



**BAY AREA RAPID TRANSIT POLICE DEPARTMENT**  
Kevin Franklin, Chief of Police  
101 8<sup>th</sup> Street  
Oakland, CA 94604-2688  
[www.bart.gov/police](http://www.bart.gov/police)

---

## MEMORANDUM

**TO:** Chief Kevin Franklin via the Chain of Command  
**FROM:** Lieutenant Wendy Sanchez  
**DATE:** July 14, 2025  
**SUBJECT:** Policy Updates for BPCRB review

The Policy Review Committee met and approved the following policy updates for department review and acceptance. Please provide the necessary notification to the BPCRB at your convenience. The modifications to the policies are included below:

**Policy 308 Control Devices and Techniques** – CALEA assessment standard update  
**Policy 309 Conducted Energy Device** – CALEA assessment standard update  
**Policy 343 Information Technology Use** – corrections for punctuation and capitalizations  
**Policy 402 Bias-Based Policing** – CALEA assessment standard update  
**Policy 803 Evidence Handling** – CALEA assessment standard update  
**Policy 1000 Recruitment and Selection** – citation removed  
**Policy 1055 Speech, Expression and Social Networking** – title change, terminology updates, removal of Labor Code 980 citation

Respectfully,

A handwritten signature in cursive script that reads "Wendy Sanchez".

Wendy Sanchez #21  
Lieutenant Support Services  
Bay Area Rapid Transit Police Department

---

## Lexipol Release Notes

### **Policy 343 Information Technology Use**

June 2025

This policy has been updated because it is unsettled whether Labor Code 980 is applicable to public employers in the context of an employee's personal social media account. There is case law that provides the Labor Code must state if its provisions are applicable to public employees. In litigated matters, courts will look at the intent/history of the statute to interpret if public entities were intended to be included. To date there is no case law on the specific applicability to this statute. Lexipol will continue to monitor the courts for further clarification. Agencies should work with their agency counsel when specific issues arise. Changes to this policy include:

- In **PRIVACY EXPECTATION**, content that is already addressed in the **Speech, Expression, and Social Networking Policy** has been removed, capitalization has been corrected, and the Edit Level has been changed from "State" to "Best Practice."

### **Policy 402 Bias-Based Policing**

June 2025

This policy has been updated to address Commission on Accreditation for Law Enforcement Agencies (CALEA) standards. Changes to this policy include:

- In **ADMINISTRATION**, content has been added to address standard 1.2.9(e), which requires specific elements to be included in an agency's annual administrative review of activities related to bias-based policing, redundant content has been removed, paragraph formatting and a text entity have been corrected, and a serial comma has been added.

### **Policy 1000 Recruitment and Selection**

June 2025

This policy has been updated because it is unsettled whether Labor Code 980 is applicable to public employers in the context of an employee's personal social media account. There is case law that provides the Labor Code must state if its provisions are applicable to public employees. In litigated matters, courts will look at the intent/history of the statute to interpret if public entities were intended to be included. To date there is no case law on the specific applicability to this statute. Lexipol will continue to monitor the courts for further clarification. Agencies should work with their agency counsel when specific issues arise. Changes include:

- In **REVIEW OF SOCIAL MEDIA SITES**, a citation has been removed and content has been updated with best practice language.

### **Policy 1055 Speech, Expression and Social Networking**

June 2025

As part of ongoing quality maintenance of manual content, several updates have been made to this policy. Changes include:

- The policy title has been changed from **Employee Speech, Expression and Social Networking** to **Speech, Expression, and Social Networking**.
- In **PURPOSE AND SCOPE**, content regarding forms of communication has been added from **APPLICABILITY**, and terminology has been updated.

- **APPLICABILITY** has been deleted in its entirety, and applicable content has been moved to **PURPOSE AND SCOPE**.
- In **POLICY**, content has been updated for clarity.
- In **SAFETY**, content has been updated for clarity, and an initialism has been defined.
- In **PROHIBITED SPEECH, EXPRESSION, AND CONDUCT**, terminology has been updated.
- In **UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS**, terminology has been updated, and gendered pronouns have been removed.
- In **PRIVACY EXPECTATION**, a citation and partial language has been removed because it is unsettled whether Labor Code § 980 is applicable to public employers in the context of an employee's personal social media account. There is case law which holds that a specific Labor Code must state if the provisions apply to a public entity. Courts will look at the intent/history of the statute for determination if the statute applies. To date there is no case law on the specific applicability to this statute. Lexipol will continue to monitor the issue for further clarification from the court. Language remains about not asking for passwords as that is Lexipol's best practice. Additionally, outdated examples have been replaced with new terminology.
- In **CONSIDERATIONS**, content has been updated for clarity, and gendered pronouns have been removed.
- In **TRAINING**, content has been updated for clarity.
- Throughout this policy, punctuation has been corrected, and terminology and text entities have been updated, where appropriate.
- The Guide Sheet has been updated.