery/Threats to Station Agent	15	0	2	4	0
314 PC	Indecent Exposure	14	0	1	0	0
417 PC	Brandishing Weapon	14	0	2	1	0
273.5 PC	Domestic Battery– Corporal Injury	11	0	0	0	0
647(A) PC	Lewd Conduct	10	0	0	1	0
243.4/288 PC	Sexual Battery	5	0	0	2	0
664/187 PC	Attempt Murder	2	0	0	0	0
215 PC	Carjacking	2	0	0	0	0
148 PC/ 237 PC	Resisting Arrest/ False Imprisonment	1	0	0	0	0
PC	Animal Cruelty	1	0	0	0	0
369 I PC	Trespassing Violation	1	0	0	0	0
29800 PC	Possession of Firearm	1	0	0	0	0
243/422 PC	Battery/Threats to Train Operator	1	0	0	0	0
243/422 PC	Battery/Threats to System Service or Other	0	0	0	0	0
487(c) PC	Theft from Person	0	0	0	0	0
Total		288	0	18	42	23

2022 AB730 STATISTICS

Crime Classification	Prohibition Orders Issued
Felony	152
Misdemeanor	158
Total:	310

Gender	Prohibition Orders Issued
Male	250
Female	60
Total:	310

Ethnic Background	Prohibition Orders Issued
Black	199
Hispanic	48
Other	15
White	48
Total:	310

Age	Prohibition Orders Issued
17 & Under	29
18 to 25	70
26 to 35	100
36 to 45	59
46 to 55	35
56 +	17
Total:	310

2022 AB730 STATISTICS

Age/Ethnic Background	Black	Hispanic	Other	White
17 & Under	24	3	1	1
18 to 25	41	22	2	6
26 to 35	59	17	6	19
36 to 45	37	4	6	10
46 to 55	23	2	3	7
56 +	15	0	1	1
Total	199	48	19	44
Percentage	64%	16%	6%	14%

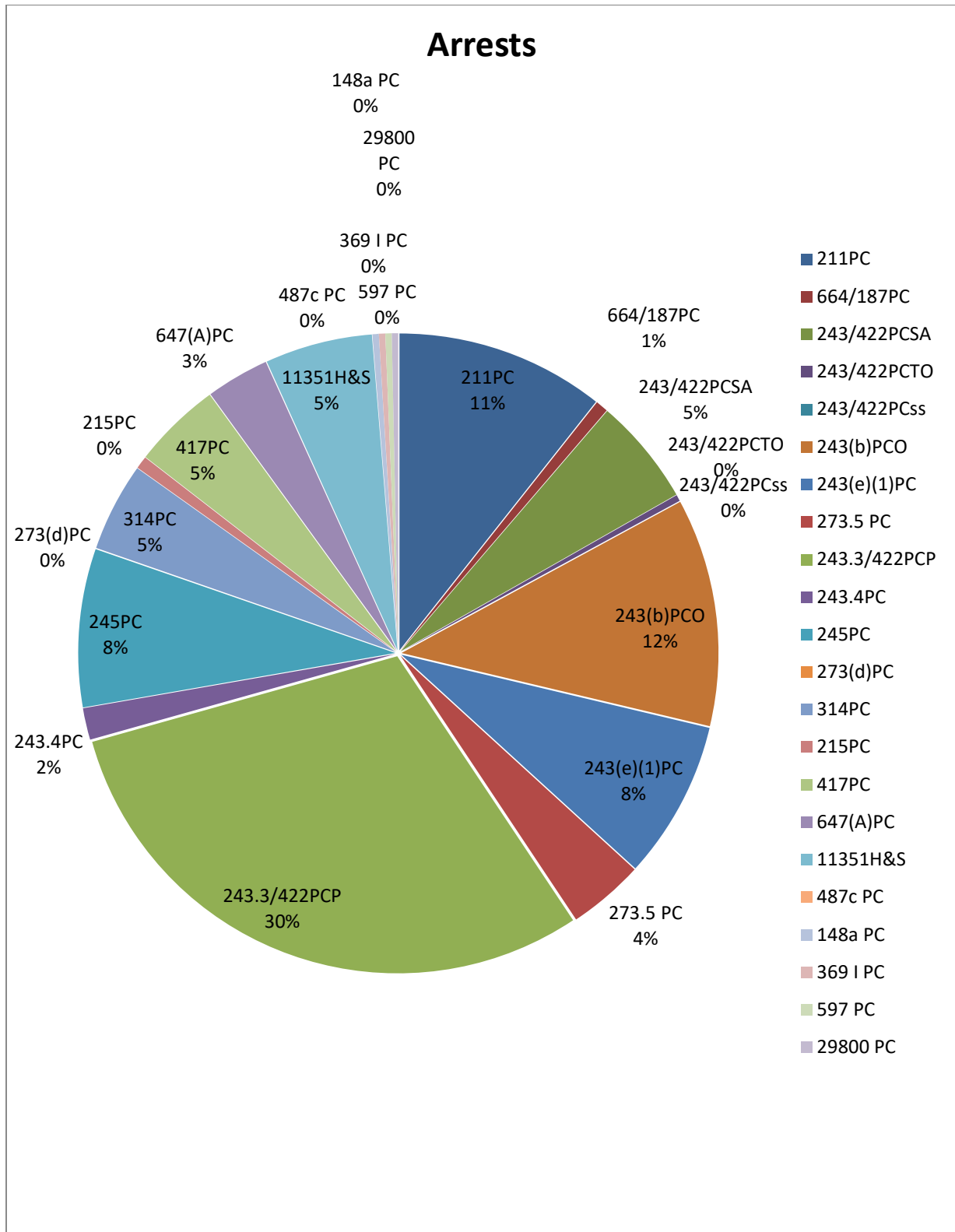
Month	Prohibition Orders Issued
January	22
February	19
March	21
April	18
May	34
June	23
July	30
August	22
September	25
October	33
November	34
December	29
Total	310

Zone	Prohibition Orders Issued
Zone 1 (Oakland)	106
Zone 2R (Berkeley & West Contra Costa County)	28
Zone 2C (East Contra Costa County)	32
Zone 3 (South Alameda County)	53
Zone 4 (San Francisco County)	56
Zone 5 (San Mateo County)	23
Zone 6 (Santa Clara County)	12

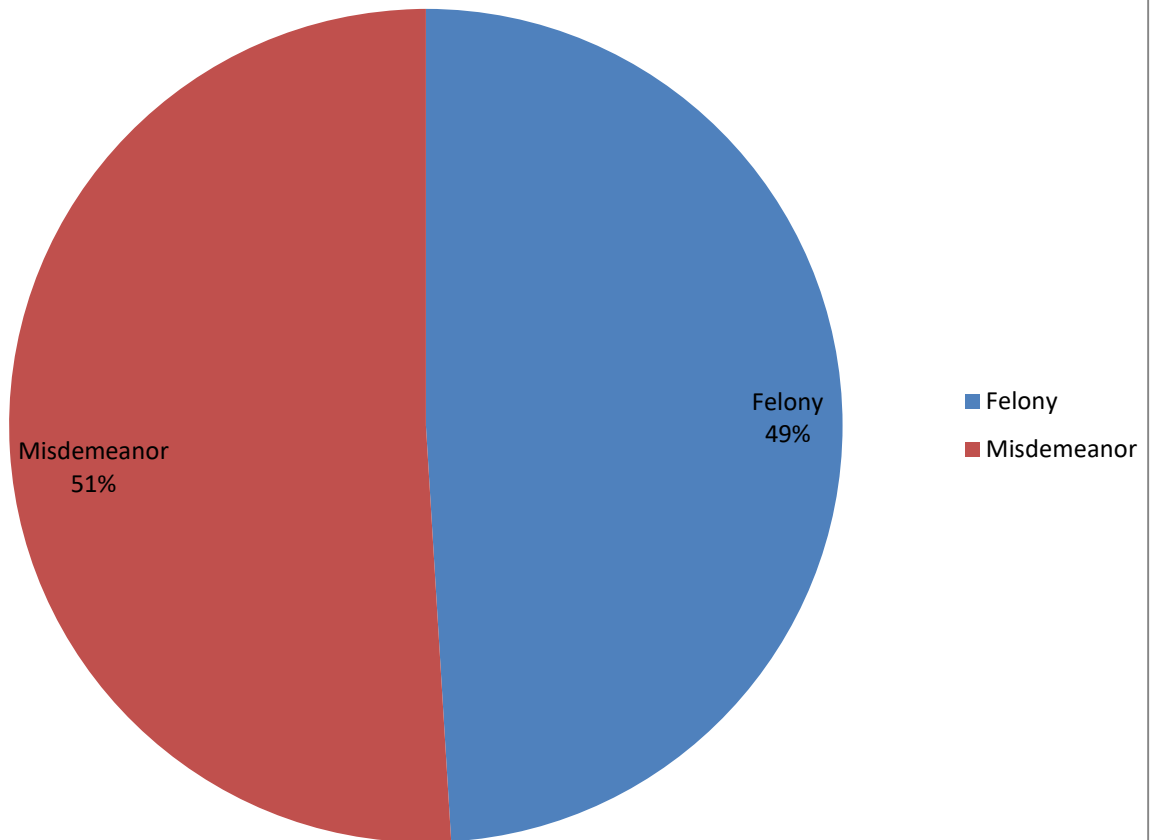
2022 AB730 STATISTICS

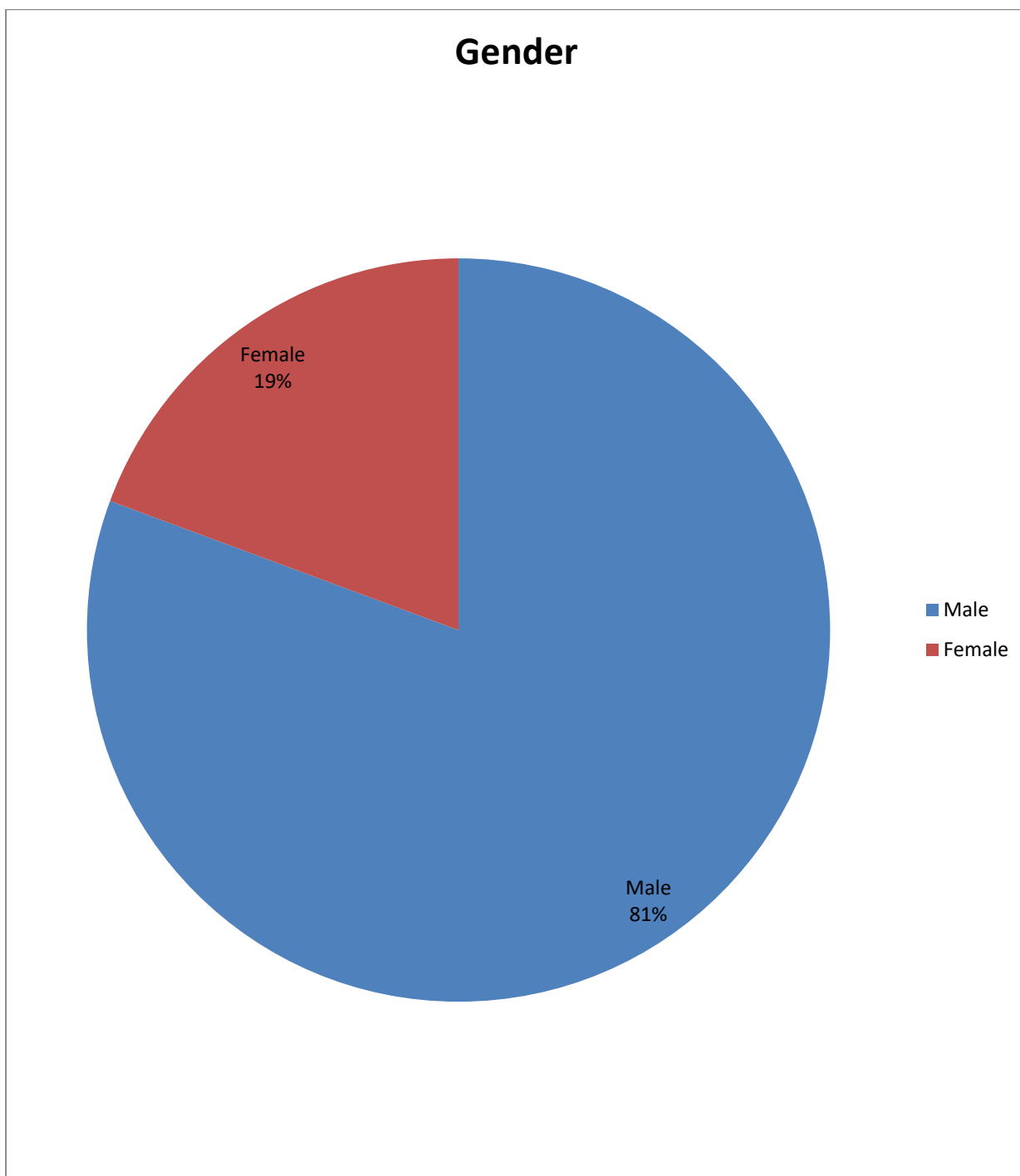
Station	Zone	Prohibition Orders
12 th Street (Oakland)	1	15
16 th Street (San Francisco)	4	2
19 th Street (Oakland)	1	4
24 th Street (San Francisco)	4	12
Antioch - ATS	2c	4
Ashby (Berkeley) – AHS	2r	5
Balboa Park (San Francisco) – BPS	4	2
Bay Fair (San Leandro) – BFS	3	11
Berkeley - BES	2r	4
Berryessa – NJS	6	6
Castro Valley – CVS	3	8
Civic Center (San Francisco) – CCS	4	16
Coliseum (Oakland) – COS	1	20
Colma – CLS	5	0
Concord - CDS	2c	0
Daly City – DCS	5	11
Dublin Pleasanton – DPS	3	2
El Cerrito Del Norte – CNS	2r	10
El Cerrito Plaza – CPS	2r	0
Embarcadero (San Francisco) – EMS	4	7
Fremont - FMS	3	0
Fruitvale (Oakland) – FVS	1	10
Glen Park (San Francisco) - GPS	4	0
Hayward – HAS	3	11
Lafayette – LFS	2c	3
Lake Merritt (Oakland) – LMS	1	17
MacArthur (Oakland) – MAS	1	24
Millbrae – MBS	5	5
Milpitas – MPS	6	6
Montgomery Street (SF) – MOS	4	3
North Berkeley – NBS	2r	0
North Concord – NCS	2c	2
Orinda - ORS	2c	2
Pittsburg – PBS	2c	6
Pleasant Hill – PHS	2c	2
Powell Street (San Francisco) – PPS	4	12
Richmond – RIS	2r	9
Rockridge - ROS	2c	1
San Bruno – SBS	5	0
San Leandro – SLS	3	10
South Hayward – SHS	3	8
South San Francisco – SSS	5	0
Union City – UCS	3	3
Walnut Creek – WCS	2c	7
Warm Springs – WSS	3	1
West Dublin – WDS	3	3
West Oakland – OWS	1	22
San Francisco Airport (SFO)	5	3
Other BART Property (P&R)		1
Total Stations		310

2022 AB730 STATISTICS

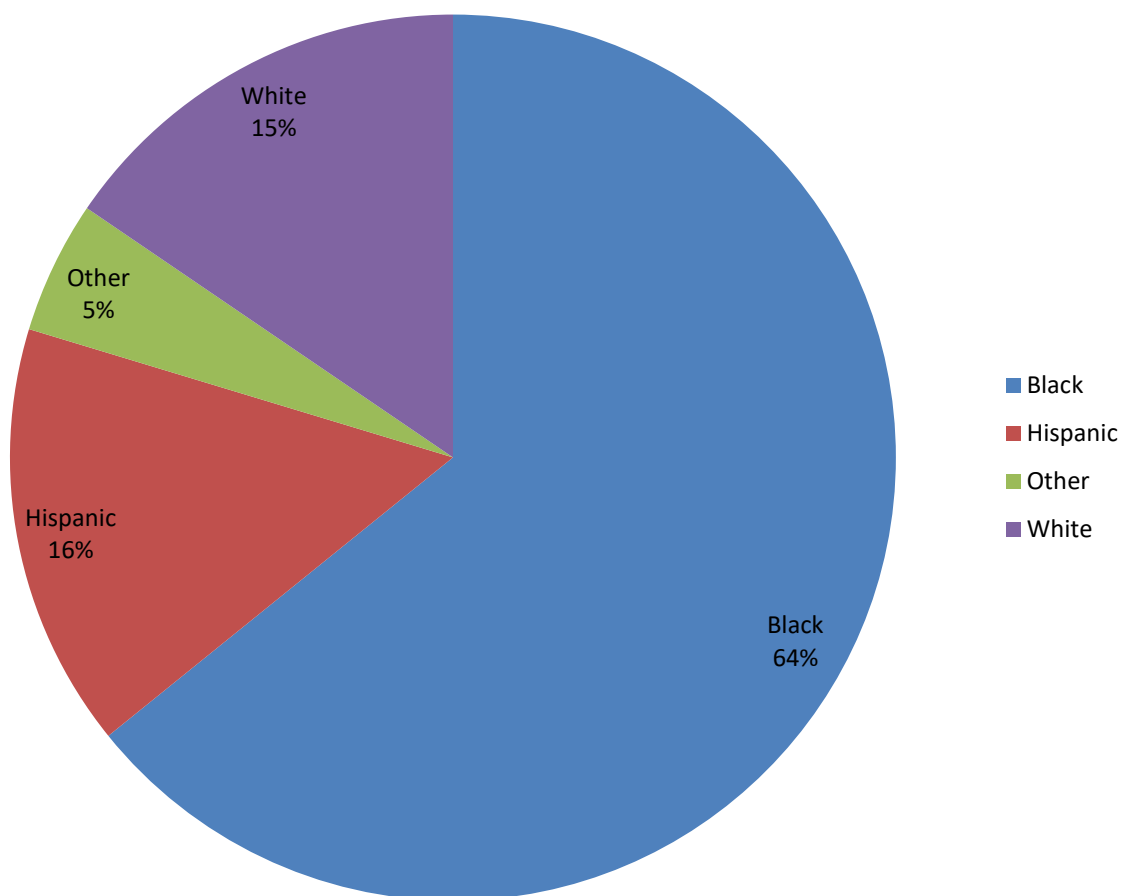


Crime Classification



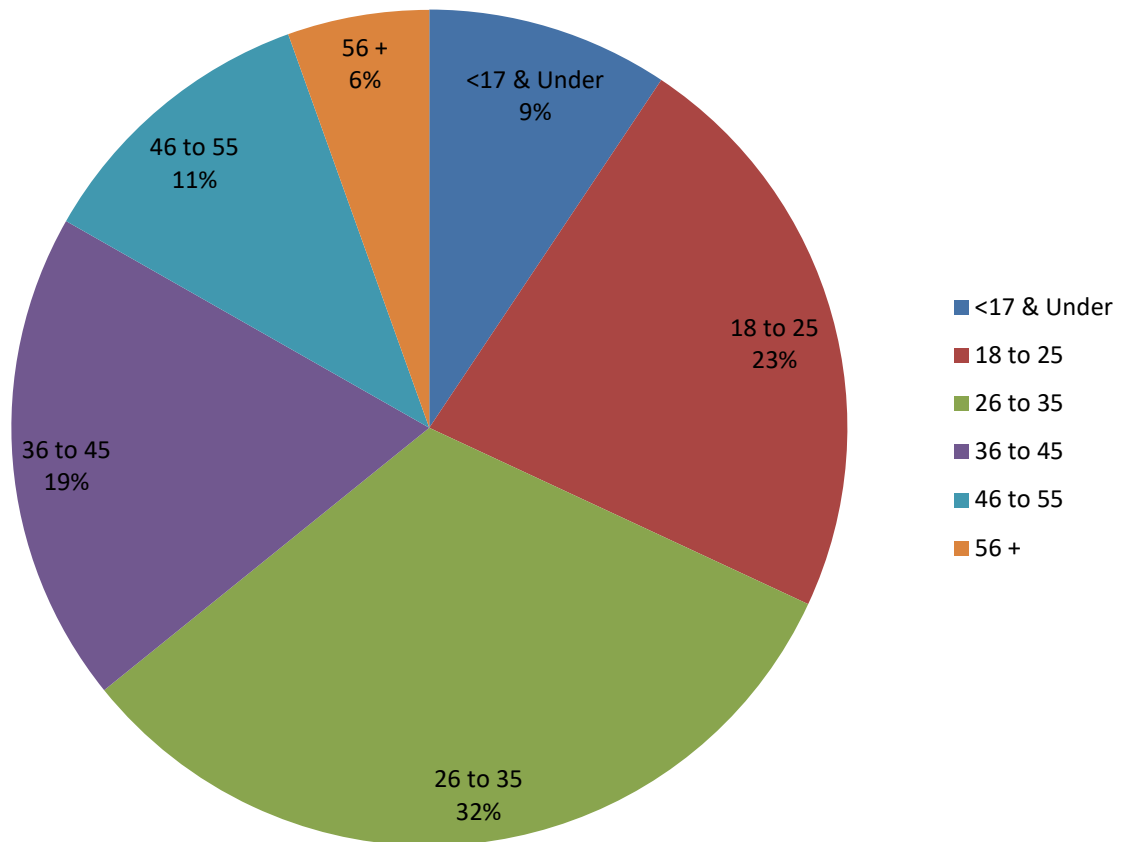


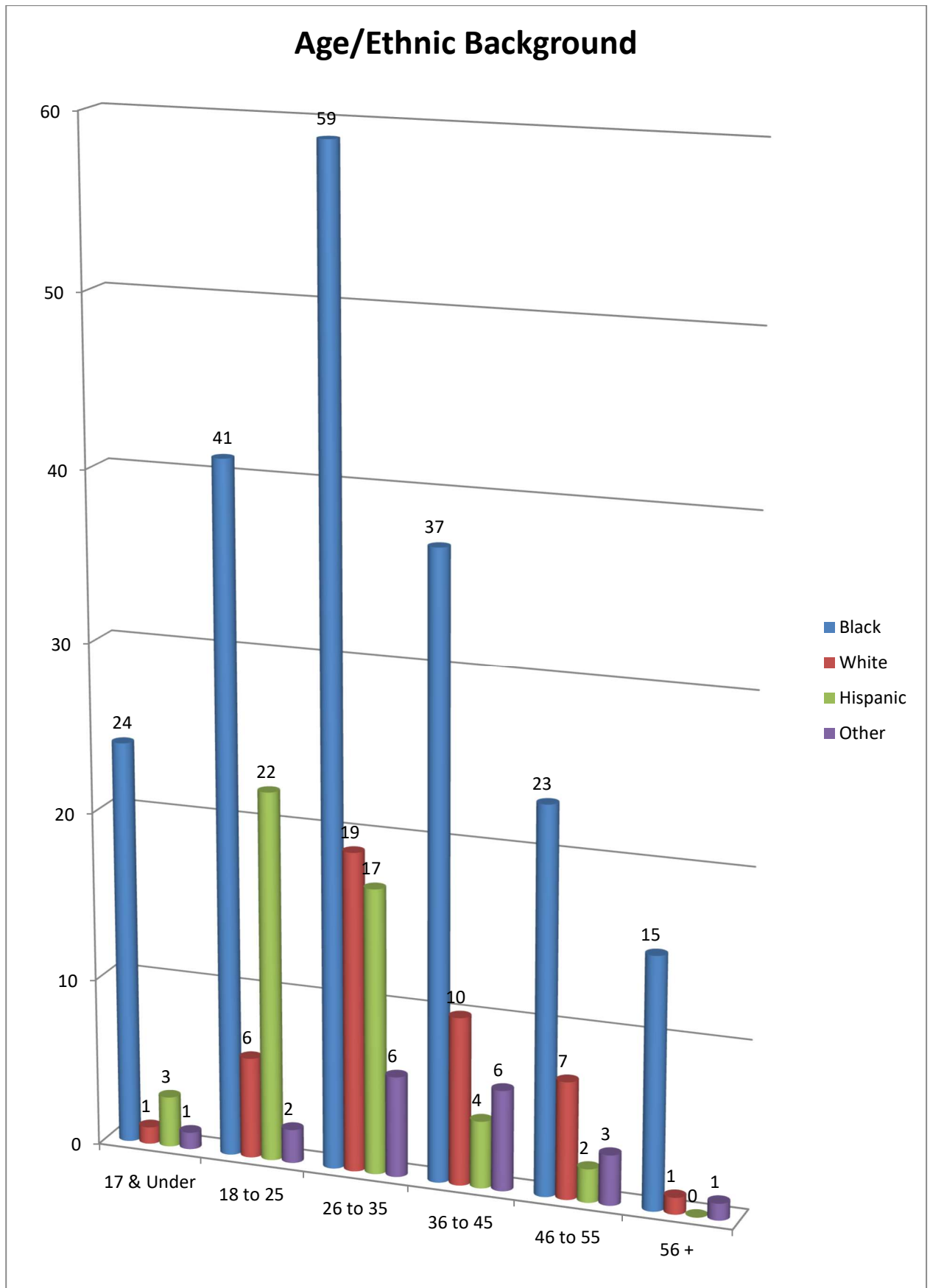
Ethnic Background



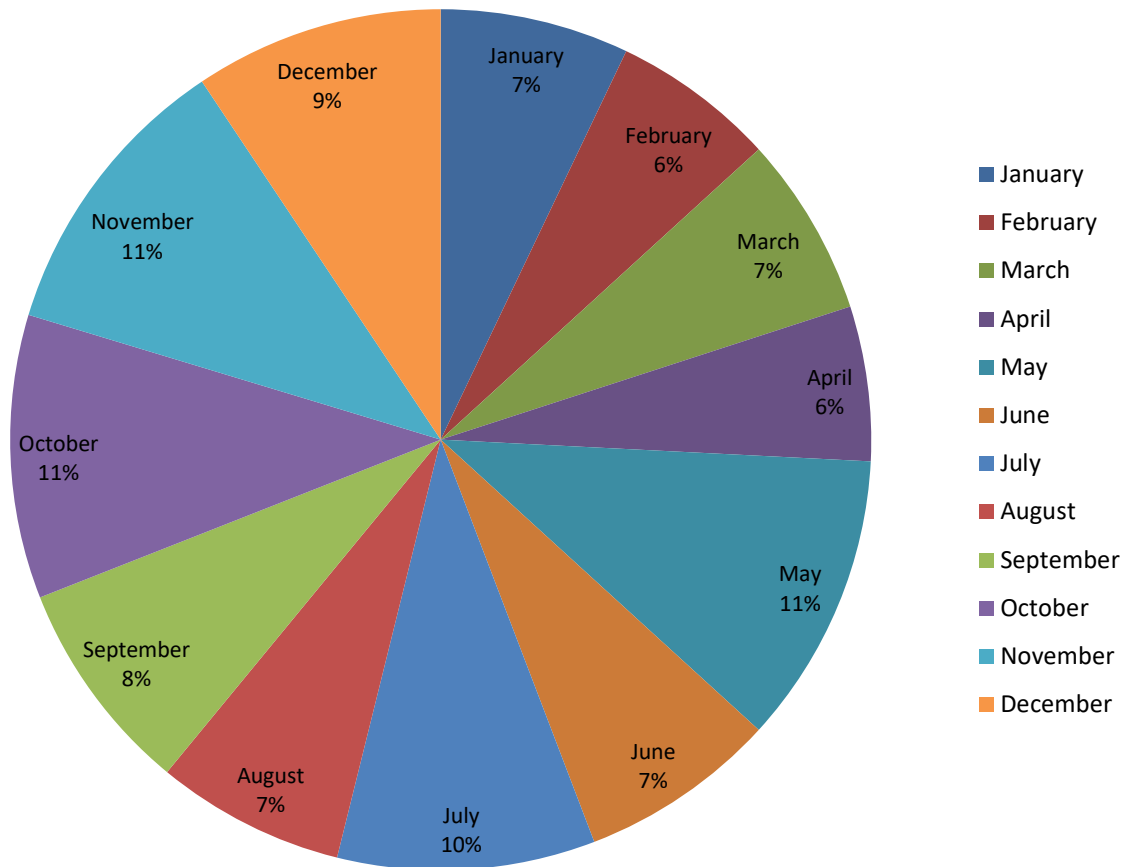
2022 AB730 STATISTICS

Age

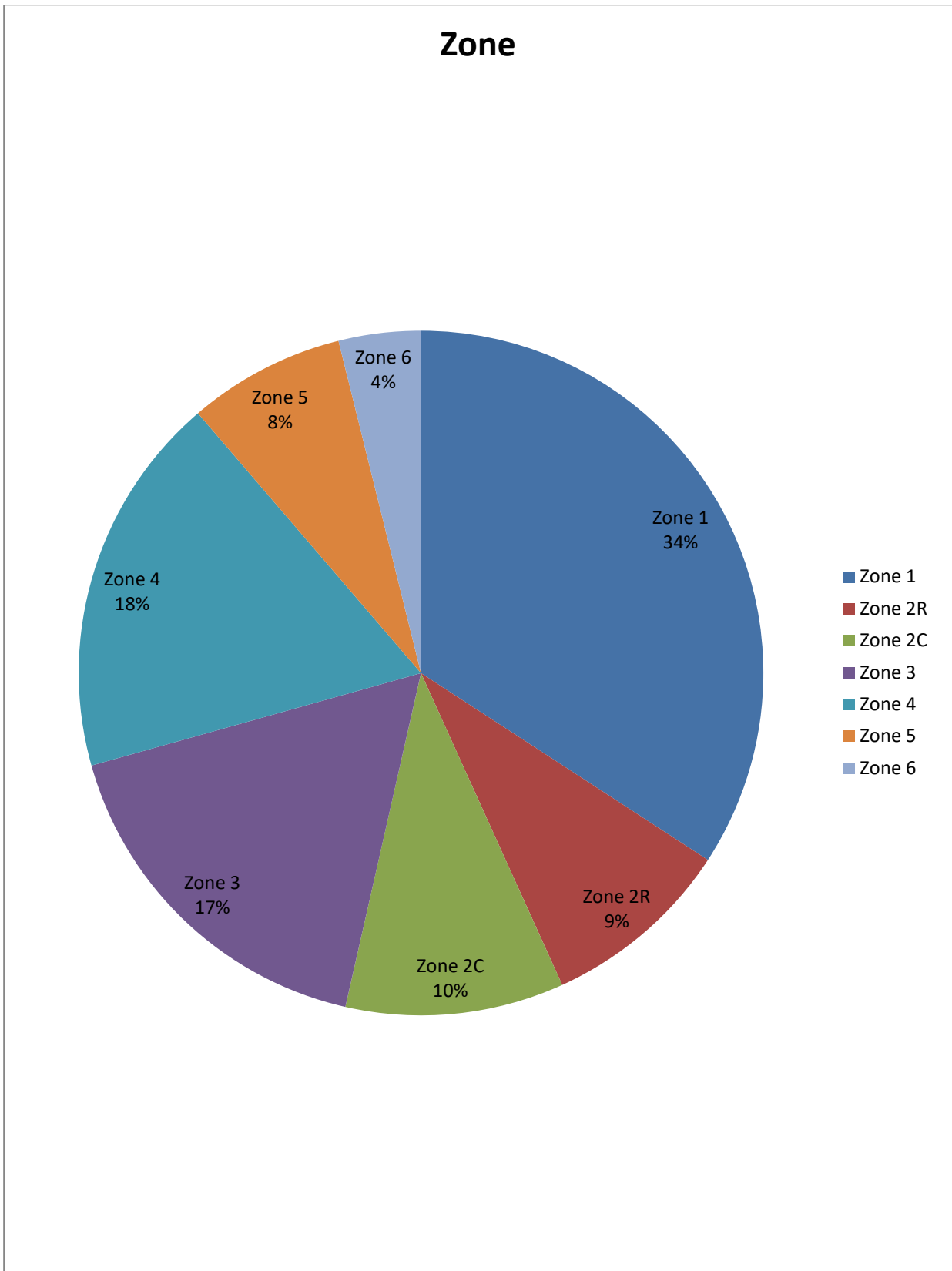




Year to Date by Month



2022 AB730 STATISTICS



2022 AB730 STATISTICS

