



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:		GENERAL MANAGER ACTION REQ'D:	
DocuSigned by: <i>Michael Jones</i> 47000790F2D7463...			
DATE: 2/21/2025 4/18/2025		BOARD INITIATED ITEM: No	
Originator/Prepared by: Olivia Jackson Dept: Office of the Chief	General Counsel	Controller/Treasurer	District Secretary
DocuSigned by: <i>Olivia Jackson</i> 5A906366B7C145F...	DocuSigned by: <i>Amelia Sandoval</i> 2528C067C44147D...	Signed by: <i>Joseph Brach</i> 7D9A7C6E7348456...	DocuSigned by: <i>Shane Edwards</i> 8128A2EB2F014F3...
Signature/Date: 4/16/2025	4/16/2025 []	4/16/2025 []	4/16/2025 []

BART Police Department Use of Specialized or Military Equipment Annual Report

PURPOSE:

To make annual findings and determinations as required by BART Ordinance No. 2022-1, and to obtain Board approval of the continued use of specialized or military equipment identified in the 2024 Military Equipment Annual Report for an additional one-year period.

DISCUSSION:

On September 8th, 2022, The Board of Directors adopted Ordinance No. 2022-1, approving the BART Police Department's (BART PD) Military Equipment Policy 711, in compliance with Assembly Bill (AB 481) 481. AB 481, codified as Government Code (GC) sections 7070 through 7075, places requirements on California law enforcement agencies relating to the funding, acquisition, or use of "military equipment" as defined in GC §7070.

Pursuant to Ordinance No. 2022-1, staff must bring a Military Equipment Annual Report (Annual Report) to the Board regarding the use of the approved specialized or military equipment, the maintenance and use costs, internal audits, and the quantity of military equipment if the agency intends to acquire additional military equipment in the next year.

The Annual Report is intended to allow the Board of Directors an opportunity to determine whether the benefits to the community of the use of specialized or military equipment utilized by BART PD outweigh the costs and that civil rights are appropriately safeguarded by the policies in place to use them.

The Police Department discussed the Annual BART Police Department Use of Specialized



or Military Equipment with the community by presenting it to BPD's community partners, at least thirty (30) days prior to the Board of Directors' consideration of the agenda item in compliance with GC section 7071. This was to encourage public participation, transparency, and community partnership. Any proposed or final Annual Report will be posted on the District website page as long as the military equipment is available for use. The Annual Report to the Board will include how the equipment is being used, the maintenance and use costs, internal audits, community feedback on the use, and the quantity of military equipment if the agency intends to acquire additional military equipment in the next year.

Ordinance No. 2022-1 requires the Board to make four findings annually:

First, military equipment is necessary because no reasonable alternative can achieve the same officer and civilian safety objective.

Second, the proposed military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.

Third, if purchasing the equipment, the equipment is reasonably cost-effective compared to available alternatives that can achieve the same objective of officer and civilian safety.

Fourth, prior military equipment use complied with the military equipment use policy that was in effect at the time, or if previous uses did not abide by the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

FISCAL IMPACT:

Approval of the proposed Annual Specialized or Military Equipment Report will have no fiscal impact on the District.

ALTERNATIVES:

Do not approve the uses of military or specialized equipment proposed in the Annual Report. In that case, the BART PD must cease using the identified specialized or military equipment until it receives approval from the Board.

RECOMMENDATION:

Approve the following motion.

MOTION:

Consistent with the requirements of BART Ordinance No. 2022-1, the Board of Directors of the San Francisco Bay Area Rapid Transit District makes the following findings for the 2024 Military Equipment Annual Reporting period:

First, the specialized or military equipment listed in the Annual Report is necessary because no reasonable alternatives can achieve the same officer and civilian safety objectives.

Second, the existing military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties in regard to the specialized or military equipment listed.

Third, the listed equipment continues to be reasonably cost-effective compared to available alternatives that can achieve the same objective of officer and civilian safety.

Fourth, prior specialty or military equipment use complied with the military equipment use policy that has been in effect during the prior year.

Consistent with the findings made above, BART's Board of Directors has determined, based on the information provided in the 2024 Military Equipment Annual Report, that the benefits to the community of using the specialized or military equipment described in the report outweigh the costs associated with their use and that civil liberties and civil rights are, concurrent with their use, adequately safeguarded by the policies adopted within BART Police Policy 711. The Board of Directors therefore authorizes and approves of the continued use of the specialized or military equipment identified in the 2024 Military Equipment Annual Report for an additional one-year period.