

San Francisco Bay Area Rapid Transit District

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



COMMITTEE MEETING AGENDA

Monday, March 13, 2023

4:00 PM

**The BPCRB 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/89562361248>**

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
March 13, 2023
4:00 p.m.

A regular meeting of the BART Police Citizen Review Board (BPCRB) will be held on Monday, March 13, 2023, 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 Berkeley Public Library
Reserved Room (See Librarian for Room Location)
1170 The Alameda
Berkeley, CA 94707

SharkEye Tech
832 Escobar Street
Martinez, CA 94553

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 at the locations listed above with an option for public participation via teleconference. Face masks are strongly recommended on BART property, including the BART Board Room.

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 join the BPCRB Meeting via Zoom by calling (833) 548-0282 (Toll Free) and entering access code 895 6236 1248; logging in to Zoom.com and entering access code 895 6236 1248, or typing the following Zoom link into your web browser:

<https://us06web.zoom.us/j/89562361248>

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 March 13, 2023, 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 895 6236 1248; 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 895 6236 1248; use the raise hand feature; or join the BPCRB Meeting via the Zoom link (<https://us06web.zoom.us/j/89562361248>) 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 February 13, 2023. For Action.

Attachments: [Approval of Minutes of the Meeting of February 13, 2023](#)
3. Reporting Out Announcement from BART Police Citizen Review Board (BPCRB) Subcommittees. For Discussion.
4. Chief of Police's Report(s). For Discussion.
 - a. BART Police Department's Monthly Reports for January 2023.
Attachments: [BPD Monthly Reports for January 2023](#)
5. Independent Police Auditor's Report(s). For Discussion.
 - a. Office of the Independent Police Auditor (OIPA) Monthly Report(s) for January 2023.
Attachments: [OIPA Monthly Reports for January 2023](#)
6. 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.)
7. Closed Session.
 - a. To Consider Public Employee Discipline/Dismissal/Release in Office of the Independent Police Auditor (OIPA) Case(s) #18-08. Govt. Code §54957.
8. Open Session.
 - a. Announcement from Closed Session, if any.
9. Adjournment.

BART provides services/accommodations upon request to persons with disabilities and individuals who are limited English proficient and wish to address Board matters. A request must be made within one and five days in advance of Board 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, February 13, 2023

A regular meeting of the BART Police Citizen Review Board (BPCRB) was held Monday, February 13, 2023, convening at 4:04 p.m. via teleconference, pursuant to Assembly Bill No. 361. The meeting was called to order by Vice Chairperson Christina Gomez; Mag Tatum, Recording Secretary.

Vice Chairperson Christina Gomez gave instructions on the virtual meeting, accessing the presentation materials online, Public comments, and Members' remarks.

1. Call to Order.

The regular meeting was convened at 4:04 p.m. by Vice Chairperson Christina Gomez.

Members Present: Members Pedro Babiak, Christina Gomez, Les Mensinger, George Perezvelez, David Rizk, William White, and Erin Armstrong.

Absent: Members Todd Davis and Dana Lang.

The Pledge of Allegiance was recited.

2. Approval of Minutes of the Meeting of January 9, 2023.

Member David Rizk entered the meeting.

Member Mensinger moved that the Minutes of the Meeting of January 9, 2023, be approved.

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

Ayes – 6: Members Gomez, Mensinger, Perezvelez, Rizk, White, and Armstrong.

Noes – 0. Abstain – 1: Member Babiak. Absent – 2: Members Davis and Lang. Vacant – 2.

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

Vice-Chairperson Gomez and Member Perezvelez presented information for various BART Police Citizen Review Board (BPCRB) Subcommittees. The item was discussed.

4. Chief of Police's Reports.

a. BART Police Department's Monthly Reports for December 2022.

Deputy Chief Kevin Franklin presented the BART Police Department's Monthly Reports for December 2022. The reports were discussed.

Aleta Dupree addressed the Board.

5. Independent Police Auditor's (OIPA) Report.

- a. Office of the Independent Police Auditor (OIPA) Monthly Report(s) for November 2022 and December 2022.

Russell Bloom, Independent Police Auditor, presented OIPA Monthly Report for November 2022 and December 2022. The reports were discussed.

Aleta Dupree addressed the Board.

6. Public Comment.

Vice-Chairperson Gomez called for Public Comments.

Aleta Dupree addressed the Board.

Vice-Chairperson Gomez announced that the Board would enter into a closed session under Item 7-A (Public Employee Discipline/Dismissal/Release in OIPA Case #22-32 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 5:07 p.m.

The Meeting reconvened in Closed Session at 5:27 p.m.

7. Closed Session.

- a. To Consider Public Employee Discipline/Dismissal/Release in Office of the Independent Police Auditor (OIPA) Case(s) #22-32. Govt. Code §54957.

Members Present:

Members Pedro Babiak, Christina Gomez, Les Mensinger, George Perezvelez, David Rizk, William White, and Erin Armstrong.

Absent:

Members Todd Davis and Dana Lang.

8. Open Session.

The Meeting reconvened in Open Session at 5:27 p.m.

Vice-Chairperson Gomez announced that the Board voted unanimously to accept the findings in OIPA Case #22-32.

9. Adjournment.

The Meeting was adjourned at 5:28 p.m.

BART POLICE DEPARTMENT



January 2023

MONTHLY REPORT



Bay Area Rapid Transit Police Department

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

January 2023 Performance Measurement Review - **Systemwide**

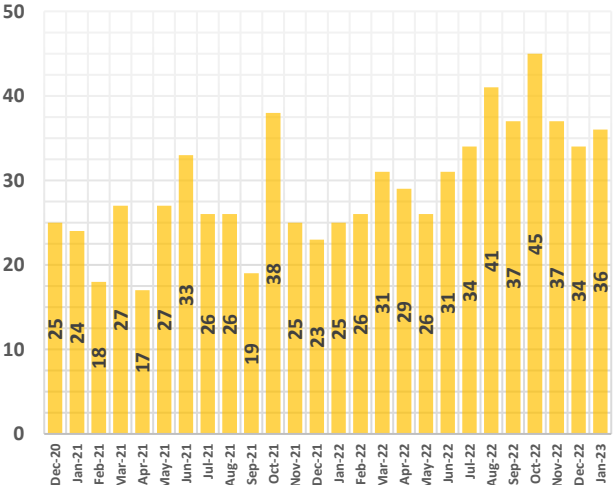
PART 1 UCR Crime	2018	2019	2020	2021	2022	YTD 2022	YTD 2023	PCT %
Homicide	3	2	0	0	4	0	0	-%
Rape	3	7	5	8	7	1	0	-100%
Robbery	345	378	252	143	225	17	27	+59%
Aggravated Assault	130	112	95	71	114	7	12	+71%
Violent Crime Subtotal	481	499	352	222	350	25	39	+56%
Burglary (Structural)	18	16	12	11	23	1	1	0%
Larceny & Auto Burglary	2,565	3,177	1,038	882	1,118	59	103	+75%
Auto Theft	348	247	100	134	231	16	30	+88%
Arson	4	4	4	5	10	1	0	-100%
Property Crime Subtotal	2,935	3,444	1,154	1,032	1,382	77	134	+74%
TOTAL	3,416	3,943	1,506	1,254	1,732	102	173	+70%

Part 1 Crimes: Top Five Stations

January 2023 A30/COS A20/FVS R60/RIS E30/ATS M10/OWS
Full Year 2022 A30/COS M10/OWS A20/FVS A40/SLS A60/SHS

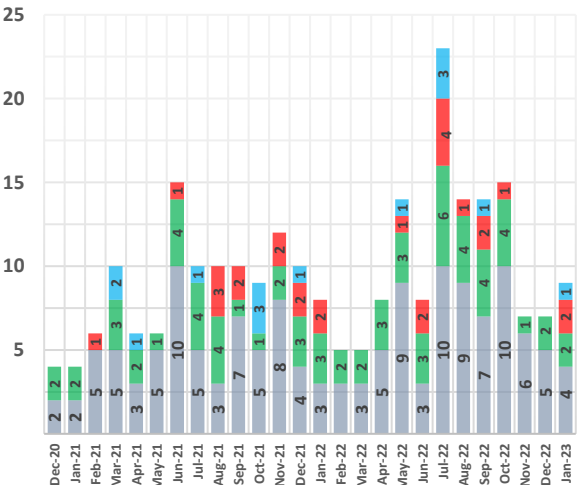
BATTERY & ASSAULT ON BART

Battery, Simple Assaults



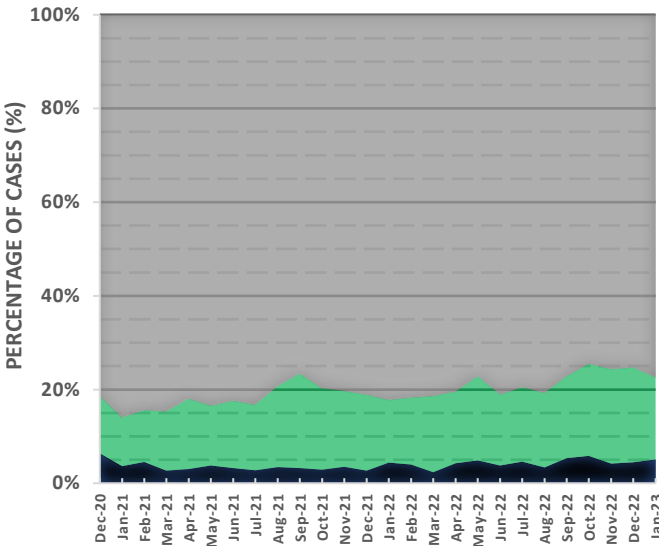
BICYCLE THEFT

Alameda Contra Costa San Francisco San Mateo Santa Clara



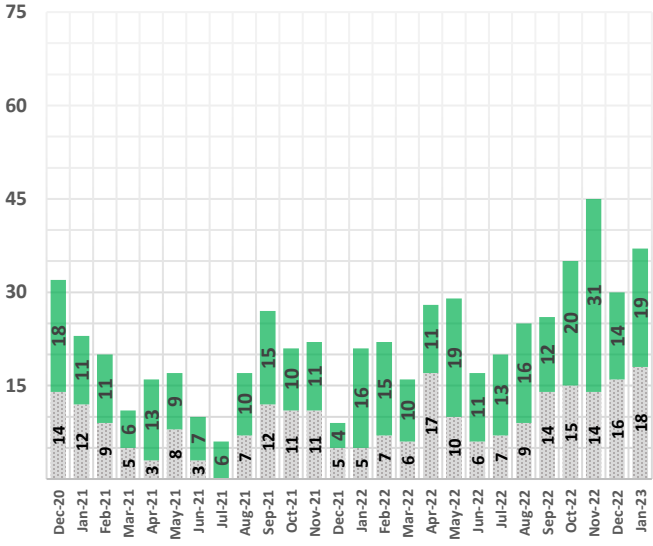
PART 1 CRIME OVERALL

Violent Crimes Property Crimes All other cases



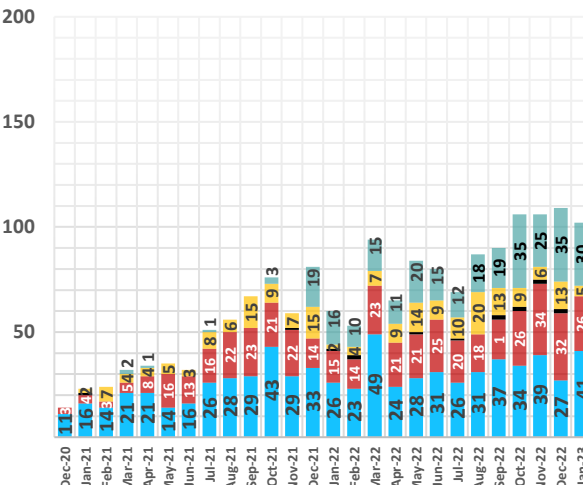
ELECTRONIC CRIMES

Robbery Theft



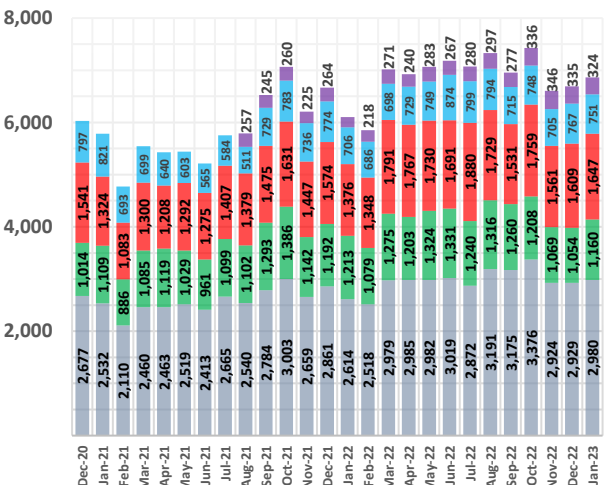
VEHICLE CRIME

Break-in Catalytic Wheel/Tires 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.

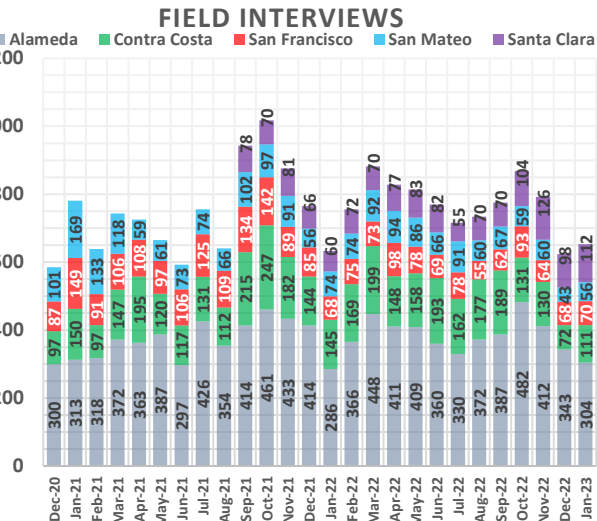
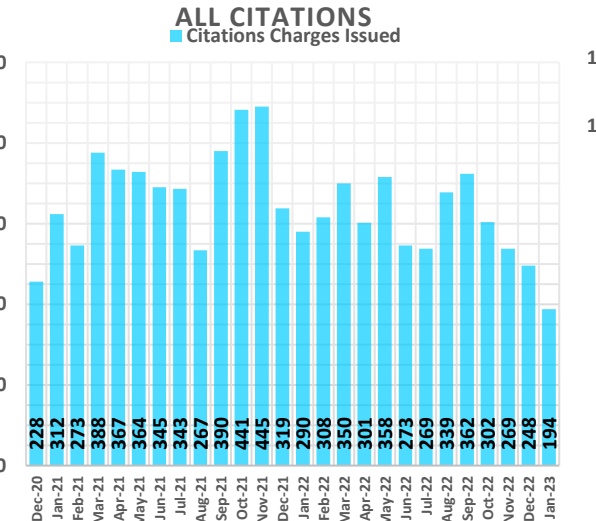
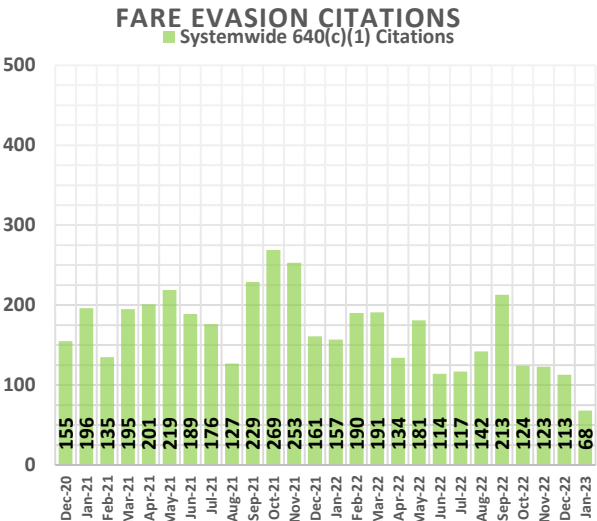
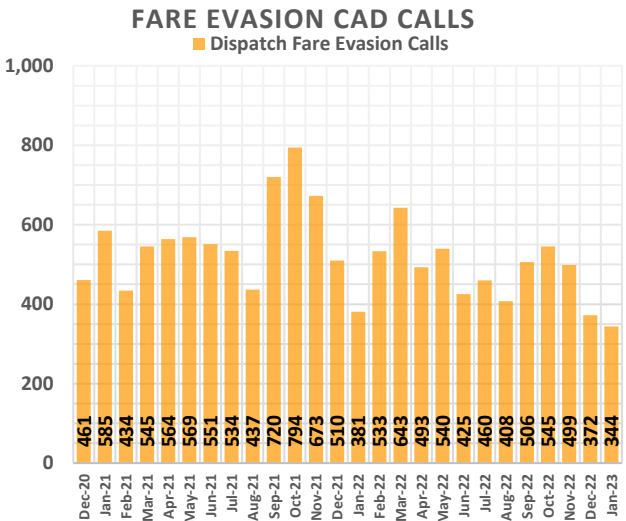
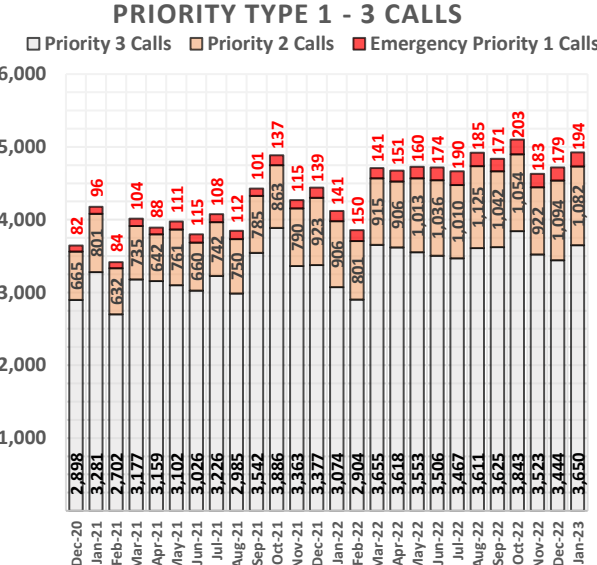
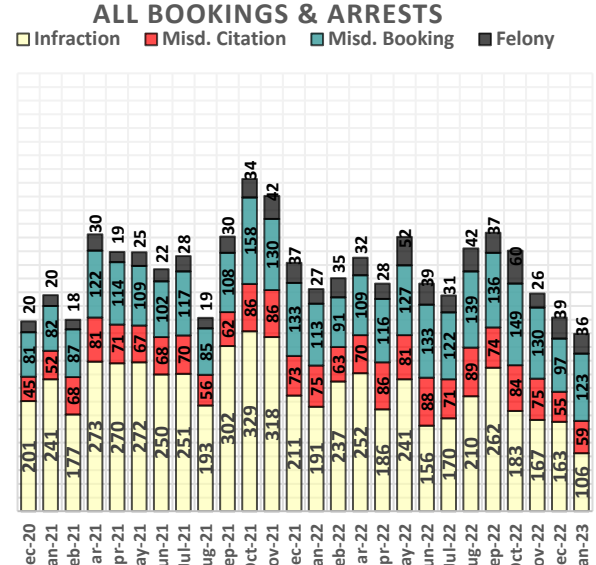
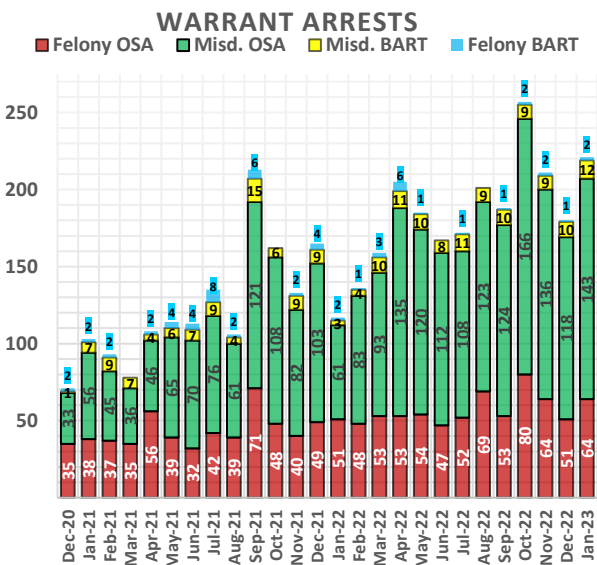
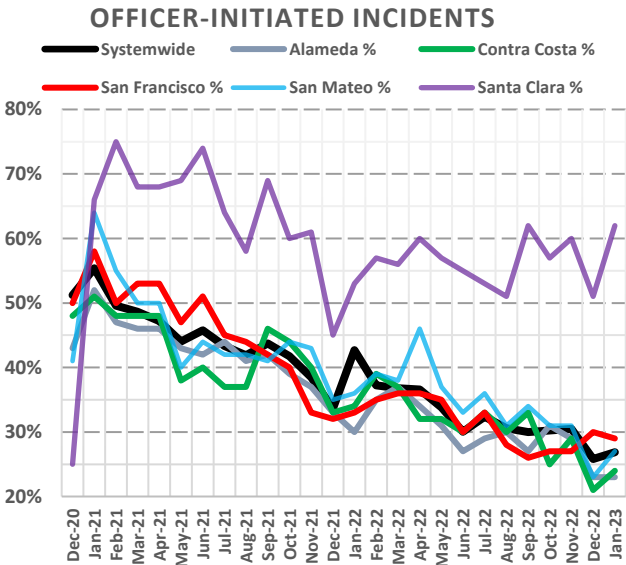
Late reporting, the reclassification or unfounding of crimes, may affect statistics. Infraction citations consist of all individual charges. Felony arrests, misdemeanor arrests and citations are based on each instance per individual



Bay Area Rapid Transit Police Department

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January 2023 Performance Measurement Review - **Systemwide**



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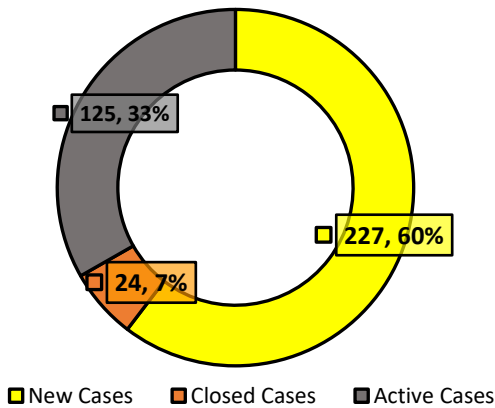


Bay Area Rapid Transit Police Department

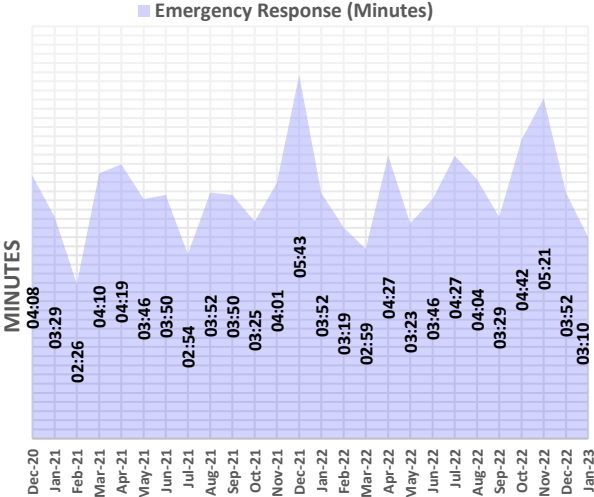
101 8th St, Oakland, CA, 94607 (510) 464-7000 www.bart.gov/police

January 2023 Performance Measurement Review - **Systemwide**

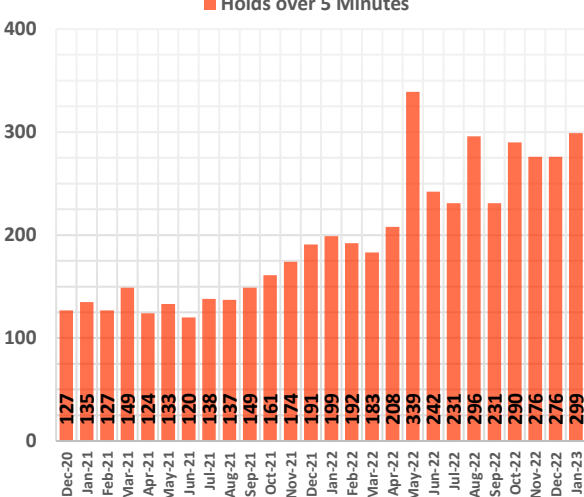
INVESTIGATIVE ASSIGNMENTS



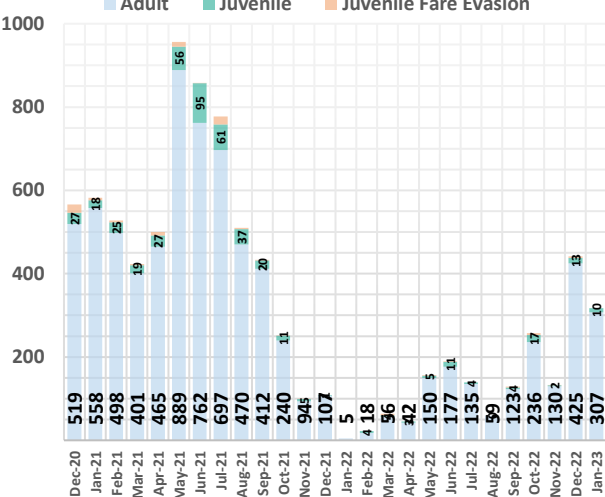
RESPONSE TIME (PRIORITY 1)



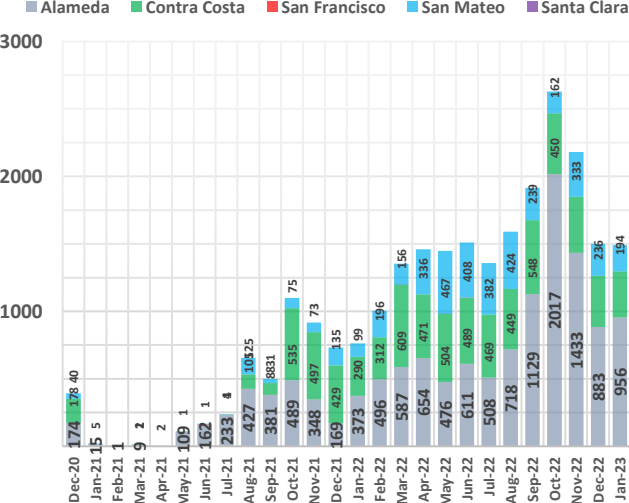
POLICE TRAIN HOLDS



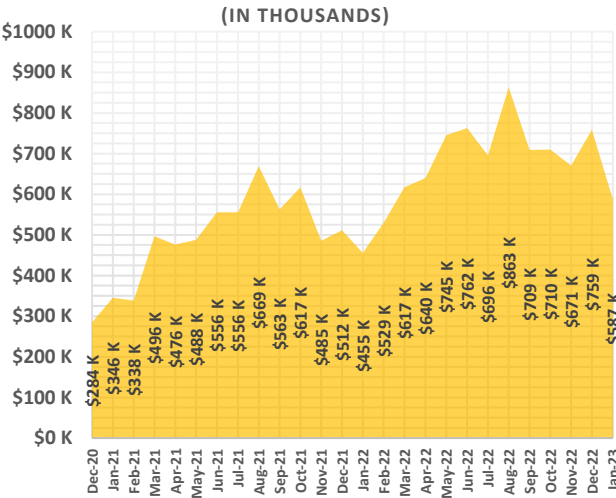
PROOF OF PAYMENT CITATIONS



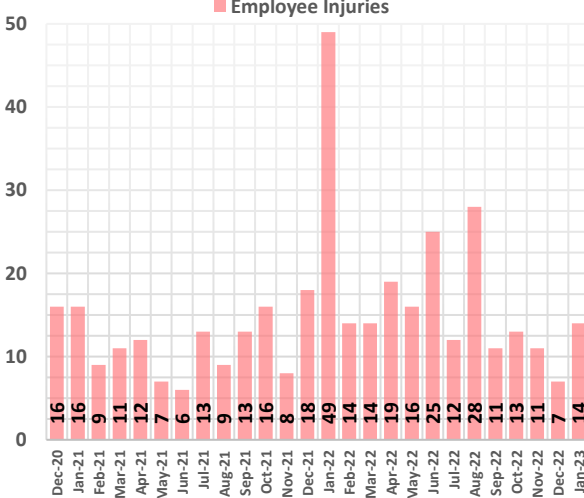
PARKING CITATIONS



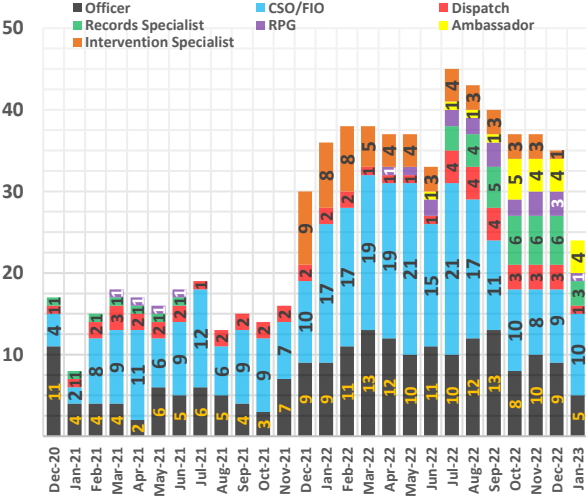
OVERTIME UTILIZATION



EMPLOYEE INJURIES



VACANCIES



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, can affect crime statistics. Overtime costs are projected numbers. Information provided on the reports are subject to change.

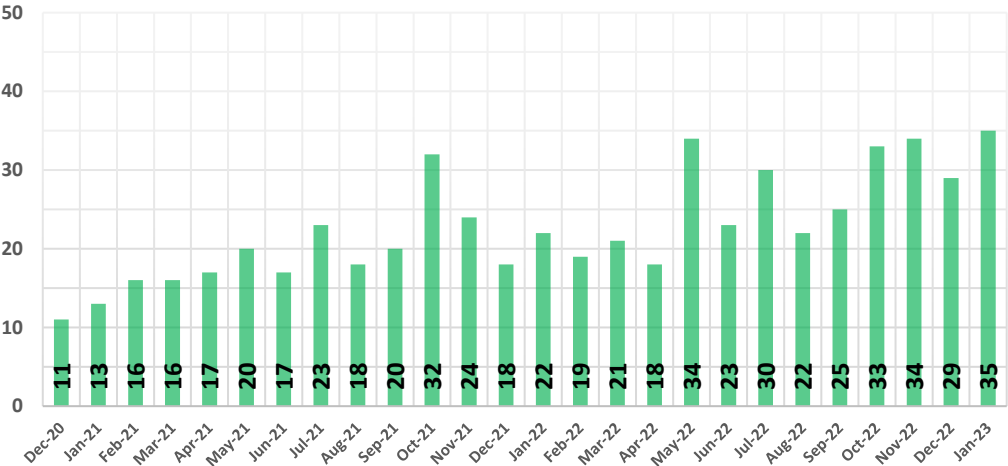


Bay Area Rapid Transit Police Department

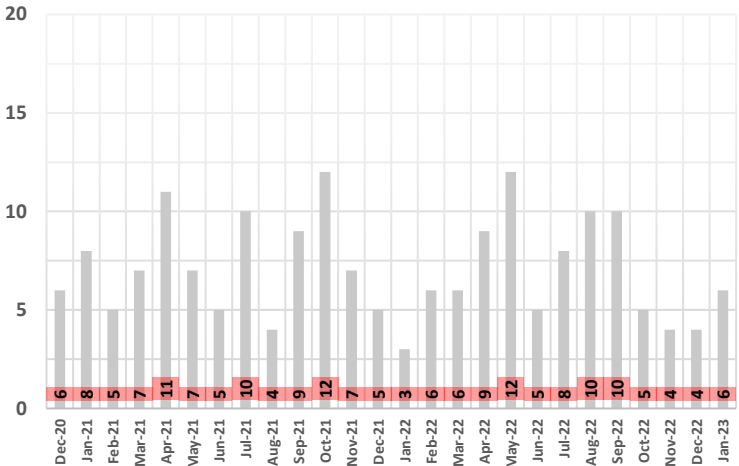
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January 2023 Performance Measurement Review - **Systemwide**

AB716 - PROHIBITION ORDERS

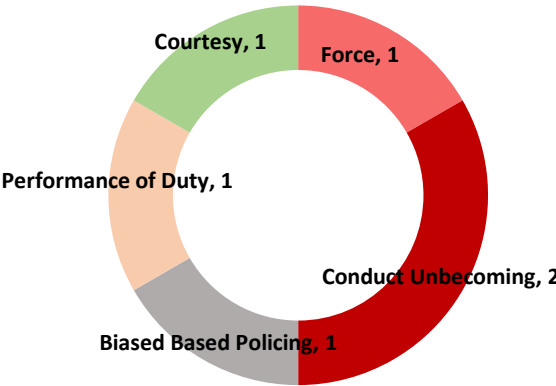


INTERNAL AFFAIRS COMPLAINTS



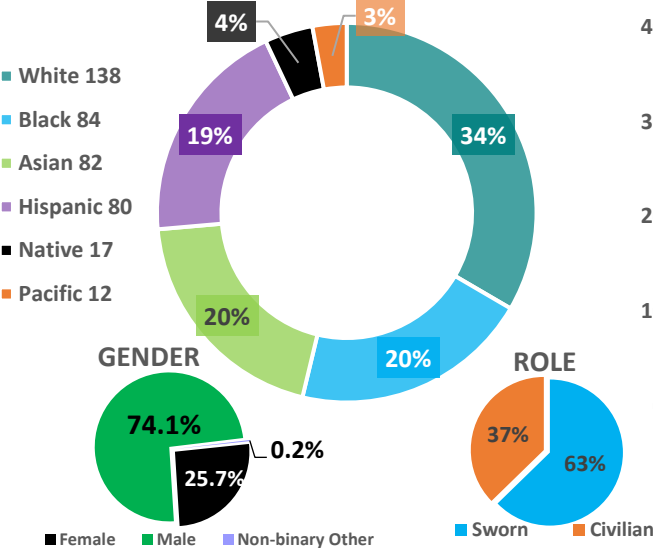
February 2023

IA COMPLAINTS RECEIVED¹

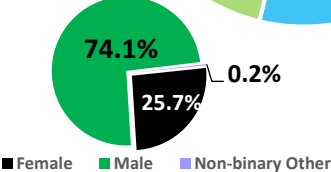


1: Each incident could contain more than one allegation. This chart reflects the most significant allegation per

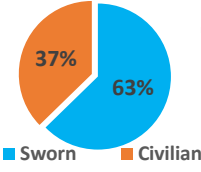
DEPARTMENT ETHNIC DIVERSITY



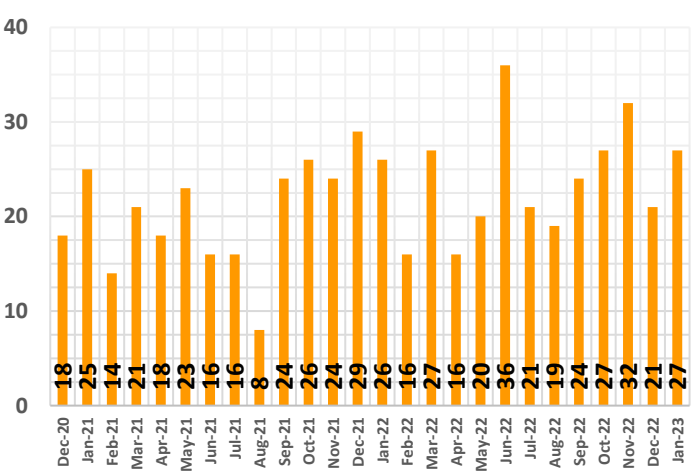
GENDER



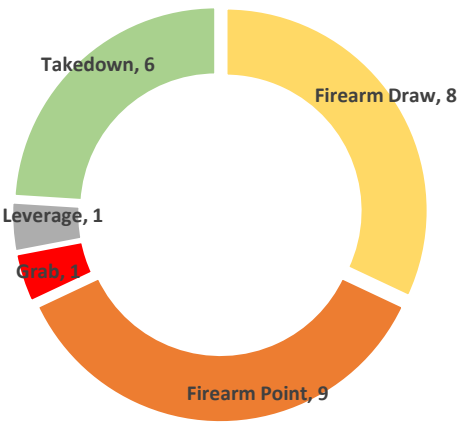
ROLE



USE OF FORCE INCIDENTS

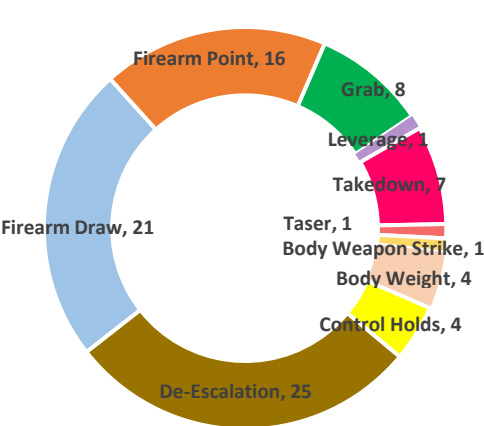


INCIDENT FORCE OPTIONS USED²



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

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January 2023

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
2023 CY	27												27
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
2020 CY	22	21	16	11	22	11	13	12	14	17	13	18	190
2023 YTD	27												
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	
2020 YTD	22	43	59	70	92	103	116	128	142	159	172	190	

BART PD Dispatch Communications Center													
Dispatch Center Calls	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2023 Calls for Service	7,012												7,012
2023 Priority 1 Calls	194												194
2023 Medical Emergencies	412												412
2023 Avg P1 Response Time	03:10												03:10
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
2021 Calls for Service	5,966	5,076	5,827	5,706	5,756	5,491	6,017	5,807	6,530	7,031	6,184	6,670	72,061
2021 Priority 1 Calls	96	84	104	88	111	115	108	112	101	137	115	139	1,310
2021 Medical Emergencies	266	191	193	193	197	181	209	195	228	232	199	294	2,578
2021 Avg P1 Response Time	03:29	02:26	04:10	04:19	03:46	03:50	02:54	03:52	03:50	03:25	04:01	05:43	03:49
2020 Calls for Service	7,470	6,753	6,086	4,242	5,583	4,770	5,319	6,008	5,715	5,835	5,678	5,499	68,958
2020 Priority 1 Calls	191	167	138	96	97	121	113	104	110	110	116	82	1,445
2020 Medical Emergencies	306	295	273	173	168	166	176	156	154	125	160	178	2,330
2020 Avg P1 Response Time	04:02	04:12	03:20	03:15	03:13	04:43	05:05	03:53	04:01	03:44	04:54	04:08	04:02



Bay Area Rapid Transit Police Department

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

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January 2023

Performance Measurement Review - **Systemwide**

BART PD Enforcement Contacts													
Felony Arrests	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2023 Felony Arrest	36												36
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
2020 Felony Arrest	51	23	24	21	21	28	23	21	38	22	29	20	321
2023 Felony Arrest YTD	36												
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	
2020 Felony Arrest YTD	51	74	98	119	140	168	191	212	250	272	301	321	
Misdemeanor Arrests	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2023 Misd. Arrest	123												123
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
2020 Misd. Arrest	124	101	103	81	114	73	99	95	126	91	89	81	1,177
2019 Misd. Arrest	138	169	147	142	127	101	108	119	92	115	89	118	1,465
2023 Misd. Arrest YTD	123												
2022 Misd. Arrest YTD	124	225	328	409	523	596	695	790	916	1,007	1,096	1,177	
2021 Misd. Arrest YTD	124	225	328	409	523	596	695	790	916	1,007	1,096	1,177	
2020 Misd. Arrest YTD	124	225	328	409	523	596	695	790	916	1,007	1,096	1,177	
Cite & Releases	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2023 Cite & Release	59												59
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
2020 Cite & Release	68	50	67	72	90	50	61	55	83	61	36	45	738
2023 Cite & Release YTD	59												
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	
2020 Cite & Release YTD	68	118	185	257	347	397	458	513	596	657	693	738	
Field Interviews	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2023 Field Interview	653												653
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
2020 Field Interview	719	787	585	346	665	464	538	766	696	629	663	603	7,461
2023 Field Interview YTD	653												
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	
2020 Field Interview YTD	719	1,506	2,091	2,437	3,102	3,566	4,104	4,870	5,566	6,195	6,858	7,461	
Combined Contacts	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2023 Monthly Enf. Contacts	871												871
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
2020 Monthly Enf. Contacts	962	961	779	520	890	615	721	937	943	803	817	749	9,697
2023 Enf. Contacts YTD	871												
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	
2020 Enf. Contacts YTD	962	1,923	2,702	3,222	4,112	4,727	5,448	6,385	7,328	8,131	8,948	9,697	



Bay Area Rapid Transit Police Department
101 8th St, Oakland, CA, 94607 (510) 464-7000 www.bart.gov/police
January 2023 Performance Measurement Review - **Systemwide**

BART PD Warrant Arrests													
Warrant Arrests	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2023 BART Felony	2												2
2023 BART Misdemeanor	12												12
2023 Outside Felony	64												64
2023 Outside Misdemeanor	143												143
2023 Monthly Total	221												221
2023 YTD Total	221												
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	
2020 BART Felony	0	2	0	0	0	2	4	4	0	6	2	2	22
2020 BART Misdemeanor	4	3	1	0	1	2	0	4	2	2	2	1	22
2020 Outside Felony	21	27	18	7	21	15	33	29	33	33	38	35	310
2020 Outside Misdemeanor	75	53	37	8	30	28	20	32	42	33	34	33	425
2020 Monthly Total	100	85	56	15	52	47	57	69	77	74	76	71	779
2020 YTD Total	100	185	241	256	308	355	412	481	558	632	708	779	



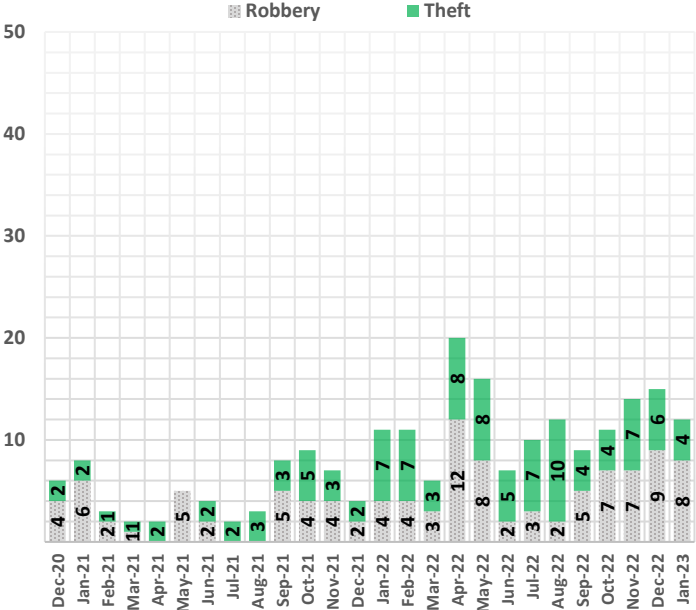
Bay Area Rapid Transit Police Department

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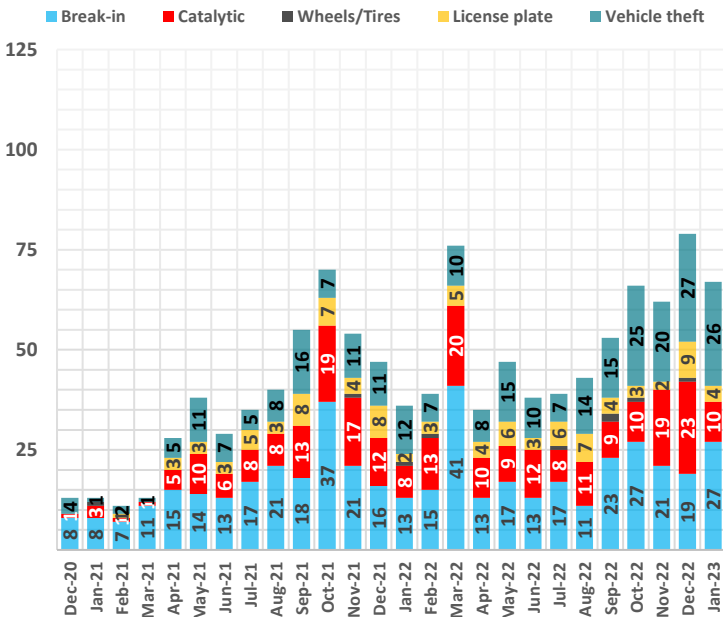
January 2023 Performance Measurement Review - Alameda County

PART 1 UCR Crime	2019	2020	2021	2022	YTD 2022	YTD 2023	PCT %
Homicide	1	0	0	1	0	0	-%
Rape	2	3	2	3	0	0	-%
Robbery	229	122	64	123	12	13	+8%
Aggravated Assault	52	54	34	63	3	5	+67%
Violent Crime Subtotal	284	179	100	190	15	18	+20%
Burglary (Structural)	13	9	6	10	0	0	-%
Larceny & Auto Burglary	1,634	577	472	627	34	49	+44%
Auto Theft	149	56	85	170	12	26	+117%
Arson	5	2	2	2	1	0	-100%
Property Crime Subtotal	1,801	644	565	809	47	75	+60%
TOTAL	2,085	823	665	999	62	93	+50%

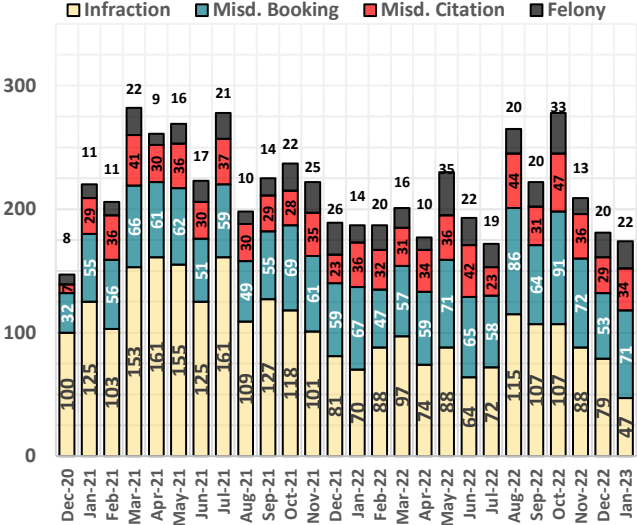
ALAMEDA ELECTRONIC CRIME



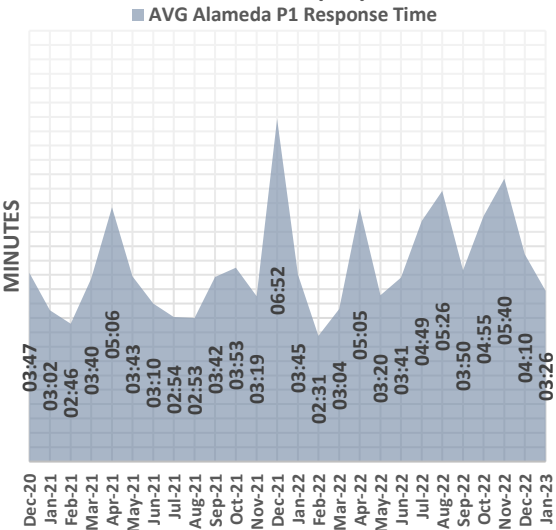
ALAMEDA VEHICLE CRIME



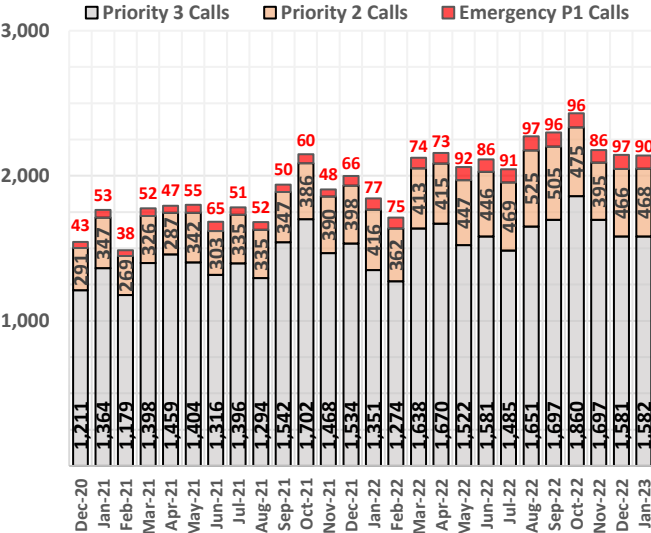
ALAMEDA ARRESTS & CITATIONS



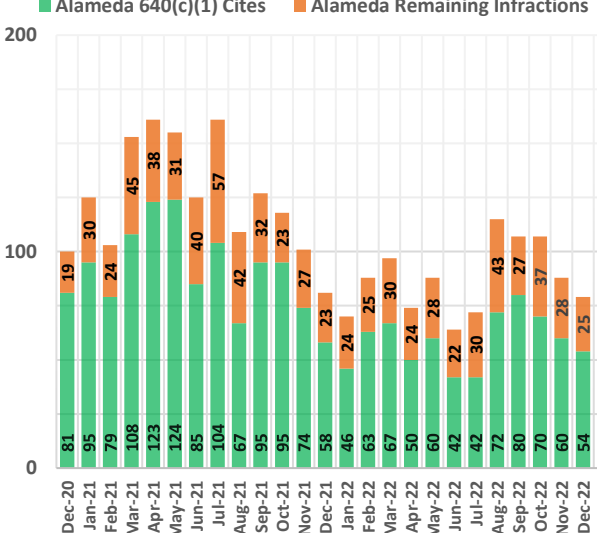
RESPONSE TIME (P1) AVG



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.

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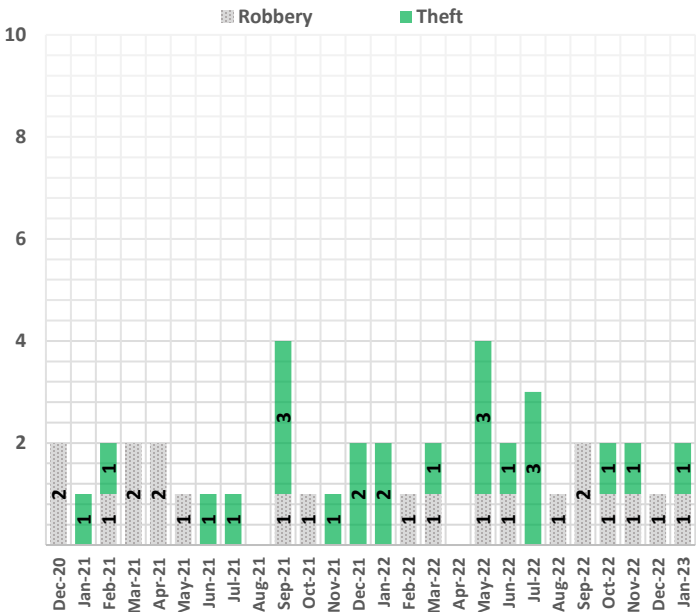
Bay Area Rapid Transit Police Department

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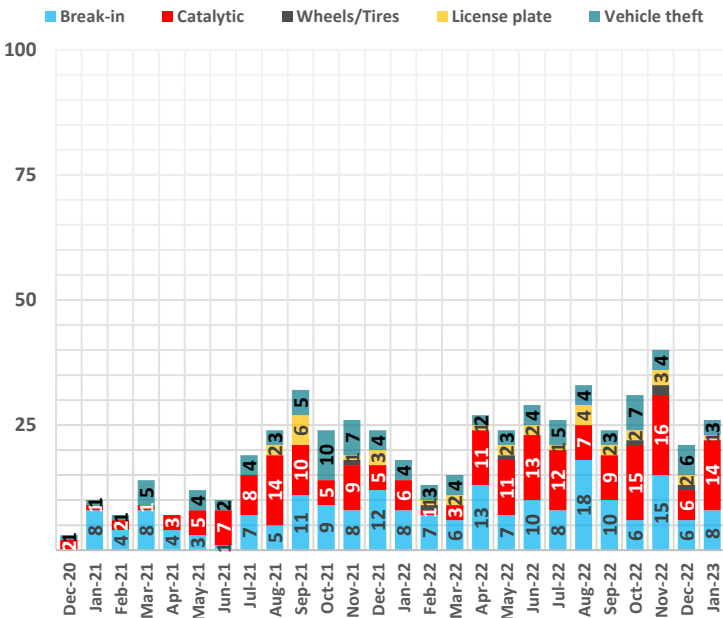
January 2023 Performance Measurement Review - Contra Costa County

PART 1 UCR Crime	2019	2020	2021	2022	YTD 2022	YTD 2023	PCT %
Homicide	0	0	0	0	0	0	-%
Rape	4	0	4	4	1	0	-100%
Robbery	34	23	19	23	1	3	+200%
Aggravated Assault	23	17	19	21	0	3	-%
Violent Crime Subtotal	61	40	42	48	2	6	+200%
Burglary (Structural)	2	1	1	4	0	0	-%
Larceny & Auto Burglary	592	202	226	328	19	26	+37%
Auto Theft	81	40	46	49	4	3	-25%
Arson	0	0	0	5	0	0	-%
Property Crime Subtotal	675	243	273	386	23	29	+26%
TOTAL	736	283	315	434	25	35	+40%

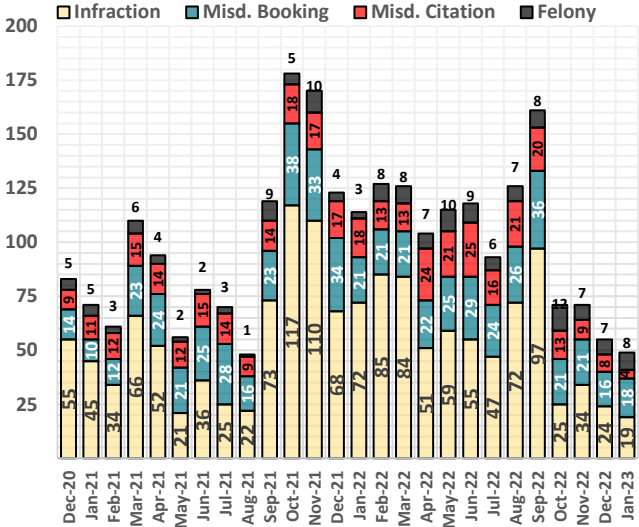
CONTRA COSTA ELECTRONIC THEFT



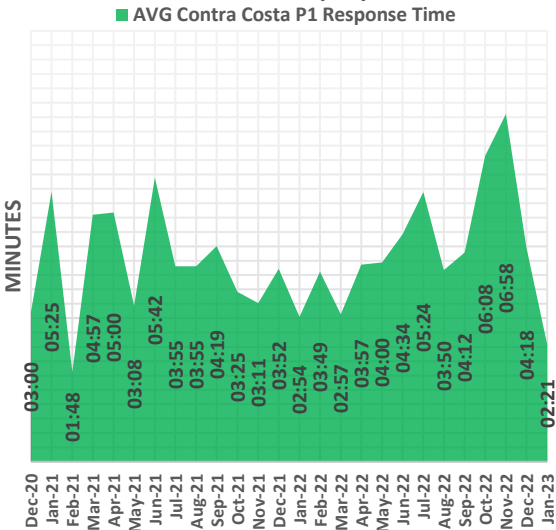
CONTRA COSTA VEHICLE CRIME



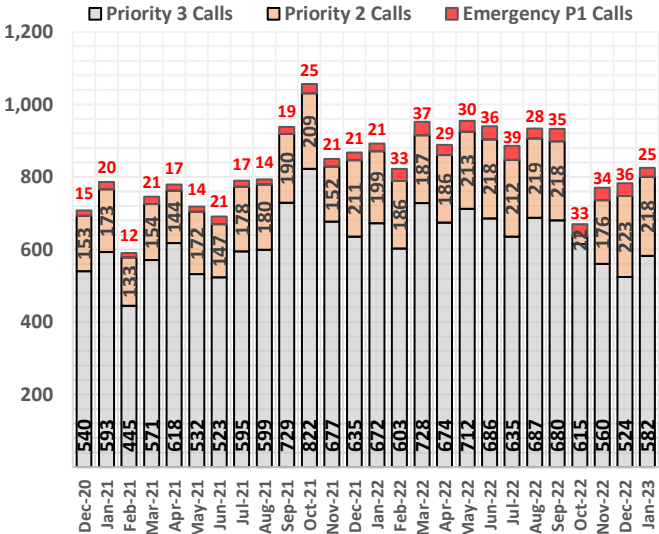
COCO ARRESTS & CITATIONS



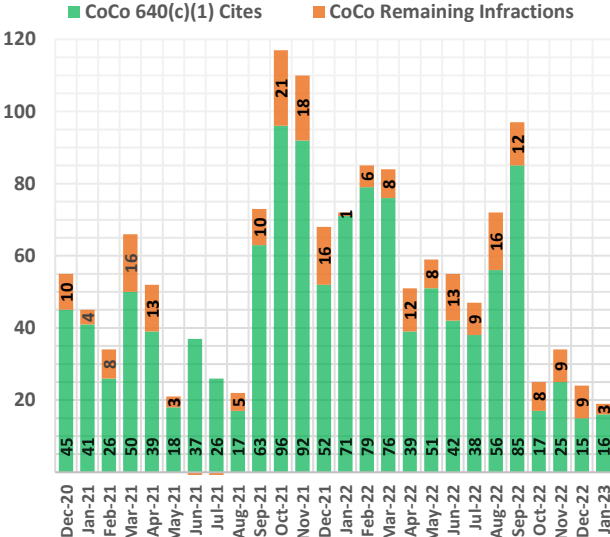
RESPONSE TIME (P1) AVG



COCO PRIORITY 1 - 3 CALLS



COCO FARE EVASION



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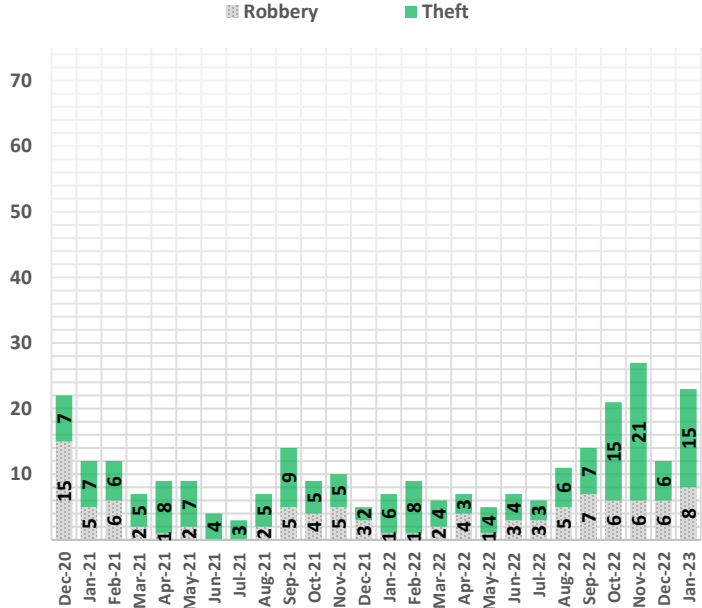
Bay Area Rapid Transit Police Department

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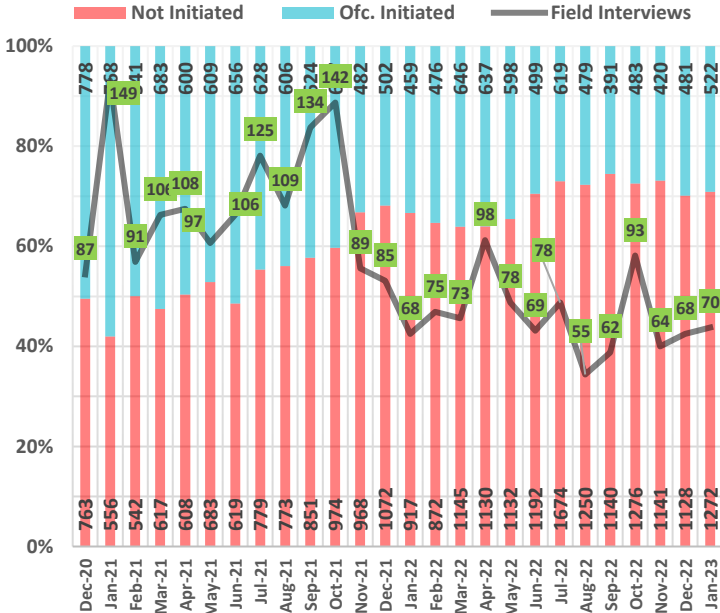
January 2023 Performance Measurement Review - San Francisco County

PART 1 UCR Crime	2019	2020	2021	2022	YTD 2022	YTD 2023	PCT %
Homicide	0	0	0	3	0	0	-%
Rape	0	4	1	0	0	0	-%
Robbery	104	101	47	66	2	10	+400%
Aggravated Assault	28	19	16	21	1	2	+100%
Violent Crime Subtotal	132	124	64	90	3	12	+300%
Burglary (Structural)	4	1	3	6	1	1	0%
Larceny & Auto Burglary	619	200	103	110	9	17	+89%
Auto Theft	1	0	0	0	0	0	-%
Arson	0	1	2	1	0	0	-%
Property Crime Subtotal	624	202	108	117	10	18	+80%
TOTAL	756	326	172	207	13	30	+131%

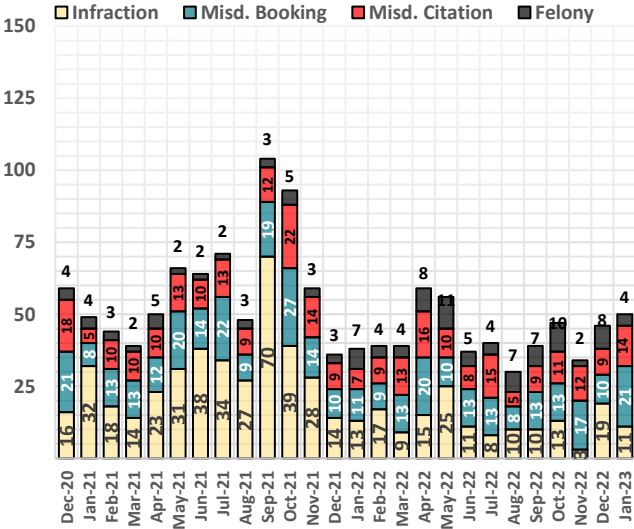
SAN FRANCISCO ELECTRONIC CRIMES



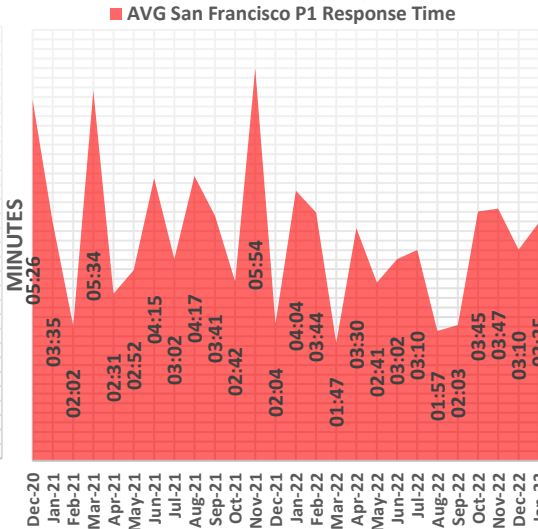
SF OFFICER-INITIATED INCIDENTS



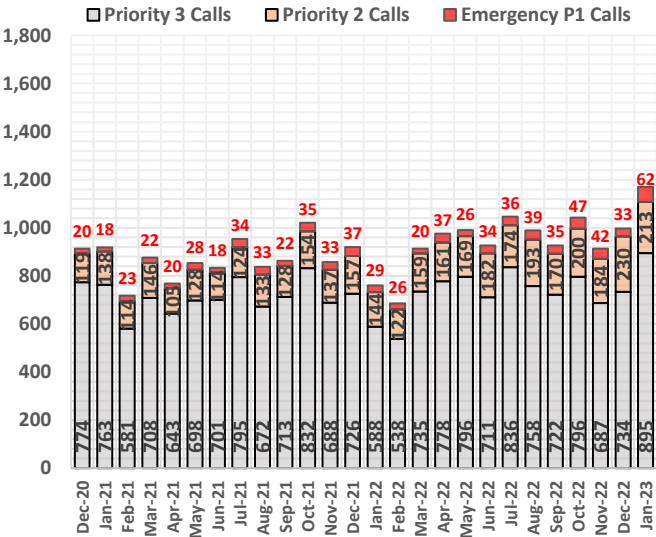
SF ARRESTS & CITATIONS



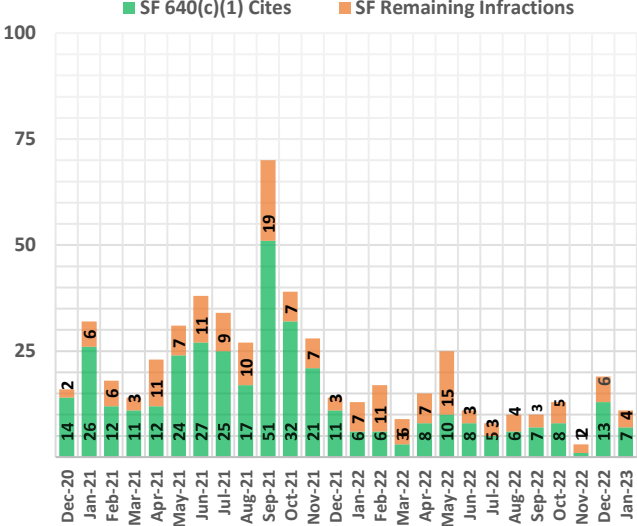
RESPONSE TIME (P1) AVG



SF PRIORITY 1 - 3 CALLS



SAN FRANCISCO FARE EVASION



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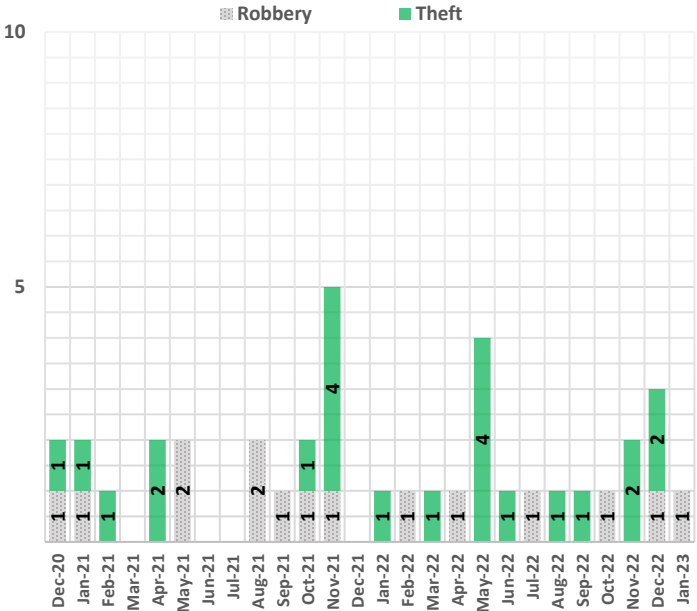
Bay Area Rapid Transit Police Department

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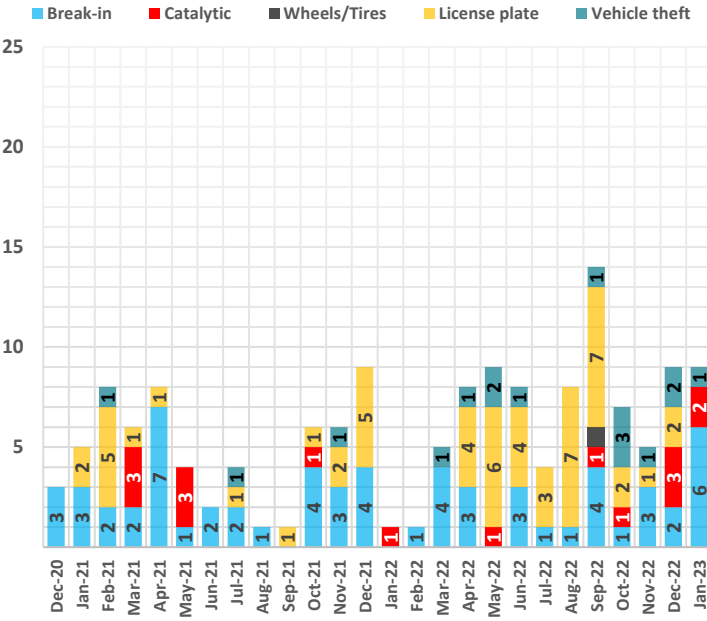
January 2023 Performance Measurement Review - **San Mateo County**

PART 1 UCR Crime	2019	2020	2021	2022	YTD 2022	YTD 2023	PCT %
Homicide	0	0	0	0	0	0	-%
Rape	1	1	1	0	0	0	-%
Robbery	13	6	10	14	2	1	-50%
Aggravated Assault	8	4	2	3	2	2	0%
Violent Crime Subtotal	22	11	13	17	4	3	-25%
Burglary (Structural)	0	1	1	1	0	0	-%
Larceny & Auto Burglary	332	75	81	87	4	11	+175%
Auto Theft	13	4	3	12	0	1	-%
Arson	0	1	1	1	0	0	-%
Property Crime Subtotal	345	81	86	101	4	12	+200%
TOTAL	367	92	99	99	8	15	+88%

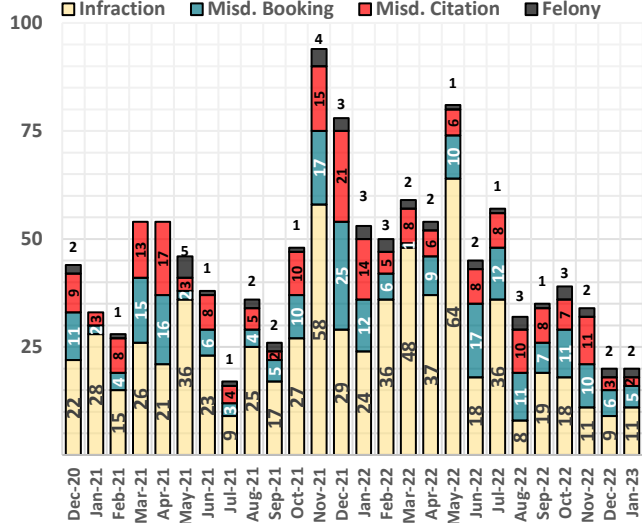
SAN MATEO ELECTRONIC CRIME



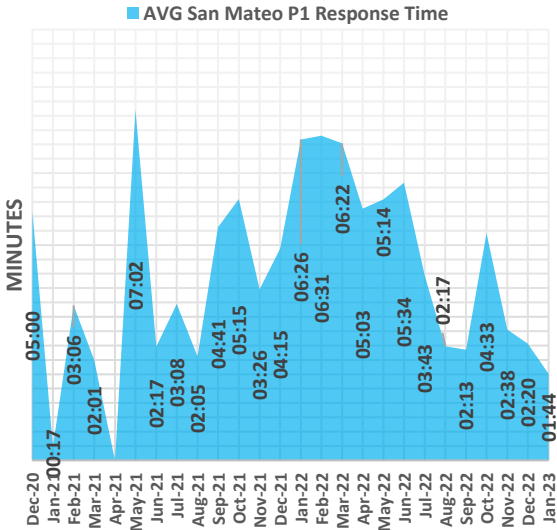
SAN MATEO VEHICLE CRIME



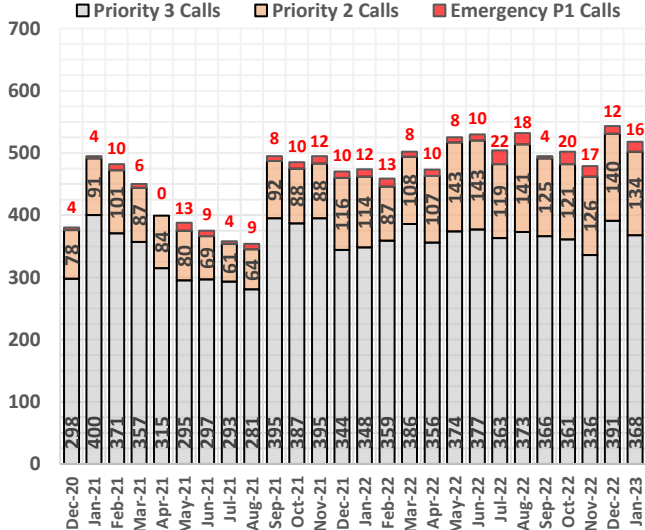
SMC ARRESTS & CITATIONS



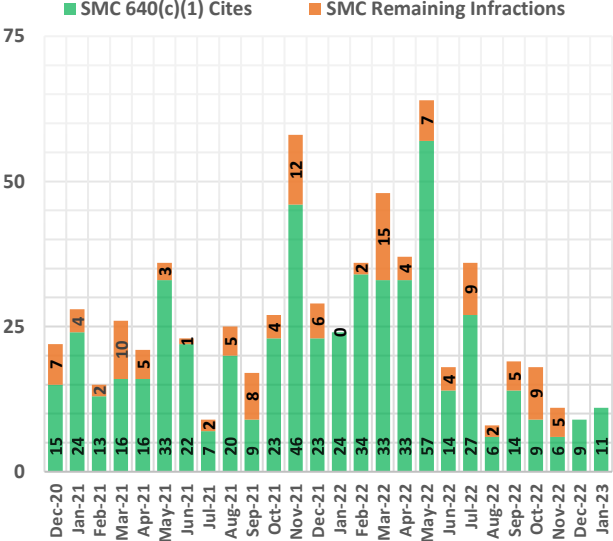
RESPONSE TIME (P1) AVG



SMC PRIORITY 1 - 3 CALLS



SMC FARE EVASION



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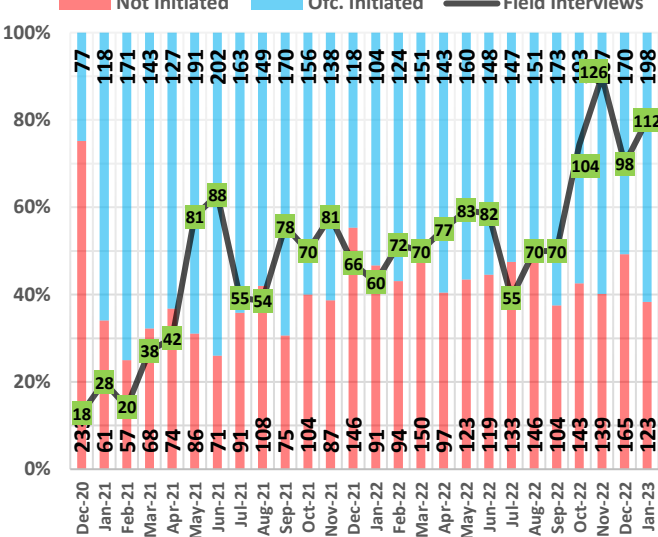
January 2023 Performance Measurement Review - Santa Clara County

PART 1 UCR Crime	2019	2020	2021	2022	YTD 2022	YTD 2023	PCT %
Homicide	-	-	0	0	0	0	-%
Rape	-	-	0	0	0	0	-%
Robbery	-	-	2	0	0	0	-%
Aggravated Assault	-	1	0	2	1	0	-100%
Violent Crime Subtotal	0	1	2	2	1	0	-100%
Burglary (Structural)	-	-	0	0	0	0	-%
Larceny & Auto Burglary	-	1	0	0	0	0	-%
Auto Theft	-	-	0	0	0	0	-%
Arson	-	-	0	0	0	0	-%
Property Crime Subtotal	0	1	0	0	0	0	-%
TOTAL	0	2	2	2	1	0	-100%

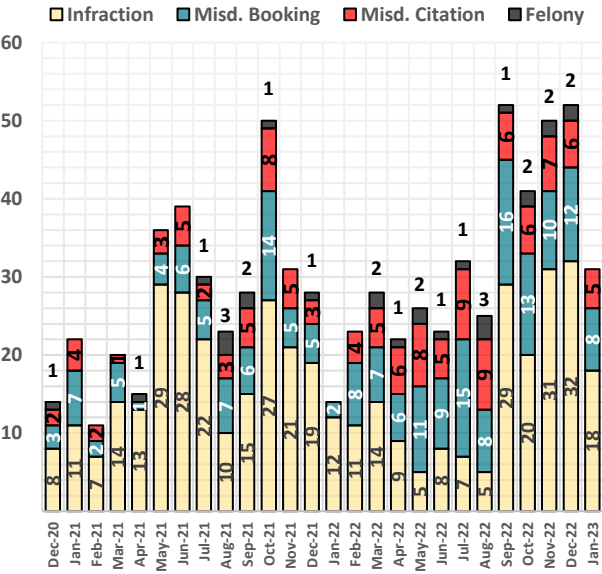
SANTA CLARA ELECTRONIC CRIME



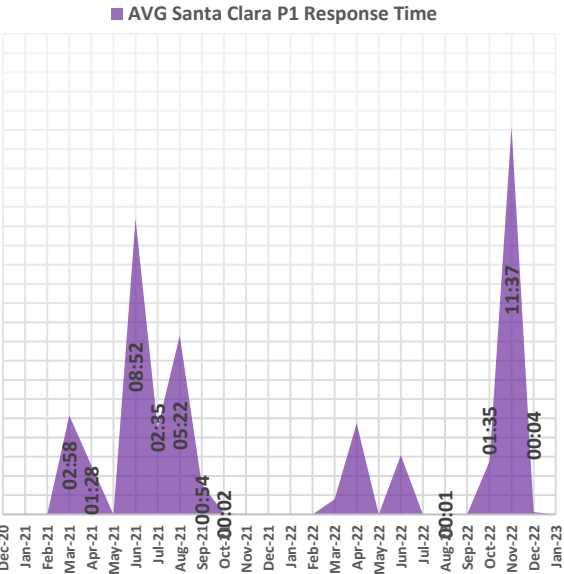
SCC OFFICER-INITIATED INCIDENTS



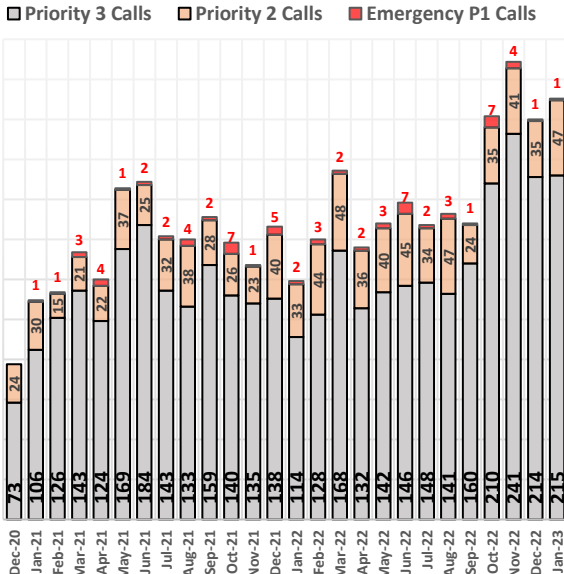
SCC ARRESTS & CITATIONS



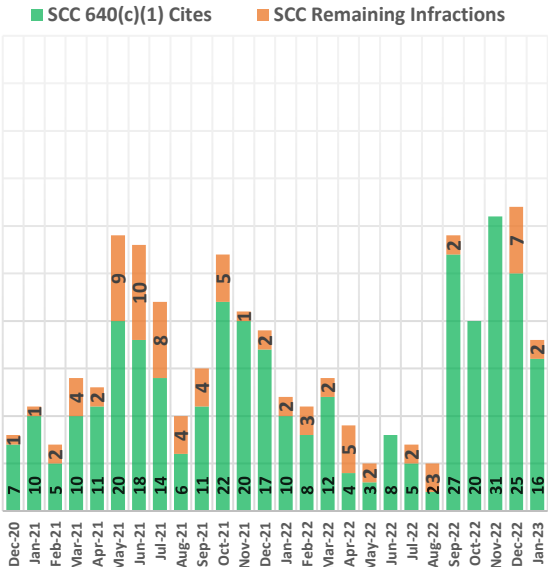
RESPONSE TIME (P1) AVG



SCC PRIORITY 1 - 3 CALLS



SCC FARE EVASION



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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
IA2018-001	1/3/2018	1/3/2018	Force (OIS)		Lt. Salas	Tolled	6/4/2018	
IA2018-060	7/22/2018	7/23/2018	Service Review		Lt. Salas	Tolled	12/23/2018	
IA2020-017	2/15/2020	2/15/2020	Force		Sgt. Spears	Tolled	7/16/2020	2/15/2021
IA2021-081	12/31/2019	10/13/2021	Force		Sgt. Turner	Tolled	3/14/2022	10/13/2022
IA2021-099	11/24/2021	11/26/2021	CUBO, Force		Sgt. Spears	In Progress	5/28/2022	11/26/2022
IA2022-006	2/8/2022	2/8/2022	POD, CUBO, BWC Violation		Sgt. Vuong	In Progress	7/10/2022	2/8/2023
IA2022-010	2/20/2022	3/2/2022	Arrest/Detention, Search or Seizure, CUBO, BBP		Sgt. Turner	In Progress	8/1/2022	3/2/2023
IA2022-011	3/2/2022	3/3/2022	POD, CUBO		Sgt. Turner	In Progress	8/2/2022	3/3/2023
IA2022-013	3/8/2022	3/8/2022	Force, BBP		Sgt. Turner	In Progress	8/13/2022	3/8/2023
IA2022-015	3/20/2022	3/21/2022	Force, CUBO		Sgt. Vuong	In Progress	8/20/2022	3/21/2023
IA2022-016	4/7/2022	4/7/2022	POD, CUBO	Admin Closure OIPA deferred to IA #22-12	Sgt. Vuong	In Progress	9/6/2022	4/7/2023
IA2022-017	4/9/2022	4/12/2022	POD		Sgt. Turner	In Progress	9/11/2022	4/12/2023

IA2022-018	12/30/2019	4/10/2022	Arrest/Detention, Policy/Procedure, Force, CUBO	OIPA deferred to IA #22-15	Sgt. Turner	In Progress	9/9/2022	4/10/2023
IA2022-019	4/11/2022	4/11/2022	BBP, BWC Violation	OIPA deferred to IA #22-14	Sgt. Vuong	In Progress	9/10/2022	4/11/2023
IA2022-020	4/12/2022	4/12/2022	BBP, Policy/Procedure	OIPA deferred to IA #22-16	Sgt. Turner	In Progress	9/13/2022	4/12/2023
IA2022-022	4/17/2022	4/17/2022	CUBO, BBP, BWC Violation		Sgt. Vuong	In Progress	9/17/2022	4/17/2023
IA2022-023	3/14/2022	3/14/2022	Force, CUBO		Sgt. Vuong	In Progress	8/13/2022	3/14/2023
IA2022-024	4/22/2022	4/22/2022	CUBO		Sgt. Turner	In Progress	9/21/2022	4/22/2023
IA2022-025	4/25/2022	4/25/2022	BBP, POD, BWC Violation, CUBO		Sgt. Vuong	In Progress	9/24/2022	4/25/2023
IA2022-027	4/30/2022	4/30/2022	Force, CUBO		Sgt. Vuong	In Progress	10/9/2022	4/30/2023
IA2022-030	11/22/2021	5/12/2022	POD, CUBO		Sgt. Turner	In Progress	10/11/2022	5/12/2023
IA2022-031	4/21/2022	4/21/2022	Force, CUBO		Sgt. Vuong	In Progress	10/15/2022	4/21/2023
IA2022-033	5/14/2022	5/20/2022	CUBO		Sgt. Turner	In Progress	10/19/2022	5/20/2023
IA2022-035	5/24/2022	5/24/2022	Force, BBP		Sgt. Vuong	In Progress	10/23/2022	5/24/2023
IA2022-036	5/26/2022	5/26/2022	POD		Sgt. Turner	In Progress	10/26/2022	5/26/2023
IA2022-037	5/23/2022	5/30/2022	Force, CUBO		Sgt. Vuong	In Progress	10/30/2022	5/30/2023

IA2022-038	5/30/2022	5/31/2022	Force, BBP		Sgt. Vuong	In Progress	10/30/2022	5/31/2023
IA2022-039	5/24/2022	5/24/2022	Force		Sgt. Turner	In Progress	10/23/2022	5/24/2023
IA2022-040	6/1/2022	6/1/2022	Force, POD, BWC Violation, Policy/Procedure, CUBO		Sgt. Turner	In Progress	11/5/2022	6/1/2023
IA2022-041	6/6/2022	6/7/2022	CUBO, Workplace Discrimination/ Harrassment		Sgt. Turner	In Progress	11/6/2022	6/7/2023
IA2022-042	6/3/2022	6/3/2022	Force, CUBO, Search, BBP		Sgt. Vuong	In Progress	11/2/2022	6/3/2023
IA2022-043	6/2/2022	6/8/2022	Force	Retained by OIPA #22-25	OIPA	OIPA Investigation	11/7/2022	6/8/2023
IA2022-044	6/15/2022	6/16/2022	POD, CUBO, Policy		Sgt. Vuong	In Progress	11/15/2022	6/16/2023
IA2022-045	5/4/2022	6/22/2022	Force, BBP, POD		Sgt. Turner	In Progress	11/21/2022	6/22/2023
IA2022-046	6/21/2022	6/22/2022	CUBO		Sgt. Turner	In Progress	11/22/2022	6/22/2023
IA2022-047	6/29/2022	6/30/2022	CUBO, POD, Policy/Procedure	OIPA deferred to IA #22-26	Sgt. Vuong	In Progress	11/29/2022	6/30/2023
IA2022-049	6/15/2022	7/2/2022	CUBO, POD, BWC Violation		Sgt. Vuong	In Progress	12/1/2022	7/2/2023
IA2022-050	7/4/2022	7/5/2022	Force, CUBO, Arrest/Detention, Policy/Procedure	OIPA deferred to IA #22-27	Sgt. Vuong	In Progress	12/4/2022	7/5/2023

IA2022-051	6/28/2022	7/1/2022	CUBO, POD		Sgt. Turner	In Progress	11/30/2022	7/1/2023
IA2022-052	7/12/2022	7/13/2022	CUBO, POD		Sgt. Turner	In Progress	12/12/2022	7/13/2023
IA2022-053	7/5/2022	7/5/2022	Force		Sgt. Vuong	In Progress	12/17/2022	7/5/2023
IA2022-054	7/21/2022	7/21/2022	Courtesy	S.R.	Sgt. Vuong	In Progress	12/21/2022	7/21/2023
IA2022-055		7/18/2022	Truthfulness, CUBO	OIPA deferred to IA #22-28	Sgt. Vuong	In Progress	12/17/2022	7/18/2023
IA2022-056	7/30/2022	7/30/2022	Policy/Procedure	OIPA deferred to IA #22-29 S.R. sent 2/09	Sgt. Turner	In Progress	12/29/2022	7/30/2023
IA2022-057	8/5/2022	8/5/2022	POD		Sgt. Turner	In Progress	1/4/2023	8/5/2023
IA2022-058	7/22/2022	8/1/2022	Force, CUBO		Sgt. Turner	In Progress	12/31/2022	8/1/2023
IA2022-059	8/9/2022	8/9/2022	CUBO, BBP, Arrest/Detention		Sgt. Turner	In Progress	1/8/2023	8/9/2023
IA2022-060	8/8/2022	8/8/2022	POD	Admin Closure	Sgt. Vuong	In Progress	1/7/2023	8/8/2023
IA2022-061	8/10/2022	8/10/2022	CUBO	S.R.	Sgt. Vuong	In Progress	1/9/2023	8/10/2023
IA2022-062	8/11/2022	8/11/2022	BBP, CUBO		Sgt. Turner	In Progress	1/10/2023	8/11/2023
IA2022-063	12/29/2021	8/17/2022	Arrest/Detention	OIPA deferred to IA #22-30	Sgt. Turner	In Progress	1/16/2023	8/17/2023

IA2022-064	8/20/2022	8/20/2022	Force		Sgt. Vuong	In Progress	1/20/2023	8/20/2023
IA2022-065	Unk	8/19/2022	Unknown	Admin closure	Sgt. Turner	In Progress	1/18/2023	8/19/2023
IA2022-066	8/19/2022	8/22/2022	Force, POD, CUBO		Sgt. Vuong	In Progress	1/21/2023	8/22/2023
IA2022-067	7/1/2022	9/1/2022	Bias-Based Policing		Sgt. Turner	In Progress	2/1/2023	9/1/2023
IA2022-068	9/1/2022	9/5/2022	Force, BBP		Sgt. Turner	In Progress	2/1/2023	9/5/2023
IA2022-069	9/5/2022	9/5/2022	Force		Sgt. Vuong	In Progress	2/4/2023	9/5/2023
IA2022-070	4/13/2022	9/6/2022	POD, Policy/Procedure	Retained by OIPA #22-32	OIPA	In Progress	2/5/2023	9/6/2023
IA2022-071	8/9/2022	9/13/2022	Force, CUBO Arrest/Detention		Sgt. Vuong	In Progress	2/12/2023	9/13/2023
IA2022-072	9/19/2022	9/19/2022	Force/BBP		Sgt. Turner	In Progress	2/18/2023	9/19/2023
IA2022-073	9/25/2022	9/27/2022	CUBO, BIAS, POD		Sgt. Vuong	In Progress	2/26/2023	9/27/2023
IA2022-074	9/13/2022	9/23/2022	POD	S.R.?	Sgt. Turner	In Progress	2/27/2023	9/23/2023
IA2022-075	9/24/2022	9/28/2022	Policy/Procedure		Sgt. Vuong	In Progress	2/27/2023	9/28/2023
IA2022-076	9/29/2022	9/29/2022	Policy/Procedure, Courtesy, Force, BBP, CUBO, Arrest/Detention	Retained by OIPA #22-34	OIPA	In Progress	2/28/2023	9/29/2023
IA2022-077	8/30/2022	9/30/2022	Force		Sgt. Turner	In Progress	3/1/2023	9/30/2023

IA2022-078	9/24/2022	9/24/2022	Bias-Based Policing		Sgt. Turner	In Progress	9/24/2022	9/24/2023
IA2022-079	10/13/2022	10/14/2022	Force, BWC		Sgt. Turner	In Progress	10/13/2022	10/14/2023
IA2022-080	3/19/2018	10/14/2022	POD, BBP, Policy/Procedure	Retained by OIPA #22-35	OIPA	In Progress	10/18/2022	10/14/2023
IA2022-081	10/17/2022	10/18/2022	Arrest/Detention, Force		Sgt. Vuong	In Progress	10/18/2022	10/18/2023
IA2022-082	8/29/2022	8/30/2022	Force, BBP		Sgt. Turner	In Progress	1/30/2023	8/30/2023
IA2022-083	9/16/2022	9/16/2022	Force, BBP, CUBO		Sgt. Turner	In Progress	3/21/2023	9/16/2023
IA2022-084	9/16/2022	10/24/2022	Force		Sgt. Vuong	In Progress	3/25/2023	10/24/2023
IA2022-085	10/20/2022	10/25/2022	CUBO		Sgt. Turner	In Progress	3/26/2023	10/25/2023
IA2022-086	11/8/2022	11/8/2022	Force		Sgt. Turner	In Progress	4/10/2023	11/8/2023
IA2022-087	11/2/2022	11/3/2022	CUBO		Sgt. Vuong	In Progress	4/10/2023	11/3/2023
IA2022-088	11/10/2022	11/10/2022	Arrest/Detention Force Search/Seizure Policy/Procedure Courtesy Bias Based Policing	OIPA deferred to IA #22-37	Sgt. Vuong	In Progress	4/17/2023	11/10/2023
IA2022-089	11/1/2022	11/17/2022	Arrest/Detention CUBO		Sgt. Vuong	In Progress	4/18/2023	11/17/2023

IA2022-090	12/28/2022	12/29/2022	BWC Policy/Procedure		Sgt. Vuong	In Progress	5/29/2023	12/29/2023
IA2022-091	10/24/2022	12/2/2022	Arrest/Detention		Sgt. Turner	In Progress	5/2/2023	12/2/2023
IA2022-092	12/3/2022	12/5/2022	Courtesy		Sgt. Vuong	In Progress	5/6/2023	12/5/2023
IA2022-093	12/6/2022	12/6/2022	CUBO		Sgt. Turner	In Progress	5/7/2023	12/6/2023
IA2022-094	11/30/2022	11/30/2022	CUBO, POD		Sgt. Turner	In Progress	5/21/2023	11/30/2023
IA2022-095		12/20/2022	BBP	Possible Admin Closure	Sgt. Turner	In Progress	5/21/2023	12/20/2023
IA2023-001	1/2/2023	1/3/2023	CUBO		Sgt. Turner	In Progress	6/7/2023	1/3/2024
IA2023-002	1/8/2023	1/9/2023	Arrest/Detention, BBP		Sgt. Turner	In Progress	6/10/2023	1/9/2024
IA2023-003	1/7/2023	1/8/2023	CUBO		Sgt. Turner	In Progress	6/9/2023	1/8/2024
IA2023-004	1/27/2023	1/27/2023	POD		Sgt. Turner	In Progress	6/28/2023	1/27/2024
IA2023-005	1/28/2023	1/30/2023	Courtesy	ssible clear by BV	Sgt. Vuong	In Progress	6/1/2023	1/30/2024
IA2023-006	1/26/2023	1/26/2023	Force		Sgt. Turner	In Progress	7/4/2023	1/26/2024

BART Watch - 2023

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Crime in Progress	40												40
Disruptive Behavior	357												357
Drug Use	0												0
Human Trafficking	2												2
Illegally Parked Vehicle	14												14
Aggressive Panhandling	17												17
Report a Crime Tip	7												7
Robbery/Theft	7												7
Sexual Assault/Lewd Behavior	15												15
Suspicious Activity	58												58
Unattended Bag or Package	19												19
Unsecure Door	6												6
Vandalism	51												51
Welfare Check	126												126
Unwanted Sex Harassment	4												4
Total	723	0	0	0	0	0	0	0	0	0	0	0	723
Text-a-Tip	693												693

Total Downloads: **108,269**



Office of the
**INDEPENDENT
POLICE AUDITOR**

BAY AREA RAPID TRANSIT DISTRICT

MONTHLY REPORT

January 2023

Issue date: March 13, 2023

This report is filed pursuant to the BART Citizen Oversight Model, Chapter 1-05 (B), which requires the Office of the Independent Police Auditor (OIPA) to submit reports to the BART Police Citizen Review Board (BPCRB). This report provides information for the period **January 1, 2023 through January 31, 2023**.¹ *(The Quantitative Report includes all complaints received and administrative investigations initiated by both OIPA and the BART Police Department (BPD) Internal Affairs Bureau (IA)).*

QUANTITATIVE REPORT

	Cases Filed ²	Open Cases ³	Investigations Resolved	OIPA Investigations Concluded ⁴	Cases Appealed to OIPA ⁵	Cases Appealed by BPCRB ⁶
January 2022	4	84	7	1	0	0
February 2022	6	81	9	1	0	0
March 2022	6	73	14	1	0	0
April 2022	10	79	6	1	0	0
May 2022	14	86	6	1	0	0
June 2022	8	87	7	1	0	0
July 2022	10	91	5	0	0	0
August 2022	10	85	17	2	0	0
September 2022	11	90	7	0	0	0
October 2022	5	82	13	1	0	0
November 2022	5	84	3	1	0	0
December 2022	5	86	3	0	0	0
January 2023	6	87	5	0	0	0

TYPES OF CASES FILED

Citizen Complaints (Formal)	6
Informal Complaints ⁷	0
Administrative Investigations	0
Inquiries ⁸	0
TOTAL	6

CITIZEN COMPLAINTS RECEIVED PER DEPARTMENT⁹

OIPA	1
BART Police Department	5
TOTAL	6

COMPLAINTS/INVESTIGATIONS INITIATED DURING REPORTING PERIOD

During January 2023, **1 Citizen Complaint** was received by OIPA:

Complaint # (OIPA Case #) (IA Case #)	Nature of Complaint	Action Taken	Days Elapsed Since Complaint Filed
1 (OIPA #23-01) (IA2023-002)	Officers #1-2: • Bias-Based Policing • Arrest/Detention	OIPA notified BPD which initiated an investigation.	63

During January 2023, **5 Citizen Complaints (Formal)** were received by BPD:

Complaint # IA Case #	Nature of Complaint	Action Taken	Days Elapsed Since Complaint Filed
1 (IA2023-001)	Officers #1-2: • Conduct Unbecoming an Officer	BPD initiated an investigation.	69
2 (IA2023-003)	Officer #1: • Conduct Unbecoming an Officer	BPD initiated an investigation.	64
3 (IA2023-004)	Officer #1: • Performance of Duty	BPD initiated an investigation.	45
4 (IA2023-005)	Employee #1: • Courtesy	BPD initiated an investigation.	44
5 (IA2023-006)	Officer #1: • Force	BPD initiated an investigation.	46

COMPLAINTS/INVESTIGATIONS CONCLUDED DURING REPORTING PERIOD

During January 2023, **5 Citizen Complaints** were concluded by BPD:

(IA Case #)	Nature of Complaint	Disposition	Days Elapsed Since Complaint Filed	Days Taken to Complete Investigation
1 (IA2022-004)	Officers used excessive force, one officer verbally humiliated complainant, and one officer improperly searched complainant.	Officers #1-3: • Force – Exonerated Officer #2: • Performance of Duty – Exonerated Officer #3: • Conduct Unbecoming an Officer – Unfounded	402	350

2 (IA2022-005)	Officer improperly detained and searched complainant and did so because of complainant's race and officer did not properly document a law enforcement contact.	Officer #1: • Bias-Based Policing – Unfounded* • Arrest/Detention – Sustained • Search/Seizure – Sustained • Policy/Procedure (Body Worn Camera) – Sustained	223	177
3 (IA2022-006)	Officer cancelled complainant's pending medical care and smiled while doing so.	Officer #1: • Performance of Duty – Not Sustained • Conduct Unbecoming an Officer – Not Sustained	223	177
4 (IA2022-011)	Officers were rude to complainant.	Officers #1-2: • Conduct Unbecoming an Officer – Unfounded	375	330
5 (IA2022-012)	Officer was rude to complainant during a law enforcement contact.	Officer #1: • Conduct Unbecoming an Officer – Unfounded	366	314

DISCIPLINE ISSUED DURING REPORTING PERIOD

During January 2023, BPD took the following actions in cases where one or more allegations of misconduct were sustained:

Case #	Nature of Sustained Allegation(s) †	Classification of Sustained Allegation(s)	Action Taken
1	Officer improperly detained and searched complainant and did not properly document a law enforcement contact.	Officer #1: • Arrest/Detention – Sustained • Search/Seizure – Sustained • Policy/Procedure (Body Worn Camera) – Sustained	Officers #1-2: • Written Reprimand ¹⁰

* OIPA requested a change to this investigative finding from Unfounded to Not Sustained. BPD agreed to the change but has not yet updated its records as of February 27, 2023. There are more details in the Additional Notes section of this report, below.

†Some details regarding the nature of sustained allegations may be withheld to avoid unintentionally breaching mandatory confidentiality requirements. In some instances, the relative infrequency of the alleged misconduct may tend to allow for identification of the subject officer in violation of the applicable CA Penal Code section (832.7).

ADDITIONAL NOTES

In accordance with the BART Citizen Oversight Model (Model), OIPA investigates certain complaints, conducts complainant-initiated appeals, and monitors and/or reviews complaint investigations conducted by BPD. Though potentially work-intensive, some complaint investigation reviews are completed informally, with any concerns being addressed through a conference with BPD's Internal Affairs investigators. Noting the various kinds of work that OIPA undertakes with regard to complaints and investigations, the following chart includes some of the pending cases in which OIPA is involved as of the end of this reporting period.

Investigations Being Conducted	7
Complainant-Initiated Appeals	0
BPD-Initiated Appeals	0
Investigations Being Monitored	18
Investigations Reviewed During Current Month	11†

†This number does not include all OIPA reviews, as OIPA commonly looks at a variety of cases in the Internal Affairs database to obtain updates on both pending and completed investigations.

The Model provides that OIPA shall have authority to require follow-up investigation into any citizen complaint or allegation that is handled by BPD.¹¹ The OIPA Monthly Report will reflect information regarding monitored cases with detail not to exceed that which is allowable under state law.

The investigations reviewed by OIPA during the period generated the following recommendations for revisions or additional investigation. OIPA identified issues related primarily to the performance of the BPD Office of Internal Affairs (IA). Specifically, OIPA detected some inconsistencies associated with the accuracy of investigative findings and allegations, and the maintenance of records in a small number of IA cases reviewed.

1. BPD Agreed to Change Investigative Finding from Unfounded to Exonerated

In one instance, OIPA opined that Internal Affairs (IA) inaccurately determined that an allegation of Conduct Unbecoming an Officer (CUBO) was Unfounded when the accurate determination should have been Exonerated.

The BPD Policy Manual provides that a personnel complaint shall be classified with an outcome of Unfounded when the investigation discloses that the alleged acts did not occur or did not involve department members. However, when the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper the complaint shall be classified as Exonerated.

In IA case #IA2022-003, the subject officer did make the comments that were alleged by the complainant to be inappropriate, but IA determined that the officer's comments were not unbecoming and did not violate BPD policy.

OIPA conveyed its opinion to the Chief of Police that because the officer made the comments, a finding of Unfounded is inaccurate. OIPA requested that IA change the findings and notify both the complainant and the subject officer of the revised finding.

After being notified of OIPA's concerns, BPD Chief Ed Alvarez responded that IA would change the finding to Exonerated, notify the parties, and update the case file and IA database.

2. BPD Confirmed Delivery of Supervisor Referral to Officer Prior to Officer's Retirement

OIPA noted that IA resolved one complaint investigation as a Supervisor Referral (SR), which provides that in instances involving an Informal Complaint, an assigned supervisor will address the complaint informally with the involved employee and document the content of the conversation in a memorandum to the IA Unit.

In IA case #IA2022-092, OIPA noted that IA elected to handle the complaint via SR even though the subject officer had retired from the department.

After being advised of the concern by OIPA, Chief Alvarez advised OIPA that the SR had been delivered to the subject officer prior to the officer's retirement from the department.

Although this is a satisfactory outcome with regard to the delivery of the SR, it highlighted the fact that documentation, including the required SR memorandum, were not attached to the database more than one month after closure of the complaint. This is problematic because OIPA relies on the accuracy of the IA database for its required reporting and for its review of IA's work product. Additionally, if OIPA had not informed BPD of the missing documentation, the case may have remained closed with an incomplete documentary record.

After being advised of the issue by OIPA, IA subsequently uploaded the required documentation reflecting that the SR was properly issued and properly acknowledged by the subject officer.

3. BPD Corrected Inaccurate Allegations and Did Not Prematurely Close Complaint

In IA case #IA2022-095, OIPA noted that the complainant alleged Bias-Based Policing and Rudeness, and the summary in the IA database indicated that the complaint would be administratively closed.

Of initial concern to OIPA was the fact that the IA database record for this complaint reflected no allegations of misconduct or policy violations despite clear written allegations submitted by the complainant alleging Racial Profiling/Bias-Based fare enforcement activity. As noted above, OIPA and the public rely on the accuracy of the IA database to reflect the number and nature of complaints received by IA.

The BPD policy manual provides that some allegations, after being received and documented may be summarily closed after the Chief of Police or his/her designee determines, based on a preliminary investigation, that further investigation is not warranted. Under these circumstances, the complaint will be administratively closed and documented in a summary memorandum to the IA case file. Employees will be documented as witnesses only, not as subjects to the complaint, and IA will send a letter to the complainant notifying them that the case was closed following a preliminary investigation. A complaint may be closed in this manner under circumstances including but not limited to when the complaint lacks specificity and the complainant either refuses to cooperate or becomes unavailable to provide information necessary to investigate the incident.

Here, IA appeared to have documented leaving one voicemail message and sending one email to the complainant at the same time as the assigned investigator documented an intention to close the case administratively. The IA database record also reflected that the decision to administratively close the complaint of Bias-Based Policing was made without any effort to review available video evidence. OIPA believes that the available video may have enabled IA investigators to reach an investigative conclusion even without the complainant's further participation in the investigative process as the complainant had already provided certain details and information during the intake process.

OIPA recommended that in situations such as this, IA should accurately record all allegations and conduct a more thorough preliminary investigation to, minimally, attempt identify the involved officer or employee and obtain relevant body worn and/or fixed video camera footage before administratively closing any complaint. OIPA also recommended that IA supervisors provide additional guidance to IA investigators about mitigating the deficiencies noted above.

After OIPA conveyed these concerns to Chief Alvarez, IA updated the database to reflect an allegation of Bias-Based policing against one (as yet) unknown employee and mailed a letter to the complainant requesting an interview. BPD also advised OIPA that the initial entries in the IA

database should have noted that the complaint *may* have been a candidate for administrative closure pending additional investigation, and that additional clarifying language has now been added to the internal database.

4. BPD Added Appropriate Allegations and Identified All Subject Employees

Internal Affairs investigated one complaint (#IA2022-079) in which it was alleged that a Fare Inspection Officer used excessive force during a contact, but the investigation did not address additional allegations that the employee was disrespectful and rude and refused to provide identification upon request as required by BPD policy.

There were other BPD employees present during the contact who failed to activate their body worn cameras which should have generated additional allegations and investigation by IA (leading to the potential imposition of discipline), but the IA database did not reflect that these potential policy violations were detected, recorded, or addressed by IA.

After being informed of these concerns by OIPA, BPD responded by updating the IA database to reflect the appropriate allegations against all involved BPD employees and IA transmitted appropriate notifications to all subject employees.

5. BPD Agreed to Change Investigative Finding from Unfounded to Not Sustained

In Internal Affairs case #IA2022-005, the subject officer was alleged to have searched the complainant based on the complainant's race. It was OIPA's opinion that Internal Affairs relied too heavily on the officer's own assertion that race was not a factor in the officer's decision-making process while the officer disregarded available evidence and information indicating that the subject was not involved in any criminal activity.

OIPA suggested that a more appropriate finding given the absence of more determinative evidence and the absence of body worn camera video due to the officer's failure to record the law enforcement contact as required by policy should result in a finding of Not Sustained. Such a finding is appropriate, according to the BPD policy manual, when the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the subject of the complaint.

After being informed of OIPA's opinion and concerns about the investigatory outcome, Chief Alvarez agreed to change the determination to Not Sustained[‡] and to update the records accordingly. These adjustments remained pending as of February 25, 2023.

6. Policy Consideration – Definition of Bias-Based Policing Allegation as Compared with Racial Animus

In an administrative investigation initiated by BPD, OIPA noted that the BPD initiated allegations of Bias-Based policing which were related to conduct that occurred amongst BPD employees and which was not related to the provision of law enforcement services. For this reason, OIPA suggested to the Chief that the appropriate allegations could have been Racial Animus, however the definition of bias-based policing in the BPD policy manual does not actually require that the conduct be related to policing or law enforcement activity. Though OIPA does not believe that the language in the BPD policy manual requires any adjustments to the allegations in this case, OIPA suggested that going forward BPD may consider applying allegations of Racial Animus where the conduct is unrelated to

[‡] The BPD policy manual provides that a finding of Not Sustained is appropriate when the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the BPD employee.

the provision of law enforcement services and OIPA also suggested that BPD consider a policy revision incorporating this concept.

In summary, OIPA conveyed concerns and made recommendations related primarily and importantly to the following issues in connection with its review of Internal Affairs' performance during this period:

- Reaching findings of Unfounded is appropriate only when the alleged conduct did not occur and is inappropriate when the conduct occurred but was within policy.
- The importance of maintaining or updating the Internal Affairs database such that each record is accurate and complete and such that all relevant documentation is attached.
- Properly identifying, recording, and investigating all allegations lodged by a complainant or all allegations that may surface during the course of an investigation.

It's important to note that the process of review by OIPA provides for the detection of issues such as those identified above and allows both OIPA and BPD to thoughtfully address and rectify those issues in order to improve BPD's internal accountability systems.

Chief Ed Alvarez and Deputy Chief Kevin Franklin have been consistently attentive to OIPA's concerns and have made themselves available for comprehensive discussions about the particulars of each of the concerns raised herein.

OIPA will remain vigilant in its review of IA's work and will remain in close contact with Chief Alvarez to address any issues or concerns going forward. It is our expectation that by remaining watchful and attentive and by working to ensure that BPD's internal accountability measures, including IA investigative processes, are effective we can mitigate conditions that might allow for the type of systemic breakdowns that can undermine community trust and impede the performance of the Department.

¹ In addition to reporting on complaints received by the BART Police Department, the Citizen Oversight Model requires reporting on all complaints received by the "Citizen Board, Office of the District Secretary, and other District departments." As complaints received by the BART Police Citizen Review Board are customarily directed to OIPA for further action, such complaints are included in the Quantitative Report above; OIPA is also made aware of additional complaints about the BART Police Department by the Office of the District Secretary or other District departments.

² This number includes all Citizen Complaints filed against members of the BART Police Department, as well as Administrative Investigations generated internally by BART Police Department members (as opposed to being filed by a citizen). This number also includes previously completed cases that have been re-opened during the current reporting period.

³ This number indicates all investigations that are open as of the end of the reporting period. It includes Citizen Complaints (regardless of whether the investigation is being conducted by OIPA, the BART Police Department, or both) and Administrative Investigations.

⁴ This number includes all cases completed by OIPA during the reporting period for which OIPA's findings are required by the BART Citizen Oversight Model to be submitted to the BART Police Citizen Review Board. It therefore includes independent investigations, as well as reviews of completed BART Police Department investigations initiated via appeal from a complainant. Unless otherwise noted, it does not include reviews of BART Police Department investigations initiated at the discretion of OIPA, which happen commonly and do not always generate a formal report; it also does not include reviews conducted by OIPA of complaint investigations where the complaint was filed with OIPA but did not fall under OIPA's investigative jurisdiction.

⁵ This number refers to appeals filed with OIPA by complainants who have been issued the findings of the BART Police Department's internal investigation into their complaint regarding on-duty incidents. OIPA has a responsibility to review such appeals pursuant to the BART Citizen Oversight Model, Chapter 1-04 (E).

⁶ This number refers to all appeals initiated by the BART Police Citizen Review Board after receiving and reviewing the findings issued by OIPA in a given case. The routes of all such appeals are described in detail in the BART Citizen Oversight Model, Chapter 1-04 (B) (iv-v).

⁷ The BART Police Department defines an Informal Complaint as, “A comment on the actions of a Department employee, where the reporting party expressly states that he or she does not feel that the matter should be formally investigated with the understanding that an Informal Complaint does not hold the potential to result in disciplinary action against the employee.” (BART Police Department Policy Manual, Policy 1020.1.1(d)).

⁸ BPD policy provides that if a person alleges or raises an issue that does not constitute a violation of Department policy, procedure, rules, regulations, or the law, the Department will classify the issue as an inquiry.

⁹ It is important to note that OIPA does not separate citizen complaints it receives into “Formal” and “Informal” classifications. This chart reflects all citizen complaints received by OIPA and all Formal Complaints received by the BART Police Department.

¹⁰ Written Reprimand (first level of formal discipline): If there have been no re-occurrences at the end of the time frames as determined by the collective bargaining agreement (up to 3 years), the immediate supervisor shall meet with the employee and advise him/her that the progressive discipline has become inactive and has been removed from the employee’s personnel files.

¹¹ OIPA may submit recommendations to IA regarding minor clerical or record-keeping adjustments which are intended to maintain the integrity of the data collection and record-keeping processes at BPD. These are not considered by OIPA to be substantive recommendations requiring reporting herein.