

San Francisco Bay Area Rapid Transit District

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



COMMITTEE MEETING AGENDA

Monday, March 11, 2024

4:00 PM

This Meeting will be held in-person and via simultaneous teleconference, with an option for public participation via teleconference. Please note that the BPCRB agenda was revised. BART Board Room, 2150 Webster Street, 1st Floor, Oakland, CA 94612. Zoom Link: <https://us06web.zoom.us/j/85179518861>

BART Police Citizen Review Board

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
2150 Webster Street, P.O. Box 12688, Oakland, CA 94604-2688

REVISED

NOTICE OF MEETING AND AGENDA
BART POLICE CITIZEN REVIEW BOARD

March 11, 2024

4:00 p.m.

A regular meeting of the BART Police Citizen Review Board (BPCRB) will be held on Monday, March 11, 2024, 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 West Branch, Reserved Room (See Librarian for Room Location)
1125 University Avenue
Berkeley, CA 94702

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 in the BART Board Room, 2150 Webster Street, 1st Floor, Oakland, California 94612, and via teleconference at the locations listed above.

Please refrain from wearing scented products (perfume, cologne, after-shave, etc.) to these meetings, as there may be people in attendance susceptible to environmental illnesses.

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 attend the BPCRB Meeting in person or join via Zoom by calling (833) 548-0282 (Toll Free) and entering access code 851 7951 8861; logging in to Zoom.com and entering access code 851 7951 8861; or typing the following Zoom link into your web browser:

<https://us06web.zoom.us/j/85179518861>

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 11, 2024, 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 851 7951 8861, 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 851 7951 8861, and use the raise hand feature; or join the BPCRB Meeting via the Zoom link (<https://us06web.zoom.us/j/85179518861>) 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 12, 2024. For Action.

Attachments: [Minutes of the Meeting of February 12, 2024](#)
3. 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.)
4. Reporting Out Announcement from BART Police Citizen Review Board (BPCRB) Subcommittees. For Discussion.
5. Independent Police Auditor's Report(s) (Verbal Report Only). For Discussion.
 - a. Office of the Independent Police Auditor (OIPA) Monthly Report(s) for January 2024.

6. Chief of Police's Report(s). For Discussion.
- a. BART Police Department's Monthly Report(s) for December 2023.
 - b. Review of the February 2024 Policy Updates.
 - c. BART Police Department's Bulletin No. 24-62: San Francisco Community Justice Center (CJC) Collaborative Court Program.

Attachments:

[2023-12 Monthly Chief's Report CRB 02282024](#)

[Inter-office Memorandum Form CRB Feb 2024](#)

[Policy Updates Feb 2024](#)

[338 Hate Crimes Draft](#)

[344 Report Preparation Draft](#)

[402 Bias-Based Policing Draft](#)

[428 Immigration Violations Draft](#)

[432 Patrol Rifle Operator Program Draft](#)

[463 Train Searches Draft](#)

[510 Vehicle Towing and Release Draft](#)

[600 Investigation and Prosecution Draft](#)

[806 Records Division Draft](#)

[1028 Special Assignments Draft](#)

[1035 Lactation Break Policy Draft](#)

[1053 Business Cards and Trading Cards Draft](#)

[300 Use of Force Draft 2024 02 21](#)

[318 Canines Draft](#)

[336 Victim and Witness Assistance Draft](#)

[24-62 San Francisco Community Justice Center Collaborative Court](#)

7. Closed Session.
- a. To Consider Public Employee Discipline/Dismissal/Release in Office of the Independent Police Auditor (OIPA) Case #23-14. 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/Committee matters. A request must be made within one and five days in advance of Board/Committee 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 12, 2024

A regular meeting of the BART Police Citizen Review Board (BPCRB) was held on February 12, 2024, convening at 4:02 p.m. at the following location: BART Board Room, 2150 Webster Street, 1st Floor, Oakland, California 94612. The meeting was called to order by Chairperson George Perezvelez; and Mag Tatum, Recording Secretary.

Chairperson George Perezvelez gave instructions on the in-person meeting, with an option for public participation via teleconference, accessing the presentation materials online, Public comments, and Members' remarks.

1. Call to Order.

The regular meeting was convened at 4:02 p.m. by Chairperson George Perezvelez.

Members Present in Oakland, CA:

Members Torin Fischer, Dana Lang,
Lester. M. Mensinger, Gabriel Rodrigues,
Sonja Shephard, William White and
George Perezvelez.

Absent:

Members Erin Armstrong, Todd Davis
and David Rizk.

The Pledge of Allegiance was recited.

2. Approval of Minutes of the Meetings of December 11, 2023, and January 8, 2024.

Vice Chairperson Lang moved that the Minutes of the Meetings of December 11, 2023, and January 8, 2024, be approved. Member Mensinger seconded the motion, which was carried by a roll call vote. Ayes – 7: Members Fischer, Lang, Mensinger, Rodrigues, Shephard, White, and Perezvelez. Noes – 0. Abstain – 0. Absent – 3: Member Armstrong, Davis, and Rizk. Vacant – 1.

3. Public Comment.

Chairperson Perezvelez called for Public Comments. Aleta Dupree addressed the Board.

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

Chair Perezvelez presented no new information regarding the various BART Police Citizen Review Board (BPCRB) Subcommittees.

5. Request for Allocation of Funds for BPCRB Training Expenses and Outreach Informational Materials (Chair Perezvelez and Vice Chair Lang’s Request).

Chair Perezvelez and Vice Chair Lang presented information regarding the Request for Allocation of Funds for BPCRB Training Expenses and Outreach Informational Materials. The information was discussed.

Chairperson Perezvelez called for Public Comments. Aleta Dupree addressed the Board.

Vice Chairperson Lang moved that the Request for Allocation of Funds for BPCRB Training Expenses and Outreach Informational Materials to ten thousand dollars (\$10,000), per fiscal year, “request that the Board of Directors increase the allocation of funds per fiscal year to the District Secretary’s Office budget for the purpose of increasing its budget for attendance to the NACOLE’s conference, continued training and community outreach from the currently allocated amount of \$3500 per fiscal year to \$10,000”, be approved. Member Shephard seconded the motion, which was carried by a roll call vote. Ayes – 7: Members Fischer, Lang, Mensinger, Rodrigues, Shephard, White, and Perezvelez. Noes – 0. Abstain – 0. Absent – 3: Member Armstrong, Davis, and Rizk. Vacant – 1.

6. Proposed Changes to the Presentation of Policy Updates from the BART Police Department to the BPCRB (Chair Perezvelez’s Request).

Chair Perezvelez presented the Proposed Changes to the Presentation of Policy Updates from the BART Police Department to the BPCRB. The item was discussed.

- a. Lexipol Policy No. 320 (Domestic Violence Lexipol major policy update per CA AB 818)
- b. Lexipol Policy No. 326 (Senior and Disability Victimization Lexipol major policy update per CA AB 1417)
- c. Lexipol Policy No. 338 (Hate Crimes Lexipol major policy update per CA AB 449)
- d. Lexipol Policy No. 344 (Report Preparation Updated to address cases held over and authorization)
- e. Lexipol Policy No. 401 (Police Radio Procedure Updated to fall in line with new patrol staffing)
- f. Lexipol Policy No. 602 (Sexual Assault Investigation Lexipol major policy update per CA SB 464)
- g. Lexipol Policy No. 1020 (Personnel Complaints Lexipol major policy update per CA SB 449)
- h. Lexipol Policy No. 1058 (Employee Speech, Expression and Social Networking Lexipol major policy update to remove redundancy in policy)

7. Chief of Police’s Reports.

- a. BART Police Department’s Monthly Report(s) for October 2023 and November 2023.
- b. Review of the Draft Lexipol Policy No. 300.5.2 for Level 2 – Use of Force Investigations.

Chief Kevin Franklin presented the BART Police Department’s Monthly Reports for October 2023 and November 2023, and the review of the Draft Lexipol Policy No. 300.5.2 for Level 2 – Use of Force Investigations. The reports were discussed.

Chairperson Perezvelez called for Public Comments. Aleta Dupree addressed the Board.

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

- a. Office of the Independent Police Auditor (OIPA) Monthly Report(s) for December 2023.
- b. OIPA Closed Session Procedures (Verbal Report Only).

Russell Bloom, Independent Police Auditor, presented the OIPA Monthly Report(s) for December 2023 and OIPA Closed Session Procedures (Verbal Report Only). The reports were discussed.

Member White moved to extend the BPCRB meeting timeframe to 6:15 p.m., to be approved. Vice Chairperson Lang seconded the motion, which was carried by a roll call vote. Ayes – 7: Members Fischer, Lang, Mensinger, Rodrigues, Shephard, White, and Perezvelez. Noes – 0. Abstain – 0. Absent – 3: Member Armstrong, Davis, and Rizk. Vacant – 1.

Member Mensinger moved to extend the BPCRB meeting timeframe to 6:30 p.m., to be approved. Chairperson Perezvelez seconded the motion, which was carried by a roll call vote. Ayes – 7: Members Fischer, Lang, Mensinger, Rodrigues, Shephard, White, and Perezvelez. Noes – 0. Abstain – 0. Absent – 3: Member Armstrong, Davis, and Rizk. Vacant – 1.

Chairperson Perezvelez called for Public Comments. Aleta Dupree addressed the Board.

9. Review of Draft Language and Definitions for BART Police Department's Lexipol Policy 300 – Use of Force (Chair Perezvelez's Request).

Chairperson Perezvelez continued the Review of Draft Language and Definitions for BART Police Department's Lexipol Policy 300 – Use of Force item to a future meeting date.

10. Creation of BART Police Citizen Review Board - Citizen Oversight Model Review Ad hoc Subcommittee and Selection and Appointment of Members to the Subcommittee (Chair Perezvelez's Request).

Chairperson Perezvelez presented information regarding the Creation of the BART Police Citizen Review Board - Citizen Oversight Model Review Ad hoc Subcommittee and the Selection and Appointment of Members to the Subcommittee. The item was discussed.

Chairperson Perezvelez moved that the Creation of the BART Police Citizen Review Board - Citizen Oversight Model Review Ad hoc Subcommittee and the Selection of and Appointment of Members George Perezvelez, Gabriel Rodrigues, and William White to the Adhoc Subcommittee, be approved. Member Shephard seconded the motion, which was carried by a roll call vote. Ayes – 7: Members Fischer, Lang, Mensinger, Rodrigues, Shephard, White, and Perezvelez. Noes – 0. Abstain – 0. Absent – 3: Member Armstrong, Davis, and Rizk. Vacant – 1.

Chairperson Perezvelez announced that the Board would enter into a closed session under Item 11-A (Public Employee Discipline/Dismissal/Release in OIPA Case #23-16 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 6:29 p.m.

The Meeting reconvened in Closed Session at 6:30 p.m.

11. Closed Session.

- a. To Consider Public Employee Discipline/Dismissal/Release in Office of the Independent Police Auditor (OIPA) Case(s) #23-16. Govt. Code §54957.

Members Present in Oakland, CA: Members Torin Fischer, Dana Lang,
George Perezvelez, Lester M. Mensinger,
Gabriel Rodrigues, Sonja Shephard, and William White.

Absent: Members Erin Armstrong, Todd Davis, and
David Rizk.

12. Open Session.

The Meeting reconvened into an Open Session at 7:00 p.m.

Chairperson Perezvelez announced that the Board voted to accept the findings in OIPA Case #23-16.

13. Adjournment.

The Meeting was adjourned at 7:01 p.m.

BART POLICE DEPARTMENT



December 2023

MONTHLY REPORT



Bay Area Rapid Transit Police Department

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

December 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	4	1	-75%
Rape	3	7	5	8	7	7	7	0%
Robbery	345	378	252	143	225	225	235	+4%
Aggravated Assault	130	112	95	71	114	114	154	+35%
Violent Crime Subtotal	481	499	352	222	350	350	397	+13%
Burglary (Structural)	18	16	12	11	23	23	25	+9%
Larceny & Auto Burglary	2,565	3,177	1,038	882	1,118	1,118	1,497	+34%
Auto Theft	348	247	100	134	231	231	671	+190%
Arson	4	4	4	5	10	10	4	-60%
Property Crime Subtotal	2,935	3,444	1,154	1,032	1,382	1,382	2,197	+59%
TOTAL	3,416	3,943	1,506	1,254	1,732	1,732	2,594	+50%

Part 1 Crimes: Top Five Stations

December 2023

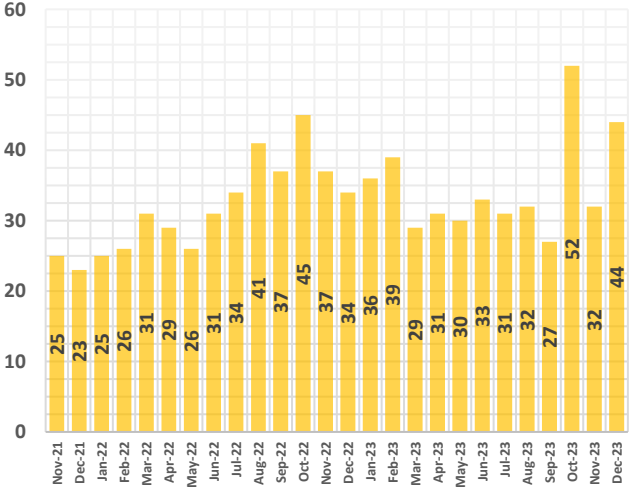
M10/OWS M50/BFS K30/MAS C60/CDS M60/TF5

Full Year 2022

A30/COS A60/HAS M10/OWS A10/LMS A20/FVS

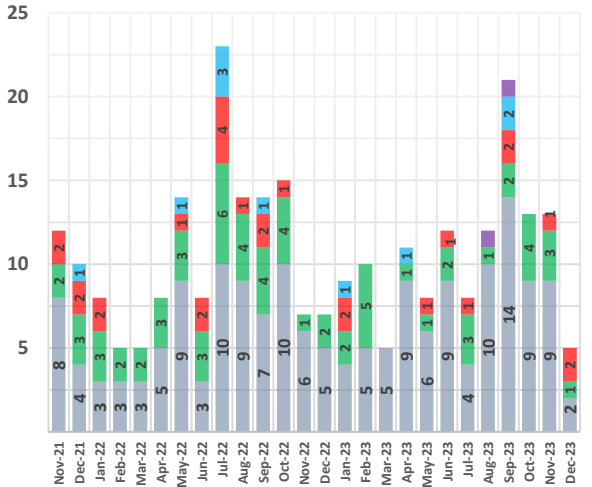
BATTERY & ASSAULT ON BART

Battery, Simple Assaults 04e



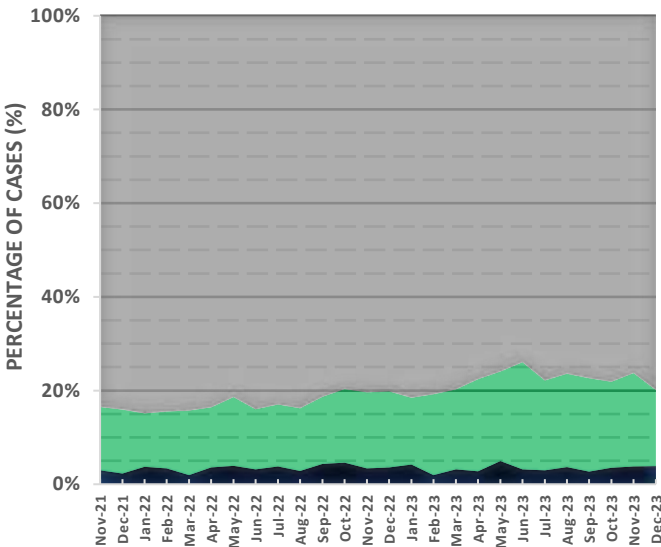
BICYCLE THEFT

Alameda Contra Costa San Francisco San Mateo Santa Clara



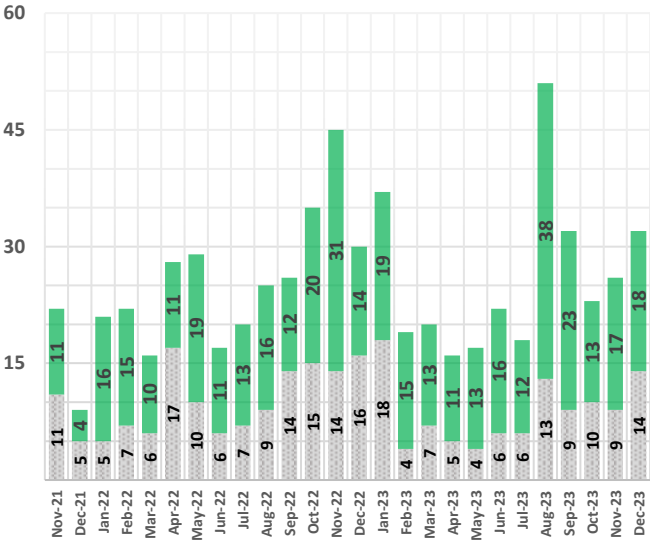
PART 1 CRIME OVERALL

Violent Crimes Property Crimes All other cases



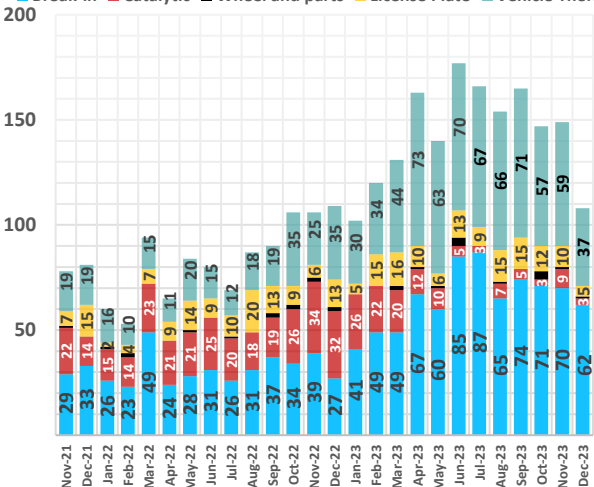
ELECTRONIC CRIMES

Robbery Theft



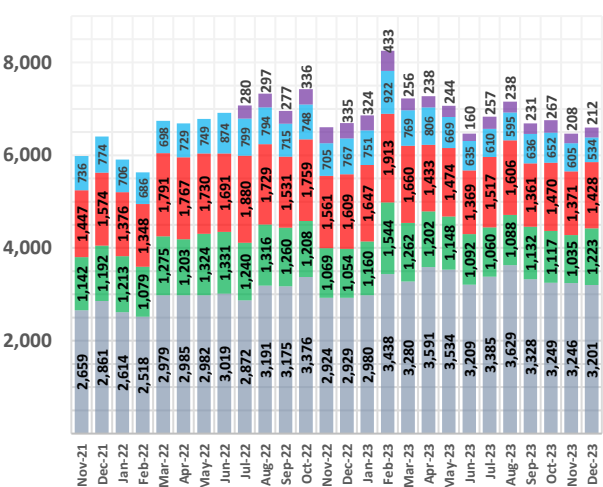
VEHICLE CRIME

Break-in Catalytic Wheel and parts 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



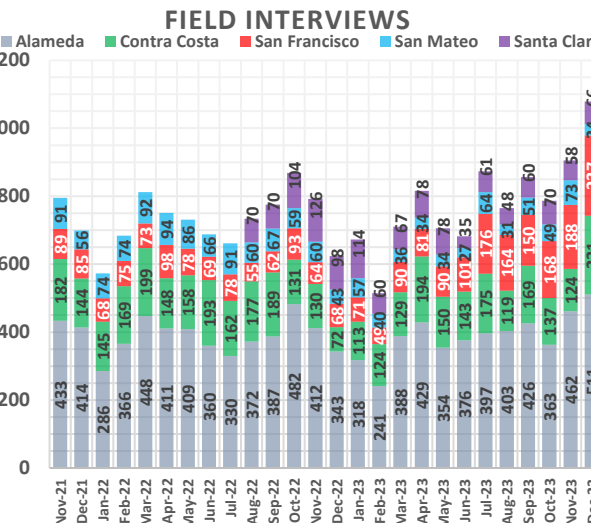
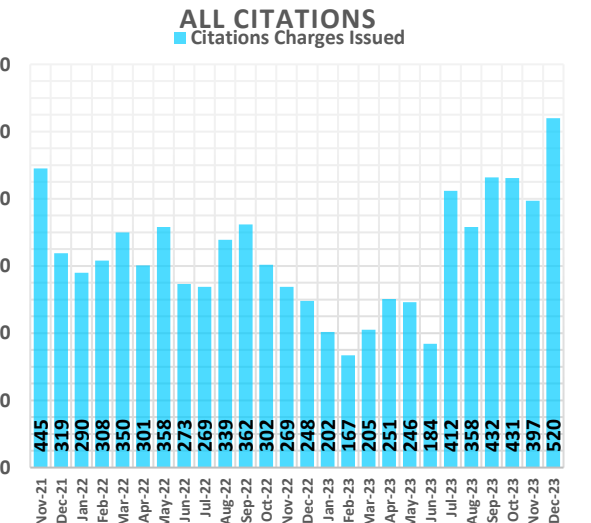
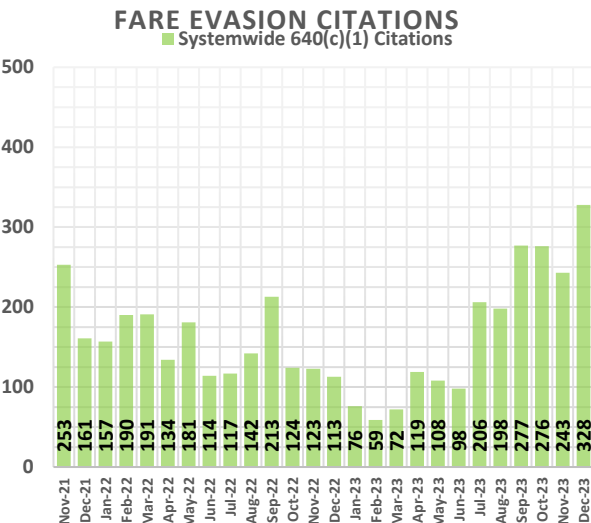
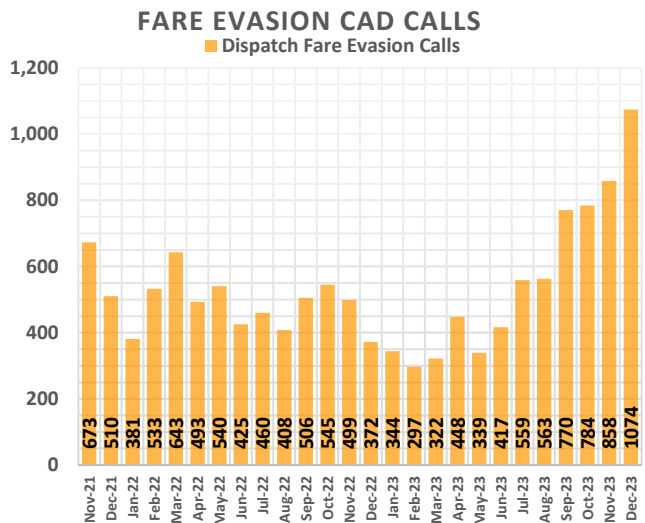
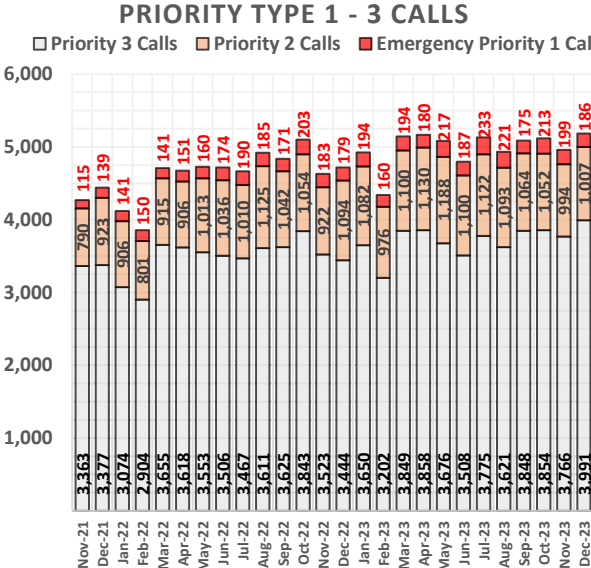
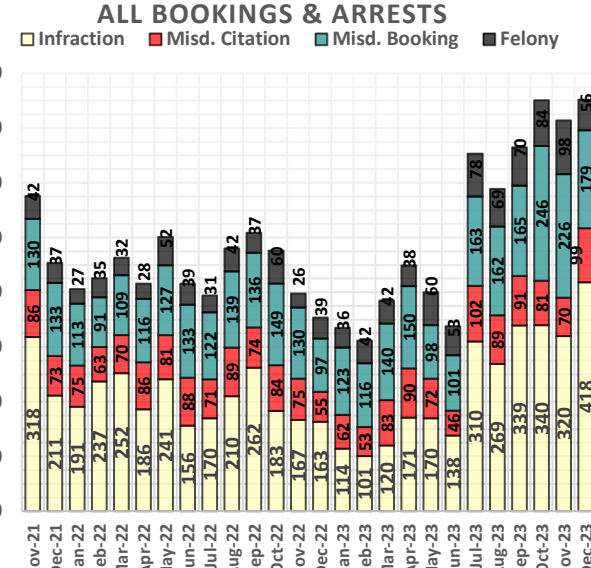
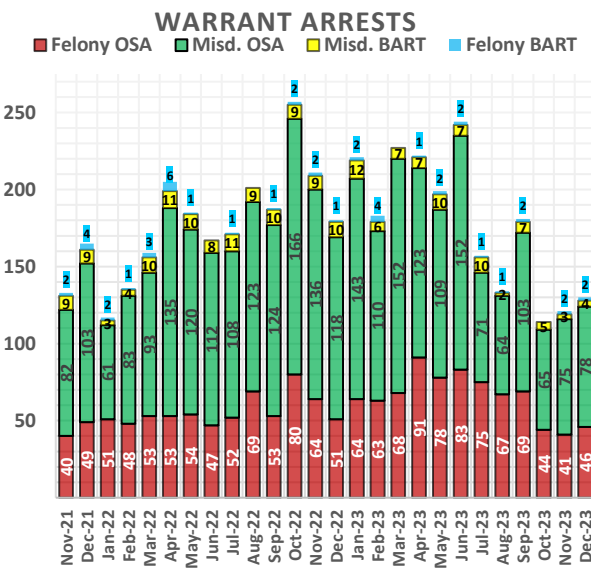
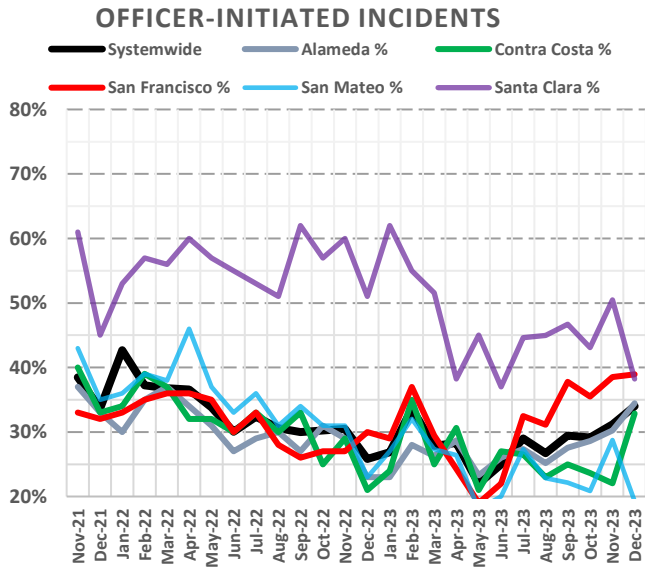
Bay Area Rapid Transit Police Department

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

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December 2023

Performance Measurement Review - **Systemwide**



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

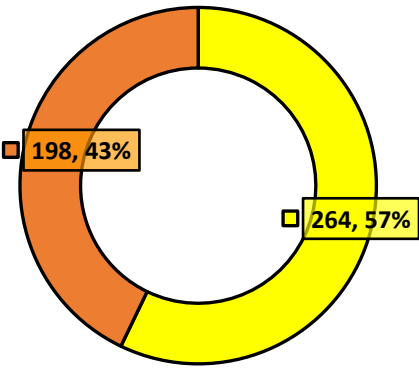
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December 2023

Performance Measurement Review - **Systemwide**

INVESTIGATIVE ASSIGNMENTS

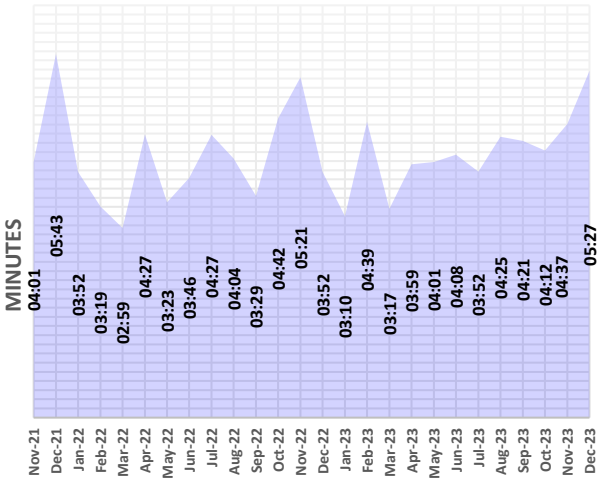


■ New Cases ■ Closed Cases

*Historical data on active cases is unavailable

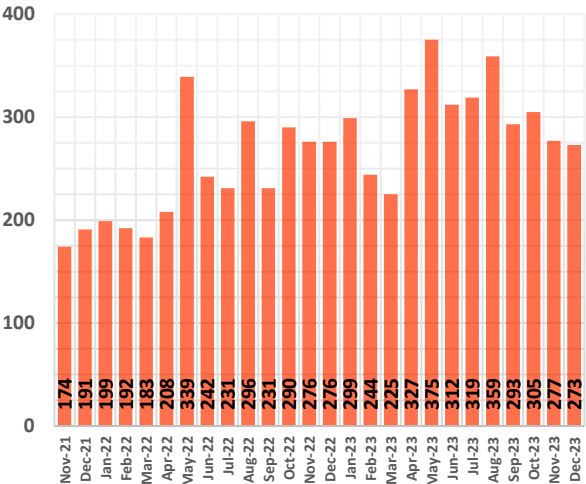
RESPONSE TIME (PRIORITY 1)

■ Emergency Response (Minutes)



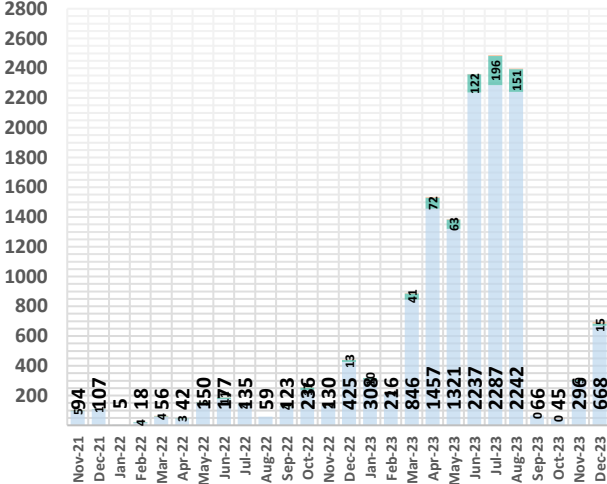
POLICE TRAIN HOLDS

■ Holds over 5 Minutes



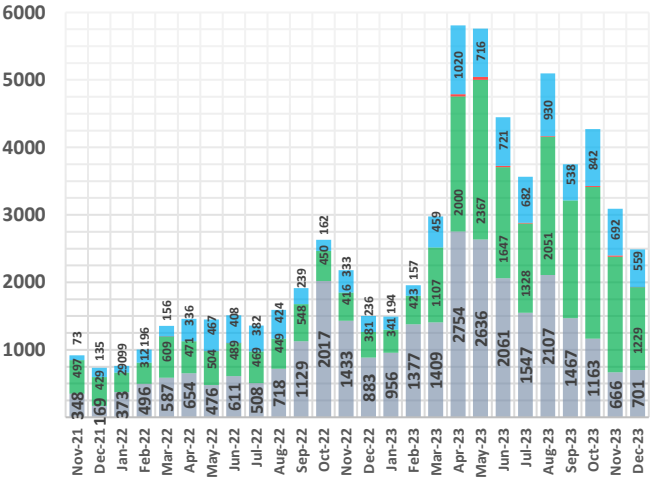
PROOF OF PAYMENT CITATIONS

■ Adult ■ Juvenile ■ Juvenile Fare Evasion



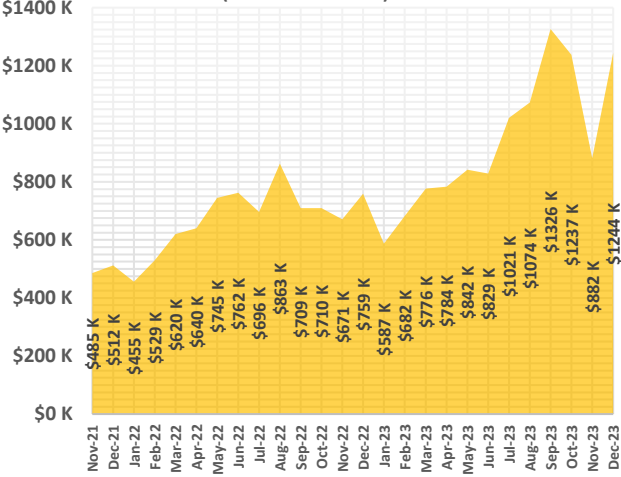
PARKING CITATIONS

■ Alameda ■ Contra Costa ■ San Francisco ■ San Mateo ■ Santa Clara



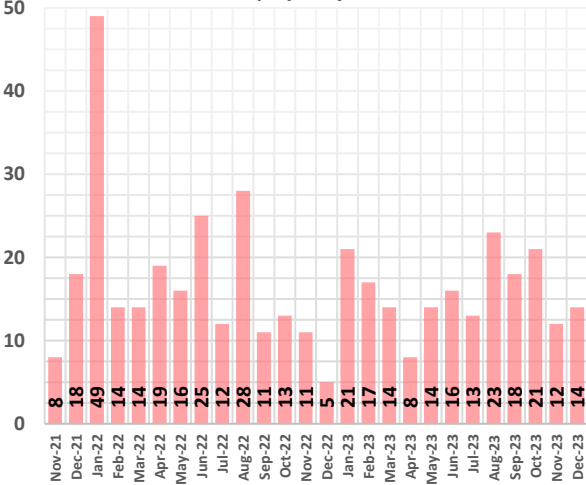
OVERTIME UTILIZATION

(IN THOUSANDS)



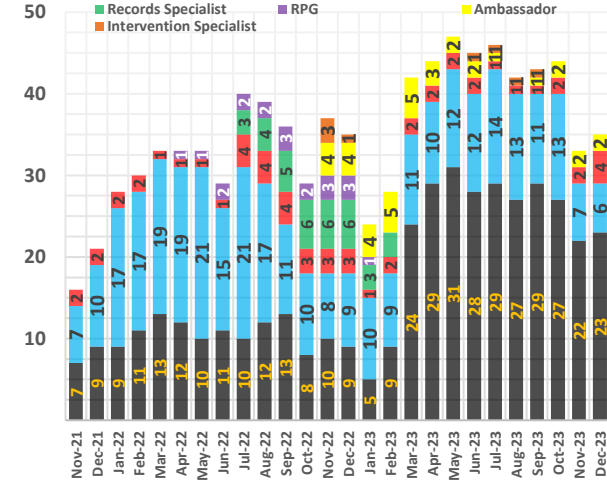
EMPLOYEE INJURIES

■ Employee Injuries



VACANCIES

■ Officer ■ CSO/FIO ■ Dispatch ■ Records Specialist ■ RPG ■ Ambassador ■ Intervention Specialist



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

† Beginning in March 2023, we are now reporting vacancies in Officer, Sr. Officer, and Master Officer, in the "Officer" category, providing a more accurate representation of vacancies.

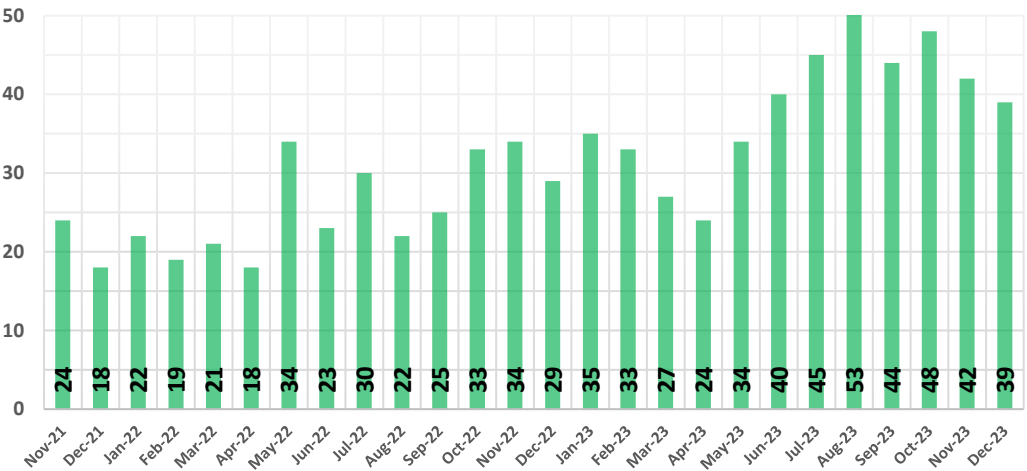


Bay Area Rapid Transit Police Department

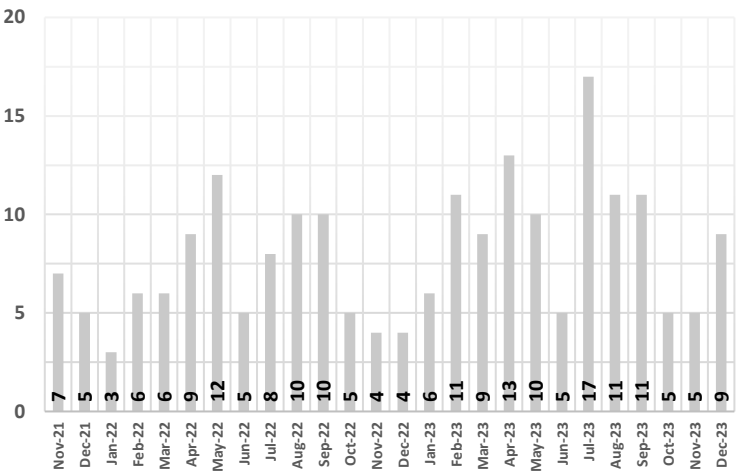
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December 2023 Performance Measurement Review - **Systemwide**

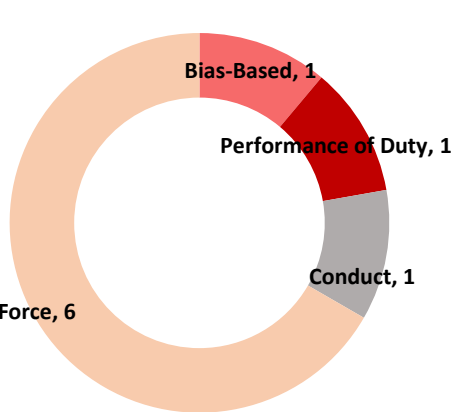
AB716 - PROHIBITION ORDERS



INTERNAL AFFAIRS COMPLAINTS

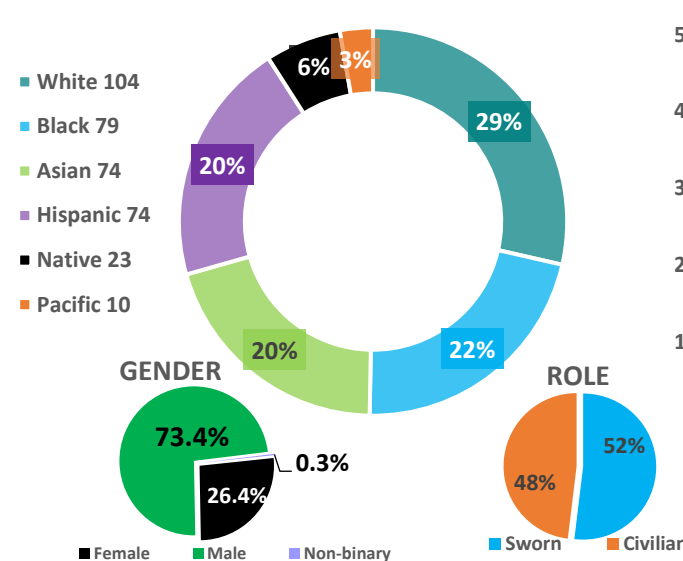


IA COMPLAINTS RECEIVED¹

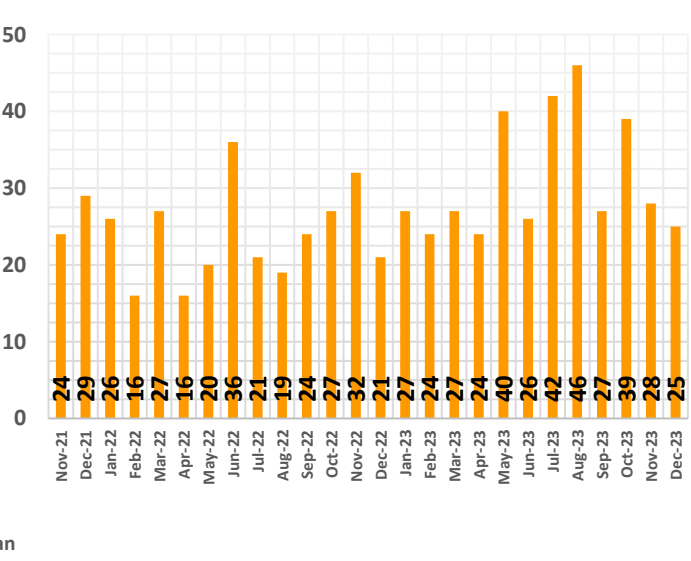


1: Each incident could contain more than one allegation. This chart reflects the most significant allegation per

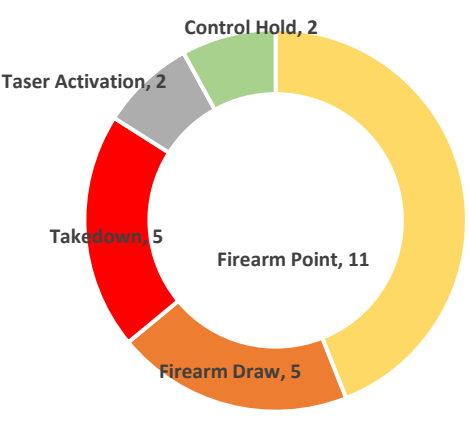
DEPARTMENT ETHNIC DIVERSITY



USE OF FORCE INCIDENTS

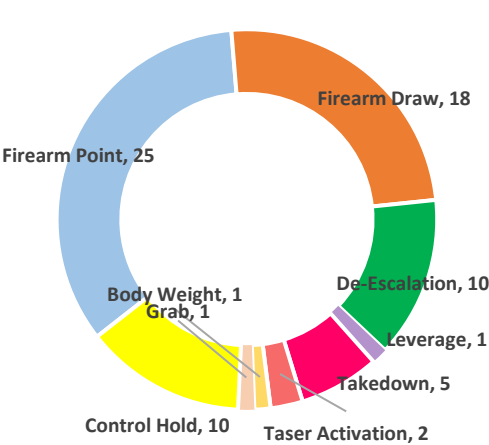


INCIDENT FORCE OPTIONS USED²



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

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

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December 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	24	27	24	40	26	42	46	27	39	28	25	375
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	51	78	102	142	168	210	256	283	322	350	375	
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	6,003	7,236	7,279	7,076	6,467	6,831	7,197	6,695	6,755	6,465	6,601	81,617
2023 Priority 1 Calls	194	160	194	180	217	187	233	221	175	213	199	186	2,359
2023 Medical Emergencies	412	344	398	378	357	338	352	293	310	316	303	325	4,126
2023 Avg P1 Response Time	03:10	04:39	03:17	03:59	04:01	04:08	03:52	04:25	04:21	04:12	04:37	05:27	04:11
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

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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	42	42	38	60	53	78	69	70	84	98	56	726
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	78	120	158	218	271	349	418	488	572	670	726	
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	116	140	150	98	101	163	162	165	246	226	179	1,869
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	239	379	529	627	728	891	1,053	1,218	1,464	1,690	1,869	
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	62	53	83	90	72	46	102	89	91	81	70	99	938
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	62	115	198	288	360	406	508	597	688	769	839	938	
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	673	514	710	810	696	682	873	765	856	787	905	1,079	9,350
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	673	1,187	1,897	2,707	3,403	4,085	4,958	5,723	6,579	7,366	8,271	9,350	
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	894	725	975	1,088	926	882	1,216	1,085	1,182	1,198	1,299	1,413	12,883
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	894	1,619	2,594	3,682	4,608	5,490	6,706	7,791	8,973	10,171	11,470	12,883	
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

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December 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	4	0	1	2	2	1	1	2	0	2	2	19
2023 BART Misdemeanor	12	6	7	7	10	7	10	2	7	5	3	4	80
2023 Outside Felony	64	63	68	91	78	83	75	67	69	44	41	46	789
2023 Outside Misdemeanor	143	110	152	123	109	152	71	64	103	65	75	78	1,245
2023 Monthly Total	221	183	227	222	199	244	157	134	181	114	121	130	2,133
2023 YTD Total	221	404	631	853	1,052	1,296	1,453	1,587	1,768	1,882	2,003	2,133	
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	



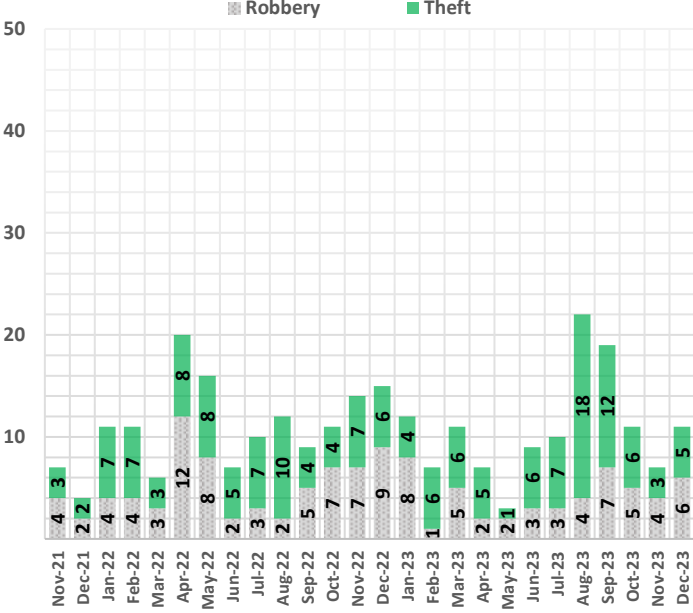
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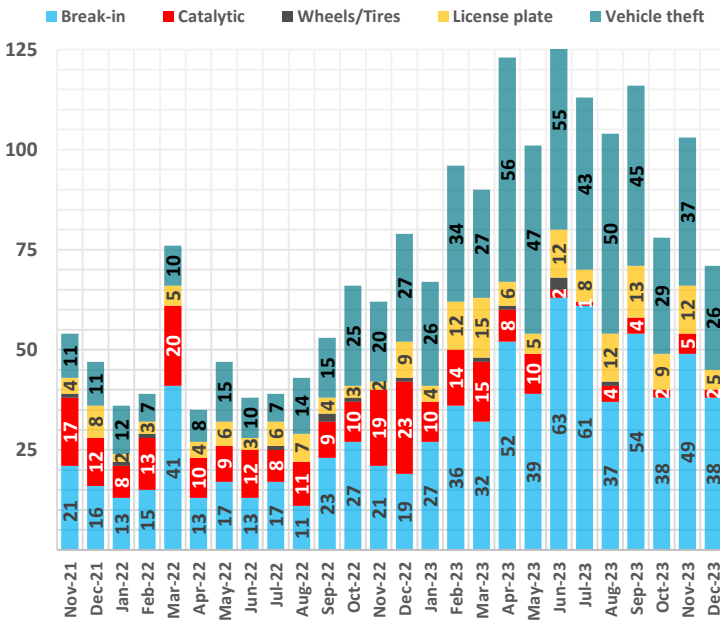
December 2023 Performance Measurement Review - **Alameda County**

PART 1 UCR Crime	2019	2020	2021	2022	YTD 2022	YTD 2023	PCT %
Homicide	1	0	0	1	1	1	0%
Rape	2	3	2	3	3	3	0%
Robbery	229	122	64	123	123	119	-3%
Aggravated Assault	52	54	34	63	63	84	+33%
Violent Crime Subtotal	284	179	100	190	190	207	+9%
Burglary (Structural)	13	9	6	10	10	15	+50%
Larceny & Auto Burglary	1,634	577	472	627	627	915	+46%
Auto Theft	149	56	85	170	170	475	+179%
Arson	5	2	2	2	2	3	+50%
Property Crime Subtotal	1,801	644	565	809	809	1,408	+74%
TOTAL	2,085	823	665	999	999	1,615	+62%

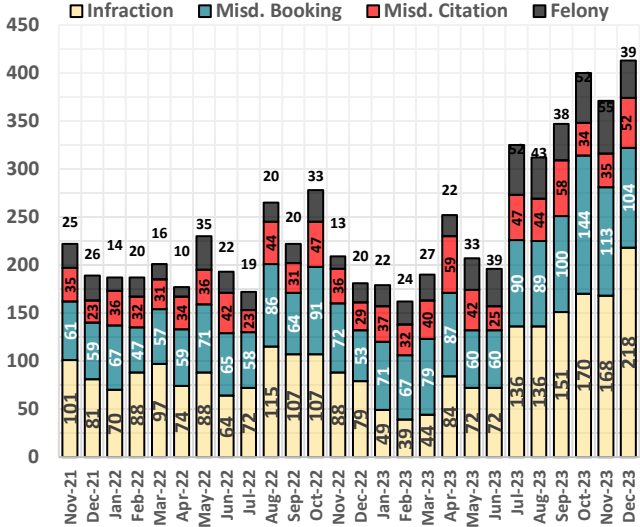
ALAMEDA ELECTRONIC CRIME



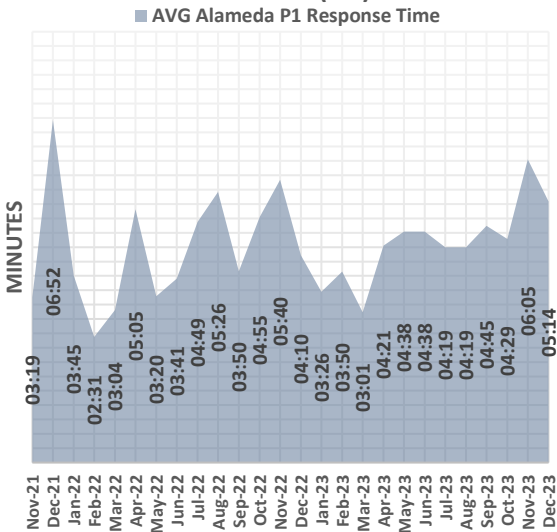
ALAMEDA VEHICLE CRIME



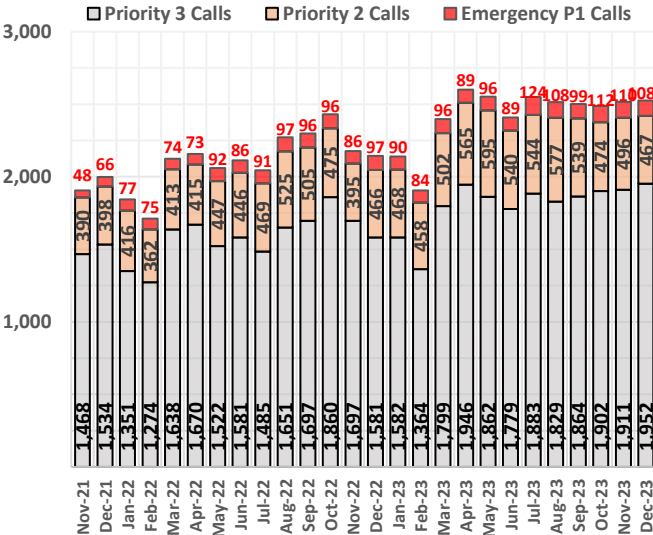
ALAMEDA ARRESTS & CITATIONS



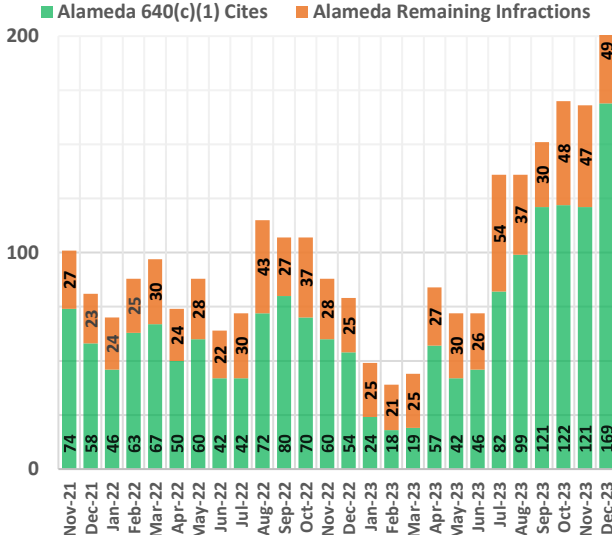
RESPONSE TIME (P1) AVG



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.

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



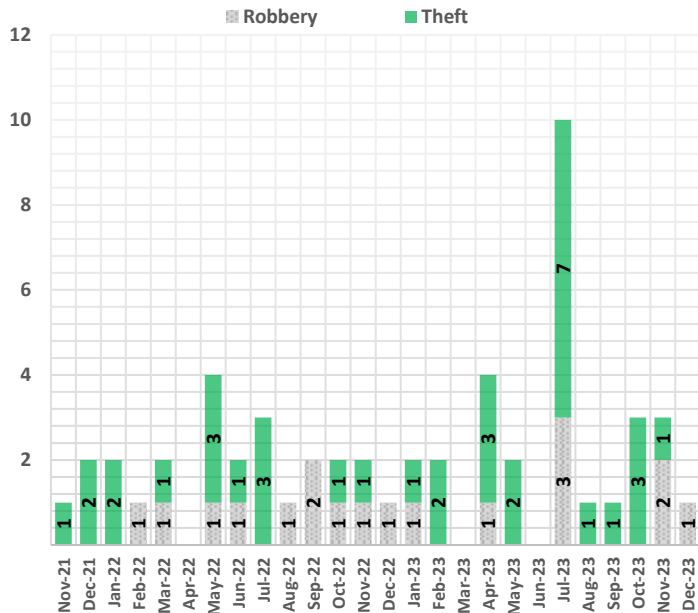
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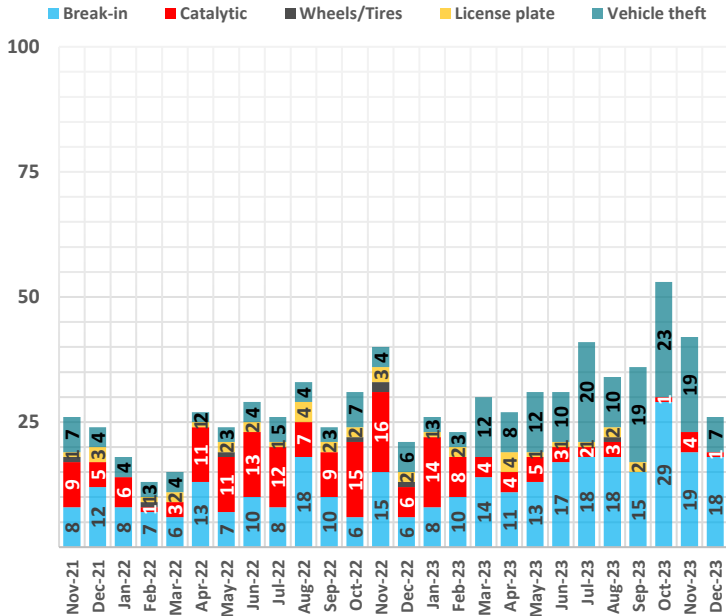
December 2023 Performance Measurement Review - Contra Costa County

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	4	4	0%
Robbery	34	23	19	23	23	18	-22%
Aggravated Assault	23	17	19	21	21	23	+10%
Violent Crime Subtotal	61	40	42	48	48	45	-6%
Burglary (Structural)	2	1	1	4	4	7	+75%
Larceny & Auto Burglary	592	202	226	328	328	322	-2%
Auto Theft	81	40	46	49	49	146	+198%
Arson	0	0	0	5	5	1	-80%
Property Crime Subtotal	675	243	273	386	386	476	+23%
TOTAL	736	283	315	434	434	521	+20%

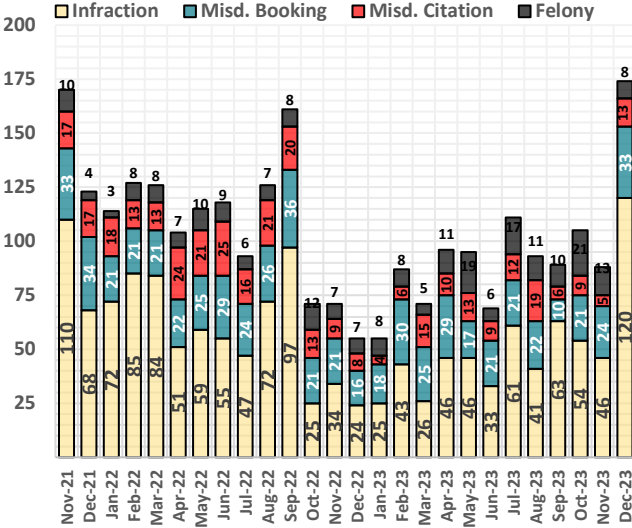
CONTRA COSTA ELECTRONIC THEFT



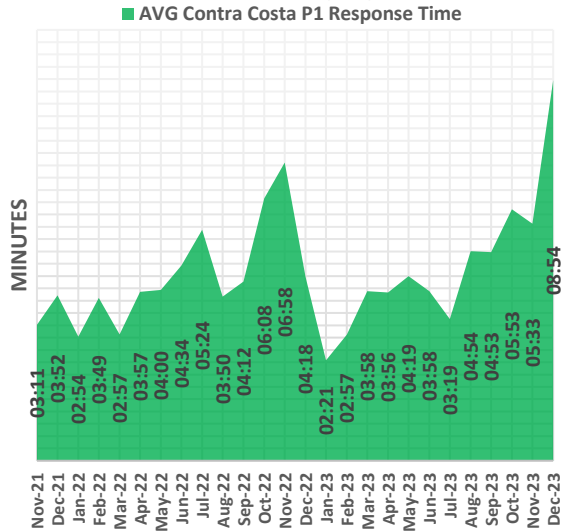
CONTRA COSTA VEHICLE CRIME



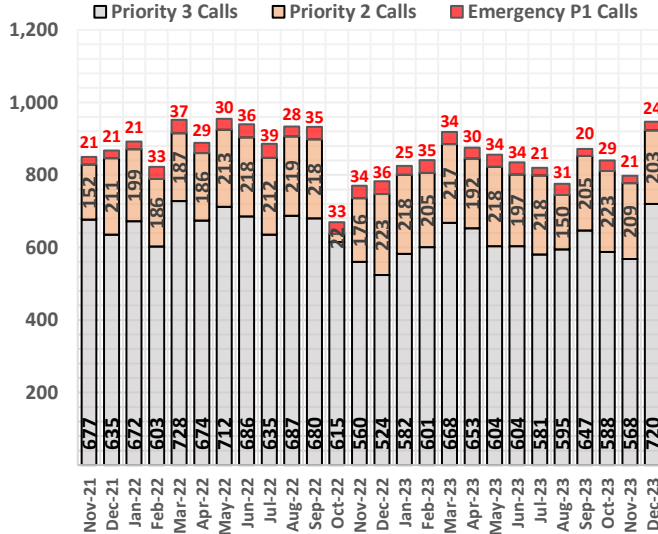
COCO ARRESTS & CITATIONS



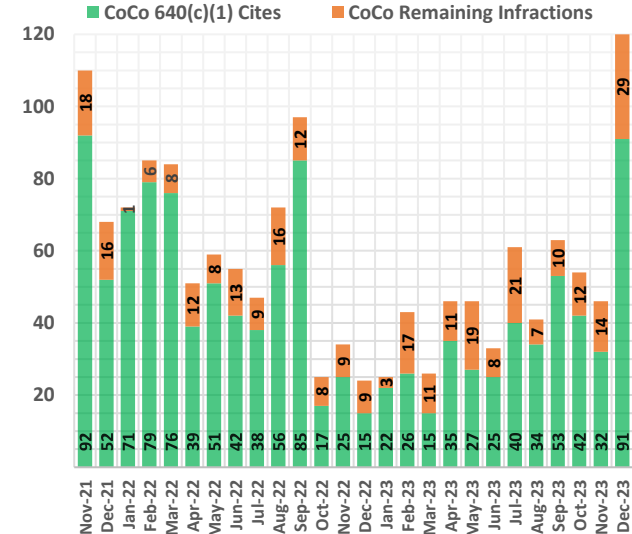
RESPONSE TIME (P1) AVG



COCO PRIORITY 1 - 3 CALLS



COCO FARE EVASION



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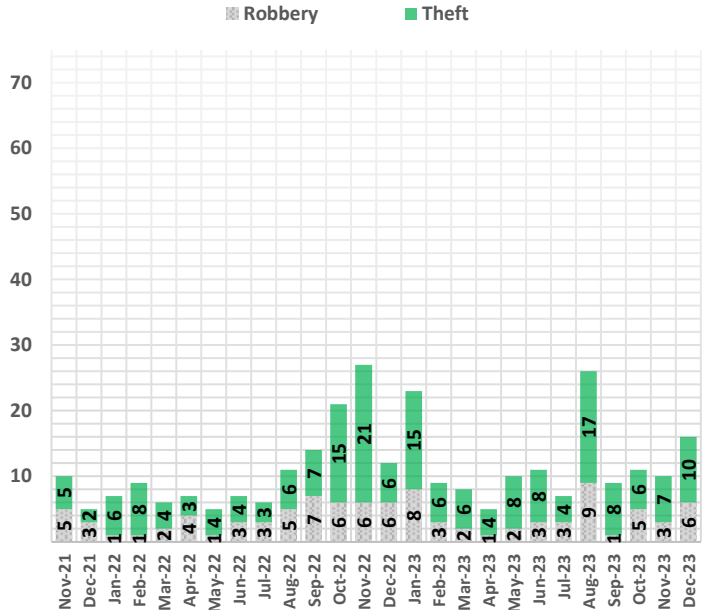
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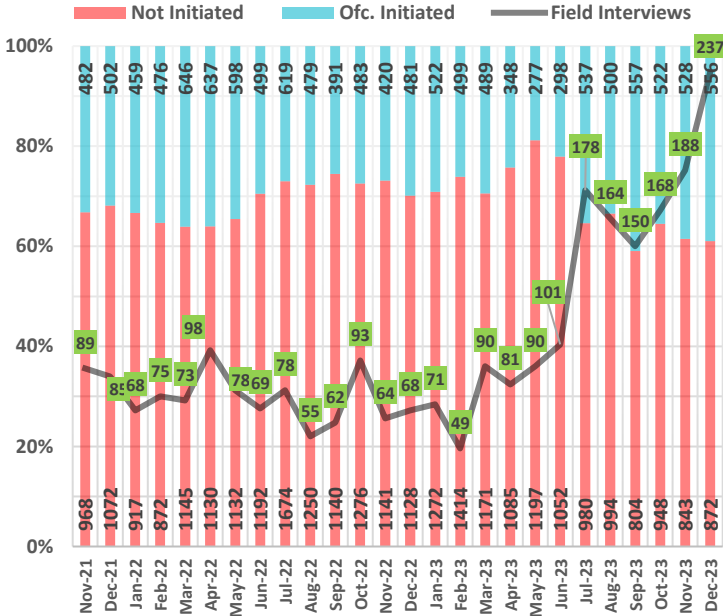
December 2023 Performance Measurement Review - **San Francisco County**

PART 1 UCR Crime	2019	2020	2021	2022	YTD 2022	YTD 2023	PCT %
Homicide	0	0	0	3	3	0	-100%
Rape	0	4	1	0	0	0	-%
Robbery	104	101	47	66	66	82	+24%
Aggravated Assault	28	19	16	21	21	40	+90%
Violent Crime Subtotal	132	124	64	90	90	122	+36%
Burglary (Structural)	4	1	3	6	6	2	-67%
Larceny & Auto Burglary	619	200	103	110	110	147	+34%
Auto Theft	1	0	0	0	0	2	-%
Arson	0	1	2	1	1	0	-100%
Property Crime Subtotal	624	202	108	117	117	151	+29%
TOTAL	756	326	172	207	207	273	+32%

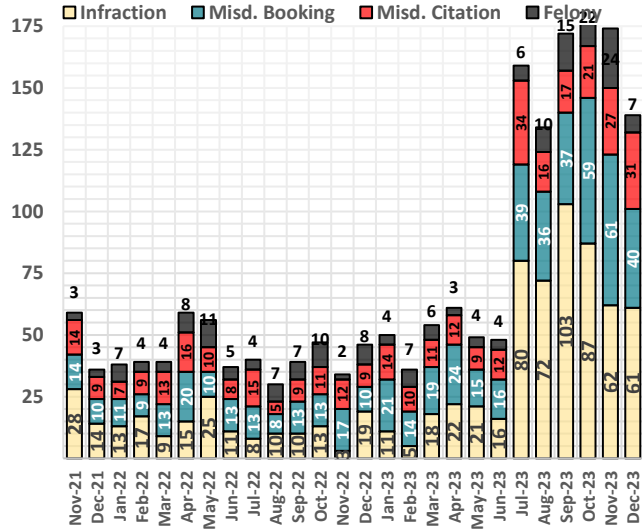
SAN FRANCISCO ELECTRONIC CRIMES



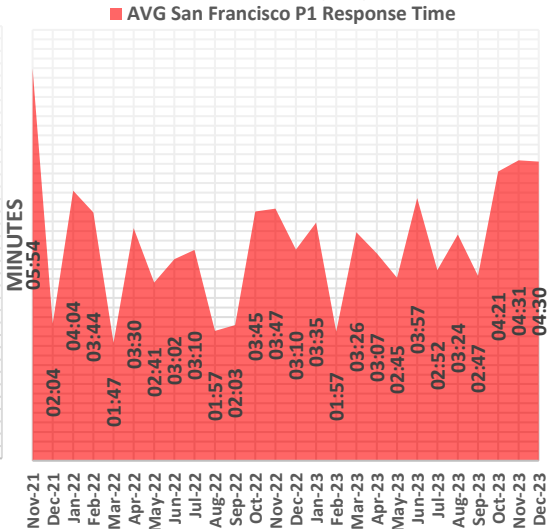
SF OFFICER-INITIATED INCIDENTS



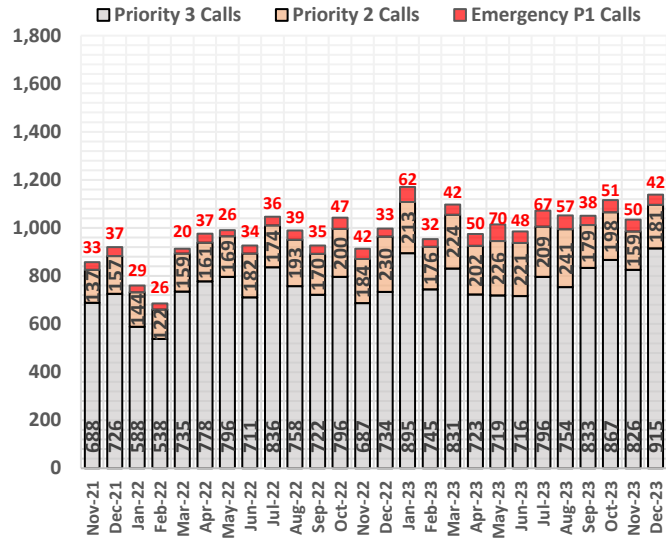
SF ARRESTS & CITATIONS



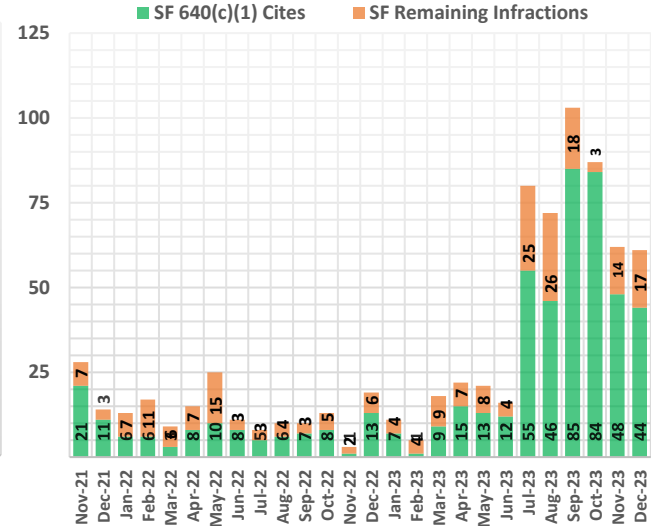
RESPONSE TIME (P1) AVG



SF PRIORITY 1 - 3 CALLS



SAN FRANCISCO FARE EVASION



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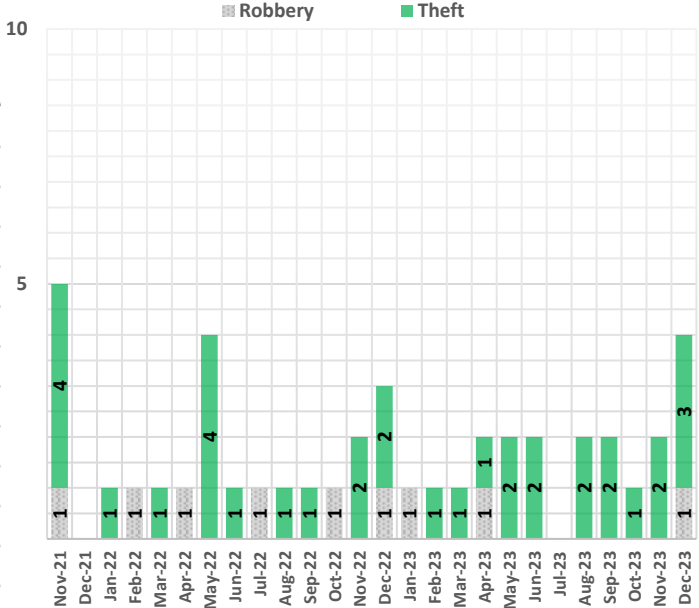
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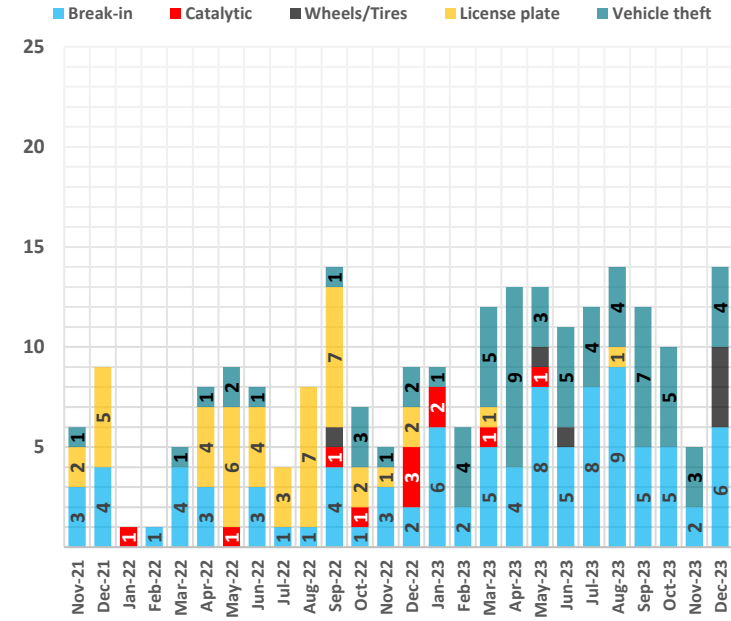
December 2023 Performance Measurement Review - **San Mateo County**

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	14	13	-7%
Aggravated Assault	8	4	2	3	3	9	+200%
Violent Crime Subtotal	22	11	13	17	17	22	+29%
Burglary (Structural)	0	1	1	1	1	0	-100%
Larceny & Auto Burglary	332	75	81	87	87	101	+16%
Auto Theft	13	4	3	12	12	54	+350%
Arson	0	1	1	1	1	0	-100%
Property Crime Subtotal	345	81	86	101	101	155	+53%
TOTAL	367	92	99	99	118	177	+50%

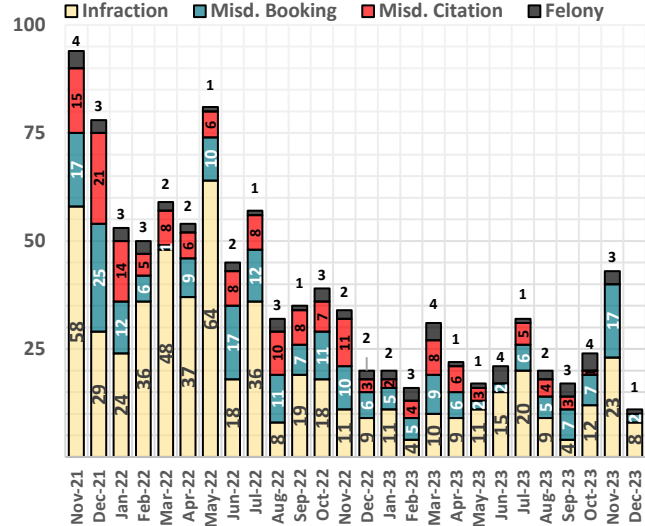
SAN MATEO ELECTRONIC CRIME



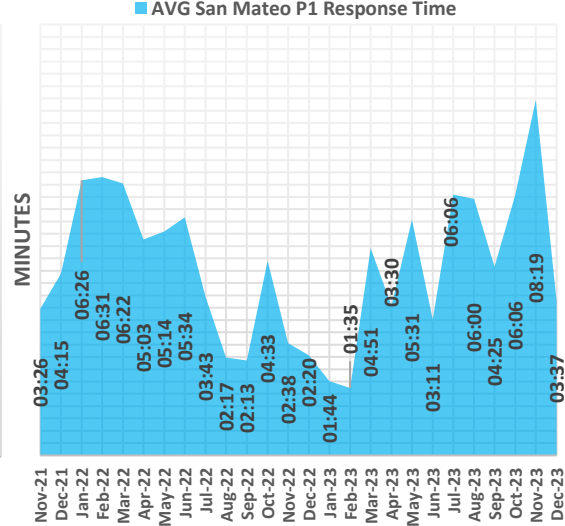
SAN MATEO VEHICLE CRIME



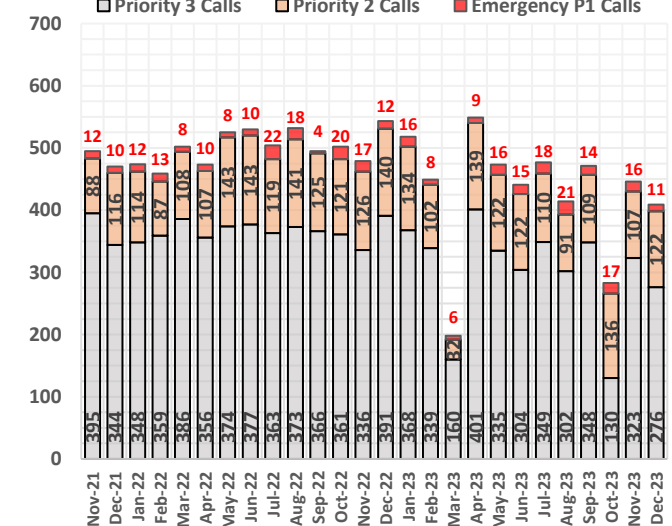
SMC ARRESTS & CITATIONS



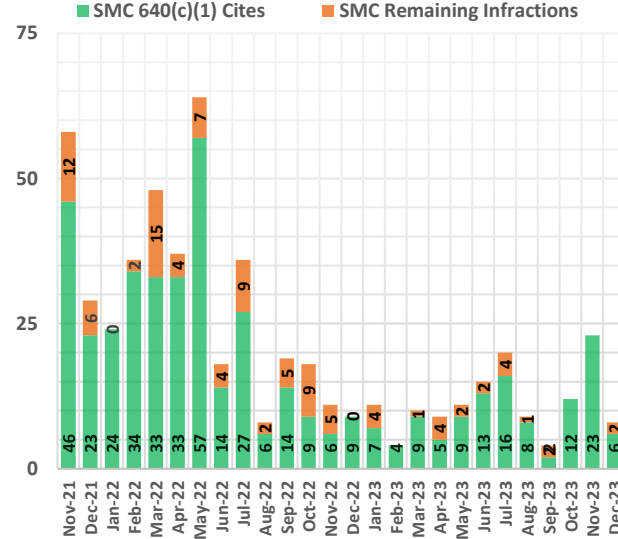
RESPONSE TIME (P1) AVG



SMC PRIORITY 1 - 3 CALLS



SMC FARE EVASION



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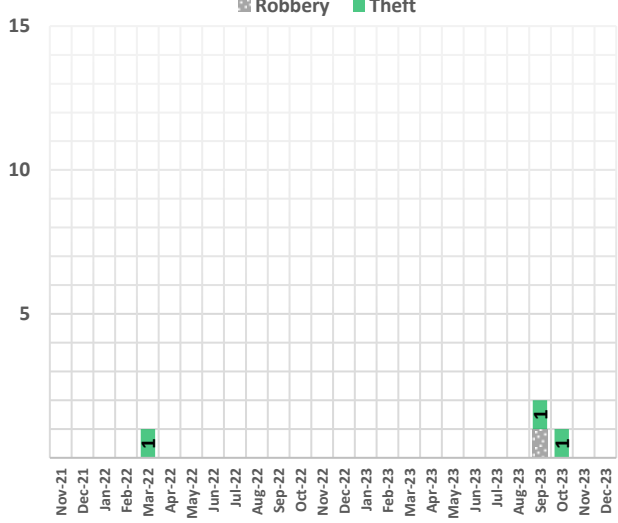
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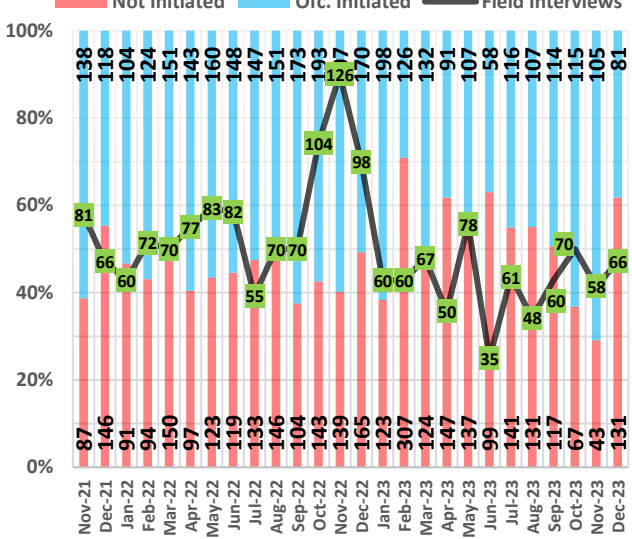
December 2023 Performance Measurement Review - Santa Clara County

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	2	-%
Aggravated Assault	-	1	0	2	2	0	-100%
Violent Crime Subtotal	0	1	2	2	2	2	0%
Burglary (Structural)	-	-	0	0	0	0	-%
Larceny & Auto Burglary	-	1	0	0	0	7	-%
Auto Theft	-	-	0	0	0	1	-%
Arson	-	-	0	0	0	0	-%
Property Crime Subtotal	0	1	0	0	0	8	-%
TOTAL	0	2	2	2	2	10	+400%

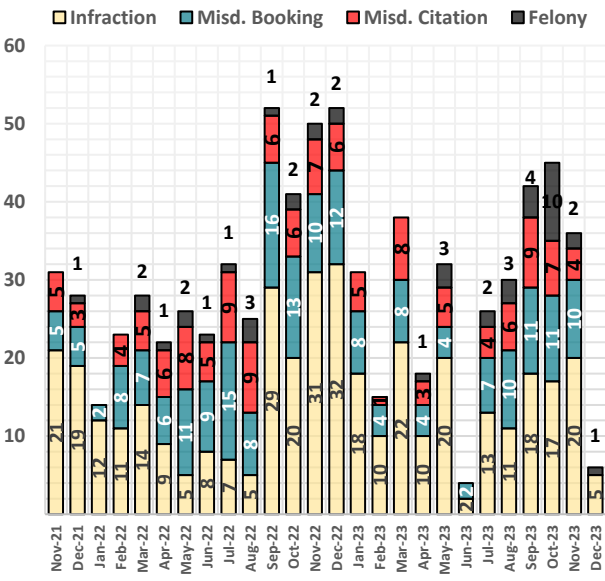
SANTA CLARA ELECTRONIC CRIME



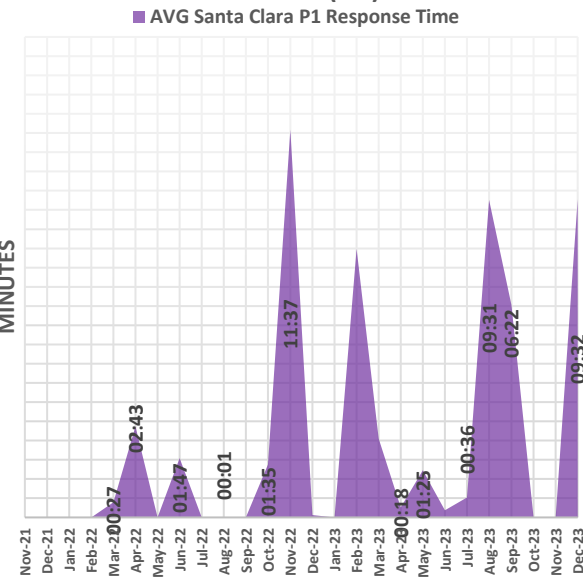
SCC OFFICER-INITIATED INCIDENTS



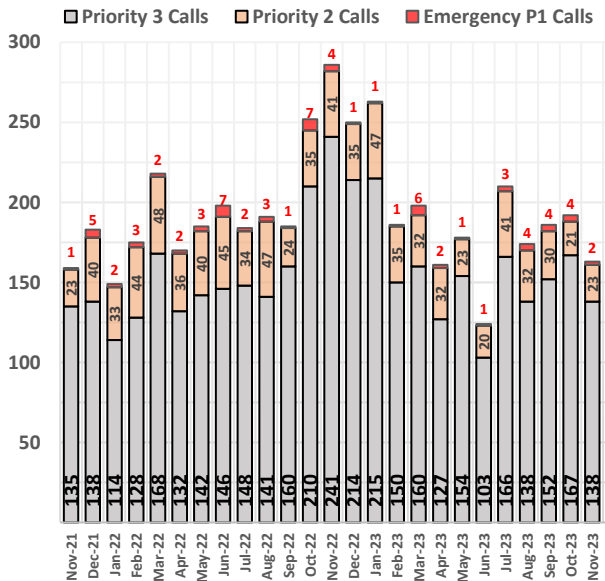
SCC ARRESTS & CITATIONS



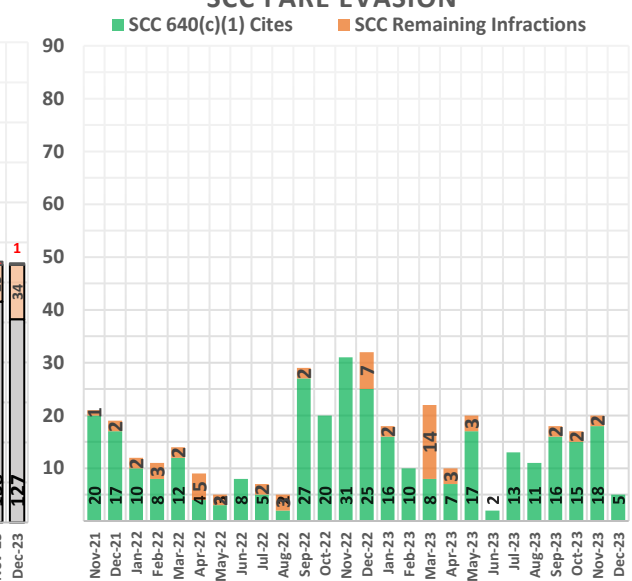
RESPONSE TIME (P1) AVG



SCC PRIORITY 1 - 3 CALLS



SCC 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.

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.

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
IA2018-060	7/22/2018	7/23/2018	Service Review		Lt. Salas	Tolled	12/23/2018	
IA2020-017	2/15/2020	2/15/2020	Force		Sgt. Vuong	In Progress	7/16/2020	2/15/2020
IA2022-087	11/2/2022	11/3/2022	CUBO		Sgt. Vuong	In Progress	4/10/2023	11/3/2023
IA2022-093	12/6/2022	12/6/2022	Force, CUBO, Arrest		Sgt. Turner	In Progress	5/7/2023	12/6/2023
IA2023-001	1/2/2023	1/3/2023	CUBO		Sgt. Turner	In Progress	6/7/2023	1/3/2024
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		Sgt. Vuong	In Progress	6/1/2023	1/30/2024
IA2023-007	1/30/2023	2/6/2023	Force		Sgt. Vuong	In Progress	7/7/2023	2/6/2024
IA2023-008	2/7/2023	2/7/2023	Force		Sgt. Turner	In Progress	7/9/2023	2/7/2024
IA2023-009	2/7/2023	2/8/2023	BWC CUBO Policy/Procedure		Sgt. Vuong	Tolled	7/9/2023	2/8/2024
IA2023-010	2/11/2023	2/13/2023	Force		Sgt. Vuong	In Progress	7/14/2023	2/23/2024
IA2023-011	2/6/2023	2/14/2023	Force		Sgt. Vuong	In Progress	7/15/2023	2/14/2024
IA2023-012	2/12/2023	2/12/2023	Force		Sgt. Turner	In Progress	7/14/2023	2/14/2024
IA2023-014	2/15/2023	2/16/2023	CUBO		Sgt. Turner	In Progress	7/18/2023	2/16/2024
IA2023-015	2/22/2023	2/22/2023	Force		Sgt. Turner	In Progress	7/31/2023	2/22/2024
IA2023-017	2/16/2023	2/27/2023	CUBO		Sgt. Vuong	In Progress	7/18/2023	2/27/2024
IA2023-018	2/27/2023	2/27/2023	Force, Policy/Procedure		Sgt. Vuong	In Progress	7/29/2023	2/27/2024
IA2023-019	1/28/2023	3/8/2023	Arrest/Detention, Search/Seizure		Sgt. Turner	In Progress	8/7/2023	3/8/2024
IA2023-020	3/8/2023	3/9/2023	Policy/Procedure, POD		Sgt. Vuong	In Progress	8/8/2023	3/9/2024
IA2023-021	3/14/2023	3/15/2023	Service Review	OIPA deferred to IA #23-06	Sgt. Vuong	In Progress	8/14/2023	3/15/2024
IA2023-022	2/27/2022	3/14/2023	Arrest/Detention, Force, BBP, BWC, Search/Seizure, CUBO	OIPA deferred to IA #23-05	Sgt. Turner	In Progress	8/13/2023	8/14/2024
IA2023-023	3/21/2023	3/21/2023	POD, BBP		Sgt. Vuong	In Progress	8/20/2023	8/21/2024

IA2023-025	3/25/2023	3/25/2023	CUBO, POD, Policy/Procedure		Sgt. Turner	In Progress	8/24/2023	8/25/2024
IA2023-026	3/25/2023	3/27/2023	POD, BBP		Sgt. Vuong	In Progress	8/26/2023	8/27/2024
IA2023-027	2/12/2023	2/12/2023	Force		Sgt. Turner	In Progress	8/27/2023	2/12/2024
IA2023-028	3/29/2023	3/28/2023	Search/Seizure		Sgt. Turner	In Progress	8/29/2023	3/29/2024
IA2023-029	3/29/2023	12/12/22022	Force, Arrest/Detention, CUBO		Sgt. Turner	In Progress	8/29/2023	3/29/2024
IA2023-030	4/1/2023	4/1/2023	Performance		Sgt. Turner	In Progress	9/1/2023	4/1/2024
IA2023-031	4/4/2023	4/4/2023	Performance, Policy/Procedure, Body Worn Camera		Sgt. Turner	In Progress	9/4/2023	4/4/2024
IA2023-032	4/2/2023	4/2/2023	Force		Sgt. Turner	In Progress	9/4/2023	4/2/2024
IA2023-033	4/7/2023	4/7/2023	CUBO		Sgt. Turner	In Progress	9/7/2023	4/7/2024
IA2023-035	3/5/2023	3/27/2023	Arrest/Detention		Sgt. Vuong	In Progress	8/28/2023	3/28/2024
IA2023-036	4/13/2023	4/13/2023	Force, Policy/Procedure	Retained by OIPA	OIPA	In Progress	9/12/2023	4/13/2024
IA2023-037	4/13/2023	4/13/2023	Arrest/Detention CUBO, BBP	Retained by OIPA	OIPA	In Progress	9/17/2023	4/13/2024
IA2023-038	4/17/2023	4/24/2023	Bias/ CUBO		Sgt. Vuong	In Progress	9/25/2023	4/25/2024
IA2023-039	4/3/2023	4/6/2023	BBP/Courtesy/Detention	Retained by OIPA #23-10	OIPA	OIPA Investigation	9/5/2023	4/6/2024
IA2023-040	4/28/2023	4/28/2023	CUBO		Sgt. Vuong	In Progress	9/29/2023	4/29/2024
IA2023-041	4/27/2023	4/28/2023	Arrest/Detention		Sgt. Vuong	In Progress	9/29/2023	4/29/2024
IA2023-042	4/18/2023	5/1/2023	Force		Sgt. Vuong	In Progress	10/2/2023	5/2/2024
IA2023-043	4/28/2023	5/1/2023	CUBO/ Force		Sgt. Vuong	In Progress	10/2/2023	5/2/2024
IA2023-044	04/04/02023	4/4/2023	CUBO		Sgt. Turner	In Progress	9/4/2023	4/4/2024
IA2023-045	5/10/2023	5/10/2023	Bias, Racial Animus, CUBO		Sgt. Vuong	In Progress	10/11/2023	5/11/2024
IA2023-046	5/16/2023	5/16/2023	Force, CUBO		Sgt. Vuong	In Progress	10/17/2023	5/17/2024
IA2023-047	4/20/2023	5/18/2023	CUBO		Sgt. Vuong	In Progress	10/19/2023	5/16/2024
IA2023-048	5/20/2023	5/20/2023	CUBO, Bias		Sgt. Turner	In Progress	10/20/2023	5/20/2024
IA2023-049	5/23/2023	5/25/2023	Arrest/Detention Force		Sgt. Turner	In Progress	11/8/2023	5/25/2024
IA2023-050	6/9/2023	6/9/2023	Force		Sgt. Vuong	Tolled	11/12/2023	6/9/2024

IA2023-051	Unkown	5/9/2023	Policy/Procedure CUBO, BBP	Retained by OIPA #23-16	OIPA	OIPA Investigation	10/8/2023	5/9/2024
IA2023-052	Unkown	4/27/2023	CUBO		Sgt. Turner	In Progress	9/26/2023	4/27/2024
IA2023-053	6/9/2023	6/16/2023	Policy/Procedure BBP, CUBO		Sgt. Vuong	In Progress	11/15/2023	6/16/2024
IA2023-054	5/6/2023	5/6/2023	Force		Sgt. Turner	In Progress	11/15/2023	5/6/2024
IA2023-055	Unkown	5/20/2023	Policy/Procedure, POD, CUBO		Lt. Salas	In Progress	10/19/2023	5/20/2024
IA2023-056	6/23/2023	6/26/2023	Courtesy		Sgt. Vuong	In Progress	11/25/2023	6/26/2024
IA2023-057	6/7/2023	6/8/2023	CUBO	OIPA deferred to IA #23-19	Sgt. Turner	In Progress	11/7/2023	6/8/2024
IA2023-058	4/27/2023	4/27/2023	CUBO		Sgt. Turner	In Progress	9/27/2023	4/27/2024
IA2023-059	7/3/2023	7/3/2023	Performance		Sgt. Turner	In Progress	12/3/2023	7/3/2024
IA2023-060	7/6/2023	7/6/2023	Bias, Performance		Sgt. Vuong	In Progress	12/6/2023	7/6/2024
IA2023-061	3/10/2023	7/5/2023	CUBO		Sgt. Turner	In Progress	8/10/2023	7/5/2024
IA2023-062	6/24/2023	7/10/2023	Force		Sgt. Vuong	In Progress	11/24/2023	6/24/2024
IA2023-063	7/10/2023	7/10/2023	CUBO		Sgt. Turner	In Progress	12/10/2023	7/10/2024
IA2023-065	7/3/2023	7/16/2023	Bias-Based Policing	OIPA deferred to IA # 23-27	Sgt. Turner	In Progress	12/3/2023	7/16/2024
IA2023-066	7/20/2023	7/23/2023	Arrest/Detention , Force, Policy/Procedure, Performance of Duty, Search/Seizure		Sgt. Vuong	In Progress	12/23/2023	7/23/2024
IA2023-067	7/22/2023	7/22/2023	POD	OIPA monitoring	Sgt. Vuong	In Progress	12/22/2023	7/22/2024
IA2023-068	7/17/2023	7/23/2023	Performance of Duty	OIPA deferred to IA # 23-28		In Progress	12/17/2023	7/23/2024
IA2023-069	5/7/2023	7/24/2023	CUBO		Sgt. Vuong	In Progress	10/7/2023	7/24/2024
IA2023-070	7/27/2023	7/27/2023	Force		Lt. Salas	In Progress	12/27/2023	7/27/2024
IA2023-071	7/28/2023	7/28/2023	CUBO		Sgt. Vuong	In Progress	12/28/2023	7/28/2024

IA2023-072	7/25/2023	7/28/2023	Performance of Duty	OIPA deferred to IA # 23-30	Sgt. Turner	In Progress	12/25/2023	7/28/2024
IA2023-073	7/24/2023	7/28/2023	Force		Sgt. Turner	In Progress	12/24/2023	7/28/2024
IA2023-074	7/25/2023	7/28/2023	Force		Sgt. Vuong	In Progress	12/25/2023	7/28/2024
IA2023-075	7/29/2023	7/29/2023	Force, CUBO		Sgt. Turner	In Progress	12/29/2023	7/29/2024
IA2023-076	7/31/2023	7/31/2023	Force		Sgt. Vuong	In Progress	12/31/2023	7/31/2024
IA2023-077	8/9/2023	8/9/2023	CUBO		Sgt. Turner	In Progress	1/9/2024	8/9/2024
IA2023-078	8/10/2023	8/10/2023	CUBO		Sgt. Vuong	In Progress	1/10/2024	8/10/2024
IA2023-079	Unkown	8/14/2023	CUBO Policy/Procedure	Retained by OIPA #23-31	OIPA	In Progress	1/14/2024	8/14/2024
IA2023-080	8/14/2023	8/14/2023	CUBO		Sgt. Turner	In Progress	1/14/2024	8/14/2024
IA2023-081	7/13/2023	8/15/2023	Force		Sgt. Turner	In Progress	12/13/2023	8/15/2024
IA2023-082	5/25/2023	8/18/2023	Force		Sgt. Turner	In Progress	10/25/2023	8/18/2024
IA2023-083	8/10/2023	8/16/2023	Force		Sgt. Vuong	In Progress	1/10/2024	8/16/2024
IA2023-084	8/17/2023	8/18/2023	CUBO		Sgt. Turner	In Progress	1/17/2024	8/18/2024
IA2023-085	8/18/2023	8/18/2023	Force, BWC		Sgt. Vuong	In Progress	1/18/2024	8/18/2024
IA2023-086	8/1/2023	8/25/2023	Force		Sgt. Vuong	In Progress	1/1/2024	8/18/2024
IA2023-087	8/16/2023	8/16/2023	CUBO		Lt. Salas	Tolled	1/16/2024	8/16/2024
IA2023-088	8/29/2023	9/1/2023	CUBO Courtesy		Sgt. Turner	In Progress	1/29/2024	8/29/2024
IA2023-089	9/1/2023	9/1/2023	CUBO		Sgt. Vuong	In Progress	2/1/2024	9/1/2024
IA2023-090	9/4/2023	9/4/2023	Bias		Sgt. Vuong	In Progress	2/4/2024	9/4/2024
IA2023-091	9/3/2023	9/3/2023	CUBO Performance of Duty		Lt. Salas	Tolled	2/3/2024	9/3/2024
IA2023-092	9/12/2023	9/14/2023	Bias-Based Policing	OIPA monitoring #23-35	Sgt. Vuong	In Progress	2/12/2024	9/12/2024
IA2023-093	7/24/2022	9/15/2023	Force CUBO		Sgt. Turner	In Progress	2/15/2024	9/15/2024
IA2023-094	9/13/2023	9/15/2023	Bias-Based Policing Performance of Duty Courtesy	OIPA deferred to IA #23-32	Sgt. Turner	In Progress	2/13/2024	9/13/2024
IA2023-095	9/21/2023	9/21/2023	CUBO, Force, POD, P/P		Lt. Salas	In Progress	9/21/2024	9/21/2024

IA2023-096	9/13/2023	9/20/2023	Bias-Based Policing Force CUBO	OIPA deferred to IA #23-33	Sgt. Vuong	In Progress	2/13/2024	9/13/2024
IA2023-097	9/8/2023	9/21/2023	CUBO		Sgt. Vuong	In Progress	2/8/2024	9/8/2024
IA2023-098	9/20/2023	9/22/2023	Force CUBO Bias-Based Policing		Sgt. Turner	In Progress	2/20/2024	9/20/2024
IA2023-099	10/6/2023	10/6/2023			Sgt. Turner	In Progress	3/6/2024	10/6/2024
IA2023-100	2/18/2023	10/23/2023	Force		Sgt. Vuong	In Progress	3/23/2024	10/23/2024
IA2023-101	10/22/2023	10/24/2023	Force		Sgt. Vuong	To the Chief	3/24/2024	10/24/2024
IA2023-102	9/28/2023	10/25/2023	Policy/Procedure (Documentaion) Detention	OIPA Monitoring	Sgt. Turner	In Progress	3/25/2024	10/25/2024
IA2023-103	9/3/2023	10/19/2023	Bias , Policy/Procedure	OIPA # 23-36	OIPA	In Progress	3/25/2024	3/25/2024
IA2023-104	11/1/2023	11/1/2023	Courtesy		Sgt. Vuong	In Progress	4/1/2024	11/1/2024
IA2023-105	11/1/2023	11/1/2023	Force		Sgt. Turner	In Progress	4/1/2024	11/1/2024
IA2023-106	11/7/2023	11/7/2023	Policy/Procedure		Sgt. Turner	In Progress	4/7/2024	11/7/2024
IA2023-107	8/17/2023	8/17/2023	Force		Sgt. Turner	In Progress	1/17/2024	8/17/2024
IA2023-108	11/20/2023	11/20/2023	Courtesy		Sgt. Vuong	In Progress	4/20/2024	4/20/2024
IA2023-109	11/8/2023	11/28/2023	CUBO		Sgt. Vuong	In Progress	4/8/2024	11/28/2024
IA2023-110	12/1/2023	12/1/2023	Force		Sgt. Turner	In Progress	5/1/2024	12/1/2024
IA2023-111	12/5/2023	12/5/2023	Bias		Sgt. Vuong	In Progress	4/1/2024	12/5/2024
IA2023-112	12/8/2023	12/6/2023	Force		Sgt. Turner	In Progress	5/8/2024	12/8/2024
IA2023-113	12/12/2023	12/9/2023	Force		Sgt. Vuong	In Progress	5/12/2024	12/12/2024
IA2023-114	12/12/2023	12/10/2023	CUBO		Sgt. Turner	In Progress	5/12/2024	12/12/2024
IA2023-115	12/20/2023	12/21/2023	Force		Sgt. Vuong	In Progress	5/21/2024	12/21/2024
IA2023-116	12/22/2023	12/23/2023	Force		Sgt. Turner	In Progress	5/22/2024	12/22/2024
IA2023-117	12/28/2023	12/28/2023	Force		Sgt. Vuong	In Progress	5/28/2024	12/28/2024
IA2023-118	12/28/2023	12/29/2023	Performance of Duty		Sgt. Turner	In Progress	5/28/2024	12/28/2024
IA2024-001	1/1/2024	1/2/2024	CUBO		Sgt. Turner	In Progress	6/1/2024	1/1/2025
IA2024-002	10/25/2023	1/4/2024	Force		Sgt. Turner	In Progress	6/4/2024	1/4/2025
IA2024-003	1/4/2023	1/5/2024	Arrest or Detention		Sgt. Turner	In Progress	6/4/2024	1/4/2025

BART Watch - 2023

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Crime in Progress	40	37	39	39	50	48	38	40	39	44	49	32	495
Disruptive Behavior	357	385	437	401	411	423	373	437	431	452	379	396	4882
Smoking or Drug Use	0	25	679	577	737	683	548	646	687	648	589	562	6381
Human Trafficking	2	0	0	3	0	1	0	3	3	1	1	0	14
Illegally Parked Vehicle	14	5	9	9	2	10	19	11	15	6	12	4	116
Aggressive Panhandling	17	8	7	12	14	17	12	15	11	15	12	11	151
Report a Crime Tip	7	19	16	0	20	9	15	11	15	19	9	22	162
Robbery / Theft	7	9	12	8	17	4	7	11	14	20	12	19	140
Sexual Assault / Lewd Behavior	15	10	12	13	13	14	15	17	12	18	11	19	169
Suspicious Activity	58	64	67	62	81	78	54	72	69	93	75	52	825
Unattended Bag or Package	19	20	24	24	31	24	27	26	28	34	22	26	305
Unsecure Door	6	9	12	10	15	13	8	11	13	13	16	6	132
Vandalism	51	36	72	70	51	59	50	71	62	51	39	50	662
Welfare Check	126	169	207	198	210	201	149	166	187	237	196	250	2296
Unwanted Sexual Harassment	4	3	3	5	10	8	11	6	4	6	4	3	67
Total	723	799	1596	1431	1662	1592	1326	1543	1590	1657	1426	1452	16797
Text-a-Tip	693	658	975	470	470	577	591	579	639	623	520	473	7268
BART Watch App Installs	804	1103	1311	1187	1392	1155	994	1212	1174	1194	1011	1008	13545

Lifetime Downloads: 115,848

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

POLICE DEPARTMENT

INTEROFFICE MEMORANDUM

Date: February 23, 2024

To: BART Police Citizen Review Board

From: Kevin Franklin, Chief of Police

Subject: Lexipol Manual Updates

The BART Police Department utilizes the Lexipol System for the foundation of its policy manual. Lexipol provides fully developed policies written by public safety professions and vetted by public safety attorneys. All policies are based on state and federal laws and regulations while also incorporating nationwide standards and best practices. Several times a year, Lexipol releases updates for their policies based on changes to state and federal laws and regulations. Many of these updates are required to be accepted by agencies who utilize Lexipol to bring their policies into legal compliance.

Over the past few years, the BART Police Department has reviewed our policies to ensure we are following all legal updates as well as the standards established by the Commission of Accreditation for Law Enforcement Agencies (CALEA). We have also reviewed recommended best practices to see if they are applicable to our Department's work processes, so we can incorporate them into our policies.

Below are the policies which have been updated since the last memorandum issued January 23, 2024:

- Policy 300 Use of Force**
- Policy 318 Canines**
- Policy 336 Victim and Witness Assistance**
- Policy 338 Hate Crimes**
- Policy 344 Report Preparation**
- Policy 402 Bias-Based Policing**
- Policy 428 Immigration Violations**
- Policy 432 Patrol Rifle Operator Program**
- Policy 463 Train Searches**
- Policy 510 Vehicle Towing and Release**
- Policy 600 Investigation and Prosecution**
- Policy 806 Records Division**
- Policy 1028 Special Assignments**

Policy 1035 Lactation Break Policy
Policy 1053 Business Cards and Trading Cards

I welcome any comments or feedback on any of the updated policies and look forward to working with you.

cc: General Manager
Deputy General Manager



BAY AREA RAPID TRANSIT POLICE DEPARTMENT
Kevin Franklin, Chief of Police
101 8th Street
Oakland, CA 94604-2688
www.bart.gov/police

MEMORANDUM

TO: Chief Kevin Franklin via the Chain of Command
FROM: Lieutenant Michael Williamson
DATE: February 21, 2024
SUBJECT: Policy Updates for CBR review

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

Policy 300 Use of Force Amended to include the Level 2 SUFR exception in addition to Lexipol major policy update per CA AB 360 and 2022 Presidential Executive Order

Policy 318 Canines Lexipol major policy update per HR 8454

Policy 336 Victim and Witness Assistance Lexipol major policy update per CA SB 376

Policy 338 Hate Crimes Lexipol major policy update per CA AB 449

Policy 344 Report Preparation Update to vehicle report notification to records

Policy 402 Bias-Based Policing Updated per 2022 Presidential Executive Order and to include identity in the training section

Policy 428 Immigration Violations Lexipol major policy update per CA AB 1261

Policy 432 Patrol Rifle Operator Program Policy amended to reflect new rifle procedures and training

Policy 463 Train Searches Updated to remove RATS tracking system as it is no longer in use

Policy 510 Vehicle Towing and Release Lexipol major policy update per CA AB 925

Policy 600 Investigation and Prosecution Lexipol major policy update per CA AB 1406

Policy 806 Records Division Updated per 2022 Presidential Executive Order

Policy 1028 Special Assignments Updated policy to reflect proper testing, selection and time commitment guidelines

Policy 1035 Lactation Break Policy Lexipol major policy update per HR 2617

Policy 1053 Business Cards and Trading Cards Updated distribution section per Chief's request

Respectfully,

A handwritten signature in black ink, appearing to read "M Williamson".

Michael Williamson #25
Lieutenant Support Services
Bay Area Rapid Transit Police Department

Lexipol Release Notes

Lexipol 300:

January 2024

This policy is being updated based on a May 2022 Presidential Executive Order and subsequent May 2023 accreditation standards issued by the United States Department of Justice (DOJ). State accrediting entities must comply with the DOJ standards to qualify as independent credentialing bodies. Although the standards issued by the DOJ do not directly impact local law enforcement agencies, the federal action is structured to encourage local agencies to seek state accreditation by making certain federal grant funding dependent on an agency achieving accredited status. Lexipol has updated content to place agencies in the best position possible if and when they elect to seek accreditation. Changes to this policy include:

- In **DEADLY FORCE APPLICATIONS**, content has been added to provide that an officer should not use deadly force against a person whose actions are a threat solely to property, a citation has been updated, and gendered pronouns have been removed.
- In **SHOOTING AT OR FROM MOVING VEHICLES**, content has been updated to make it clear that this subsection should be read in conjunction with **DEADLY FORCE APPLICATIONS**.
- **TRAINING** has been updated to provide for annual use of force training. Additionally, content relating to specific required annual topics has been moved to **TRAINING REQUIREMENTS** and **STATE-SPECIFIC TRAINING REQUIREMENTS**.
- **TRAINING REQUIREMENTS** has been added as a new subsection in **TRAINING** to outline required annual training topics based on the requirements in the DOJ standards.
- **STATE-SPECIFIC TRAINING REQUIREMENTS** has been added as a new subsection in **TRAINING** to address specific state training requirements.

December 2023

This policy has been updated because legislative action impacts its content. 2023 CA AB 360, effective Jan. 1, 2024, amended law relating to the use of the term "excited delirium" in police reports. The new law prohibits a peace officer from using the term to describe an individual in an incident report, but does not prohibit the peace officer from describing the individual's behavior. Changes to this policy include:

- **REPORT RESTRICTIONS** has been added as a new subsection in **REPORTING THE USE OF FORCE** to include the new restriction. KMS automatically adds all new subsections to the bottom of the section, so as not to alter any agency-specific customization. To move the new subsection to the location Lexipol recommends (above **NOTIFICATION TO SUPERVISORS**), first, accept all updates. Then, while in the edit mode, hold the cursor over **REPORT RESTRICTIONS**, right-click for options, and select the option "Move." The subsection titles will appear. Select **NOTIFICATION TO SUPERVISORS**, and click "Move" once more. You will be prompted to select "Move Above" or "Move Below." Select Move Above. KMS will refresh, the new subsection will be in the correct location, and the other subsections will be renumbered

accordingly. Your agency can also accept all updates without relocating the subsection, but that is not recommended.

Unrelated to the legislative update, additional changes include:

- In **ADDITIONAL RESTRICTIONS**, content has been updated to include best practices, and a comma has been removed.

Lexipol 318:

January 2024

This policy has been updated because legislative action impacts its content. The update should be accepted and implemented as soon as possible. 2022 HR 8454 updated the federal statute regarding the Controlled Substance Act, resulting in the renumbering of certain content that is applicable to canine handlers. Changes to this policy include:

- In **CONTROLLED SUBSTANCE TRAINING AIDS**, a citation has been updated.

Lexipol 336:

December 2023

This policy has been updated because legislative action impacts its content. 2023 CA SB 376, effective Jan. 1, 2024, amended law by requiring victims of human trafficking to be provided notification of certain rights regarding support persons prior to interviews. Changes to this policy include:

- In **CRIME VICTIM LIAISON DUTIES**, content has been updated to include an additional responsibility.

Lexipol 338:

December 2023

This policy has been updated because legislative action impacts its content. 2023 CA AB 449 amended law by mandating that law enforcement agencies adopt a hate crimes policy that meets the requirements of Penal Code § 422.87 by July 1, 2024, which includes a supplemental hate crime report developed by the California Commission on Peace Officer Standards and Training. Changes to this policy include:

- In **APPENDIX**, the Supplemental Hate Crime Report has been added as a PDF.

Lexipol 402:

January 2024

This policy is being updated based on a May 2022 Presidential Executive Order and subsequent May 2023 accreditation standards issued by the United States Department of Justice (DOJ). Although the standards issued by the DOJ do not directly impact local law enforcement agencies, the federal action is structured to encourage these agencies to seek state accreditation by making certain federal grant funding dependent on an agency achieving accredited status. Lexipol has updated content to place agencies in the best position possible if and when they elect to seek accreditation. Changes to this policy include:

- In **DEFINITIONS**, a term has been added, and content has been updated to clarify that bias-based policing includes policing based on inappropriate explicit and implicit biases.
- **TRAINING** has been updated to require annual training to include implicit biases and how to avoid improper profiling, and the Edit Level has been changed from "State" to "Best Practice."
- **ADDITIONAL STATE REQUIREMENTS** has been added as a new subsection in **TRAINING**, and state-specific content from **TRAINING** has been moved to this subsection.

Lexipol 428:

December 2023

This policy has been updated because legislative action impacts its content. 2023 CA AB 1261, effective Jan. 1, 2024, amended law relating to U visa and T visa applications by requiring agencies to provide assistance with the completion of the application, forms, and written notices of denials. Changes to this policy include:

- In **U VISA AND T VISA NONIMMIGRANT STATUS**, content has been updated to include the new provisions, and content from **TIME FRAMES FOR COMPLETION** has been included.
- In **TIME FRAMES FOR COMPLETION**, some content has been moved to a more appropriate location in **U VISA AND T VISA NONIMMIGRANT STATUS**.

Lexipol 510:

December 2023

This policy has been updated because legislative action impacts its content. 2023 CA AB 925, effective Jan. 1, 2024, requires that an agency engaged in enforcing parking laws to verify, using available Department of Motor Vehicles (DMV) records, that no current vehicle registration exists before having the vehicle removed. Vehicles that have a current registration on file with the DMV shall not be towed. Changes to this policy include:

- **TOWING FOR EXPIRED REGISTRATION** has been added as a new section to address the requirements.

Unrelated to the legislative update, additional changes include:

- In **VEHICLE STORAGE REPORT**, an incorrectly placed word has been removed, punctuation has been corrected, and a serial comma has been added.
- In **RECORDS BUREAU RESPONSIBILITY**, content has been updated for clarity, and punctuation has been corrected. The subsection title is based on a text entity and may vary depending on how you answered the General Information Questionnaire.

Lexipol 600:

December 2023

This policy has been updated because legislative actions impact its content. 2023 CA AB 1406, effective Jan. 1, 2024, amended law relating to firearms that have been reported as lost or stolen. 2023 CA AB 732, also effective Jan. 1, 2024, amended law by requiring law enforcement agencies to designate a person responsible for entering and receiving information in the Armed Prohibited Persons System to verify that firearms have been relinquished for prohibited possessors of firearms, and adding new reporting requirements. Changes to this policy include:

- **STATE REQUIREMENTS FOR FIREARM INVESTIGATIONS** has been added as a new section to include **CALIFORNIA DOJ NOTICE OF LOCATION OF REPORTED LOST OR STOLEN FIREARM** and **RELINQUISHMENT OF FIREARMS VERIFICATION** as subsections, which include the new requirements.

Unrelated to the legislative update, additional changes include:

- In **DISCONTINUATION OF INVESTIGATIONS**, a serial comma has been added.

Lexipol 806:

January 2024

This policy is being updated based on a May 2022 Presidential Executive Order and subsequent May 2023 accreditation standards issued by the United States Department of Justice (DOJ). State accrediting entities must comply with the DOJ standards to qualify as independent credentialing bodies. Although the standards issued by the DOJ do not directly impact local law enforcement agencies, the federal action is structured to encourage these agencies to seek state accreditation by making certain federal grant funding dependent on an agency achieving accredited status. Lexipol has updated content to place agencies in the best position possible if and when they elect to seek accreditation.

The DOJ standards require agencies to have written directives relating to the collection of specific data. In addition to the collection of certain data, agencies are required to either submit, or be working toward the ability to submit, appropriate data to specific federal databases. Changes to this policy include:

- In **RECORDS BUREAU**, additional responsibilities and data collection and submission guidance have been added. The subsection name is based on a text entity and may vary depending on how you answered the General Information Questionnaire.
- The Guide Sheet has been updated.

Lexipol 1035:

January 2024

This policy has been updated because legislative action impacts its content. The update should be accepted and implemented as soon as possible. 2022 HR 2617 changed the location of some federal statutory content. As a result, federal statutes cited in this policy were renumbered. Changes to this policy include:

- In **POLICY**, a citation and terminology have been updated, and a gendered pronoun has been removed.

- In **LACTATION BREAK TIME** and **PRIVATE LOCATION**, citations and terminology have been updated.

Unrelated to the legislative update, additional changes include:

- In **PURPOSE AND SCOPE**, **STORAGE OF EXPRESSED MILK**, and **STATE REQUIREMENTS**, terminology has been updated.

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338.1 PURPOSE AND SCOPE

This policy is designed to assist in identifying and handling crimes motivated by hate or other bias toward individuals and groups with legally defined protected characteristics, to define appropriate steps for assisting victims, and to provide a guide to conducting related investigations. It outlines the general policy framework for prevention, response, accessing assistance, victim assistance and follow-up, and reporting as related to law enforcement's role in handling hate crimes. It also serves as a declaration that hate crimes are taken seriously and demonstrates how the Bay Area Rapid Transit Police Department may best use its resources to investigate and solve an offense, in addition to building community trust and increasing police legitimacy (Penal Code § 13519.6; Penal Code § 422.87).

338.1.1 DEFINITION AND LAWS

In accordance with Penal Code § 422.55; Penal Code § 422.56; Penal Code § 422.6; and Penal Code § 422.87, for purposes of all other state law, unless an explicit provision of law or the context clearly requires a different meaning, the following shall apply:

Bias motivation - Bias motivation is a pre-existing negative attitude toward actual or perceived characteristics referenced in Penal Code § 422.55. Depending on the circumstances of each case, bias motivation may include but is not limited to hatred, animosity, discriminatory selection of victims, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including but not limited to disability or gender.

Disability - Disability includes mental disability and physical disability as defined in Government Code § 12926, regardless of whether those disabilities are temporary, permanent, congenital, or acquired by heredity, accident, injury, advanced age, or illness.

Disability bias - In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as but not limited to dislike of persons who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore "deserving victims," a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes but is not limited to situations where a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons, such as inebriated persons or persons with perceived disabilities different from those of the victim. Such circumstances could be evidence that the perpetrator's

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motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

Gender - Gender means sex and includes a person's gender identity and gender expression.

Gender expression - Gender expression means a person's gender-related appearance and behavior, regardless of whether it is stereotypically associated with the person's assigned sex at birth.

Gender identity - Gender identity means each person's internal understanding of their gender, or the perception of a person's gender identity, which may include male, female, a combination of male and female, neither male nor female, a gender different from the person's sex assigned at birth, or transgender (2 CCR § 11030).

Hate crime - "Hate crime" includes but is not limited to a violation of Penal Code § 422.6, and means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

- (a) Disability
- (b) Gender
- (c) Nationality
- (d) Race or ethnicity
- (e) Religion
- (f) Sexual orientation
- (g) Association with a person or group with one or more of these actual or perceived characteristics:
 - 1. "Association with a person or group with one or more of these actual or perceived characteristics" includes advocacy for, identification with, or being on the premises owned or rented by, or adjacent to, any of the following: a community center, educational facility, family, individual, office, meeting hall, place of worship, private institution, public agency, library, or other entity, group, or person that has, or is identified with people who have, one or more of the characteristics listed in the definition of "hate crime" under paragraphs 1 to 6, inclusive, of Penal Code § 422.55(a).

Note: A "hate crime" need not be motivated by hate but may be motivated by any bias against a protected characteristic.

Hate incident - A hate incident is an action or behavior motivated by hate or bias but legally protected by the First Amendment right to freedom of expression. Examples of hate incidents include:

- Name-calling
- Insults and epithets
- Distributing hate material in public places

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- Displaying hate material on your own property

Hate speech - The First Amendment to the U.S. Constitution protects most speech, even when it is disagreeable, offensive, or hurtful. The following types of speech are generally not protected:

- Fighting words
- True threats
- Perjury
- Blackmail
- Incitement to lawless action
- Conspiracy
- Solicitation to commit any crime

In whole or in part - "In whole or in part because of" means that the bias motivation must be a cause in fact of the offense whether or not other causes also exist. When multiple concurrent motives exist, the prohibited bias must be a substantial factor in bringing about the particular result. There is no requirement that the bias be a main factor, or that a crime would not have been committed but for the actual or perceived characteristic.

Nationality - Nationality means country of origin, immigration status, including citizenship, and national origin.

Race or ethnicity - Race or ethnicity includes ancestry, color, and ethnic background.

Religion - Religion includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.

Religious bias - In recognizing suspected religion-bias hate crimes, officers should consider whether there were targeted attacks on, or biased references to, symbols of importance to a particular religion or articles considered of spiritual significance in a particular religion (e.g., crosses, hijabs, Stars of David, turbans, head coverings, statues of the Buddha).

Sexual orientation - Sexual orientation means heterosexuality, homosexuality, or bisexuality.

Victim - Victim includes but is not limited to:

- Community center
- Educational facility
- Entity
- Family
- Group
- Individual
- Office

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- Meeting hall
- Person
- Place of worship
- Private institution
- Public agency
- Library
- Other victim or intended victim of the offense

338.2 POLICY

It is the policy of this department to safeguard the rights of all individuals irrespective of their disability, gender, nationality, race or ethnicity, religion, sexual orientation, and/or association with a person or group with one or more of these actual or perceived characteristics. Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate or bias should be viewed very seriously and given high priority.

This department will employ reasonably available resources and vigorous law enforcement action to identify and arrest hate crime perpetrators. Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, this department should take all reasonable steps to attend to the security and related concerns of the immediate victims and their families as feasible.

All officers are required to be familiar with the policy and use reasonable diligence to carry out the policy unless directed by the Chief of Police or other command-level officer to whom the Chief of Police formally delegates this responsibility.

338.3 PLANNING AND PREVENTION

In order to facilitate the guidelines contained within this policy, department members will continuously work to build and strengthen relationships with the community, engage in dialogue, and provide education to the community about this policy. Department personnel are also encouraged to learn about the inherent issues concerning their communities in relation to hate crimes.

Although hate incidents are not criminal events, they can be indicators of, or precursors to, hate crimes. Hate incidents should be investigated and documented as part of an overall strategy to prevent hate crimes.

338.3.1 HATE CRIMES COORDINATOR

A department member appointed by the Chief of Police or the authorized designee will serve as the Hate Crimes Coordinator. The responsibilities of the Hate Crimes Coordinator should include but not be limited to (Penal Code § 422.87):

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- (a) Meeting with residents in target communities to allay fears; emphasizing the department's concern over hate crimes and related incidents; reducing the potential for counter-violence; and providing safety, security, and crime-prevention information. Cultural diversity education and immersion programs (if available) could facilitate this process.
- (b) Finding, evaluating, and monitoring public social media sources to identify possible suspects in reported hate crimes; to identify suspects or suspect groups in future hate crimes or hate incidents affecting individuals, groups, or communities that may be victimized; and to predict future hate-based events.
- (c) Providing direct and referral assistance to the victim and the victim's family.
- (d) Conducting public meetings on hate crime threats and violence in general.
- (e) Establishing relationships with formal community-based organizations and leaders.
- (f) Expanding, where appropriate, preventive programs such as hate, bias, and crime-reduction seminars for students.
- (g) Reviewing the Attorney General's latest opinion on hate crime statistics and targets in order to prepare and plan for future crimes, specifically for Arab/Middle Eastern and Muslim communities (Penal Code § 13519.6(b)(8)).
- (h) Providing orientation of and with communities of specific targeted victims such as immigrant, Muslim, Arab, LGBTQ, Black or African-American, Jewish, and Sikh persons and persons with disabilities.
- (i) Coordinating with the Personnel and Training Lieutenant to develop a schedule of required hate-crime training and include in a training plan recognition of hate crime bias characteristics, including information on general underreporting of hate crimes.
- (j) Verifying a process is in place to provide this policy and related orders to officers in the field and taking reasonable steps to rectify the situation if such a process is not in place.
- (k) Taking reasonable steps to ensure hate crime data is provided to the Records Division for mandated reporting to the Department of Justice.
 - 1. Ensure the California Department of Justice crime data is posted monthly on the department website (Penal Code § 13023).
- (l) Reporting any suspected multi-mission extremist crimes to the department Terrorism Liaison Officer, the assigned designee, or other appropriate resource; and verifying that such data is transmitted to the Joint Regional Information Exchange System in accordance with the protocols of the Records Division Policy.
- (m) Maintaining the department's supply of up-to-date hate crimes brochures (Penal Code § 422.92; Penal Code § 422.87).
- (n) Submitting required hate crime materials to the California Department of Justice in accordance with the timeline established by state law (Penal Code § 13023).
- (o) Annually assessing this policy, including:

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1. Keeping abreast of POST model policy framework for hate crimes for revisions or additions, including definitions, responsibilities, training resources, the supplemental hate crime report, and planning and prevention methods.
2. Analysis of the department's data collection as well as the available outside data (e.g., annual California Attorney General's report on hate crime) in preparation for and response to future hate crimes.

338.3.2 RELEASE OF INFORMATION

Establishing a relationship with stakeholders, before any incident occurs, to develop a network and protocol for disclosure often assists greatly in any disclosure.

The benefit of public disclosure of hate crime incidents includes:

- (a) Dissemination of correct information.
- (b) Assurance to affected communities or groups that the matter is being properly and promptly investigated.
- (c) The ability to request information regarding the commission of the crimes from the victimized community.

Information or records relating to hate crimes subject to public disclosure shall be released as provided by the Records Maintenance and Release Policy or as allowed by law. In accordance with the Media Relations Policy, the supervisor, public information officer, or the authorized designee should be provided with information that can be responsibly reported to the media. When appropriate, the department spokesperson should reiterate that hate crimes will not be tolerated, will be investigated seriously, and will be prosecuted to the fullest extent of the law.

The Department should consider the following when releasing information to the public regarding hate crimes and hate incidents that have been reported within the jurisdiction:

- Inform community organizations in a timely manner when a community group has been the target of a hate crime.
- Inform the community of the impact of these crimes on the victim, the victim's family, and the community, and of the assistance and compensation available to victims.
- Inform the community regarding hate crime law and the legal rights of, and remedies available to, victims of hate crimes.
- Provide the community with ongoing information regarding hate crimes and/or hate incidents.

338.4 RESPONSE, VICTIM ASSISTANCE, AND FOLLOW-UP

338.4.1 INITIAL RESPONSE

First responding officers should know the role of all department personnel as they relate to the department's investigation of hate crimes and/or incidents. Responding officers should evaluate the need for additional assistance and, working with supervision and/or investigations, access needed assistance if applicable.

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At the scene of a suspected hate or bias crime, officers should take preliminary actions reasonably deemed necessary, including but not limited to the following:

- (a) Use agency checklist (per Penal Code § 422.87) to assist in the investigation of any hate crime (see Appendix).
- (b) Stabilize the victims and request medical attention when necessary.
- (c) Properly protect the safety of victims, witnesses, and perpetrators.
 - 1. Assist victims in seeking a Temporary Restraining Order (if applicable).
- (d) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
- (e) Properly protect, preserve, and process the crime scene, and remove all physical evidence of the incident as soon as possible after the offense is documented. If evidence of an inflammatory nature cannot be physically removed, the property owner should be contacted to facilitate removal or covering as soon as reasonably possible. Department personnel should follow up with the property owner to determine if this was accomplished in a timely manner.
- (f) Collect and photograph physical evidence or indicators of hate crimes such as:
 - 1. Hate literature.
 - 2. Spray paint cans.
 - 3. Threatening letters.
 - 4. Symbols used by hate groups.
- (g) Identify criminal evidence on the victim.
- (h) Request the assistance of translators or interpreters when needed to establish effective communication with witnesses, victims, or others as appropriate.
- (i) Conduct a preliminary investigation and record pertinent information including but not limited to:
 - 1. Identity of suspected perpetrators.
 - 2. Identity of witnesses, including those no longer at the scene.
 - 3. The offer of victim confidentiality per Government Code § 7923.615.
 - 4. Prior occurrences in this area or with this victim.
 - 5. Statements made by suspects; exact wording is critical.
 - 6. The victim's protected characteristics and determine if bias was a motivation "in whole or in part" in the commission of the crime.
- (j) Adhere to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law.

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- (k) Provide information regarding immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).
- (l) Provide the department's Hate Crimes Brochure (per Penal Code § 422.92) if asked, if necessary, or per policy.
- (m) Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).
- (n) Document any suspected multi-mission extremist crimes.

338.4.2 INVESTIGATION

Investigators at the scene of, or performing follow-up investigation on, a suspected hate or bias crime or hate incident should take all actions deemed reasonably necessary, including but not limited to the following:

- (a) Consider typologies of perpetrators of hate crimes and incidents, including but not limited to thrill, reactive/defensive, and mission (hard core).
- (b) Utilize investigative techniques and methods to handle hate crimes or hate incidents in a professional manner.
- (c) Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).
- (d) Properly investigate any report of a hate crime committed under the color of authority per Penal Code § 422.6 and Penal Code § 13519.6.
- (e) Document physical evidence or indicators of hate crimes, in accordance with the provisions of the Property and Evidence Policy, such as:
 - 1. Hate literature.
 - 2. Spray paint cans.
 - 3. Threatening letters.
 - 4. Symbols used by hate groups.
 - 5. Desecration of religious symbols, objects, or buildings.
- (f) Request the assistance of translators or interpreters when needed to establish effective communication.
- (g) Conduct a preliminary investigation and record information regarding:
 - 1. Identity of suspected perpetrators.
 - 2. Identity of witnesses, including those no longer at the scene.
 - 3. Offer of victim confidentiality per Government Code § 7923.615.
 - 4. Prior occurrences, in this area or with this victim.
 - 5. Statements made by suspects; exact wording is critical.

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6. Document the victim's protected characteristics.
- (h) Provide victim assistance and follow-up.
- (i) Canvass the area for additional witnesses.
- (j) Examine suspect's social media activity for potential evidence of bias motivation.
- (k) Coordinate the investigation with department, state, and regional intelligence operations. These sources can provide the investigator with an analysis of any patterns, organized hate groups, and suspects potentially involved in the offense.
- (l) Coordinate the investigation with the crime scene investigation unit (if applicable) or other appropriate units of the Department.
- (m) Determine if the incident should be classified as a hate crime.
- (n) Take reasonable steps to provide appropriate assistance to hate crime victims, including the following measures:
 1. Contact victims periodically to determine whether they are receiving adequate and appropriate assistance.
 2. Provide ongoing information to victims about the status of the criminal investigation.
 3. Provide victims and any other interested persons the brochure on hate crimes per Penal Code § 422.92 and information on any local advocacy groups (if asked).
- (o) Document any suspected multi-mission extremist crimes.
- (p) Coordinate with other law enforcement agencies in the area to assess patterns of hate crimes and/or hate incidents, and determine if organized hate groups are involved.

338.4.3 SUPERVISION

The supervisor shall confer with the initial responding officer and take reasonable steps to ensure that necessary preliminary actions have been taken. The supervisor shall request any appropriate personnel necessary to accomplish the following:

- (a) Provide immediate assistance to the crime victim by:
 1. Expressing the department's official position on the importance of these cases and the measures that will be taken to apprehend the perpetrators.
 2. Expressing the department's interest in protecting victims' anonymity (confidentiality forms, Government Code § 7923.615) to the extent reasonably possible. Allow the victims to convey their immediate concerns and feelings.
 3. Identifying individuals or agencies that may provide victim assistance and support. Local victim assistance resources may include family members or close acquaintances, clergy, or a department chaplain, as well as community service agencies that provide shelter, food, clothing, child care, or other related services (per Penal Code § 422.92).

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- (b) Take reasonable steps to ensure that all relevant facts are documented on an incident and/or arrest report and make an initial determination as to whether the incident should be classified as a hate crime for federal and state bias-crimes reporting purposes.
- (c) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
- (d) In cases of large-scale hate crime waves, or in circumstances where the potential exists for subsequent hate crimes or incidents, consider directing resources to protect vulnerable sites (such as assigning an officer to specific locations that could become targets).
- (e) Verify hate crimes are being properly reported, including reporting to the Department of Justice, pursuant to Penal Code § 13023.
- (f) Verify adherence to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law. Supervisors should also be aware of the immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).
- (g) Respond to and properly initiate an investigation of any reports of hate crimes committed under the color of authority.
- (h) Provide appropriate assistance, including activating the California Department of Justice hate crime rapid response protocol if necessary. For additional information refer to the California Department of Justice website.
- (i) Verify reporting of any suspected multi-mission extremist crimes to the agency Hate Crimes Coordinator.
- (j) Make a final determination as to whether the incident should be classified as a hate crime and forward to the Chief of Police for approval.

338.5 TRAINING

All members of this department will receive POST-approved training on hate crime recognition and investigation as provided by Penal Code § 13519.6. Training should include (Penal Code § 422.87):

- (a) Recognition of bias motivators such as ranges of attitudes and perceptions toward a specific characteristic or group, including disability bias, gender bias, and religion bias.
- (b) Accurate reporting by officers, including information on the general underreporting of hate crimes.
- (c) Distribution of hate crime brochures.

338.6 APPENDIX

See attachments:

[Statutes and Legal Requirements.pdf](#)

[Hate Crime Checklist.pdf](#)

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[Supplemental Hate Crime Report.pdf](#)

Attachments

Statutes and Legal Requirements.pdf

Statutes and Legal Requirements

Items listed in this section include sections from the California Penal Code (CPC), Welfare and Institutions Code (WI) and Government Code (GC).

Definitions

CPC 422.55 - Provides general definition of hate crimes in California.

CPC 422.56- Provides definitions of terms included in hate crimes statutes.

GC 12926- Disability-related definitions applicable to some hate crime statutes.

Felonies

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CPC 422.7 - Commission of a crime for the purpose of interfering with another's exercise of civil rights.

Related Crimes

CPC 190.2(a)(16) - Homicide penalties related to certain hate crime related acts.

CPC 190.03(a) - Homicide penalties related to certain hate crime related acts.

CPC 288(b)(2) - Sexual assault of dependent person by caretaker

CPC 368(b) - Dependent adult abuse generally - may apply as disability-related hate crime.

CPC 594.3 - Vandalism of places of worship.

CPC 11412 - Causing or attempting to cause other to refrain from exercising religion by threat.

CPC 11413 - Arson or destructive device at place of worship.

Misdemeanors

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CPC 422.6 - Use of force, threats, or destruction of property to interfere with another's exercise of civil rights.

CPC 422.77 - Violation of civil order (Bane Act) protecting the exercise of civil rights

Related Crimes

CPC 302 - Disorderly conduct during an assemblage of people gathered for religious worship at a tax-exempt place of worship.

CPC 538(c) - Unauthorized insertion of advertisements in newspapers and redistribution to the public.

CPC 640.2 - Placing handbill, notice of advertisement on a consumer product or product packaged without authorization.

CPC 11411 - Terrorism of owner or occupant of real property. Placement or display of sign, symbol, or other physical impression without authorization, engagement in pattern of conduct, or burning or desecration of religious symbols.

Enhancements

CPC 190.2(a)(16) - Special circumstances imposing the Death Penalty or Life Without Possibility of Parole, if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 190.3 - Special circumstances imposing LWOP if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 422.75 - Penalty for felony committed because of victim's race, color, religion, nationality, country or origin, ancestry, disability, or sexual orientation shall be enhanced one, two, or three years in prison, if the person acts alone; and two, three, or four years if the person commits the act with another.

CPC 1170.8 - Enhancement for robbery or assault at a place of worship.

CPC 1170.85(b) - Felony assault or battery enhancement due to age or disability.

Reporting

CPC 13023- Requirement for law enforcement agencies to report hate crime data to DOJ.

WI 15630 – Elder and Dependent Adult Abuse Mandated Reporting (may apply in disability-related hate crimes).

Training and Policy Requirements

CPC 422.87 - Hate crimes policy adoption and update requirements (AB 1985, Effective January 1, 2019).

CPC 13519.6 - Defines hate crime training requirements for peace officers.

CPC 13519.41 - Training requirements on sexual orientation and gender identity-related hate crimes for peace officers and dispatchers (AB 2504, Effective January 1, 2019).

Miscellaneous Provisions

CPC 422.78 - Responsibility for prosecution of stay away order violations.

CPC 422.86 - Public policy regarding hate crimes.

CPC 422.89 - Legislative intent regarding violations of civil rights and hate crimes

CPC 422.92 - Hate crimes victims brochure requirement for law enforcement agencies.

CPC 422.93 - Protection of victims and witnesses from being reported to immigration authorities.

GC 6254 - Victim confidentiality.

Hate Crime Checklist.pdf

HATE CRIME CHECKLIST

Page _____ of _____

VICTIM	<p style="text-align: center;"><u>Victim Type:</u></p> <p><input type="checkbox"/> Individual Legal name (Last, First): _____ Other Names used (AKA): _____</p> <p><input type="checkbox"/> School, business or organization Name: _____ Type: _____ <small>(e.g., non-profit, private, public school)</small> Address: _____</p> <p><input type="checkbox"/> Faith-based organization Name: _____ Faith: _____ Address: _____</p>	<p style="text-align: center;"><u>Target of Crime (Check all that apply):</u></p> <p><input type="checkbox"/> Person <input type="checkbox"/> Private property <input type="checkbox"/> Public property</p> <p><input type="checkbox"/> Other _____</p> <p style="text-align: center;"><u>Nature of Crime (Check all that apply):</u></p> <p><input type="checkbox"/> Bodily injury <input type="checkbox"/> Threat of violence</p> <p><input type="checkbox"/> Property damage</p> <p><input type="checkbox"/> Other crime: _____</p> <p>Property damage - estimated value _____</p>
BIAS	<p style="text-align: center;"><u>Type of Bias</u> (Check all characteristics that apply):</p> <p><input type="checkbox"/> Disability</p> <p><input type="checkbox"/> Gender</p> <p><input type="checkbox"/> Gender identity/expression</p> <p><input type="checkbox"/> Sexual orientation</p> <p><input type="checkbox"/> Race</p> <p><input type="checkbox"/> Ethnicity</p> <p><input type="checkbox"/> Nationality</p> <p><input type="checkbox"/> Religion</p> <p><input type="checkbox"/> Significant day of offense <small>(e.g., 9/11, holy days)</small></p> <p><input type="checkbox"/> Other: _____</p> <p>Specify disability (be specific): _____ _____</p>	<p style="text-align: center;"><u>Actual or Perceived Bias – Victim’s Statement:</u></p> <p><input type="checkbox"/> Actual bias [Victim actually has the indicated characteristic(s)].</p> <p><input type="checkbox"/> Perceived bias [Suspect believed victim had the indicated characteristic(s)]. <i>If perceived, explain the circumstances in narrative portion of Report.</i></p> <hr/> <p style="text-align: center;"><u>Reason for Bias:</u></p> <p>Do you feel you were targeted based on one of these characteristics? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Do you know what motivated the suspect to commit this crime? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Do you feel you were targeted because you associated yourself with an individual or a group? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Describe in narrative portion of Report.</i></p> <p>Are there Indicators the suspect is affiliated with a criminal street gang? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Describe in narrative portion of Report.</i></p>
	<p style="text-align: center;"><u>Bias Indicators (Check all that apply):</u></p> <p><input type="checkbox"/> Hate speech <input type="checkbox"/> Acts/gestures <input type="checkbox"/> Property damage <input type="checkbox"/> Symbol used</p> <p><input type="checkbox"/> Written/electronic communication <input type="checkbox"/> Graffiti/spray paint <input type="checkbox"/> Other: _____</p> <p><i>Describe with exact detail in narrative portion of Report.</i></p>	
HISTORY	<p style="text-align: center;"><u>Relationship Between Suspect & Victim:</u></p> <p>Suspect known to victim? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Nature of relationship: _____</p> <p>Length of relationship: _____</p> <p><i>If Yes, describe in narrative portion of Report</i></p>	<p><input type="checkbox"/> Prior reported incidents with suspect? Total # _____</p> <p><input type="checkbox"/> Prior unreported incidents with suspect? Total # _____</p> <p>Restraining orders? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>If Yes, describe in narrative portion of Report</i></p> <p>Type of order: _____ Order/Case# _____</p>
WEAPONS	<p>Weapon(s) used during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No Type: _____</p> <p>Weapon(s) booked as evidence? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Automated Firearms System (AFS) Inquiry attached to Report? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	

POST 05/19 (Based on LAPD’s Hate Crime Supplemental Report, used with permission)

HATE CRIME CHECKLIST

Page _____ of _____

EVIDENCE	Witnesses present during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No		Statements taken? <input type="checkbox"/> Yes <input type="checkbox"/> No	
	Evidence collected? <input type="checkbox"/> Yes <input type="checkbox"/> No Photos taken? <input type="checkbox"/> Yes <input type="checkbox"/> No Total # of photos: _____ D#: _____ Taken by: _____ Serial #: _____		Recordings: <input type="checkbox"/> Video <input type="checkbox"/> Audio <input type="checkbox"/> Booked Suspect identified: <input type="checkbox"/> Field ID <input type="checkbox"/> By photo <input type="checkbox"/> Known to victim	

OBSERVATIONS	<u>VICTIM</u>	<u>SUSPECT</u>
	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____
	<u>ADDITIONAL QUESTIONS (Explain all boxes marked "Yes" in narrative portion of report):</u>	
	Has suspect ever threatened you? <input type="checkbox"/> Yes <input type="checkbox"/> No Has suspect ever harmed you? <input type="checkbox"/> Yes <input type="checkbox"/> No Does suspect possess or have access to a firearm? <input type="checkbox"/> Yes <input type="checkbox"/> No Are you afraid for your safety? <input type="checkbox"/> Yes <input type="checkbox"/> No Do you have any other information that may be helpful? <input type="checkbox"/> Yes <input type="checkbox"/> No	
<u>Resources offered at scene:</u> <input type="checkbox"/> Yes <input type="checkbox"/> No Type: _____		

MEDICAL	<table style="width: 100%;"> <tr> <th style="text-align: left;"><u>Victim</u></th> <th style="text-align: left;"><u>Suspect</u></th> <th></th> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Declined medical treatment</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Will seek own medical treatment</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Received medical treatment</td> </tr> </table> Authorization to Release Medical Information, Form 05.03.00, signed? <input type="checkbox"/> Yes <input type="checkbox"/> No	<u>Victim</u>	<u>Suspect</u>		<input type="checkbox"/>	<input type="checkbox"/>	Declined medical treatment	<input type="checkbox"/>	<input type="checkbox"/>	Will seek own medical treatment	<input type="checkbox"/>	<input type="checkbox"/>	Received medical treatment	Paramedics at scene? <input type="checkbox"/> Yes <input type="checkbox"/> No Unit # _____ Name(s)/ID #: _____ Hospital: _____ Jail Dispensary: _____ Physician/Doctor: _____ Patient #: _____
	<u>Victim</u>	<u>Suspect</u>												
<input type="checkbox"/>	<input type="checkbox"/>	Declined medical treatment												
<input type="checkbox"/>	<input type="checkbox"/>	Will seek own medical treatment												
<input type="checkbox"/>	<input type="checkbox"/>	Received medical treatment												

Officer (Name/Rank)	Date
Officer (Name/Rank)	Date
Supervisor Approving (Name/Rank)	Date

Supplemental Hate Crime Report.pdf

☐ Hate incident (No Crime Committed)

☐ Hate Crime (422.6 PC, 51.7 CC, 52.1 CC)

VICTIM

VICTIM TYPE

☐ Individual

Legal name (Last, First): _____

Date of Birth	Age	Sex	Race

☐ School, business or organization

Name: _____

Type: _____
(e.g., non-profit, private, public school)

☐ Faith-based organization

Name: _____

Faith: _____

☐ Other

Name: _____

Type: _____

Address: _____

Date and time of incident: _____

Location of incident: _____

Date and time of report: _____

Location of report: _____

Agency Case #: _____

NATURE OF CALL FOR SERVICE (check all that apply)

☐ Crime against persons

☐ Crime against property

☐ Gang activity

☐ Other _____

BIAS

TYPE OF BIAS

(Check all characteristics that apply)

☐ Disability

☐ Gender

☐ Gender identity/expression

☐ Sexual orientation

☐ Race

☐ Ethnicity

☐ Nationality

☐ Religion

☐ Significant day of offense

(e.g., 9/11, holy days)

☐ Association with a person or group with one or more of these characteristics (actual or perceived)

☐ Other: _____

ACTUAL OR PERCEIVED BIAS – VICTIM'S STATEMENT

☐ Actual bias [Victim has the indicated characteristic(s)].

☐ Perceived bias [Suspect believed victim had the indicated characteristic(s)].

REASON FOR BIAS:

Do you feel you were targeted based on one of these characteristics?

☐ Yes ☐ No

Do you know what motivated the suspect to commit this crime?

☐ Yes ☐ No

Do you feel you were targeted because you associated yourself with an individual or a group?

☐ Yes ☐ No

Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)?

☐ Yes ☐ No

Are there Indicators the suspect is affiliated with a criminal street gang?

☐ Yes ☐ No

BIAS INDICATORS (CHECK ALL THAT APPLY):

☐ Hate speech

☐ Acts/gestures

☐ Property damage

☐ Symbol used

☐ Written/electronic communication

☐ Graffiti/spray paint

☐ Other: _____

SUPPLEMENTAL HATE CRIME REPORT

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HISTORY**SUSPECT INFORMATION**Legal name (Last, First):
_____Other Names used (AKA):

Date of Birth	Age	Sex	Race

Relationship to Victim:
_____**RELATIONSHIP BETWEEN SUSPECT & VICTIM**Suspect known to victim: ☐ Yes ☐ NoNature of relationship:

Length of relationship: _____

☐ Prior reported incidents with suspect: *Total #* _____

Prior unreported incidents with suspect:

☐ Yes ☐ No ☐ Unknown**WEAPONS/FORCE**Weapon(s) used during incident? ☐ Yes ☐ No Type: _____Force used during incident? ☐ Yes ☐ No Type: _____**EVIDENCE**Witnesses present during incident? ☐ Yes ☐ No Statements taken? ☐ Yes ☐ NoEvidence collected? ☐ Yes ☐ No Recordings: ☐ Video ☐ Audio ☐ BookedPhotos taken? ☐ Yes ☐ No Suspect identified: ☐ Field ID ☐ By photo/video ☐ Known**RESOURCES**Resources offered at scene: ☐ Yes ☐ No☐ Marsy's Law Handout ☐ Hate Crimes Brochure ☐ Other: _____**MEDICAL****Victim Suspect**

<input type="checkbox"/>	<input type="checkbox"/>	Declined medical treatment
<input type="checkbox"/>	<input type="checkbox"/>	Will seek own medical treatment
<input type="checkbox"/>	<input type="checkbox"/>	Received medical treatment
<input type="checkbox"/>	<input type="checkbox"/>	Injuries observed

Completed by**Date**

Name/Title/ID number

Report Preparation

344.1 PURPOSE AND SCOPE

Report preparation is a major part of each officer's job. The purpose of reports is to document sufficient information to refresh the officer's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized training and on-the-job training.

344.1.1 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, crimes against persons, or arrest reports where the suspect remains in custody should not be held unless approved to hold over by the Watch Commander. Employees shall not approve their own reports.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

Effective immediately, employees who are submitting incident reports requesting video from the Video Recovery Unit for cases which are expected to be investigated in the Patrol Division will generate a supplemental report and submit it along with the initial incident report. The supplemental report will need the required fields completed to be able to submit the report for approval. The narrative section of the supplemental report need only indicate "pending video request."

Supervisors will only approve initial incident reports requesting video from the Video Recovery Unit for cases which are expected to be investigated in the Patrol Division when they have a supplemental report also submitted for approval. After approving the initial incident report, supervisors will reject the supplemental report so there will be an outstanding case in the responsible employees IN PROGRESS reports queue.

Employees will be expected to check their P: drive and document the review of video and/or the lack of available video in the narrative of the rejected supplemental report. The employee will then submit the supplemental report for final approval.

Report Preparation

344.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate department approved form unless otherwise approved by a supervisor.

344.2.1 CRIMINAL ACTIVITY

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution. Activity to be documented in a written report includes:

- (a) All arrests
- (b) All felony crimes
- (c) Non-Felony incidents involving threats or stalking behavior
- (d) Situations covered by separate policy. These include:
 - 1. Use of Force Policy
 - 2. Domestic Violence Policy
 - 3. Child Abuse Policy
 - 4. Senior and Disability Victimization Policy
 - 5. Hate Crimes Policy
 - 6. Suspicious Activity Reporting Policy
- (e) All misdemeanor crimes where the victim desires a report

Misdemeanor crimes where the victim does not desire a report shall be documented using the department-approved alternative reporting method (e.g., dispatch log).

344.2.2 NON-CRIMINAL ACTIVITY

The following incidents require the preparation of a written report:

- (a) When an officer points a firearm at any person, or deploys a firearm, CEW or LLIMS launcher in the presence of bystanders to defend, detain, or take any person into custody
- (b) Reported missing persons (regardless of jurisdiction)
- (c) Found contraband and found evidence
- (d) All incidents involving the death of a human being (see Policy Manual § 360 Death Investigations)
- (e) Traffic collisions above minimum reporting level
- (f) Suspicious Persons or Circumstances where a CAD entry would not be sufficient to explain the incident
- (g) Hazardous Material incidents where a CAD entry would not be sufficient to explain the incident

Report Preparation

- (h) Illnesses or injuries meeting criteria of section 344.2.4 or section 344.2.5

344.2.3 DEATH CASES

Cases of obvious suicide must be investigated and completed by the officer. If the officer is unable to determine the manner of death, he/she shall proceed as though it is a homicide.

The on-call detective will be notified in all unattended death cases. Detectives may respond to the scene to assist the reporting officer with the investigation.

344.2.4 INJURY OR DAMAGE BY DISTRICT PERSONNEL

Reports shall be taken if an injury occurs that is a result of an act of a District employee. Additionally, reports shall be taken involving significant damage to District property or District equipment.

344.2.5 MISCELLANEOUS INJURIES

Any injury that is reported to this department shall require a report when:

- (a) The injury/illness is a result of drug overdose
- (b) Attempted suicide
- (c) The injury or illness is major/serious, whereas death could result
- (d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event
- (e) The injury occurred on District property or the illness is attributed to the District.

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary. Illnesses not attributed to the District and/or injuries not occurring on District property may be documented in the Call for Service on the TriTech CAD/Mobile software. When documenting in the Call for Service, employees will ensure the name of the individual has been added to the supplemental information and the location the injured or sick person was transported to is entered into the call notes.

344.2.6 MANDATORY REPORTING OF JUVENILE GUNSHOT INJURIES

A report shall be taken when any incident in which a child 18 years or younger suffered an unintentional or self-inflicted gunshot wound. The Records Division shall notify the California Department of Public Health (CDPH) of the incident as required by CDPH (Penal Code § 23685).

344.2.7 MANDATORY REPORTING OF JUVENILE DETENTIONS

Welfare and Institutions Code section 210.2(b) requires the tracking of all juvenile detentions which occur in any police facilities that contain any secure or non-secure detention rooms. Officers will document juvenile detention information on the BART Police Juvenile Detention log. This information will then be compiled by the Records Section and forwarded to the Board of Corrections.

Report Preparation

344.2.8 EVENTS WHICH DO NOT REQUIRE A WRITTEN REPORT

The following events may be cleared by a dispatch CADS entry without a written report:

- (a) Infraction citation of an adult
- (b) Traffic infraction citation where the violation occurred on or off BART property
- (c) 647(g) PC cases where the subject is taken to detox
- (d) 911 calls, hang-ups and call box alarms with no evidence of criminal activity, no one detained and there is no property damage or personal injury
- (e) Reports of police radio problems (PRIP)
- (f) Misplaced vehicles with no evidence of tampering
- (g) Parking complaints with no property damage or personal injury
- (h) Misdemeanor/Infraction violations where an unidentified suspect is gone on the officer's arrival and there is no victim wishing to file a report
- (i) Unsecured doors and gates to District facilities with no evidence of criminal activity
- (j) Prisoner transports for warrants that are handled without incident
- (k) Monthly emergency exit checks
- (l) Miscellaneous service calls of a non-criminal nature that do not require follow-up, such as motorist/citizen assists and patron/fare disputes that do not result in the detention or identification of anyone by officers.

In order to document detentions of adults for infraction violations or on-property traffic stops where the suspect is identified and the identity is confirmed through a records check, the officer shall complete a Field Interview Card. The information from the card will be entered into a Field Interview Report in the TriTech system by the reporting officer.

344.3 GENERAL POLICY OF EXPEDITIOUS REPORTING

In general, all officers and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

344.3.1 GENERAL POLICY OF HANDWRITTEN REPORTS

Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports where an arrest is made or when there is a long narrative should be typed or dictated.

Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports of any nature for department consistency.

344.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should promptly return the report to the author for correction, stating the

Report Preparation

reasons for rejection. The report should be resubmitted for approval as soon as practical. It shall be the responsibility of the originating officer to ensure that any report returned for correction is processed in a timely manner.

344.5 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Division for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Division may be corrected or modified by the authoring officer only with the knowledge and authorization of the reviewing supervisor.

344.6 CASE ASSIGNMENTS

The following types of reports will be forwarded to the Criminal Investigations Division by the approving supervisor selecting "Investigations" in the Division box under the Case Management Section of the employee's report:

- Felonies Cases and Felony Arrests
 - Except property crimes with no witnesses, video requests, leads, or evidence
 - Except stand-alone Felony warrant arrests
- Misdemeanors Arrests and Citations
 - Except stand-alone misdemeanor warrant arrests
- Sex Crimes
- All employee related assaults or batteries
- Coroner's Cases
- Sick/Injured persons cases where the illness/injury may result in death
- Missing Person Cases
- Domestic Violence Cases

Cases that do not meet the above criteria shall not be forwarded to the Criminal Investigations Division and should be handled at the patrol level until leads are exhausted or it is no longer practical to investigate the case. Any exceptions to the above criteria must be approved by the Criminal Investigations Division sergeant prior to forwarding the cases.

Supervisors shall ensure the case is forwarded and the "Arrest Report" is completed by no later than 0500 hours the morning after the arrest. If this threshold cannot be met, the supervisor shall verbally notify the Criminal Investigations Division of the delay. If verbal notification is not possible, an email shall be sent to the on-call detective.

All cases that contain a video request will be forwarded to the Video Recovery Unit by the approving supervisor selecting "Video Recovery" in the Division box under the Case Management Section of the employee's report.

Report Preparation

344.7 COMPUTERIZED REPORT USAGE AND COMPLETION GUIDELINES

344.7.1 COMPUTERIZED REPORT TYPES

The TriTech system provides the following types of reports separated by county jurisdiction:

Incident Report - This is the standard format for criminal and non-criminal reports. The Incident Report should include the suspects/victims, associated vehicles involved in the incident and any guns, drugs, property or evidence seized by the primary reporting officer.

Supplemental - This report is used to document actions by assisting officers who were not assigned the primary role in an incident. It should also be used to record the results of follow-up investigation and to document facts discovered after the primary report has been submitted. Supplemental reports should not include offenses, suspects, victims, persons, vehicles, property, guns or drugs documented in the initial Incident Report unless the supplemental is providing updated information for those entries. Supplemental reports should include any property/evidence seized by the assisting officer.

Arrest Report - This report is a supplemental report to an Incident Report when the suspect is arrested, issued a misdemeanor citation or a notice to appear citation for an outstanding warrant.

Field Interview Report - This report is used to document detentions of adults for infraction violations or on-property traffic stops where the suspect received a verbal warning or was contacted for suspicious activity. Officers should attempt to fully identify the suspect, the violation and any identifiers such as scars, marks, tattoos, piercings, clothing, and license plate(s) etc... Entering this information in the Field Interview Report allows the suspect and vehicle to be searched for prior contacts.

Police Report Dispositions - In order to maintain accurate records of final dispositions of events and cases, it is imperative that the correct disposition is communicated between officers and dispatchers. When communicating via police radio, mobile data computer (MDC) or telephone with police dispatch, all police personnel will give the final disposition of their events and cases for data input. The final dispositions are:

- Arrest
- Able to care
- Assistance to citizen (non-criminal contacts)
- Citation
- Field interview
- Information
- No merit
- Outside agency assist
- Reassign

Report Preparation

- Report (any written case report, excluding an arrest)
- Secure (emergency exit checks)
- Transport
- UTL/GOA (Unable to locate/Gone on arrival)
- Cancel (used by Dispatch when appropriate)

344.7.2 COMPLETING NARRATIVES IN TRITECH WEB RMS

Before beginning the narrative portion of the report, the following information should be listed if applicable:

- Video Request
- Any cross-referenced cases
- Description of injuries
- Outside agency case number (San Francisco)
- Laboratory number (San Francisco)
- List of on-scene personnel
- Mobile video recorder activation information

The narrative should provide a chronological account of what transpired during the incident, in as much detail as possible. The following items must be addressed in the narrative, if applicable:

- Use of force
- Application of handcuffs and leg restraints (officers should note that the restraints were checked for proper fit and double locked)
- Drawing of firearm (when firearm is drawn in the presence of the public and/ or is used to accomplish a detention or take a suspect into custody) or other weapon. This includes pistol, shotgun, patrol rifle and LLIMS launcher, as well as the TASER.

344.8 HAND-WRITTEN REPORTS

This department uses a number of hand-written forms to document officers' activities. These documents should be completed and listed in the "Related Documents" field of the Management page, where appropriate. The forms should be turned into the Records section after being approved by a supervisor, where needed.

344.8.1 DOMESTIC VIOLENCE REPORT/SUPPLEMENTAL

This form is used to document pertinent details of domestic violence incidents. This includes details of the relationships between the suspect and victim, prior domestic violence history, restraining order status, suspect and victim demeanor, medical treatment received, victim assistance provided and diagrams of injuries. This form should be attached as a related document in domestic violence cases.

Report Preparation

344.8.2 REPORT OF NON-RELEASE MISDEMEANOR ARREST

This form may be completed in order to document the circumstances whereby a suspect arrested for a misdemeanor violation was not cited and released. This form is only required if the receiving jail facility requests it be completed. Most facilities incorporate this non-release information on their unique booking forms, or have their own non-release forms that must be completed at the time of booking. If completed, this form should be attached as a related document. In any event, the circumstances surrounding the non-release should be explained in the report narrative by the arresting officer.

344.8.3 SUSPECT STATEMENT

This form is used to document suspect statements. All boxes at the top of the form should be completed. The statement form includes the Miranda Admonition and Waiver. The Miranda rights should be read to the suspect prior to beginning any questioning, and the suspect's responses (yes/no) should be circled. When completing the waiver portion, the suspect's verbatim responses should be included on the lines following each waiver question, and the suspect should sign the form and note the date and time. If the suspect invokes his rights to counsel or to remain silent, this should be indicated on the form, which should be booked into evidence.

Generally speaking, the officer taking the statement should interview the suspect in order to obtain sufficient details regarding the incident to write the suspect's version of events on the statement form, using the first-person from the suspect's point of view. The statement should use the suspect's words and phraseology as much as possible. The completed statement should be shown and read to the suspect for any corrections necessary. The suspect should then sign at the end of the statement, and initial next to any corrections. The BART Police Report page 2 form may be used as additional pages if the suspect statement will not fit on the Suspect Statement form. If the suspect refuses to sign the form after giving a statement, the officer should write "refused" where the signature would normally be and book the form into evidence.

When completed and signed, the reporting officer should photocopy the statement and attach the copy as a related document to the report. The original suspect statement should be placed into evidence.

A summary of the suspect's statement should be included in the narrative portion of the crime report.

344.8.4 POLICE REPORT PAGE 2

This form may be used to document victim and witness statements and as continuation pages for suspect statements. Victim and witness statements should be taken in the same manner as suspect statements, with the exception of Miranda warnings and waivers. The completed forms should be listed as related documents on the crime report. The statements should be summarized in the narrative portion of the crime report. Victim and witness statements are not booked into evidence. They should be turned in to records for inclusion in the case file.

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344.8.5 PRIVATE PERSON (CITIZEN'S) ARREST REPORT

This form is used to document private person arrests. All information pertaining to the arrestee, the complainant and the crime should be completed. The pink copy of the form should be given to the person making the arrest. The form should be listed as a related document on the crime report. See Policy 364 for further details regarding private person arrests.

344.8.6 CERTIFICATE OF RELEASE

This form is used to document incidents where a subject has been detained for investigation of a crime, then released per the requirements of 849(b) PC. All such releases should be approved by a supervisor. The pink copy of the certificate should be given to the person released. The white and yellow copies should be forwarded to Records and should be listed as a related document on the police report.

344.8.7 STATEMENT PURSUANT TO 821 & 822 PC

This form is used to document situations where a suspect arrested on a warrant waives his right to be booked in the county of arrest, and is transported to the county which issued the warrant for booking. The arrestee should sign the form, which is listed as a related document on the police report.

344.8.8 CONFIDENTIALITY NOTIFICATION

This form is used to document the victim's desires regarding confidentiality in cases qualifying for confidentiality under 293 PC. Qualifying crimes are: 220, 261, 261.5, 262, 264, 264.1, 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285, 286, 288, 288a, 288.2, 288.3, 288.4, 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6. The law requires victims of the above offenses be informed of their right to have their name kept confidential. The victim's information should be completed and their desire to request or decline confidentiality should be checked. The form should be listed in the report as a related document.

344.8.9 APPLICATION FOR EMERGENCY PROTECTIVE ORDER

This form is used to obtain an emergency protective order. All portions of the form should be completed once a judicial officer has granted the protective order. The proof of service should be completed when the restrained party is notified of the order. The order should be entered into CLETS by the communications center and the form should be listed on the crime report as a related document. The CLETS entry information should be included in the narrative portion of the crime report.

344.8.10 VERBAL NOTICE OF PEACE OFFICER (DL-310)

This form is used to document verbal notice by an officer of the suspension of a person's driver license. The suspension information should be inserted and the license should be confiscated by the officer, if the subject is in possession of the license. The pink copy of the DL-310 form should be given to the driver at the scene. The license should be attached to the white and yellow copies of the DL-310 and forwarded to the Traffic Officer so the license can be returned to the DMV. The DL-310 form should be listed as a related document in the police report.

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344.8.11 NOTICE TO APPEAR

The notice to appear (citation) form is used to document an infraction or misdemeanor violation where the suspect is to appear in court to answer the charges. All pertinent boxes should be completed as accurately as possible. In the case of on-viewed infraction violations, the citation requires no accompanying police report. The citation stands alone and is forwarded to records. The citing officer should complete the reverse of the citation, making sufficient notes so that the incident can be recalled accurately in court at a later date.

In the case of private person (citizen's) arrests for infractions and misdemeanor violations, a police report is required in addition to the citation itself. Juveniles may be issued notices to appear for infraction violations only. A police report is required whenever a juvenile is issued a citation, or detained for a crime. The suspect should be given the yellow copy of the citation form. Citations should be listed as related documents when a police report is completed.

344.8.12 NOTICE TO APPEAR - CONTINUATION FORM

This form is used to document additional charges that will not fit in the violations box of the standard citation. More than one continuation form may be used if necessary. The suspect should be given the yellow copy of the citation form. Continuation forms should be listed as related documents when a police report is completed.

344.8.13 UNIFORM JUVENILE CITATION

This form is used to provide juvenile suspects notice to appear on felony and misdemeanor violations, where the juvenile is not booked into a juvenile detention facility. The form should be completed as thoroughly as possible. The parent/guardian accepting custody of the juvenile should sign the citation form, as well as the juvenile arrestee. The parent/guardian should be given the pink copy of the juvenile citation form. The citation should be listed as a related document on the police report.

344.8.14 NOTICE OF CORRECTION & PROOF OF SERVICE (CITATION CORRECTION FORM)

This form is used to correct a Notice to Appear that was issued to a suspect. The form should be completed to indicate the required change and the affected court. The pink proof of service portion of the form should be completed and mailed to the suspect at their mailing address. The original form should be forwarded to Records for transmission to the affected court. The form should be listed as a related document on the crime report.

344.8.15 BOOKING SHEETS/CARDS

County booking sheets or cards and juvenile intake forms are used to document a suspect being booked into an adult or juvenile detention facility. Each county has unique requirements for their booking paperwork, and this department will abide by each county's policies regarding the completion of booking paperwork. A copy of the booking forms should be listed as a related document on the police report.

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344.8.16 JUVENILE INTAKE FORMS

Each county has unique requirements for documenting juvenile arrests and contacts. This department will abide by each county's policies regarding the completion of booking/contact paperwork.

Alameda County requires that a Juvenile Intake Disposition Form be completed when booking a juvenile into Juvenile Hall. The completed form must be turned in to the facility, along with a copy of the completed police report, at the time the juvenile is booked into Juvenile Hall.

Contra Costa County requires the completion of their Juvenile Admission Form, if the officer is citing the juvenile for a misdemeanor or felony. If the juvenile is being booked into Juvenile Hall, a probable cause declaration must be completed in the ARIES system at time of booking. These forms are in addition to the reports normally completed by the officer. The forms provide information related specifically to juvenile offenders and provides space for a statement of probable cause. The department's probable cause declaration form should also be completed.

San Francisco County requires completion of an Admission Form, in addition to the reports normally completed by the officer. This form provides information related specifically to juvenile offenders booked into the Juvenile Justice Center. For juveniles dropped off at the CARC Center, a Juvenile Detention Disposition Report should be completed. The department's probable cause declaration should also be completed.

San Mateo County requires completion of a Juvenile Contact Report when booking a juvenile into Juvenile Hall. For juvenile offenders 14 years of age or older, who are taken into custody for a felony violation, the county requires completion of their special Promise to Appear (Form #JV-365), rather than the department's Uniform Juvenile Citation. The department's probable cause declaration should also be completed.

344.8.17 PROBABLE CAUSE DECLARATIONS

This form is used to establish probable cause for warrantless arrests. The form should be completed for all misdemeanor and felony arrests (with the exception of warrant only arrests). They should also be completed for any misdemeanor private person (citizen's) arrest citation case. Officers should use the computerized template when completing this form, but the form may be completed by hand if necessary. **Names of victims, witnesses and reporting parties should not be included in the Probable Cause Declaration. If necessary, refer to the person by role, rather than by name.**

In Alameda County the Consolidated Records Information Management System (CRIMS) should be utilized to send an electronic PC Declaration. CRIMS can be found following the URL <https://crims.acgovapp/> or log into CRIMS through the BPD Links folder short cut. For CRIMS log in problems contact the CRIMS help desk anytime at (510)272-3744.

In Contra Costa County the Automated Regional Information Exchange System (ARIES) should be utilized to send an electronic PC Declaration for in-custody arrests. ARIES can be found following the URL <https://ariessystem.us/Main/Login.aspx> or log into ARIES through the BPD Links short

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cut folder. For ARIES log in problems contact the BART Police ARIES Administrator (currently the BART Police Crime Analyst).

In San Francisco and San Mateo Counties, as well as all out of custody cases in Contra Costa County, the BART Police Probable Cause Declaration form is to be used.

344.8.18 VEHICLE RELEASE

This form is used to provide a vehicle owner a release so their stolen/embezzled vehicle may be retrieved from a towing company. It may be used to release a vehicle that was reported stolen to our department and recovered by another agency, a vehicle reported stolen to another agency and recovered by this department, or a stolen vehicle that was both reported to and recovered by this department. The form should be completed as appropriate with our case number, the outside agency case number, the vehicle information and the releasing officer's information. The vehicle owner should sign the form and the yellow copy of the form should be given to the owner/agent. The original form should be forwarded to records.

344.8.19 MISSING PERSON REPORTING FORM

This form is used to document reports of missing persons. This department is required by law to accept all reports of missing persons, regardless of the ultimate investigative jurisdiction of the case. All available information should be included on the form to document the report as accurately as possible. The communications center is required by law to enter the information into the MUPS system within 4 hours. This form should be listed as a related document on the report. The Department of Justice Missing Persons report form can be located in the G drive under the Police Forms folder.

344.8.20 DENTAL/SKELETAL X-RAY/PHOTOGRAPH RELEASE FORM

In the case of missing juveniles not located within 30 days, this form should be completed, authorizing doctors and dentists with records pertaining to the juvenile to release them to this department in order to assist the investigation. The form may be completed prior to 30 days, and officers should make an effort to have the parent/ guardian sign the form at the time the initial report is made, so the signed form is available if necessary. This form should be listed as a related document on the report.

344.8.21 11550 H&S NARCOTICS INFLUENCE REPORT

This form is used to document the objective symptoms of a suspect arrested for 11550 H & S. The completed form should be attached to the report as a related document.

344.8.22 VEHICLE REPORT (CHP-180)

This form is intended to accomplish multiple tasks related to vehicles and license plates. As a result, not all boxes will be applicable to each report. However, all boxes that apply to the incident in question should be completed by the reporting officer, using as much detail as possible. It is important to obtain signatures from garage principals, in the case of towed vehicles, and reporting parties, in the case of stolen/ embezzled vehicles and plates.

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When towing a vehicle, it is important to document existing damage on the vehicle diagrams on the face of the form. Officers should shade any areas of existing damage, and describe significant damage in the remarks section at the bottom of the face page.

Stolen/Embezzled and Recovery narratives should be documented in a criminal or non-criminal Incident Report (as applicable) in the TriTech Field Based Report system. The narrative should include the SVS entry information, indicating the date and time of the entry and the badge number of the employee who made the entry.

Completed and approved Vehicle Report forms documenting a towed [or stolen](#) vehicle should be scanned and emailed to BPDRrecords@bart.gov, prior to the end of the officer's shift. The form should be listed as a related document on the report.

344.8.23 APPLICATION FOR EMERGENCY PSYCHIATRIC DETENTION (5150 W&I)

This form along with a non-criminal incident report is used to document all incidents where a subject is detained for emergency psychiatric evaluation. All boxes should be completed with as much detail as possible. The reporting officer should document the detainment advisement required by 5157 W & I, which is printed on the form. If the advisement was not completed, a brief explanation must be included in the space provided.

All 5150 W & I reports which include a criminal hold, including all warrants, will be treated as an "in custody" and classified in the TriTech report writing system as an "arrest" in the Arrest report. The report, including all supplements, shall be written, submitted and approved by a supervisor prior to the reporting officer(s) going off duty. This shall also apply to arrestees who are transported for medical treatment prior to being booked into a jail facility. These reports cannot be approved by Field Training Officers and must be approved by a supervisor.

When an arrestee is transported from a medical or mental health facility and booked into a jail, the transporting officer shall complete a supplemental report and send an email to all Detectives and the Detective Sergeant advising them of the booking. The email should include the arrestee's name and case number and should be sent as soon as practicable after the transport has been completed.

Psychiatric self-committals will be treated as a sick person (not attributed to BART) and may be documented in the Call for Service on the TriTech CAD/Mobile software. When documenting in the Call for Service, employees will ensure the name of the individual has been added to the supplemental information and the location the injured or sick person was transported to is entered into the call notes.

The narrative section should be completed in enough detail to document the subject's condition and actions, and explain why the reporting officer believed the subject was a danger to him/herself, a danger to others, or was gravely disabled due to a mental condition or inebriation.

In the event that criminal charges will be filed against the subject, the officer should complete the Certification of Criminal Charges portion of the form, indicating who should be notified prior to

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the subject being released from mental health custody. In this case, an incident report and arrest report must also be completed, in order to document the criminal offense.

Normally all of the green copies of the form should be given to the transporting ambulance and/or the mental health facility. If the transporting ambulance or admitting mental health facility requests the white copy instead, the reporting officer should ensure that the BART case number is legibly written on the remaining green copies for proper filing, as it will not be recorded from the face page. This form should be listed as a related document on the report.

344.8.24 PROPERTY DAMAGE ONLY REPORT (CHP 555-03)

This scanned document is a two-part form used to record traffic collisions which qualify for the PDO report (two or fewer vehicles involved, no injuries, and no intended prosecution). The form should be completed using the standard format found in the CHP Collision Investigation Manual (CIM). All applicable boxes should be completed. The sketch should be done using standard figures as found in the CIM. The narrative should be completed in a non-criminal incident report using the format located in the CIM.

The original report should be forwarded to Records. The reporting officer may give each party to the collision a copy of the form. The copy contains the upper portion of the completed report, listing the parties, any witnesses and the sketch of the collision. This form should be listed as a related document.

344.8.25 DRIVING UNDER THE INFLUENCE ARREST INVESTIGATION REPORT (CHP 202)

This handwritten form serves to document the investigation of suspected DUI cases. Each applicable box should be completed in as much detail as possible. This form should be a related document, listed on the TriTech incident report.

The face page of the CHP 202 documents the suspect's information, vehicle details, and witness/passenger/victim information. There is a Miranda admonition printed on the form. The suspect's acknowledgment and waiver or invocation of Miranda rights should be recorded on the form. The suspect should sign the form to document his/ her choices.

The Misdemeanor Incarceration portion of the form should be completed if the suspect is booked. All situations that apply should be checked, to document the reasons for the suspect being booked for a misdemeanor violation, pursuant to 853.6 PC.

The reverse of the form documents the investigation interview, objective symptoms of intoxication and field sobriety test location. There is also a section to document the results of a Preliminary Alcohol Screening test, if applicable. The results of any chemical tests (Breath/Blood) should also be recorded on the form. The final item on the reverse of the form documents the Trombetta Advisement, and the suspect's election regarding additional test samples.

344.8.26 INTOXICATION EVALUATION/ARREST

This form is used to document the results of Field Sobriety Tests (FST's) given to suspects in DUI cases. The form provides boxes to identify the suspect and related vehicle, as well as sections for

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standard FST's, with diagrams which can be completed to record the suspect's performance on each test. All portions of the form should be completed in enough detail to accurately document the suspect's performance during the FST's. This form supplements the CHP 202 and is a related document in the TriTech incident report.

344.8.27 AGE 21 & OLDER OFFICER'S STATEMENT (DMV 367), UNDER 21 OFFICER'S STATEMENT (DMV 367M), UNDER 21 OFFICER'S STATEMENT - SPANISH (DMV 367M SPANISH)

These forms are used to document the DUI arrest and suspension/revocation of a suspect's license by the arresting officer. This form does not replace the Intoxication Evaluation/Arrest form, but is instead sent to the Department of Motor Vehicles to document the arrest and confiscation of the suspect's driver license. The Over 21 version (gray) of the form is to be used for all suspects 21 years and older. The suspect is provided the pink copy of the form, which provides information regarding the suspension of their license and administrative review procedures conducted by DMV. The Spanish version (red) of the form is printed in English on the face of the document, in order for the officer to document the arrest and confiscation of the license. The pink copy of the form, provided to Spanish speaking suspects, explains the hearing issues and DMV formalities in Spanish on the reverse.

The Under 21 (green) version of the form is to be used with suspects under the age of 21, and is similar to the other forms, with the exception of the lower blood alcohol level allowed. Again, the pink copy of the form is provided to the suspect. This form should be listed as a related document on the report.

344.8.28 PURSUIT REPORT (CHP187A)

The pursuit report should be prepared by the responsible supervisor as soon as possible following a pursuit (see also Policy #314). This form should be completed with as much information as is known about the suspects, vehicles involved, and the results of the pursuit. Detailed directions for completion of the form are located on the reverse side of the form. This form should be listed as a related document on the report.

344.8.29 CITIZEN PROPERTY RECEIPT (FORM #1448)

This form is used to provide a receipt for property taken or located by members of this department. The item taken into custody should be described as fully as possible and the storage location should be noted. The original of the form should be forwarded to the Property/Evidence bureau. The citizen should be given the yellow copy of the form for their records.

The Property Label (Form #0470) with wire attachments, is used in conjunction with the Property Receipt, and should be used to identify large or bulky items, such as bicycles, that cannot be packaged in standard departmental evidence envelopes/ bags. The hard copy of the form should be attached to the item with the wire. The top copy of the form should be forwarded to the Property/Evidence bureau for their records.

Both forms should be listed as related documents on the report.

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344.8.30 EVIDENCE ENVELOPE (FORM #1220)

The manila evidence envelope is the standard container for booking collected evidence items. All portions of the envelope should be completed as appropriate. Officers should check the appropriate box to classify the item inside as either evidence, safekeeping or found property. Officers should also check the box indicating whether the item inside is narcotics, currency, fingerprints, or other. The reporting officer should then complete the boxes for Victim, Case Number, Suspect, Item Number, Location, and Offense. The item should be described as clearly as possible, along with the identity of the recovering officer and the date and time of recovery. The chain of custody is documented using the appropriate section on the evidence envelope. If the envelope contains narcotics, the boxes at the bottom of the envelope should be checked to indicate what drug the substance should be analyzed for. The glue flap should be sealed and evidence tape should be placed over the flap. The sealing officer should write the case number, date and his/her badge number over the tape.

If the envelope contains currency, the amount of currency and/or coin should be noted in the blocks on the reverse of the envelope. The officer counting the money should place his/her name and badge number, as well as the date and time in the appropriate blocks.

If the envelope contains narcotics or currency, a witness signature is also required, in the witness block.

If the evidence item is too large to fit into the evidence envelope, the pre-printed evidence bag should be used. The bag should be completed in the same manner as the evidence envelope.

344.8.31 TICKET EVIDENCE ENVELOPE (FORM #0720)

This white evidence envelope is intended only to contain BART tickets taken as evidence. It is completed in the same manner as the large evidence envelope.

344.8.32 FORENSIC MEDICAL REPORT: NON-ACUTE (>72 HOURS) CHILD/ADOLESCENT SEXUAL ABUSE EXAMINATION (OCJP 925)

This form must be completed when documenting reported incidents of sexual abuse of children. It is meant to be completed in conjunction with a physician or other medical professional during a medical examination searching for evidence of sexual abuse. The original of the form should be retained as evidence by this department. Copies should be provided to Child Protective Services and the Medical Facility conducting the examination. This form should be listed as a related document on the report.

344.8.33 REPORT OF SUSPECTED DEPENDENT ADULT/ELDER ABUSE (SOC 341)

This form is used to document reports of possible dependent adult/elder abuse received by this department, as required by 15630 and 15658(a)(1) W&I. A "Dependent Adult" is anyone aged 18-64, residing in this state, who has physical or mental limitations that restrict his/her ability to carry out normal activities or to protect his/her rights. An "Elder" is anyone 65 years of age or older, who resides in this state.

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Officers of this department are mandated reporters pursuant to 15630(a) W&I. As such, any instance of known or suspected abuse (physical abuse, sexual abuse, financial abuse, abduction, neglect (including self-neglect), isolation, and abandonment involving an elder or a dependent adult must be documented using this form. The original report must be completed and submitted to the Investigations bureau within two working days, if the instance of abuse took place in BART's jurisdiction. The original form should be placed in the case file. The responsible county Adult Protective Services office should be notified as soon as possible, and should be provided a copy of the report form. If the instance of abuse took place in another jurisdiction, the law enforcement agency with jurisdiction and the county Adult Protective Services agency must be notified within two working days of receiving the report, and both agencies should be provided a copy of the form. This form should be listed as a related document on the report.

Failure of a mandated reporter to report abuse of a dependent adult/elder is a misdemeanor offense.

344.9 SPECIAL CIRCUMSTANCES AND APPLICATIONS

344.9.1 MULTIPLE INCIDENTS/MULTIPLE VICTIM REPORTS

A multiple incident/multiple victim event is one where a suspect commits separate acts against the person or property of others, resulting in multiple victims of the same/similar type of crime, for example, a suspect burglarizes several automobiles at the same station. In order to document this type of event, all involved victims, vehicles, property and evidence will be entered into one report. The narrative of this report will describe the entire investigation completed by the officer.

344.9.2 MULTIPLE VICTIM REPORTS

A multiple victim incident is caused by a suspect's singular act that results in injury or property loss to more than one person, such as a suspect committing an armed robbery of a group of people. Multiple victim reports should be documented in one case, listing all victims and involved parties in the same report.

344.9.3 HATE MOTIVATED CRIMES

Hate motivated crimes are any criminal act or attempt to cause physical injury, emotional suffering or property damage where there is reasonable cause to believe that the crime was motivated, in whole or in part, by the victim's actual or perceived race, ethnicity, religion, gender, sexual orientation or physical or mental disability. (See Policy 338 for further details regarding Hate Crimes)

The reporting officer should notify a supervisor as soon as possible if he/she believes an incident is a hate crime. The supervisor will notify the on-duty watch commander. The watch commander will determine the need for additional notifications.

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344.9.4 CONFIDENTIAL CASES

A Confidential Case is an investigation that may involve a BART employee, BART affiliated contractor or person otherwise associated with BART, where disclosure of the person's identity or affiliation, or other facts could compromise the investigation.

When police personnel receive information regarding employee criminal activity, the investigating officer should discreetly gather sufficient facts to make an oral report to a supervisor. The supervisor will determine the appropriate response. In-progress crimes should be handled by officers as they normally would, with an immediate police response to stabilize the situation and investigate the crime at hand. A supervisor will coordinate the response and preliminary investigation to maintain confidentiality, if at all possible. The supervisor may consider the use of a telephone report or a delayed response if the appearance of uniformed police personnel at the scene might be detrimental to the successful investigation of the crime.

If the initial investigation indicates a more thorough, confidential investigation is warranted, these circumstances should be documented as a Confidential Case and the following procedures should be followed:

- (a) The reporting officer should obtain a case number from the Communications Section and request that the case be classified as "Confidential-Criminal Investigations," or "Confidential-Internal Affairs." Confidential reports will be entered directly into the Inform Records Management System and contained in a confidential folder with access granted to only the investigator and/or investigating supervisor.
- (b) The supervisor should notify either the investigations lieutenant, zone lieutenant/watch commander, or Internal Affairs lieutenant, as applicable.
- (c) The supervisor should approve the completed police report, and assign primary responsibility, as appropriate. No copies of the report should be printed.

344.9.5 TELEPHONE REPORTS

Telephone reports may be taken in certain circumstances. Personal follow-ups on telephone reports should be conducted whenever the case appears to warrant it. Telephone reports may be taken in cases that meet any of the following criteria and they should be completed using the appropriate report form as outlined in this policy:

- The nearest officer is not available within a reasonable time.
- The reporting party/victim is unable or unwilling to wait or has already left the scene.
- The call does not require immediate police action.

344.9.6 REPORTS PREPARED BY COMMUNITY SERVICE OFFICERS

Community Service Officers (CSOs) are authorized to prepare police reports if the following criteria are met:

- The suspect has left the scene and cannot be located.

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- There is no potential for immediate investigative follow-up which could lead to the identification and/or apprehension of the suspect.
- The case does not require video surveillance requests and review.

344.9.7 REPORT REVIEWS

A Report Review form should be used when a police supervisor or manager believes that a documented assessment of a police report is appropriate. As supervisors are responsible for the daily review of police reports generated in their zones, this will normally occur when a police supervisor finds a report to be either exceptional, or deficient. However, any police supervisor or manager may generate a report review. A report review may be challenged through the chain of command. The final decision concerning challenged report reviews will be made by the report writer's Bureau Deputy Chief. The following procedures apply to the preparation and filing of report reviews:

(a) Preparation:

1. The supervisor/manager preparing the review should document the facts in the report that make it exceptional or deficient in as much detail as possible. If the report is deficient, the deficiencies should be identified clearly, with required corrective action specifically listed. The review should be attached to a printed copy of the report so that the review comments can be matched to the written document.
2. Normally, reviews involving report deficiencies should have a due date assigned by the supervisor/manager who initiated the review. If the identified corrections must be made prior to the report being transmitted outside the department, the reviewing supervisor should mark the "immediate" box on the Report Review form. The reporting officer shall then be responsible for making the necessary corrections on his/her next work day. Other deficiencies may have longer due dates assigned by the reviewing supervisor/manager.

(b) Routing of Report Reviews:

1. When a review is generated, it is the responsibility of the supervisor/ manager preparing the review to route it to the reporting officer via the chain of command. If the reporting officer is assigned to the Field Training Officer program, the report review should be sent to the trainee via the field training chain of command. The supervisor of the reporting officer is responsible for making sure all necessary follow-up is completed and noted deficiencies are corrected.
2. The supervisor/manager preparing the review is responsible for directing copies of the review to any others that would be concerned with the information (e.g., Criminal Investigations, Records, etc...).

(c) Filing of Report Reviews:

1. Report reviews should be filed in the report writer's Employee Development Record (EDR) file and may be mentioned in the writer's performance evaluation. Employees should view and initial report review forms that are placed in their EDR file.

Bias-Based Policing

402.1 PURPOSE AND SCOPE

This policy provides guidance to department members and establishes appropriate controls to ensure that employees of the Bay Area Rapid Transit Police Department do not engage in racial- or bias-based profiling or violate any related laws while serving the community. In addition, this policy serves to establish procedures for collection of Bay Area Rapid Transit Police Department stop data pursuant to California Government Code section 12525.5, known as the Racial and Identity Profiling Act (RIPA).

402.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing or improper profiling - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin (including limited English proficiency), religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement (Penal Code § 13519.4). This includes explicit and implicit biases (i.e., conscious and unconscious beliefs or attitudes towards certain groups).

402.2 POLICY

The Bay Area Rapid Transit Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly and without discrimination toward any individual or group.

Race, ethnicity or nationality, religion, sex, sexual orientation, economic status, age, cultural group, disability or affiliation with any other similar identifiable group shall not be used as the basis for providing differing levels of law enforcement service or the enforcement of the law.

402.3 RACIAL- OR BIAS-BASED PROFILING PROHIBITED

Racial- or bias-based profiling is strictly prohibited. However, nothing in this policy is intended to prohibit an officer from considering factors such as race or ethnicity in combination with other legitimate factors to establish reasonable suspicion or probable cause (e.g., suspect description is limited to a specific race or group).

402.3.1 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not collect information from a person based on religious belief, practice, affiliation, national origin or ethnicity unless permitted under state or federal law (Government Code § 8310.3).

Members shall not assist federal government authorities (Government Code § 8310.3):

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- (a) In compiling personal information about a person's religious belief, practice, affiliation, national origin or ethnicity.
- (b) By investigating, enforcing or assisting with the investigation or enforcement of any requirement that a person register with the federal government based on religious belief, practice, or affiliation, or national origin or ethnicity.

402.4 MEMBER RESPONSIBILITY

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any known instances of racial- or bias-based profiling to a supervisor.

402.4.1 REASON FOR DETENTION

Officers detaining a person shall be prepared to articulate sufficient reasonable suspicion to justify a detention, independent of the individual's membership in a protected class.

To the extent that written documentation would otherwise be completed (e.g., arrest report, Field Interview (FI) card), the involved officer should include those facts giving rise to the officer's reasonable suspicion or probable cause for the detention, as applicable.

Nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

402.4.2 REPORTING OF STOPS

Unless an exception applies under 11 CCR 999.227, an officer conducting a stop of a person shall collect the data elements required by Penal Code § 12525.5 and 11 CCR 999.226 for every person stopped and prepare a stop data report. When multiple officers conduct a stop, the officer with the highest level of engagement with the person shall collect the data elements and prepare the report (11 CCR 999.227).

If multiple agencies are involved in a stop and the Bay Area Rapid Transit Police Department is the primary agency, the Bay Area Rapid Transit Police Department officer shall collect the data elements and prepare the stop data report (11 CCR 999.227).

The stop data report should be completed by the end of the officer's shift or as soon as practicable (11 CCR 999.227).

402.4.3 DISCLOSURE AND DOCUMENTATION OF TRAFFIC OR PEDESTRIAN STOP

An officer conducting a traffic or pedestrian stop shall state the reason for the stop prior to questioning the individual related to a criminal investigation or traffic violation unless the officer reasonably believes that withholding the reason for the stop is necessary to protect life or property from imminent threat, including but not limited to cases of terrorism or kidnapping (Vehicle Code § 2806.5).

Officers shall document the reason for the stop on any citation or report (Vehicle Code § 2806.5).

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402.5 SUPERVISOR RESPONSIBILITY

Supervisors shall monitor those individuals under their command for any behavior that may conflict with the purpose of this policy and shall handle any alleged or observed violation of this policy in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
- (b) Supervisors should periodically review MAV recordings, MDC data and any other available resource used to document contact between officers and the public to ensure compliance with the policy.
 - 1. Supervisors should document these periodic reviews.
 - 2. Recordings that capture a potential instance of racial- or bias-based profiling should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (d) Supervisors should ensure that no retaliatory action is taken against any member of this department who discloses information concerning racial- or bias-based profiling.

402.6 ADMINISTRATION

Each year, the Operations Division Commander shall review the efforts of the Department to prevent racial- or bias-based profiling and submit an overview, including public concerns and complaints, to the Chief of Police.

This report should not contain any identifying information regarding any specific complaint, citizen or officers. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

Supervisors shall review the annual report and discuss the results with those they are assigned to supervise.

402.7 TRAINING

Training on racial- or bias-based profiling and review of this policy should be conducted as directed by the Personnel and Training Bureau.

- (a) All sworn members of this department will be scheduled to attend Peace Officer Standards and Training (POST)-approved training on the subject of racial- or bias-based profiling.
- (b) Pending participation in such POST-approved training and at all times, all members of this department are encouraged to familiarize themselves with and consider racial and cultural differences among members of this community.
- (c) Each sworn member of this department who received initial racial- or bias-based profiling training will thereafter be required to complete an approved refresher course

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every five years, or sooner if deemed necessary, in order to keep current with changing racial, [identity](#), and cultural trends (Penal Code § 13519.4(i)).

402.8 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Internal Affairs Division Manager shall ensure that all data required by the California Department of Justice (DOJ) regarding complaints of racial bias against officers is collected and provided to the Records Supervisor for required reporting to the DOJ (Penal Code § 13012; Penal Code § 13020). See the Records Division Policy.

Supervisors should ensure that data stop reports are provided to the Records Supervisor for required annual reporting to the DOJ (Government Code § 12525.5) (See Records Bureau Policy).

402.9 RACIAL AND IDENTITY PROFILING ACT (RIPA) COMPLIANCE

Department sworn personnel shall comply with the RIPA reporting requirements. Data on Bay Area Rapid Transit Police department stops shall be collected through the application located in the BPD Links folder created specifically for RIPA compliance. The data will be collected for any person detained or searched during a call for service or individual self-initiated activity, in accordance with Government Code section 12525.5.

Personnel shall complete the RIPA data entries prior to the completion of their assigned work shift. Personnel shall complete a RIPA entry for every individual detained or searched. If multiple officers or officers and supervisors respond to the same call for service, the primary responding officer will be required to generate the RIPA entry for the stop.

Field Supervisors shall review and ensure the data collected is complete and that no personal identifying information is included. Submission of RIPA data should be completed daily. RIPA entries generated by sergeants shall be approved by a lieutenant. The approval of RIPA data entries should be completed within 14 days of the initial contact.

Department personnel shall not use or release any RIPA data unless authorized by the Chief of Police or his/her designee.

Immigration Violations

428.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Bay Area Rapid Transit Police Department relating to immigration and interacting with federal immigration officials.

428.1.1 DEFINITIONS

The following definitions apply to this policy (Government Code § 7284.4):

Criminal immigration violation - Any federal criminal immigration violation that penalizes a person's presence in, entry, or reentry to, or employment in, the United States. This does not include any offense where a judicial warrant already has been issued.

Immigration enforcement - Any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, including any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry or reentry to, or employment in the United States.

Judicial warrant - An arrest warrant for a violation of federal criminal immigration law and issued by a federal judge or a federal magistrate judge.

428.2 POLICY

It is the policy of the Bay Area Rapid Transit Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

428.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or California constitutions.

428.4 IMMIGRATION INQUIRIES PROHIBITED

Officers shall not inquire into an individual's immigration status for immigration enforcement purposes (Government Code § 7284.6).

428.4.1 CALIFORNIA LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM (CLETS)

Members shall not use information transmitted through CLETS for immigration enforcement purposes except for criminal history information and only when consistent with the California Values Act (Government Code § 15160).

Immigration Violations

Members shall not use the system to investigate immigration violations of 8 USC § 1325 (improper entry) if that violation is the only criminal history in an individual's record (Government Code § 15160).

428.4.2 CALIFORNIA DEPARTMENT OF MOTOR VEHICLES

Members shall not obtain, access, use, or otherwise disclose noncriminal history information maintained by the DMV for immigration enforcement (Vehicle Code § 1808.48).

428.5 DETENTIONS AND ARRESTS

An officer shall not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant (Government Code § 7284.6).

An officer who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of 8 USC § 1326(a) (unlawful reentry) that may be subject to an enhancement due to a previous conviction of an aggravated felony under 8 USC § 1326(b) (2), may detain the person for a reasonable period of time to contact federal immigration officials to verify whether the United States Attorney General has granted the individual permission for reentry and whether the violation is subject to enhancement (Government Code § 7284.6). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has violated 8 USC § 1326(a) and the penalty may be subject to enhancement due to prior conviction for specified aggravated felonies, he/she may arrest the individual for that offense (Government Code § 7284.6).

An officer shall not detain any individual, for any length of time, for any other criminal immigration violation of federal immigration laws (Government Code § 7284.6).

An officer should notify a supervisor as soon as practicable whenever an individual is arrested for violation of 8 USC § 1326(a).

428.6 FEDERAL REQUESTS FOR ASSISTANCE

Absent an urgent issue of officer safety or other emergency circumstances, requests by federal immigration officials for assistance from this department should be directed to a supervisor. The supervisor is responsible for determining whether the requested assistance would be permitted under the California Values Act (Government Code § 7284.2 et seq.).

428.7 INFORMATION SHARING

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373; Government Code § 7284.6):

- (a) Sending information to, or requesting or receiving such information from federal immigration officials

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- (b) Maintaining such information in department records
- (c) Exchanging such information with any other federal, state, or local government entity

Nothing in this policy restricts sharing information that is permissible under the California Values Act.

428.7.1 IMMIGRATION DETAINERS

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 (Government Code § 7284.6).

Notification to a federal authority may be made prior to release of an individual who is the subject of a notification request only if the individual meets one of the following conditions (Government Code § 7282.5; Government Code § 7284.6):

- (a) The individual has been arrested and had a judicial probable cause determination for a serious or violent felony identified in Penal Code § 667.5(c) or Penal Code § 1192.7(c).
- (b) The individual has been arrested and had a judicial probable cause determination for a felony punishable by time in a state prison.
- (c) The individual has been convicted of an offense as identified in Government Code § 7282.5(a).
- (d) The individual is a current registrant on the California Sex and Arson Registry.
- (e) The individual is identified by the U.S. Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

428.7.2 NOTICE TO INDIVIDUALS

Individuals in custody shall be given a copy of documentation received from U.S. Immigration and Customs Enforcement (ICE) regarding a hold, notification, or transfer request along with information as to whether the Bay Area Rapid Transit Police Department intends to comply with the request (Government Code § 7283.1).

If the Bay Area Rapid Transit Police Department provides ICE with notification that an individual is being, or will be, released on a certain date, the same notification shall be provided in writing to the individual and to his/her attorney or to one additional person who the individual may designate (Government Code § 7283.1).

428.7.3 TRANSFERS TO IMMIGRATION AUTHORITIES

Members shall not transfer an individual to immigration authorities unless one of the following circumstances exist (Government Code § 7282.5; Government Code § 7284.6):

- (a) Transfer is authorized by a judicial warrant or judicial probable cause determination.
- (b) The individual has been convicted of an offense as identified in Government Code § 7282.5(a).
- (c) The individual is a current registrant on the California Sex and Arson Registry.

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- (d) The individual is identified by the U.S. Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

428.7.4 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Criminal Investigations Division supervisor shall ensure that data regarding the number of transfers of an individual to immigration authorities, as permitted by Government Code § 7284.6(a)(4), and the offense that allowed for the transfer is collected and provided to the Records Supervisor for required reporting to the DOJ (Government Code § 7284.6(c)(2)(see the Records Division Policy).

428.8 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Criminal Investigations Division supervisor assigned to oversee the handling of any related case. The Criminal Investigations Division supervisor should:

- (a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.
- (b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
- (c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.
 - 1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
 - 2. Form I-918 Supplement B certification shall be completed if the victim qualifies under Penal Code § 679.10 (multiple serious offenses). The certification shall be completed and not refused for the specified reasons in Penal Code § 679.10(k)(3).
 - 3. Form I-914 Supplement B declaration shall be completed if the victim qualifies under Penal Code § 236.5 or Penal Code § 679.11 (human trafficking). The declaration shall be completed and not refused for completion for the specified reasons in Penal Code § 679.11(j)(3).
 - 4. Forward the completed Form I-918 Supplement B certification or completed Form I-914 declaration B to the victim, family member, or authorized representative (as defined in Penal Code § 679.10 and Penal Code § 679.11) without requiring the victim to provide government-issued identification (Penal Code § 679.10; Penal Code § 679.11)

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- (d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.
 - 1. If Form I-918 Supplement B is not certified, a written explanation of denial shall be provided to the victim or authorized representative. The written denial shall include specific details of any reasonable requests for cooperation and a detailed description of how the victim refused to cooperate (Penal Code § 679.10).
- (e) Inform the victim liaison of any requests and their status.

428.8.1 TIME FRAMES FOR COMPLETION

Officers and their supervisors who are assigned to investigate a case of human trafficking as defined by Penal Code § 236.1 shall complete the above process and the documents needed for indicating the individual is a victim for the T visa application within 15 business days of the first encounter with the victim, regardless of whether it is requested by the victim (Penal Code § 236.5).

Officers and their supervisors shall complete the above process and the documents needed certifying victim cooperation for a U visa or T visa application pursuant to Penal Code § 679.10 and Penal Code § 679.11 within 30 days of a request from the victim, victim's family, or authorized representative related to one of their assigned cases. If the victim is in removal proceedings, the certification shall be processed within seven days of the first business day following the day the request was received.

428.8.2 REPORTING TO LEGISLATURE

The Criminal Investigations Division supervisor or the authorized designee should ensure that certification requests are reported to the Legislature in January of each year and include the number of certifications signed and the number denied. The report shall comply with Government Code § 9795 (Penal Code § 679.10; Penal Code § 679.11).

428.8.3 POLICE REPORTS

Upon request, an officer or supervisor should provide a victim or authorized representative with a copy of the report filed by the victim within seven days of the request (Penal Code § 679.10).

428.9 TRAINING

The Personnel and Training Lieutenant should ensure that all appropriate members receive training on immigration issues.

Training should include:

- (a) Identifying civil versus criminal immigration violations.
- (b) Factors that may be considered in determining whether a criminal immigration violation has been committed.
- (c) Prohibitions contained in the California Values Act (Government Code § 7284 et seq.).

Patrol Rifle Operator Program

432.1 PURPOSE AND SCOPE

The members of the Patrol Rifle Operator Program are a cadre of trained personnel with the ability to effectively place accurate rifle fire from close quarters to distances beyond the effective range of pistols and shotguns. The Patrol Rifle Operator Program has been designed with the intent to enhance police officer and public safety. Patrol Rifles may be employed in any situation where police firearms use is justified, taking into account the enhanced range and penetration capabilities of the rifle.

432.2 PATROL RIFLE

The Department-issued patrol rifle is a semi-automatic, AR15-style rifle, chambered for 5.56 mm ammunition. Department Rifles individually assigned to officers are the Colt AR-15 A2/A3/A4 variants as well as the Sig Sauer M400. Department Pool Rifles (rifles assigned to a specific direct report location for shared use) are the Sig Sauer M400. Patrol rifles, when carried in police vehicles, it must be secured in locking gun racks or weapons cases stored in vehicle trunks. The patrol rifle shall be carried in the "cruiser ready" configuration (~~18 or 28~~ round fully loaded magazine inserted in the rifle, ~~hammer forward on~~ an empty chamber, and safety "~~off~~ on").

432.3 SPECIFICATIONS

- Semi-automatic: AR-15 type rifle
- Caliber: .223 and/or 5.56 mm
- Chamber: 5.56 NATO
- Barrel Length: ~~16"~~ Various
- Barrel twist rate: 1:7" to 1:9" Carry handle: Fixed or detachable (flat top receiver)
- Sights: Metal sights adjustable for elevation and windage (minimum)
- Stocks: Fixed or collapsible
- Slings: Required. Two- or two-point sling from a quality manufacturer (determined by the ~~Rangemaster~~ Range Master or designee)
- Magazines: Minimum of 20 round box magazines (minimum two magazines).
- Approved personal Rifle Manufacturers to include, but are not limited to: Armalite, Bushmaster, Colt, JP Enterprises, Lewis Machine and Tool, LWRC, Noveske, Rock River Arms, Sig Sauer and Smith & Wesson (other approved manufacturers will be determined by the ~~Rangemaster~~ Range Master). "Kit guns" or other personally assembled rifles are not authorized (however, department AR-15 armorers may be required to assemble rifles).
- Authorized Accessories:
 - Optics (required) from a quality manufacturer:

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- Approved manufacturers include, but are not limited to Aimpoint, EOTech 500 series or newer, Trijicon ACOG series or Reflex series, Sig Sauer Romeo Series. Other manufacturers may be authorized at the discretion of the Rangemaster Range Master or his/her designee. If an optic is attached to the rifle, a backup sighting system is required
- Magnifiers for optics
- Rail-interface systems
- Vertical foregrips/hand stops
- Lights (required) from a quality manufacturer
- Approved manufacturers ~~to~~ include, but are not limited to Surefire, Streamlight, and Modlite Systems. Other manufacturers may be authorized by the Rangemaster Range Master or his/her designee.

Personnel may add approved accessories (at their own expense) to individually issued departmental patrol rifles. However, a change of optics and/or sights require passing a departmental qualification course prior to carrying the weapon on duty. The patrol rifle must be returned to its original configuration prior to turn in.

Written approval from the Rangemaster Range Master is required for any exceptions to the aforementioned specifications and authorized accessories. A copy of written approval will be kept in the employees personnel file.

A personally-owned rifle used in an officer-involved shooting, may be retained as evidence without compensation or issuance of a replacement to the officer-owner.

432.3.1 WEAPON-MOUNTED LIGHTS

Personnel ~~may~~ shall utilize weapons-mounted lights on their patrol rifles. Weapon-mounted lights are intended to be used for searching, threat assessment, and target acquisition of potentially dangerous persons. Weapon-mounted lights shall not be used as ordinary flashlights for routine lighting purposes. ~~Authorized manufacturers include Pelican, Pentagon Lights, Surefire, and Streamlight -~~

Weapon-mounted lights are subject to the following requirements:

- (a) Personnel must demonstrate proficiency with the weapon-mounted light prior to carrying it in an on-duty capacity.
- (b) The weapon shall be carried with the light affixed to it.
- (c) Personnel equipped with a weapon-mounted light shall also have a handheld light readily available to them at all times while on-duty.

432.3.2 AMMUNITION

Patrol Rifle Operators shall carry only department-authorized ammunition while on duty. Patrol Rifle Operators shall ~~annually be issued duty ammunition~~ rifle be issued duty rifle ammunition

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~~anually~~ during ~~the semi-annual~~ patrol rifle ~~update~~ training and qualification training session. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the ~~Rangemaster~~ Range Master when needed in accordance with established policy.

The only authorized ammunition for the AR15 platform is Federal Premium Hi-Shok SP 64 grain, ~~and~~ Federal Premium Bonded SP 62 grain, ~~and~~ Black Hills Barnes TSX 62 grain.

Required Ammunition (Quantity):

- Patrol Rifle Operators shall carry a minimum of two (2) rifle magazines of department-issued duty ammunition. Additional magazines may be carried in a magazine pouch mounted on the stock, coupled to the magazine in the rifle, and/or carried in a pouch/holder separate from the rifle.

432.4 RIFLE MAINTENANCE

Patrol Rifle Operators are authorized to carry a department-issued patrol rifle, or to carry a personally-owned patrol rifle. Personnel must successfully complete a departmental training course or equivalent (with approval of the Range Master), and departmental qualification prior to carrying or using any patrol rifle on duty. The purchase and all expenses related to a personally-owned patrol rifle will be the responsibility of the owner. Duty and practice ammunition for approved training will be provided by the department. Officers who purchase patrol rifles must comply with bureau 12280(g)(2) PC, which requires sworn peace officers to register the weapon with the Department of Justice not later than 90 days after purchase. Decertification of Operations Rifle Operators

~~Patrol rifle operators may be decertified~~ Personnel will be prohibited from carrying/ utilizing a patrol rifle for any of the following reasons:

- Failure to qualify
- Failure to successfully complete required training.
- Failure to attend ~~training qualification sessions~~ sessions.
- Willful and deliberate mistreatment, neglect, or improper use of the patrol rifle.
- Exhibiting a pattern of unsafe tactics during actual rifle deployments.

~~Patrol Rifle Operators may voluntarily resign from the program by submitting a written request to the :~~

~~Active Patrol Rifle Operators~~ Personnel with assigned department rifles may be required to turn-in their assigned ~~Departmental~~ rifles for any of the following reasons:

- Upon promotion in rank ~~Assignment to a non-patrol special assignment~~
- Qualification with a personally-owned rifle
- Assignment to a special assignment ~~the SWAT Team~~

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- For the needs of the Department

432.5 TRAINING

Personnel shall not carry or utilize patrol rifles unless they have successfully completed a Departmental patrol rifle operator course or equivalent training (requires [Rangemaster](#) [Range Master](#) approval), in addition to successfully completing the Departmental patrol rifle qualification course.

The Departmental patrol rifle operator course shall consist of a minimum of 16 hours.

Personnel shall thereafter be required to successfully complete semi-annual patrol rifle update and qualification training conducted by the Range Staff.

432.5.1 QUALIFICATION

Patrol Rifle Operators are required to successfully complete: (1) Day Light and (1) Low Light patrol rifle qualification course per year.

432.6 DEPLOYMENT OF THE PATROL RIFLE

Officers may deploy the patrol rifle in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

- (a) Situations where the officer reasonably anticipates an armed encounter.
- (b) When an officer is faced with a situation that may require the delivery of accurate and effective fire at long range.
- (c) Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower.
- (d) When an officer reasonably believes that there may be a need to deliver fire on a barricaded suspect or a suspect with a hostage.
- (e) When an officer reasonably believes that a suspect may be wearing body armor.
- (f) When authorized or requested by a supervisor.
- (g) When needed to euthanize an animal.

432.6.1 PATROL RIFLE DEPLOYMENT REPORTING

Whenever an employee deploys a patrol rifle during the performance of his/her duty in the presence of bystanders or to defend, detain, or to take any person into custody, an account of the incident shall be made in a police report. The employee should include in the narrative of the report how the weapon was used in the incident, as well as justification for such action. The documentation of how the patrol rifle was used should include information on how the weapon was presented. Examples of such documentation include, but are not limited to; the rifle was held at a low-ready position or pointed directly at a person.

Patrol Rifle Operator Program

432.7 DISCHARGE OF THE PATROL RIFLE

The discharge of the patrol rifle shall be governed by the Department's Deadly Force Policy, Policy Manual § 300, and the Departments' Firearms Policy, Policy Manual § 312.

432.8 PATROL READY

Primary responsibility for maintenance of patrol rifles shall fall on the individual patrol rifle operator. No modification shall be made to any patrol rifle without prior written authorization from the ~~Rangemaster~~ Range Master or designee.

Any patrol rifle that is found to be malfunctioning or needing service shall not be carried and shall be promptly presented to an armorer-trained member of the range staff for inspection. Any weapon determined to be in need of service or repair during the inspection will be immediately removed from service. If a replacement rifle is available, it may be issued to the individual until the duty weapon is again rendered serviceable. ~~However, If~~ the replacement rifle is issued to an individual, it cannot be carried on duty until after the ~~patrol rifle operator~~ individual qualifies with it.

432.9 RIFLE STORAGE

Patrol rifles shall be ~~stored in the trunk vault or~~ removed from vehicles whenever:

- The vehicle will not be driven on the on-coming shift;
- The on-coming employee is not a patrol rifle ~~or SWAT~~ operator.

When not in use, patrol rifles will be stored in a gun safe or locked locker in the following condition:

- (a) Empty chamber ~~Bolt forward with the hammer down~~
- (b) The safety selector in "~~off~~ on" position
- (c) No magazine in the weapon
- (d) Optics ~~(if equipped)~~ turned off (if applicable)

Train Searches

463.1 PURPOSE AND SCOPE

To establish standardized guidelines for the search of revenue trains when required due to known or suspected criminal activity.

463.1.1 POLICY

It is the policy of the BART Police Department to minimize the risk to BART patrons and police officers when it is necessary to search a revenue train in the furtherance of protecting life, property and apprehending suspects.

Nothing in this policy precludes officers from responding directly to the location of a suspect or a disturbance on a train when that suspect or disturbance can be located without searching the entire train. Nothing in this policy precludes officers from employing different tactics to meet the unique needs of a rapidly evolving incident when such tactics would likely result in greater safety for patrons and officers.

463.1.2 DEFINITIONS

Hazardous Train Search: Searches which are conducted in response to reports of armed or violent criminal suspects on a train and situations where suspects have just used, or are threatening to use, a deadly weapon in a threatening manner to commit an act of violence. The major concern in such circumstances is to prevent a hostage-type situation.

Non-Hazardous Train Search: Searches which are conducted in response to reports of unarmed or non-violent criminal suspects on a train.

Robbery Apprehension Tracking System (RATS): An electronic tracking system utilized by the San Francisco, Oakland, Berkeley, and Hayward police departments to track tagged bait money surrendered in bank robberies, kidnappings, and other crimes where it is necessary to track the stolen money or property to apprehend the suspect(s). The system uses pocket detectors, hand-held and vehicle-mounted tracking units, and fixed-location remote receivers. Personnel shall note that all of the information regarding the RAT system is highly confidential, and is not to be discussed with the general public or the media.

Tag or Rat: An electronic transmitting device hidden in currency bundles or other trackable items, such as vehicles, jewelry, or briefcases.

Trap: Tag/rat deactivation device.

Pocket Detector: Close-range (up to 70 feet) tracking device.

Area-Wide Monitor: Monitor and grid map located at RAT-equipped police department communications centers which highlights the area of the tag's location.

Train Searches

463.2 HAZARDOUS TRAIN SEARCH

Officers dispatched to reported incidents involving armed or violent suspects on board a revenue train shall be provided with all available information by dispatch, including the number of cars on the train, the arrival time of the incident train, and the description and location of the suspect(s) on the train.

The zone sergeant-in-charge or watch commander has the responsibility for determining whether or not the incident warrants a hazardous train search.

Dispatch shall advise the San Francisco Bay Area Rapid Transit District Central supervisor of the situation and request that the incident train be held at the platform with the doors open.

At least three (3) officers should be dispatched to the scene whenever possible. Officers from outside agencies will be called when needed and should report to San Francisco Bay Area Rapid Transit District officers on the scene to be briefed on the search method to be used. Shotguns should not be taken to the platform when a large number of patrons is present.

Officers shall approach the platform using areas of cover and concealment whenever possible. If possible, responding officers may allow disembarking patrons to clear the train and platform area. If possible, platforms may be evacuated prior to initiation of the search. Evacuations are not mandatory, and officers may elect not to conduct evacuations in situations involving large crowds and limited resources for crowd control, or when there is an urgent need to locate suspects immediately or when tactics dictate a low-key approach without announcing the fact that police are present and searching for a suspect(s). Officers not directly involved in searching the train should maintain a station perimeter to prevent the escape of suspects with exiting passengers. In most cases, the perimeter should be maintained by allied agencies with San Francisco Bay Area Rapid Transit District officers searching the train.

Officers should take the following positions before beginning the search:

- (a) Three officers inside the train who work together and are responsible for searching the interior of the train for suspects and evidence.
- (b) One officer (when available) on the outside of the train who maintains long-cover for the exterior of the train in case the suspects exit the train while the search is in progress. This officer may utilize train doorways for concealment and should follow the officers searching the interior of the train.
- (c) When available, additional officers may be deployed as a rear-guard element for the interior train search team or for the officer maintaining exterior security on the train. When a fifth officer is available, he/she should join the officer searching the exterior of the train. Officers shall advise dispatch when the incident train can be released for service.

The search may be started from whatever location on the train provides for the greatest tactical advantage in searching the train. When a search is started from the middle of a train, the search may either be divided between four teams moving in opposite directions or searched by one team

Train Searches

that moves in one direction and then returns to search the remaining section of the train. In cases where one team performs a split-search of the train, consideration should be given to posting an officer to observe the portion of the train that has yet to be searched while the search team completes searching the first portion of the train.

In situations involving trains that are loaded to a capacity that prevents officers from moving along the interior of the train, officers may opt to search the train from the exterior using the windows to view the interior of the train. If a suspect is located, at least one officer should be posted to cover the suspect while additional officers move to apprehend the suspect inside the train.

Officers shall advise dispatch when the incident train can be released to resume service.

463.3 NON-HAZARDOUS TRAIN SEARCH

Officers dispatched to reported incidents involving unarmed and non-violent suspects on board a revenue train shall be provided with all available information by dispatch including the arrival time of the incident train, the number of cars in the train, and the description and location of the suspects on the train.

Dispatch shall advise the Operations Control Center (OCC) supervisor of the situation and request that the incident train be held at the platform with the doors closed.

The search may be started from whatever location on the train provides for the greatest tactical advantage in searching the train. When a search is started from the middle of a train, the search may either be divided between two teams moving in opposite directions or searched by one team that moves in one direction and then returns to search the remaining section of the train. In cases where one team performs a split-search of the train, consideration should be given to posting an officer to observe the portion of the train that has yet to be searched while the search team completes searching the first portion of the train.

In situations involving trains that are loaded to a capacity that prevents officers from moving along the interior of the train, officers may opt to search the train from the exterior using the windows to view the interior of the train. If a suspect is located, at least one officer should be posted to cover the suspect while additional officers move to apprehend the suspect inside the train.

Officers not directly involved in searching the train should maintain a station perimeter. In most cases, the perimeter should be maintained by officers from allied agencies with BART officers searching the train.

Officers shall advise dispatch when the incident train can be released to resume service.

Depending on the circumstances, non-hazardous train searches may be conducted on a moving train.

This procedure does not preclude having one officer search a train in a non-hazardous train search.

Vehicle Towing and Release

510.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Bay Area Rapid Transit Police Department. Nothing in this policy shall require the Department to tow a vehicle.

510.2 STORAGE AND IMPOUNDS

When circumstances permit, for example when towing a vehicle for parking or registration violations, the handling employee should, prior to having the vehicle towed, make a good faith effort to notify the owner of the vehicle that it is subject to removal. This may be accomplished by personal contact, telephone or by leaving a notice attached to the vehicle at least 24 hours prior to removal. If a vehicle presents a hazard, such as being abandoned on the roadway, it may be towed immediately.

The responsibilities of those employees towing, storing or impounding a vehicle are listed below.

510.2.1 VEHICLE STORAGE REPORT

Department members requesting towing, storage or impound of a vehicle shall complete CHP Form 180 and accurately record the mileage and a description of property within the vehicle (Vehicle Code § 22850). A copy of the storage report should be given to the tow truck operator and the original shall be submitted to the Records Division as soon as practicable after the vehicle is stored.

Whenever a vehicle is towed the towing officer shall scan a copy of the CHP form 180 and email it to the BPDRrecords@bart.gov prior to the end of their shift.

510.2.2 REMOVAL FROM TRAFFIC COLLISION SCENES

When a vehicle has been involved in a traffic collision and must be removed from the scene, the officer shall have the driver select a towing company, if possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested, a company will be selected from the rotational list of towing companies in the Communications Center.

If the owner is incapacitated, or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in a collision, the officer shall request the dispatcher to call for a rotational tow. The officer will then store the vehicle using a CHP Form 180.

510.2.3 STORAGE AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping by storing the arrestee's vehicle subject to the exceptions described below. The vehicle, however, shall be stored whenever it is needed for the furtherance of the investigation or prosecution of the case, or when the community caretaker doctrine would reasonably suggest that the vehicle should be stored (e.g., traffic hazard, high-crime area).

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The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of storing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

- Traffic-related warrant arrest.
- Situations where the vehicle was not used to further the offense for which the driver was arrested.
- Whenever the licensed owner of the vehicle is present, willing, and able to take control of any vehicle not involved in criminal activity.
- Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene. In such cases, the owner shall be informed that the Department will not be responsible for theft or damages.

510.2.4 IMPOUNDMENT AT SOBRIETY CHECKPOINTS

Whenever a driver is stopped at a sobriety checkpoint and the only violation is that the operator is driving without a valid driver's license, the officer shall make a reasonable attempt to identify the registered owner of the vehicle (Vehicle Code § 2814.2). The officer shall release the vehicle to the registered owner if the person is a licensed driver, or to another licensed driver authorized by the registered owner, provided the vehicle is claimed prior to the conclusion of the checkpoint operation.

If the vehicle is released at the checkpoint, the officer shall list on his/her copy of the notice to appear the name and driver's license number of the person to whom the vehicle is released.

When a vehicle cannot be released at the checkpoint, it shall be towed (Vehicle Code § 22651(p)). When a vehicle is removed at the checkpoint, it shall be released during the normal business hours of the storage facility to the registered owner or his/her agent upon presentation of a valid driver's license and current vehicle registration.

510.2.5 DRIVING A NON-CITY VEHICLE

Vehicles which have been towed by or at the direction of the Department should not be driven by police personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with posted signs.

510.2.6 DISPATCHER'S RESPONSIBILITIES

Approved storage forms shall be promptly placed into the case file so that they are immediately available for release or review should inquiries be made.

Within 48 hours, excluding weekends and holidays, of the storage of any such vehicle it shall be the responsibility of the Records Section to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice shall be sent to all such individuals by first-class mail (Vehicle Code §§ 22851.3(d), 22852(a), and 14602.6(a)(2)). The notice shall include the following information (Vehicle Code § 22852b):

- (a) The name, address, and telephone number of this Department.

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- (b) The location of the place of storage and description of the vehicle, which shall include, if available, the name or make, the manufacturer, the license plate number, and the mileage.
- (c) The authority and purpose for the removal of the vehicle.
- (d) A statement that, in order to receive their post-storage hearing, the owners, or their agents, shall request the hearing in person, writing, or by telephone within 10 days of the date appearing on the notice.

510.3 TOWING SERVICES

The department should maintain a list of selected tow companies to act as the official tow service. These firms, based on county location, will be used in the following situations:

- (a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action
- (b) When a vehicle is being held as evidence in connection with an investigation
- (c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles, and the removal from the streets of vehicles obstructing traffic in violation of state or local regulations

Nothing in this policy shall require the Department to tow a vehicle.

510.4 VEHICLE INVENTORY

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. This includes the trunk and any compartments or containers, even if closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practical in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while in police custody, to provide for the safety of officers, and to protect the Department against fraudulent claims of lost, stolen, or damaged property.

510.5 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, officers should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions) that are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft, or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

510.6 RELEASE OF VEHICLE

The Department will maintain a listed, 24-hour telephone number to provide information regarding impoundment of vehicles and the right of the registered owner to request a storage hearing.

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Releases for towed vehicles will be made available during regular, non-emergency business hours (Vehicle Code § 14602.6).

- (a) Vehicles removed pursuant to Vehicle Code § 22850 shall be released after proof of current registration is provided by the owner or the person in control of the vehicle and after all applicable fees are paid (Vehicle Code § 22850.3; Vehicle Code § 22850.5).
- (b) Vehicles removed that require payment of parking fines or proof of valid driver's license shall only be released upon presentation of proof of compliance, proof of payment, completion of affidavit, and payment of applicable fees related to the removal (Vehicle Code § 22651 et seq., Vehicle Code § 22652 et seq., Vehicle Code § 22850.3; Vehicle Code § 22850.5).
- (c) A vehicle removed pursuant to Vehicle Code § 14602.6(a) shall be released to the registered owner or his/her agent with proof of current registration, proof of a valid driver's license, and applicable fees paid prior to the end of the 30-day impoundment period under any of the following circumstances:
 - 1. The vehicle was stolen.
 - 2. If the driver reinstates his/her driver's license or acquires a license and provides proof of proper insurance.
 - 3. Any other circumstance as set forth in Vehicle Code § 14602.6.
 - 4. When there is no remaining community caretaking need to continue impound of the vehicle or the continued impound would not otherwise comply with the Fourth Amendment.
- (d) An autonomous vehicle removed under authority of Vehicle Code § 22651(o)(1)(D) shall be released to the registered owner or person in control of the autonomous vehicle if the requirements of Vehicle Code § 22651(o)(3)(B) are met.

Personnel whose duties include releasing towed vehicles should consult the Vehicle Code under which the vehicle was towed or impounded for any specific requirements prior to release.

Employees who suspect that a vehicle was impounded in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle without requiring the registered owner or his/her agent to request a hearing, as described in the Vehicle Impound Hearings Policy.

510.7 RELEASE OF VEHICLE

- Vehicles removed pursuant to Vehicle Code § 22850 shall be released after proof of current registration is provided by the owner or person in control of the vehicle and after all applicable fees are paid (Vehicle Code §§ 22850.3 and.5).
- Vehicles removed that require payment of parking fines or proof of valid driver's license shall only be released upon presentation of proof of compliance, proof of payment, completion of affidavit and payment of applicable fees related to the removal (Vehicle Code §§ 22651 (et seq.), 22652 (et seq.), 22850.3 and.5).

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- A vehicle removed pursuant to Vehicle Code § 14602.6(a) and impounded for 30 days shall be released at the end of the impoundment period only when the registered owner or agent presents his/her valid driver's license and proof of current vehicle registration, or upon order of a court (Vehicle Code § 14602.6(d)(2)).

A vehicle removed pursuant to Vehicle Code § 14602.6(a) shall be released to the registered owner or his or her agent with proof of current registration, proof of a valid driver's license and applicable fees paid prior to the end of the 30 day impoundment period under any of the following circumstances (Vehicle Code § 14602.6(d)(1)):

- (a) In response to a valid order of a court.
- (b) When the vehicle is a stolen vehicle.
- (c) When the vehicle is subject to bailment and is driven by an unlicensed employee of a business establishment, including a parking service or repair garage.
- (d) When the license of the driver was suspended or revoked for an offense other than those included in Article 2 (commencing with Vehicle Code § 13200) of Chapter 2 of Division 6 or Article 3 (commencing with Vehicle Code § 13350) of Chapter 2 of Division 6.
- (e) When the vehicle was seized under this section for an offense that does not authorize the seizure of the vehicle.
- (f) When the driver reinstates his or her driver's license or acquires a driver's license and proper insurance.
- (g) To the legal owner when all of the following are met:
 1. The legal owner is a motor vehicle dealer, bank, credit union, acceptance corporation, or other licensed financial institution legally operating in this state or is another person, not the registered owner, holding a security interest in the vehicle.
 2. The legal owner or the legal owner's agent pays all towing and storage fees related to the seizure of the vehicle.
 3. The legal owner or the legal owner's agent presents a copy of the documents specified in Vehicle Code § 14602.6(f)(3).

Vehicles may be released prior to the 30 days if the registered owner requests a hearing with the Traffic Officer. Based on the research and circumstances surrounding the towing of the vehicle the Traffic Officer may authorize the release of the vehicle.

Officers or Community Services Officers, with supervisory approval, shall complete the Vehicle Release Form for all impounded or stored vehicles. The original copy of the form shall be forwarded to the records sections. The copy shall be given to the legal owner or their agent.

510.8 TOWING FOR EXPIRED REGISTRATION

Prior to a member removing a vehicle that is found to have expired registration for more than six months, the member shall verify that no current registration exists with the Department of

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Motor Vehicles (DMV). If current registration exists with the DMV, the vehicle shall not be removed (Vehicle Code § 22651(o)(1)(A)).

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600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

600.2 POLICY

It is the policy of the Bay Area Rapid Transit Police Department to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

600.3 INITIAL INVESTIGATION

600.3.1 OFFICER RESPONSIBILITIES

An officer responsible for an initial investigation shall complete no less than the following:

- (a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
 - 1. An initial statement from any witnesses or complainants.
 - 2. A cursory examination for evidence.
- (b) If information indicates a crime has occurred, the officer shall:
 - 1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
 - 2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
 - 3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Watch Commander.
 - 4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
 - 5. Collect any evidence.
 - 6. Take any appropriate law enforcement action.
 - 7. Complete and submit the appropriate reports and documentation.
- (c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

600.3.2 CIVILIAN MEMBER RESPONSIBILITIES

A civilian member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take

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any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

600.4 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

600.4.1 AUDIO/VIDEO RECORDINGS

Any custodial interrogation of an individual who is suspected of having committed any violent felony offense should be recorded (audio or video with audio as available) in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Criminal Investigations Division supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

600.4.2 MANDATORY RECORDING OF ADULTS

Any custodial interrogation of an adult who is suspected of having committed any murder shall be recorded in its entirety. The recording should be video with audio if reasonably feasible (Penal Code § 859.5).

This recording is not mandatory when (Penal Code § 859.5):

- (a) Recording is not feasible because of exigent circumstances that are later documented in a report.
- (b) The suspect refuses to have the interrogation recorded, including a refusal any time during the interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.
- (c) The custodial interrogation occurred in another state by law enforcement officers of that state, unless the interrogation was conducted with the intent to avoid the requirements of Penal Code § 859.5.
- (d) The interrogation occurs when no member conducting the interrogation has a reason to believe that the individual may have committed murder. Continued custodial interrogation concerning that offense shall be electronically recorded if the interrogating member develops a reason to believe the individual committed murder.

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- (e) The interrogation would disclose the identity of a confidential informant or would jeopardize the safety of an officer, the individual being interrogated or another individual. Such circumstances shall be documented in a report.
- (f) A recording device fails despite reasonable maintenance and the timely repair or replacement is not feasible.
- (g) The questions are part of a routine processing or booking, and are not an interrogation.
- (h) The suspect is in custody for murder and the interrogation is unrelated to a murder. However, if any information concerning a murder is mentioned during the interrogation, the remainder of the interrogation shall be recorded.

The Department shall maintain an original or an exact copy of the recording until a conviction relating to the interrogation is final and all appeals are exhausted or prosecution is barred by law (Penal Code § 859.5).

600.5 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

- (a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.
- (b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.
 - 1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
 - 2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.
- (c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.
- (d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted, or requested, and there is no need to take the suspect into custody.
- (e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted, or requested.
- (f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence, Child Abuse, Sexual Assault Investigations, and Senior and Disability Victimization policies may also require an arrest or submittal of a case to a prosecutor.

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600.6 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available.

600.7 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights, and civil liberties. Information gathered via the internet should only be accessed by members while on-duty and for purposes related to the mission of this department. If a member encounters information relevant to a criminal investigation while off-duty or while using the member's own equipment, the member should note the dates, times, and locations of the information and report the discovery to the member's supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using department equipment.

Information obtained via the internet should not be archived or stored in any manner other than department-established record keeping systems (see the Records Maintenance and Release and the Criminal Organizations policies).

600.7.1 ACCESS RESTRICTIONS

Information that can be accessed from any department computer, without the need of an account, password, email address, alias, or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any internet source should be evaluated for its validity, authenticity, accuracy, and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

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600.7.2 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

600.8 CELLULAR COMMUNICATIONS INTERCEPTION TECHNOLOGY

The Criminal Investigations Division Commander is responsible for ensuring the following for cellular communications interception technology operations (Government Code § 53166):

- (a) Security procedures are developed to protect information gathered through the use of the technology.
- (b) A usage and privacy policy is developed that includes:
 - (a) The purposes for which using cellular communications interception technology and collecting information is authorized.
 - (b) Identification by job title or other designation of employees who are authorized to use or access information collected through the use of cellular communications interception technology.
 - (c) Training requirements necessary for those authorized employees.
 - (d) A description of how the Department will monitor the use of its cellular communications interception technology to ensure the accuracy of the information collected and compliance with all applicable laws.
 - (e) Process and time period system audits.
 - (f) Identification of the existence of any memorandum of understanding or other agreement with any other local agency or other party for the shared use of cellular communications interception technology or the sharing of information collected through its use, including the identity of signatory parties.
 - (g) The purpose of, process for and restrictions on the sharing of information gathered through the use of cellular communications interception technology with other local agencies and persons.
 - (h) The length of time information gathered through the use of cellular communications interception technology will be retained, and the process the local agency will utilize to determine if and when to destroy retained information.

Members shall only use approved devices and usage shall be in compliance with department security procedures, the department's usage and privacy procedures and all applicable laws.

600.9 MODIFICATION OF CHARGES FILED

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of the Criminal Investigations Sergeant, a Division Commander or the Chief of Police. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

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600.10 USE OF CERTAIN DNA SAMPLES

Known samples of DNA collected from a victim of a crime or alleged crime, and known reference samples of DNA from any individual that were voluntarily provided for the purpose of exclusion are to be used only for the purpose directly related to the incident being investigated and in compliance with the procedures identified in Penal Code § 679.12.

600.11 ANTI-REPRODUCTIVE RIGHTS CRIMES

A member should take a report any time a person living within the jurisdiction of the Bay Area Rapid Transit Police Department reports that the person has been a victim of an anti-reproductive rights crime as defined by Penal Code § 13776 and Penal Code § 423.3. This includes:

- (a) Taking a report, even if the location of the crime is outside the jurisdiction of this department or has not been determined (e.g., online harassment).
- (b) Providing the victim with the appropriate information, as set forth in the Victim and Witness Assistance Policy. Members should encourage the person to review the material and should assist with any questions.

A report should also be taken if a person living outside department jurisdiction reports an anti-reproductive rights crime that may have been committed or facilitated within this jurisdiction (e.g., use of a post office box in the [city/county] to facilitate the crime).

A member investigating an anti-reproductive rights crime should ensure that the case is referred to the appropriate agency if it is determined that this department should not be the investigating agency. The victim should be advised that the case is being transferred to the agency of jurisdiction. The appropriate entries should be made into any databases that have been authorized for department use and are specific to this type of investigation.

The Criminal Investigations Division supervisor should provide the Records Supervisor with enough information regarding the number of calls for assistance and number of arrests to meet the reporting requirements to the California Department of Justice as required by Penal Code § 13777. See the Records Division Policy for additional guidance.

600.12 STATE REQUIREMENTS FOR FIREARM INVESTIGATIONS

600.12.1 CALIFORNIA DOJ NOTICE OF LOCATION OF REPORTED LOST OR STOLEN FIREARM

When notification is received from the California Department of Justice (DOJ) that a firearm purchase matches an entry made into the Automated Firearms System by the Department as lost or stolen, the Criminal Investigations Division supervisor shall assign an officer to retrieve the firearm and book the firearm into evidence in accordance with the Property and Evidence Policy. Recovery of the firearm shall be reported pursuant to Penal Code § 11108.2, Penal Code § 11109.3, and Penal Code § 11108.5. If appropriate, arrangements may be made to have another state or local law enforcement agency retrieve the firearm on behalf of the Department (Penal Code § 28220).

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600.12.2 RELINQUISHMENT OF FIREARMS VERIFICATION

The Criminal Investigations Division supervisor shall designate a member to have access to the Armed Prohibited Persons System (APPS) to receive information regarding individuals in the jurisdiction of the Department who have become a prohibited possessor of a firearm registered in their name and have not provided proof of relinquishment. The member shall document steps taken to verify that the individual is no longer in possession of firearms and provide the information to the Records Division for preparation of a quarterly report to the California DOJ (Penal Code § 29813) (see the Records Division Policy for additional guidance).

Records Division

806.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Bay Area Rapid Transit Police Department Records Division. The policy addresses department file access and internal requests for case reports.

806.1.1 NUMERICAL FILING SYSTEM

Case reports are filed numerically within the Records Management system.

Reports are numbered commencing with month and date of the current year followed by a sequential number beginning with 00001 starting at midnight on the first day of January of each year. As an example, case number 0110-00001 would be the first new case beginning January 1, 2010.

806.2 POLICY

It is the policy of the Bay Area Rapid Transit Police Department to maintain department records securely, professionally, and efficiently. The BART Police Department maintains a secure Records Management system accessible to authorized personnel 24-hours a day.

806.3 RESPONSIBILITIES

806.3.1 RECORDS SUPERVISOR

The Chief of Police shall appoint and delegate certain responsibilities to a Records Supervisor. The Records Supervisor shall be directly responsible to the Support Services Division Commander or the authorized designee.

The responsibilities of the Records Supervisor include but are not limited to:

- (a) Overseeing the efficient and effective operation of the Records Division.
- (b) Scheduling and maintaining Records Division time records.
- (c) Supervising, training, and evaluating Records Division staff.
- (d) Maintaining and updating a Records Division procedure manual.
- (e) Ensuring compliance with established policies and procedures.
- (f) Supervising the access, use, and release of protected information (see the Protected Information Policy).
- (g) Establishing security and access protocols for case reports designated as sensitive, where additional restrictions to access have been implemented. Sensitive reports may include but are not limited to:
 - 1. Homicides.
 - 2. Cases involving department members or public officials.
 - 3. Any case where restricted access is prudent.

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Records Division

806.3.2 RECORDS DIVISION

The responsibilities of the Records Division include but are not limited to:

- (a) Maintaining a records management system for case reports.
 - 1. The records management system should include a process for numbering, identifying, tracking, and retrieving case reports.
- (b) Entering case report information into the records management system.
 - 1. Modification of case reports shall only be made when authorized by a supervisor.
- (c) Providing members of the Department with access to case reports when needed for investigation or court proceedings.
- (d) Maintaining compliance with federal, state, and local regulations regarding reporting requirements of crime statistics. This includes reporting statistical data to the California Department of Justice (DOJ) for:
 - 1. All officer-involved shootings and incidents involving use of force resulting in serious bodily injury (Government Code § 12525.2).
 - 2. Suspected hate crimes (Penal Code § 13023).
 - 3. Complaints of racial bias against officers (Penal Code § 13012; Penal Code § 13020).
 - 4. Civilian complaints made against officers (Penal Code § 832.5; Penal Code § 13012).
 - 5. Stop data required by Government Code § 12525.5 and 11 CCR 999.226.
 - (a) The reported information must not contain personally identifiable information of the person stopped or other information exempt from disclosure pursuant to Government Code § 12525.5 (11 CCR 999.228).
 - 6. Anti-reproductive rights crime information required by Penal Code § 13777.
- (e) Maintaining compliance with federal, state, and local regulations regarding criminal history reports and auditing.
- (f) Identifying missing case reports and notifying the responsible member's supervisor.
- (g) Establishing a process for collecting and submitting data to appropriate federal data collection authorities (e.g., FBI National Use-of-Force Data Collection, U.S. Department of Justice's National Law Enforcement Accountability Database), as applicable, for the following types of occurrences:
 - (a) Officer suicides
 - (b) Officer misconduct
 - (c) Uses of force
 - (d) Officer deaths or assaults
 - (e) Crime incidents
 - (f) Deaths in custody

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- (h) Updating the Automated Firearms System to reflect any firearms relinquished to the Department and the subsequent disposition to the California DOJ pursuant to Penal Code § 34010 (Penal Code § 29810).
- (i) Entering into the Automated Firearms System information about each firearm that has been reported stolen, lost, found, recovered, held for safekeeping, surrendered in relation to a private party firearms transaction or registration, relinquished pursuant to a court order, or under observation, within seven calendar days of the precipitating event (Penal Code § 11108.2).
- (j) Entering into the California DOJ automated property system descriptions of serialized property, or non-serialized property that has been uniquely inscribed, which has been reported stolen, lost, found, recovered, held for safekeeping, or under observation (Penal Code § 11108).
- (k) Maintaining compliance with quarterly California DOJ reporting requirements regarding the department's efforts to verify an individual listed in the Armed and Prohibited Persons System (APPS) is no longer in possession of a firearm (Penal Code § 29813).
- (l) Maintaining compliance with the state and California DOJ reporting requirements regarding the number of transfers of individuals to immigration authorities and offenses that allowed for the transfers (Government Code § 7284.6(c)(2)).
- (m) Transmitting data to the Joint Regional Information Exchange System on any suspected multi-mission extremist crimes.

806.4 DETERMINATION OF FACTUAL INNOCENCE

In any case where a person has been arrested by officers of the Bay Area Rapid Transit Police Department and no accusatory pleading has been filed, the person arrested may petition the Department to destroy the related arrest records. Petitions should be forwarded to the Support Services Supervisor. The Support Services Supervisor should promptly contact the prosecuting attorney and request a written opinion as to whether the petitioner is factually innocent of the charges (Penal Code § 851.8). Factual innocence means the accused person did not commit the crime.

Upon receipt of a written opinion from the prosecuting attorney affirming factual innocence, the Support Services Supervisor should forward the petition to the Criminal Investigations Division Supervisor and the General Counsel for review. After such review and consultation with the General Counsel, the Criminal Investigations Division Supervisor and the Support Services Supervisor shall decide whether a finding of factual innocence is appropriate.

Upon determination that a finding of factual innocence is appropriate, the Support Services Supervisor shall ensure that the arrest record and petition are sealed for later destruction and the required notifications are made to the California DOJ and other law enforcement agencies (Penal Code § 851.8).

Records Division

The Support Services Supervisor should respond to a petition with the Department's decision within 45 days of receipt. Responses should include only the decision of the Department, not an explanation of the analysis leading to the decision.

806.5 CONFIDENTIALITY

Records Division staff has access to information that may be confidential or sensitive in nature. Records Division staff shall not access, view, or distribute, or allow anyone else to access, view, or distribute any record, file, or report, whether in hard copy or electronic file format, or any other confidential, protected, or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records Division procedure manual.

806.6 ARREST WITHOUT FILING OF ACCUSATORY PLEADING

The Operations Division Commander should ensure a process is in place for when an individual is arrested and released and no accusatory pleading is filed so that the following occurs (Penal Code § 849.5; Penal Code § 851.6):

- (a) The individual is issued a certificate describing the action as a detention.
- (b) All references to an arrest are deleted from the arrest records of the Department and the record reflects only a detention.
- (c) The California DOJ is notified.

806.7 FILE ACCESS AND SECURITY

The security of files in the Records Division must be a high priority and shall be maintained as mandated by state or federal law. All case reports including but not limited to initial, supplemental, follow-up, evidence, and any other reports related to a police department case, including field interview (FI) cards, criminal history records, and publicly accessible logs, shall be maintained in the secure Records Management system (RMS) under the control of the Records Division. The release of record files during normal business hours, other than those reports required as part of a booking procedure of a local agency, is the responsibility of the Records Division. All requests for releasable reports will be entered into the case report of the RMS system.

The Records Division will also maintain a secure file for case reports deemed by the Chief of Police as sensitive or otherwise requiring extraordinary access restrictions.

Requests for department police reports from outside law enforcement agencies may be requested after hours through the Watch Commander's office. The requesting agency shall fax or email, on department letterhead, the report request. The Watch Commander shall forward the request to the Administrative Services Supervisor with notice that the report was faxed or emailed. A copy of the fax or email will be retained in the Records Management system to note the release.

Special Assignments

1028.1 PURPOSE AND SCOPE

To provide a vehicle for interested employees to declare their intent for special assignments, non-patrol and specialized job assignments, and to provide a fair and impartial process for selecting personnel for these assignments.

1028.2 MEMORANDUMS-OF-INTEREST

Personnel may submit memorandums-of-interest (MOIs) for a special assignments ~~non-patrol or specialized job assignment~~ when a position is announced. The employee should list his/her qualifications, including but not limited to, all experience, education and training that is relevant to the desired assignment. Memos are due by the deadline listed in the announcement and should be sent via the chain-of-command to the Bureau Deputy Chief or other person listed in the bulletin. Candidates must be eligible for the assignment by the MOI deadline date.

1028.2.1 SUPERVISORY RESPONSIBILITY

Supervisors who receive an MOI should complete a recommendation for the candidate regarding the assignment desired. Supervisors must comment on the following areas regarding a candidate's qualifications and suitability for any particular assignment:

- Attendance
- Discipline
- EDR file review
- Compliance with minimum qualifications

Additionally, the supervisor should include a recommendation (positive or negative) and any other information that would be relevant to making a selection.

Recommendations should normally be completed by the candidate's immediate supervisor, provided that he/she has directly supervised the candidate for at least three (3) months. Other supervisors who provided supervisory responsibility over the candidate during last 12 months may also provide input.

1028.3 TESTING PROCESS (IF APPLICABLE)

If a testing process is included in the selection of a candidate(s), the testing process will be outlined in the original announcement bulletin. A testing process may consist of any or all of the following:

- Interview panel (consisting of a command-level officer, person in-charge of the unit, section, or team being tested, and a member from and approved by the BPOA as per the BPOA agreement)
- Written exam (~~minimum passing score of 75%~~)
- Practical exercise

Special Assignments

Prior to the testing process, the weight of each phase should be announced. [Passing candidates may](#) ~~An overall score of 75% is required to~~ be placed onto an eligibility ~~test~~ [list](#).

1028.4 SELECTION PROCESS

Unless otherwise stated, a pool of five (5) candidates that have been deemed qualified for the position (through the selection process) will be established for any given assignment. An exception to this may be if the assignment was a one-time selection for a given period. Additionally, if less than five candidates are deemed qualified, the pool will only consist of those qualified. Any additional candidates beyond the pool of five should be ranked and listed numerically. When a person is selected from the pool of five, the first ranked person from beyond the pool then moves into the pool.

A candidate's qualifications, work performance, attendance record, active discipline, sustained IA complaints, prior and current assignments, passing test results, and any recommendations from the oral panel will be considered. The final selection will be made by the Chief of Police.

A bulletin will be issued announcing the selection of [the an](#) employee to any special assignment; ~~non-patrol or specialized job assignment. The eligibility list should remain in effect until exhausted or as long as indicated in the announcement bulletin. The Chief of Police may extend the length of the eligibility list.~~

1028.5 TIME COMMITMENT

Personnel selected for special assignments will be expected to fulfill their time commitments to their respective assignments [and cannot request to be considered for another assignment unless within six months from the end of the time commitment for their current assignment. The only exceptions will be separation from the Department, promotion to a higher rank, employees who were placed into a special assignment mandatorily by reverse seniority, or at the discretion of the Chief of Police.](#) ~~as listed in their Association's Collective Bargaining Agreement (CBA) or Department Memorandum of Interest (MOI). The only exceptions will be separation from the Department, promotion to a higher rank, or at the discretion of the Chief of Police.~~

[Personnel selected for the following assignments will be expected to commit to five years: Internal Affairs Sergeant, Criminal Investigations Sergeant, Criminal Investigator \(Detective\), and Federal Bureau of Investigations \(FBI\) Joint Terrorism Task Force \(JTTF\) Officer.](#)

[Lieutenant special assignments, excluding zone commanders, will be expected to commit to four years. These positions will normally be filled to coincide with the start of the Patrol Division sign up during the month of September every four years on odd numbered years. Any vacancy that arises outside of the normal quadrennial selection process will be filled for the remainder of the original four-year period.](#)

[Lieutenants selected as zone commanders will be expected to commit to two years. These positions will normally be filled to coincide with the start of the Patrol Division sign up during the](#)

Special Assignments

month of September every two years. Any vacancy that arises outside of the normal biennial selection process will be filled for the remainder of the original two-year period.

All other personnel selected for special assignments will be expected to commit to three years.

1028.6 REMOVAL FROM ASSIGNMENT

An employee may be removed from an assignment for any of the following reasons:

- Fails to perform the required tasks satisfactorily
- Fails to meet or exceed standards in all categories of his/her Employee Performance Evaluation
- Demonstrates a pattern of unsafe or unacceptable practices
- For any reason identified by the Chief of Police, which may include a disciplinary finding
- Voluntary request in writing by the employee, with a 30-day notice, unless waived by the deputy chief of the affected chain of command
- The time-limit for the assignment expires

Lactation Break Policy

1035.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to members desiring to express breast milk for the member's infant child (Labor Code § 1034).

1035.2 POLICY

It is the policy of this department to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any member desiring to express breast milk for the member's nursing infant child (29 USC § 218d; Labor Code § 1030).

1035.3 LACTATION BREAK TIME

A rest period should be permitted each time the member has the need to express breast milk (29 USC § 218d; Labor Code § 1030). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time. Such breaks, if feasible, should be taken at the same time as the member's regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid (Labor Code § 1030).

Members desiring to take a lactation break shall notify Integrated Security Response Center or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations (Labor Code § 1032).

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1035.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate members with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the member's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 218d; Labor Code § 1031).

Members occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other members should avoid interrupting a member during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.

Lactation Break Policy

1035.5 STORAGE OF EXPRESSED MILK

Any member storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the member ends her shift.

1035.5.1 STATE REQUIREMENTS

Members have the right to request lactation accommodations. If a break time or location accommodation cannot be provided, the supervisor shall provide the member with a written response regarding the reasons for the determination (Labor Code § 1034).

Lactation rooms or other locations should comply with the prescribed feature and access requirements of Labor Code § 1031.

Members who believe that their rights have been violated under this policy or have been the subject of discrimination or retaliation for exercising or attempting to exercise their rights under this policy, are encouraged to follow the chain of command in reporting a violation, but may also file a complaint directly with the Labor Commissioner (Labor Code § 1033).

Business Cards and Trading Cards

1053.1 PURPOSE AND SCOPE

To establish a procedure for the issuance and distribution of business and trading cards for and by police personnel.

1053.2 DEFINITIONS

Business Card - A card intended for distribution by police personnel to the public, which identifies the distributing person as a BART Police Department representative and bears the distributing person's name, and rank.

Trading Card - A card given to others that bears a person or group's name and photo. The color photo selected for the card must be department-approved.

1053.3 BUSINESS CARDS

The design of BART Police Department business cards must be approved by the Chief of Police. Business cards shall be issued by the Support Services Division.

- (a) **Personalized Business Cards** - Personalized business cards shall be issued by the Department to all personnel in a supervisory/management rank, as well as personnel in certain specialized assignments at the discretion of the Chief of police. Personnel whose supply of personalized business cards is exhausted shall notify the Records and Warrants Division civilian supervisor, who shall facilitate the issuance of additional personalized business cards.
- (b) **Non-Personalized Business Cards** - Non-personalized business cards shall be issued to all personnel who are not issued personalized business cards by the Department. Personnel whose supply of non-personalized business cards is exhausted shall notify the Records and Warrants Division civilian supervisor, who shall facilitate the issuance of additional non-personalized business cards.

1053.3.1 DISTRIBUTION OF BUSINESS CARDS

Personnel ~~should~~ shall always carry Department-issued business cards when on duty and ~~should~~ shall distribute a business card to any person upon request, providing the action does not interfere with the performance of official duties. When distributing non-personalized business cards, personnel shall write their name, rank, badge number, and telephone contact information on them. Business cards being distributed in relation to a specific incident or crime shall have the applicable computer-aided dispatch number or case number written on them. ~~Personnel should always carry Department-issued business cards at all times, and BPD personnel should distribute a Department-issued business card to any person upon request, providing the action does not interfere with the performance of official duties. Personnel who deplete their supply of business cards in their normal course of duty, may provide their contact information via alternate means (verbal, written or electronic) as needed.~~

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Business Cards and Trading Cards

Personnel who deplete their supply of business cards in their normal course of duty, ~~may~~ shall provide their contact information via alternate means (verbal, written or electronic) as needed.

Personnel are not required to immediately provide a business card or their contact information if:

- (a) Doing so presents a concern with regard to the safety of the officers or others
- (b) An Investigation may be jeopardized
- (c) A police function may be materially hindered

Personnel ~~should~~ shall be prepared to articulate a sufficient and reasonable explanation for any refusal to provide a Department-issued business card upon request.

Business cards are intended for distribution in the normal course of business. They shall not be used, directly or indirectly, to gain favor or special treatment for the recipient, or for personnel.

1053.4 TRADING CARDS

Photo trading cards are issued to personnel as approved by Command Staff.

1053.4.1 DISTRIBUTION OF TRADING CARDS

Employees distribute their trading cards to children and members of the public to promote goodwill and positive community relations. As with business cards, the trading cards shall not be used, directly or indirectly, in an effort to gain favor or special treatment for the recipient.

Use of Force

300.1 PURPOSE AND SCOPE

The BART Police Department's highest priority is safeguarding the life, dignity, and liberty of all persons. Officers shall demonstrate this principle in their daily interactions with the community they are sworn to protect and serve. The Department is committed to accomplishing this mission with respect and minimal reliance on the use of force by using rapport-building communication, crisis intervention, and de-escalation tactics before resorting to force, whenever feasible. This Department policy builds upon the Supreme Court's broad principles in *Graham v. Connor* (1989) 490 U.S. 386 and is more restrictive than the constitutional standard and state law. The Law Enforcement Code of Ethics requires all sworn law enforcement officers to carry out their duties with courtesy, respect, professionalism, and to never employ unnecessary force. These are key factors in maintaining legitimacy with the community and safeguarding the public's trust.

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial, non-biased, and reasonable manner.

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose. Officers must strive to use the minimal amount of force necessary. (Government Code § 7286)

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Techniques and Conducted Energy Device policies.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Deadly force - Any use of force that creates a substantial risk of causing death or serious bodily injury, including but not limited to the discharge of a firearm (Penal Code § 835a).

Explicit Bias - Conscious belief or attitude toward a specific social group that may lead an individual to act in discriminatory ways.

Feasible - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person (Government Code § 7286(a)).

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Force - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

Implicit Bias - Unconscious belief or attitude toward a specific social group that may lead an individual to unknowingly act in discriminatory ways. People are generally unaware of their implicit biases and may even hold contradictory conscious beliefs.

Legitimate law enforcement objective - Effect a lawful arrest, detention, or search; overcome resistance or prevent escape; prevent the commission of a public offense; in defense of others or in self-defense; gain compliance with a lawful order; to prevent a person from injuring himself/herself.

Minimal amount of force necessary - The lowest level of force within the range of objectively reasonable force that is necessary to effect an arrest or achieve a lawful objective without increasing the risk to others.

Non-deadly Force - Any application of force that is not reasonably anticipated and intended to create a substantial likelihood of death or very serious bodily injury shall be considered non-deadly force.

Personal Body Weapons - An officer's use of his/her body part, including but not limited to hand, foot, knee, elbow, shoulder, hip, arm, leg or head by means of high velocity kinetic energy transfer (impact) to gain control of a subject.

Proportionality - Considers whether a particular use of force is proportionate and appropriate to the totality of the circumstances, and requires officers to consider whether alternative lesser or non-force options are feasible and likely to be effective. Proportional force does not imply equal force; officers may use superior force, consistent with this policy.

Reasonable Belief - An objective belief determined by the facts and circumstances reasonably available to the officer at the time (on-scene and without hindsight) and viewed from the perspective of a reasonable peace officer in the same situation, guided by the principles set forth in this policy.

Reasonable Force - An objective standard of force viewed from the perspective of a reasonable officer, without the benefit of 20/20 hindsight, and based on the totality of the circumstances known to or perceived by the officer at the time.

Serious bodily injury - A serious impairment of physical condition, including but not limited to the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement (Penal Code § 243(f)(4)).

Totality of the circumstances - All facts known to the officer at the time, including the conduct of the officer and the subject leading up to the use of force (Penal Code § 835a).

Use of Force

300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose. Officers must strive to use the minimal amount of force necessary.

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by the Department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force. Retreating for a tactical advantage should be considered and utilized, when feasible and appropriate.

Officers shall not use force with bias, based upon: race; ethnicity or nationality; religion; sex; sexual orientation; economic status; age; cultural group; disability; or affiliation with any other similar identifiable group.

Use of force against vulnerable populations (such as, without limitation, children, elderly, pregnant women, people with physical and mental disabilities, and people with limited English proficiency) can undermine public trust and should only be used if no other options appear reasonable or effective. It is recognized that the above may not be readily apparent or known to the officer. Any

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evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

The Department recognizes that transparency and accountability in the use of force is essential to preserving the trust of the community and to maintaining professional standards. This policy therefore requires rigorous reporting and review of all instances of the use of force.

300.2.1 DUTY TO INTERCEDE

A use of excessive force by law enforcement personnel is a matter of serious concern to the community, and even a single instance of excessive force may critically undermine public trust in the Department. Any officer present and observing another law enforcement officer or an employee using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, shall, when in a position to do so, intercede (as defined by Government Code § 7286) to prevent the use of unreasonable force.

When observing force used by a law enforcement officer, each officer should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject (Government Code § 7286(b)).

300.2.2 DE-ESCALATION TECHNIQUES

Officers shall use de-escalation techniques whenever feasible and appropriate: to potentially reduce or eliminate the need to use force; and to prevent injuries to the subject, the public and the officer(s). Use of de-escalation techniques must allow for the fact that officers are often forced to make split-second decisions, with limited information, and in circumstances that are tense, uncertain and rapidly evolving.

- (a) Officers shall, when feasible, continually assess the dynamics of a situation, and modulate their response and actions appropriately. Officers may be justified in using force at one moment, but not justified in using force the next moment due to a change in dynamics.
- (b) De-escalation techniques may include verbal persuasion, warnings and tactical de-escalation techniques, such as: slowing down the pace of an incident; “waiting out” subjects; creating distance (and thus the reactionary gap) between the officer and the threat; and requesting additional resources (e.g., specialized units, mental health care providers, negotiators, etc.) to resolve the incident.
 - (a) Officers should recognize that they may withdraw to a position that is tactically advantageous or allows them greater distance to de-escalate a situation.
 - (b) Officers should consider a variety of options, including lesser force or no force options.
 - (c) Officers should perform their work in a manner that avoids unduly jeopardizing their own safety or the safety of others.

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- (d) Officers shall not intentionally and unnecessarily escalate and/or create a need to use force.
- (e) Officers should attempt to understand and consider possible reasons why a subject may be noncompliant or resisting arrest. A subject may not be capable of understanding the situation because of a medical condition; mental, physical, or hearing impairment; language barrier; drug interaction; or emotional crisis, and have no criminal intent. These situations may not make the subject any less dangerous, but understanding a subject's situation may enable officers to calm the subject and allow officers to use de-escalation techniques while maintaining public and officer safety.
- (f) Officers should continue de-escalation techniques, when feasible and appropriate, and take as much time as reasonably necessary to resolve the incident, in effort to avoid and/or minimize the use force.
- (c) When an officer recognizes that mental illness, post-traumatic stress disorder, alcohol and/or drug addictions, or other health issues are causing an individual to behave erratically, the officer shall, when feasible and appropriate, try to de-escalate the situation using de-escalation and/or Crisis Intervention techniques.

Establishing Communication - Communication with non-compliant subjects is often most effective when officers establish rapport, use the proper voice intonation, ask questions and provide advice to defuse conflict and achieve voluntary compliance before resorting to force options.

Supervisors conducting a use of force investigation will indicate de-escalation as a force option in BlueTeam whenever de-escalation was attempted or used in an incident.

300.2.3 FAIR AND UNBIASED USE OF FORCE

Officers are expected to carry out their duties, including the use of force, in a manner that is fair and unbiased (Government Code § 7286(b)). See the Bias-Based Policing Policy for additional guidance.

300.2.4 DUTY TO REPORT EXCESSIVE FORCE

Any employee who observes a law enforcement officer or another employee use force that potentially exceeds what the employee reasonably believes to be necessary shall immediately report these observations to a supervisor (Government Code § 7286(b)).

As used in this subsection, "immediately" means as soon as it is safe and feasible to do so.

300.2.5 FAILURE TO INTERCEDE

An officer who has received the required training on the duty to intercede and then fails to act to intercede when required by law, may be disciplined in the same manner as the officer who used force beyond that which is necessary (Government Code § 7286(b)).

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Officers shall use only that amount of force that reasonably appears necessary given the facts and totality of the circumstances known to or perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose (Penal Code § 835a).

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain, and rapidly evolving.

There are circumstances in which a force option may be legally justified under the principles set forth in *Graham v. Connor*, but the use of that force option may not be appropriate, warranted, and/or necessary.

This policy builds upon the broad principles in *Graham v. Connor* by adding additional, more restrictive factors upon which an officer's use of force shall be evaluated. These factors should be considered when determining whether to apply force (as time and circumstances permit), and in evaluating whether an officer has used reasonable force.

Additional factors set forth by case law and by this Policy:

- (a) Immediacy and severity of the threat to officers or others.
- (b) The feasibility, efficacy, and safety of alternative lesser or non-force options, including the availability of de-escalation techniques that might reduce or eliminate the need to use force, or prevent injuries to the subject, the public and the officer(s).
- (c) Whether the force option is proportionate and appropriate to the totality of the circumstances, and whether alternative lesser or non-force options are feasible and likely to be effective. Proportional force does not imply equal force; officers may use superior force, consistent with this policy.
- (d) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (e) The conduct of the officer prior to the use of force. Specifically, did the officer violate policy and unnecessarily escalate the situation to a use of force.
- (f) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (g) The effects of drugs or alcohol.
- (h) Subject's mental state or capacity, including any apparent/known mental health issues.
- (i) Proximity of weapons or dangerous improvised devices.
- (j) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (k) The availability of other options and their possible effectiveness.

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- (l) Seriousness of the suspected offense or reason for contact with the individual.
- (m) Training and experience of the officer.
- (n) Potential for injury to officers, suspects and others.
- (o) Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the officer.
- (p) The risk and reasonably foreseeable consequences of escape.
- (q) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- (r) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (s) Prior contacts with the subject or awareness of any propensity for violence.
- (t) Any other exigent circumstances.
- (u) Officers must strive to use the minimal amount of force necessary.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident. Officers may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance (Government Code § 7286(b)).

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the approved tools, weapons, or methods provided by the Department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be objectively reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

300.3.1 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the person can comply with the direction or orders of the officer
- (c) Whether the person has been given sufficient opportunity to comply.

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The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

300.3.2 PERSONAL BODY WEAPONS

Personal body weapon strikes, punches, lifts or kicks for which the officer has received department-approved training, may be used when the officer reasonably believes that the use of such force appears necessary to further a legitimate law enforcement purpose.

Personal body weapon strikes, punches, or kicks to the rear of the head, neck or spine are prohibited. The only exception to this prohibition would be under exigent circumstances when deadly force is justified and reasonable.

300.3.3 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the Department for this specific purpose.

300.3.4 RESTRICTIONS ON THE USE OF A CHOKE HOLD/CAROTID RESTRAINT

Officers of this department are not authorized to use a choke hold or carotid restraint. A choke hold means any defensive tactic or force option in which direct pressure is applied to a person's trachea or windpipe. Carotid restraint means a vascular neck restraint or any similar restraint, hold, or other defensive tactic in which pressure is applied to the sides of a person's neck that involves a substantial risk of restricting blood flow and may render the person unconscious in order to subdue or control the person. (Government Code § 7286.5).

300.3.5 ADDITIONAL RESTRICTIONS

Terms such as "positional asphyxia," and "restraint asphyxia," continue to remain the subject of debate among experts and medical professionals, are not universally recognized medical conditions, and frequently involve other collateral or controlling factors such as narcotics or alcohol influence, or pre-existing medical conditions. While it is impractical to restrict an officer's use of reasonable control methods when attempting to restrain a combative individual, officers are not authorized to use any restraint or transportation method which might unreasonably impair an individual's breathing or respiratory capacity for a period beyond the point when the individual has been adequately and safely controlled. Once controlled, the individual should be placed into a recovery position (e.g., supine or seated) and monitored for signs of medical distress (Government Code § 7286.5).

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300.4 DEADLY FORCE APPLICATIONS

Where feasible, the officer shall, prior to the use of deadly force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts (Penal Code § 835a).

If an objectively reasonable officer would consider it safe and feasible to do so under the totality of the circumstances, officers shall evaluate and use other reasonably available resources and techniques when determining whether to use deadly force. To the extent that it is reasonably practical, officers should consider their surroundings and any potential risks to bystanders prior to discharging a firearm (Government Code § 7286(b)).

The use of deadly force is only justified when the officer reasonably believes it is necessary in the following circumstances (Penal Code § 835a):

- (a) An officer may use deadly force to protect themselves or others from what the officer reasonably believes is an imminent threat of death or serious bodily injury to the officer or another person.
- (b) An officer may use deadly force to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.

Officers shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the officer or to another person (Penal Code § 835a).

Additionally, an officer should not use deadly force against a person whose actions are a threat solely to property.

An "imminent" threat of death or serious bodily injury exists when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the officer or another person. An officer's subjective fear of future harm alone is insufficient as an imminent threat. An imminent threat is one that from appearances is reasonably believed to require instant attention (Penal Code § 835a).

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective. It is also noted that in many circumstances, disabling the driver of a vehicle may increase the potential for harm to bystanders and/or the officer.

- Officers should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants.
- Officers shall not intentionally and unnecessarily move into the path of an approaching vehicle to create their own exigent circumstance.
- Officers should not shoot at any part of a moving vehicle in an attempt to disable the vehicle.

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- Officers shall not discharge a firearm at a moving vehicle or its occupants when there are other reasonable means available to avert the threat.
- Officers shall not discharge a firearm from a moving vehicle when there are other reasonable means available to avert the present threat.
- Officers may only shoot at a moving vehicle under exigent circumstances, when the driver and/or occupants are targeting others with the intent to cause great bodily injury or death and there are no other reasonable means available to avert the threat.

300.4.2 DISPLAYING OF FIREARMS

Given that individuals might perceive the display of a firearm as a potential application of force, officers should carefully evaluate each tactical situation and use sound discretion when drawing a firearm in public by considering the following guidelines (Government Code § 7286(b)):

- (a) If the officer does not initially perceive a threat but reasonably believes that the potential for such threat exists, firearms should generally be kept in the low-ready or other position not directed toward an individual.
- (b) If the officer reasonably believes that a threat exists based on the totality of circumstances presented at the time (e.g., high-risk stop, tactical entry, armed encounter), firearms may be directed toward such threat until the officer no longer perceives such threat.

Once it is reasonably safe to do so, officers should carefully secure all firearms.

Whenever an officer draws/deploys a firearm during the performance of his/her duties to defend, detain or take any person into custody (the suspect is contacted or arrested, the officer is present and is within potential sight of the suspect), it is considered a use of force and an account of the incident must be made in a police report. The officer should include in the narrative of the report how the weapon was used in the incident, as well as the justification for such action. The documentation of how the weapon was used should include information on how the weapon was presented. The officer must notify a supervisor as soon as practical, and the supervisor will complete a Use of Force Investigation with accompanying documentation as outlined in this policy.

Whenever an officer draws/deploys a firearm during the performance of his/her duties in the presence of others, but does not use the firearm to defend, detain or take any person into custody (the suspect is not contacted or arrested), it is not considered a use of force and an account of the incident must be made in a police report.

Whenever an officer draws/deploys a firearm during the performance of his/her duties not in the presence of others, it is not considered a use of force and no documentation is required. An example of that type of incident would include, but is not limited to, the search of an empty building or car where no person is contacted during the search.

To the extent reasonable under the circumstances, officers shall consider their surroundings and potential risks to bystanders before discharging a firearm

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300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances.

Supplemental reports will be completed by personnel who are present and witness the force used by another officer. Officers have a duty to report all pertinent facts known to them.

All police reports, inclusive of any supplemental reports, involving the documentation of a use of force must be reviewed and approved by a supervisor prior to the employee going off duty.

[To collect data for purposes of training, resource allocation, analysis, and related purposes, the Department may require the completion of additional report forms.](#)

300.5.1 NOTIFICATION TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following any Level 2, 3, or 4 application of force. Levels of force and the respective reporting, investigation, documentation, and review requirements are defined in section 300.5.2.

All use of force must be documented in a police report and reviewed by a supervisor.

300.5.2 USE OF FORCE INVESTIGATION, DOCUMENTATION, AND REVIEW

Upon receiving notification of a use of force, a supervisor who was not involved in the use of force incident, will determine the level of investigation and documentation.

The following categories and parameters will explain levels of force and the respective reporting, investigation, documentation, and review requirements. Incidents will be categorized as Level 1, Level 2, Level 3, or Level 4.

Level 1: Documentation in a Police Report Only

Level 1 Incident Parameters:

- (a) Officer used any of the following, and the circumstances of the application would lead a reasonable officer to conclude that the subject did not experience more than momentary discomfort:
 - 1. Control holds/pressure point application
 - 2. Leverage
 - 3. Grab
 - 4. Bodyweight
 - 5. The officer lowered the subject to a seated position or to the ground while partially or completely supporting the person's bodyweight.
- (b) Officer used any of following:
 - 1. TASER/LLIMs Deployed (no activation)

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2. Drawn/deployed firearm, but no suspect contacted or arrested
 - (c) Subject has no visible injury due to interaction with officer.
 - (d) Subject has no complaint of injury or continuing pain.
 - (e) Subject does not indicate intent to pursue litigation.
 - (f) Subject was not rendered unconscious due to interaction with officer.
 - (g) No allegation of misconduct against officer, regarding force.
 - (h) Entirety of the contact was captured on audio and video, inclusive of the buffering period.

Level 1 Incidents should be documented by an officer in an appropriate police report, citation, Field Interview, and/or CADS entry. Supervisors will review police report narratives for approval.

Level 2: Use of Force

Level 2 Incident Parameters:

- (a) No suspect injury or complaint of continuing pain due to interaction with officer.
- (b) No allegation of misconduct against officer, regarding force.
- (c) Entirety of the contact was captured on audio and video, inclusive of the buffering period.
- (d) Officer's use of force was limited to the following:
 1. Any takedown, that did not appear to cause more than momentary discomfort.
 2. Firearm drawn/deployed but not fired, suspect contacted
 3. Control hold, pressure point, leverage, grab, and/or bodyweight, and the application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.

An uninvolved supervisor will respond to the scene and conduct a Use of Force Investigation, ensuring that statements are taken from the suspect and witnesses, and that photos are taken of the involved parties. If the incident fits the parameters for a Level 2 incident, the supervisor will enter all applicable data into BlueTeam and attach a completed Use of Force Investigation Checklist with a brief summary.

In circumstances where the highest level of force used was a firearm drawn or deployed, but not fired, to detain or take a subject into custody, an involved sergeant may conduct the use of force investigation. In order for an incident to qualify it must be a reportable use of force where the highest level of force used was the firearm being drawn or deployed. The involved sergeant must contact the on-duty Watch Commander and advise them of the details. The on-duty Watch Commander will make the determination if the sergeant can handle the use of force investigation. If approved, the sergeant will document the use of force incident as normal in the Supervisor's Use of Force report (SUFR). In the conclusion section of the SUFR,

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[the sergeant will not comment or make a determination of their own use of force. The Watch Commander reviewing the use of force will comment in the notes section in BlueTeam on whether the sergeant's force was justified and within policy.](#)

Witness statements from fire and medical personnel are not required under the following circumstance: an officer assists medical personnel to restrain and/or secure a subject to a gurney for medical transport in a non-criminal detention (i.e. 5150 or 5170 detention), and all of the following conditions are met:

- (a) The officer only used force options limited to the following: grab, hold, leverage, and/or bodyweight.
- (b) No subject injury or complaint of continuing pain due to interaction with officer.
- (c) No allegation of misconduct against officer, regarding force.
- (d) Entirety of the contact was captured on audio and video, inclusive of the buffering period.
- (e) The unit number for the fire and medical personnel is obtained.

Level 3: Use of Force

Level 3 Incident Parameters:

- (a) Would have otherwise been classified as a Level 2, except one or more of the following apply:
 - 1. Suspect injury or complaint of injury or continuing pain due to interaction with officer.
 - 2. Allegation of misconduct against officer, regarding force.
 - 3. Entirety of the contact was not captured on audio and video, inclusive of the buffering period.
- (b) The use of force is Level 3 if the officer used any of the following force options:
 - 1. Any takedown, that appears to have caused more than momentary discomfort.
 - 2. TASER Activation/LLIMS Activation
 - 3. Chemical Agents/Munitions
 - 4. Impact Weapon Strikes
 - 5. Personal Body Weapons
 - 6. Police canine deployment resulting in injury

An uninvolved supervisor will respond to the scene and conduct a Use of Force Investigation, ensuring that statements are taken from the suspect and witnesses. If the incident fits the parameters for a Level 3 incident, the supervisor will enter all applicable data into BlueTeam and attach a completed Use of Force Investigation Checklist. The supervisor will also complete a Use of Force Investigation Report narrative for review through the Use of Force Review process. Suspect and witness statements from the crime report will be attached

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to the use of force investigation. Use of Force involving police canines will be documented and reviewed additionally per Policy 318.

Level 4: Use of Deadly Force

Level 4 Incident Parameters:

- (a) Use of firearm, officer involved shooting
- (b) Or any force likely to cause death or serious bodily injury

An uninvolved supervisor will respond to the scene. The incident will be investigated, documented, and reviewed in adherence to Policy 310.

300.5.3 EMPLOYEES WHO USE FORCE WHILE ON A SPECIAL ASSIGNMENT

When a BART Police employee has a use of force as defined in this policy, the use of force must be reported to a BART Police supervisor and investigated in accordance with this policy.

When two or more BART Police officers are temporarily assigned to assist an outside agency or multi-agency task force in the performance of law enforcement activities, a BART police supervisor should also be present.

300.5.4 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

Statistical data regarding all officer-involved shootings and incidents involving use of force resulting in serious bodily injury is to be reported to the California Department of Justice as required by Government Code § 12525.2. See the Records Division Policy.

300.5.5 REPORT RESTRICTIONS

Officers shall not use the term "excited delirium" to describe an individual in an incident report. Officers may describe the characteristics of an individual's conduct, but shall not generally describe the individual's demeanor, conduct, or physical and mental condition at issue as "excited delirium" (Health and Safety Code § 24402).

300.6 MEDICAL CONSIDERATION FOLLOWING A USE OF FORCE

Prior to booking or release, and as soon as possible under the circumstances, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed. Officers should pay particular attention to vulnerable populations, including but not limited to, children, elderly persons, pregnant individuals and individuals with physical, mental and developmental disabilities, whose vulnerabilities could exacerbate the impact or risk of injury.

Based upon the officer's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff or medical staff at the jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another

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officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain, or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage nearby if appropriate.

Terms such as "positional asphyxia," and "restraint asphyxia," continue to remain the subject of debate among experts and medical professionals, are not universally recognized medical conditions, and frequently involve other collateral or controlling factors such as narcotics or alcohol influence, or pre-existing medical conditions. While it is impractical to restrict an officer's use of reasonable control methods when attempting to restrain a combative individual, officers are not authorized to use any restraint or transportation method which might unreasonably impair an individual's breathing or respiratory capacity for a period beyond the point when the individual has been adequately and safely controlled. Once controlled, the individual should be placed into a recovery position (e.g., supine or seated) and monitored for signs of medical distress (Government Code § 7286.5).

300.7 SUPERVISOR RESPONSIBILITY

Other than an involved supervisor taking a Level 2 - Gunpoint use of force as authorized in 300.5.2, A an uninvolved supervisor should respond to the scene of a Level 2, Level 3, or Level 4 use of force. The supervisor is expected to do the following:

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) Ensure that arrestees and witnesses are interviewed, and that the interviews are audio/video recorded. If the arrestee invokes their Miranda rights at any point, all interrogation shall cease as outlined per case law.
 1. Officers should take recorded suspect and witness statements related to all criminal charges as appropriate, including the circumstances involving the use of force. These statements will be documented in the crime report. If the responding

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supervisor conducts the interview, then the supervisor should document the statement in the crime report.

2. In addition to the statement taken for the criminal report, supervisors conducting the use of force investigation should seek a voluntary statement regarding the use of force from suspects who have not invoked their Miranda rights. The interview should be audio/video recorded. If the statement contains information that is relevant to the criminal case but is not covered in the primary crime report, the supervisor will document the interview in a supplemental crime report.
 3. In the event that force is used on an individual with no criminal charges (i.e. psychiatric detentions), then the responding supervisor should interview the detainee regarding the use of force.
 4. In all cases, the responding supervisor should identify themselves as a supervisor to the arrestee/detainee. If the subject makes an allegation of misconduct, the supervisor will receive and forward the complaint to Internal Affairs.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.
 - (e) Review the portion(s) of the body worn camera video pertaining to the use of force and/or allegation of misconduct.
 - (f) Ensure the Use of Force category is added onto all digital evidence items pertaining to their supervisor's use of force investigation, to include the videos that captured the use of force, as well as all items that pertain to the use of force investigation.
 - (g) Review and approve all related reports.

In the event that an uninvolved supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit. The investigation will be documented in a Use of Force Investigation checklist and narrative as warranted.

When practical, involved supervisors, meaning those who use force in a given incident or those who witness the use of force by another officer in a given incident, should not obtain statements from other officers as part of a report on the use of force, as such is the responsibility of an uninvolved supervisor. Furthermore, involved supervisors and officers shall not attempt to influence other officers' or civilian witnesses' accounts of what occurred during the incident or otherwise compromise the integrity of the use of force investigation.

Use of Force Investigation Reports will be forwarded and reviewed through the chain of command.

300.7.1 WATCH COMMANDER RESPONSIBILITY

A watch commander will review the Use of Force Investigation Report to ensure compliance with this policy and that any training issues are addressed.

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Nothing in the policy precludes the watch commander from requiring that a supervisor complete a Use of Force Investigation Report for any incident involving force.

The on-duty watch commander shall promptly notify the Office of the Independent Police Auditor in the event that a use of force resulted in significant (i.e. life threatening) injury, notwithstanding the notification requirements regarding officer-involved shootings and in-custody deaths pursuant to Policy 310.

300.8 TRAINING

Officers will receive annual training on this policy (at a minimum) and demonstrate their knowledge and understanding.

Departmental personnel authorized to carry lethal and less-lethal weapons will be issued copies of, and be instructed in, the policies of lethal and less-lethal force before being authorized to carry a weapon. The issuance and instruction shall be documented.

Training standards and requirements relating to demonstrated knowledge and understanding of the use of force policy, and training about interactions with vulnerable populations (including, but not limited to, children, elderly persons, people who are pregnant, and people with physical, mental, and developmental disabilities) are established in the Department's Training Plan. Relevant course titles from the Training Plan include, but are not limited to; POST Basic Academy material, POST-Approved Field Training Program, POST Continued Professional Training, POST-Certified Force Options Update, POST-Certified Driving Update, POST-Certified Force Options Update, POST Certified Driving Update, POST Certified Arrest & Control, POST-Certified Tactical Communications, First Aid/CPR Update, Firearm Qualification, Patrol Rifle, Racial Profiling or Fair & Impartial Update, Impact Weapons Update, TASER Training, Code of Ethics Training, Crisis Intervention Training, Reality Based Training, Active Shooter Training, Cultural Diversity Training, POST Field Training Officer Course, Field Training Officer Update Course, Firearms Instructor Course, Firearms Instructor Update, Arrest & Control/Impact Weapons Instructor, Arrest & Control/Impact Instructor Update, Impact Weapons Instructor Update, In-House New Sergeant Orientation, Officer Involved Shooting – Supervisor Responsibilities, POST Basic Instructor Development Institute, Fair and Impartial Policing Train the Trainer, Racial Profiling Instructor Course, Tactical Medical Course, POST First Aid / CPR Instructors Course, Force Options Simulator Instructor Course, Basic TASER Instructor Course, TASER Instructor Recertification Course.

300.9 USE OF FORCE ANALYSIS

At least annually, the Operations Bureau Deputy Chief should prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Police, the Office of the Independent Police Auditor, and the BART Police Citizen Review Board. The report should not contain the names of officers, suspects or case numbers, and should include:

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.

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- (d) Policy revision recommendations.

300.10 USE OF FORCE COMPLAINTS

Complaints by members of the public related to this policy may be filled with the BART Police Department Internal Affairs Division (IAD), the BART Police Citizen Review Board (BPCRB) or the Office of the Independent Auditor (OIPA). The receipt, processing, and investigation of civilian complaints involving use of force incidents should be handled in accordance with the Personnel Complaints Policy (Government Code § 7286(b)). Complaints filed with the BPCRB and/or OIPA will be investigated with the applicable procedures of the BART Citizen Oversight Model.

300.11 POLICY REVIEW

The Chief of Police or the authorized designee should regularly review and update this policy to reflect developing practices and procedures (Government Code § 7286(b)).

300.12 POLICY AVAILABILITY

The Chief of Police or the authorized designee should ensure this policy is accessible to the public (Government Code § 7286(c)).

300.13 PUBLIC RECORDS REQUESTS

Requests for public records involving an officer's personnel records shall be processed in accordance with Penal Code § 832.7 and the Personnel Records and Records Maintenance and Release policies (Government Code § 7286(b)).

Canines

318.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of canines to augment police services in the community, including but not limited to locating individuals and contraband and apprehending criminal offenders.

318.1.1 DEFINITIONS

- (a) **Police Canine:** A canine teamed with a police officer and trained in protection and/or explosives detection.
- (b) **Canine Handler:** A sworn officer trained and designated to work with a police canine.
- (c) **Canine Team:** A police officer/handler and assigned police canine.
- (d) **Canine Coordinator:** A police sergeant designated to supervise department canine teams and assistants.
- (e) **K-9 Unit:** Department canines and personnel assigned as coordinators, handlers, and assistants.
- (f) **Protection Training:** Canine training involving searching for persons, apprehension of suspects, and protection.
- (g) **Explosives Detection Training:** Canine training involving searching for and locating explosives.

318.1.2 TASKS AND OBJECTIVES OF CANINE TEAMS

Police canine teams will be used to accomplish a variety of police-related tasks and objectives including:

- (a) Increase the perception of police presence by providing highly visible deterrent patrols within stations, trains and parking facilities
- (b) Decrease the possibility of a terrorist attack against the District by performing security checks of trains and stations with explosives-detection canines
- (c) Increase public awareness of anti-terrorism measures through regular patrol and explosives-detection training in trains and stations
- (d) Increase the safety of District employees and patrons by providing a visible deterrent to crime and terrorism within the system
- (e) Patrol checks of District facilities
- (f) Canine units also act in support of other police personnel and respond to calls where the canine's presence will assist in resolving the situation safely and more effectively. Canine officers respond throughout the District to assist as needed. When assigned to a beat or detail, canine handlers shall seek supervisory approval to respond to other than his/her assigned beat or area.

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318.1.3 TASKS AND OBJECTIVES OF PROTECTION-TRAINED CANINE TEAMS

Protection-trained canine teams will be used to accomplish a variety of police-related tasks and objectives including:

- (a) Reduce injuries to police officers and other District employees resulting from criminal attacks
- (b) Reduce personnel deployment and time spent searching buildings, structures, and open areas for suspects, evidence or property
- (c) Tracking persons
- (d) Locating victims of fires, earthquakes, or other natural disasters and to aid at other disaster scenes

318.2 POLICY

It is the policy of the Bay Area Rapid Transit Police Department that teams of handlers and canines meet and maintain the appropriate proficiency to effectively and reasonably carry out legitimate law enforcement objectives.

318.3 ASSIGNMENT

Canine teams should be assigned to assist and supplement the Operations Bureau to function primarily in assist or cover assignments. However, they may be assigned by the Watch Commander to other functions, such as routine calls for service, based on the current operational needs.

Canine teams should generally not be assigned to handle routine matters that will take them out of service for extended periods of time. If such assignment is necessary, it should only be made with the approval of the Watch Commander.

318.4 CANINE COORDINATOR

The canine coordinator shall be appointed by and directly responsible to the Operations Bureau or the authorized designee.

The responsibilities of the coordinator include but are not limited to:

- (a) Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.
- (b) Maintaining a liaison with the vendor kennel.
- (c) Maintaining a liaison with command staff and functional supervisors.
- (d) Maintaining a liaison with other agency canine coordinators.
- (e) Maintaining accurate records to document canine activities.
- (f) Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines.
- (g) Scheduling all canine-related activities.

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- (h) Ensuring the canine teams are scheduled for regular training to maximize their capabilities.

318.5 REQUESTS FOR CANINE TEAMS

Operations Bureau members are encouraged to request the use of a canine. Requests for a canine team from department units outside of the Operations Bureau shall be reviewed by the Watch Commander.

318.5.1 OUTSIDE AGENCY REQUEST

All requests for canine assistance from outside agencies must be approved by the Watch Commander and are subject to the following:

- (a) Canine teams shall not be used for any assignment that is not consistent with this policy.
- (b) The canine handler can provide input on whether to utilize a canine for a specific assignment.
- (c) Calling out off-duty canine teams is discouraged.
- (d) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.
- (e) It shall be the responsibility of the canine handler to complete all necessary reports as directed.

318.5.2 PUBLIC DEMONSTRATION

All public requests for a canine team shall be reviewed and, if appropriate, approved by the canine coordinator prior to making any resource commitment. The canine coordinator is responsible for obtaining resources and coordinating involvement in the demonstration to include proper safety protocols. Canine handlers shall not demonstrate any apprehension work unless authorized to do so by the canine coordinator.

318.6 APPREHENSION GUIDELINES

A protection trained canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has committed, is committing, or is threatening to commit any serious offense and if any of the following conditions exist:

- (a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any officer, or the handler.
- (b) The suspect is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.
- (c) The suspect is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of officers or the public.

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. Such events require consideration of the totality of the circumstances and the use of an objective reasonableness standard applied to the decision to use a canine.

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Absent a reasonable belief that a suspect has committed, is committing, or is threatening to commit a serious offense, mere flight from a pursuing officer, without any of the above conditions, shall not serve as the basis for the use of a canine to apprehend a suspect.

Use of a canine to locate and apprehend a suspect wanted for a lesser criminal offense than those identified above requires approval from the Watch Commander. Absent a change in circumstances that presents an imminent threat to officers, the canine or the public, such canine use should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual.

In all applications, once the suspect has been located and no longer reasonably appears to present a threat or risk of escape, the handler should secure the canine as soon as it becomes reasonably practicable.

If the canine has apprehended the suspect with a secure bite, and the handler believes that the suspect no longer poses a threat, the handler should promptly command the canine to release the suspect.

318.6.1 REPORTING DEPLOYMENTS, BITES, AND INJURIES

Handlers should document canine deployments in a canine use report. Whenever a canine deployment results in a bite or causes injury to an intended suspect, a supervisor should be promptly notified and the injuries documented in the canine use report. The injured person shall be promptly treated by Emergency Medical Services personnel and, if appropriate, transported to an appropriate medical facility for further treatment. The deployment and injuries should also be included in any related incident or arrest report.

Any unintended bite or injury caused by a canine, whether on- or off-duty, shall be promptly reported to the canine coordinator. Unintended bites or injuries caused by a canine should be documented in an administrative report, not in a canine use report.

If an individual alleges an injury, either visible or not visible, a supervisor shall be notified and both the individual's injured and uninjured areas shall be photographed as soon as practicable after first tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current department evidence procedures. The photographs shall be retained until the criminal proceeding is completed and the time for any related civil proceeding has expired.

Canines used by law enforcement agencies are generally exempt from impoundment and reporting requirements. However, the canine shall be made available for examination at any reasonable time if requested by the local health department. The canine handler shall also notify the local health department if the canine exhibits any abnormal behavior after a bite (Health and Safety Code § 121685).

318.7 NON-APPREHENSION GUIDELINES

Properly trained canines may be used to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention). The canine handler is responsible for determining the canine's suitability for such assignments based on the conditions

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and the particular abilities of the canine. When the canine is deployed in a search or other non-apprehension operation, the following guidelines apply:

- (a) Absent a change in circumstances that presents an imminent threat to officers, the canine, or the public, such applications should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.
- (b) Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.
- (c) Throughout the deployment, the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.
- (d) Once the individual has been located, the handler should place the canine in a down-stay or otherwise secure it as soon as reasonably practicable.

318.7.1 ARTICLE DETECTION

A canine trained to find objects or property related to a person or crime may be used to locate or identify articles. A canine search should be conducted in a manner that minimizes the likelihood of unintended bites or injuries.

318.7.2 BOMB/EXPLOSIVE DETECTION

Because of the high risk of danger to the public and officers when a bomb or other explosive device is suspected, the use of a canine team trained in explosive detection may be considered. When available, an explosive-detection canine team may be used in accordance with current law and under certain circumstances, including:

- (a) Assisting in the search of a building, structure, area, vehicle, or article where an actual or suspected explosive device has been reported or located.
- (b) Assisting with searches at transportation facilities and vehicles (e.g., buses, airplanes, trains).
- (c) Preventive searches at special events, VIP visits, official buildings, and other restricted areas. Searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.
- (d) Assisting in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.

At no time will an explosive-detection trained canine be used to render a suspected device safe or clear.

318.8 CANINE SELECTION

Police service canines will be selected by BART PD for use in the Canine Program based on their overall suitability for law enforcement and transit environments. BART PD will acquire canines from a licensed vendor or federal source. The selection and evaluation of the canine, as well as pre-service training and familiarization, will take place at a government or vendor facility.

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318.9 HANDLER SELECTION

The minimum qualifications for the assignment of canine handler include:

- (a) An officer who is currently off probation with three (3) years of police patrol experience.
- (b) Residing in an adequately fenced, single-family residence (minimum 5-foot high fence with locking gates).
- (c) If taking a Department vehicle home, a garage that can be secured and accommodate the canine vehicle.
- (d) If electing to transport the canine in a personal vehicle, the vehicle must be suitable for safely and securely transporting the canine. When transporting a canine in the bed of a truck, handlers shall comply with 23117 of the California Vehicle Code.
- (e) Agreeing to be assigned to the position for a minimum of three years.
- (f) Unless authorized by the Chief of Police or their designee, canine handlers will only be allowed to participate in one other special or ancillary assignment due to the training time required to maintain a competent and proficient canine.

318.10 HANDLER RESPONSIBILITIES

The canine handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection and living conditions.

Whether on or off leash, canines must be under the full control of the assigned handler at all times.

The canine handler will be responsible for the following:

- (a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
- (b) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition.
- (c) When not in service, the handler shall maintain the canine vehicle in a locked garage, away from public view.
- (d) Handlers shall permit the canine coordinator to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy.
- (e) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine coordinator as soon as possible.
- (f) When off-duty, the canine shall be in a kennel provided by the District at the home of the handler. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.
- (g) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.

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- (h) Under no circumstances will the canine be lodged at another location unless approved by the canine coordinator or Watch Commander.
- (i) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the canine coordinator or Watch Commander.
- (j) Whenever a canine handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the canine coordinator so that appropriate arrangements can be made.

318.11 HANDLER COMPENSATION

The canine handler shall be available for call-out under conditions specified by the canine coordinator.

The canine handler shall be compensated for time spent in the care, feeding, grooming, and other needs of the canine in accordance with the Fair Labor Standards Act (FLSA), and according to the terms of the collective bargaining agreement (29 USC § 207).

318.12 CANINE INJURY AND MEDICAL CARE

In the event that a canine is injured, or there is an indication that the canine is not in good physical condition, the injury or condition will be reported to the canine coordinator or Watch Commander as soon as practicable and appropriately documented.

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian. All records of medical treatment shall be maintained in the handler's personnel file.

318.13 TRAINING

Before assignment in the field, each canine team shall be trained and certified to meet current POST guidelines or other recognized and approved certification standards.

The canine coordinator shall be responsible for scheduling periodic training for all department members in order to familiarize them with how to conduct themselves in the presence of department canines.

All canine training should be conducted while on-duty unless otherwise approved by the canine coordinator or Watch Commander.

318.13.1 CONTINUED TRAINING

Each canine team shall thereafter be recertified to a current POST or other recognized and approved certification standards on an annual basis. Additional training considerations are as follows:

- (a) Canine teams should receive training as defined in the current contract with the Bay Area Rapid Transit Police Department canine training provider.

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- (b) Canine handlers are encouraged to engage in additional training with approval of the canine coordinator.
- (c) To ensure that all training is consistent, no handler, trainer or outside vendor is authorized to train to a standard that is not reviewed and approved by this department.

318.13.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

Any canine team failing to graduate or obtain certification shall not be deployed in the field for tasks the team is not certified to perform until graduation or certification is achieved. When reasonably practicable, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

318.13.3 TRAINING RECORDS

All canine training records shall be maintained in the canine handler's and the canine's training file. Canine handlers shall maintain accurate records of all training-related activity (e.g. maintenance training, trials, and public demonstrations). Training records will be reviewed and signed by the canine coordinator with the handler once a month. Training records shall be kept in the canine team's training file for the working life of the canine plus two years, after which they will be purged.

318.13.4 TRAINING AIDS

Training aids are required to effectively train and maintain the skills of canines. Officers possessing, using or transporting explosives for canine training purposes must comply with federal and state requirements. Alternatively, the Bay Area Rapid Transit Police Department may work with outside trainers with the applicable licenses or permits.

318.13.5 EXPLOSIVE TRAINING AIDS

Officers may possess, transport, store, or use explosives or destructive devices in compliance with state and federal laws (Penal Code § 18800; 18 USC § 842; 27 CFR 555.41).

Explosive training aids designed specifically for canine teams should be used whenever feasible. Due to the safety concerns in the handling and transportation of explosives, inert or non-hazardous training aids should be employed whenever feasible. The use of explosives or destructive devices for training aids by canine teams is subject to the following:

- (a) All explosive training aids, when not in use, shall be properly stored in a secure facility appropriate for the type of materials.
- (b) An inventory ledger shall be maintained to document the type and quantity of explosive training aids that are stored.
- (c) The canine coordinator shall be responsible for verifying the explosive training aids on hand against the inventory ledger once each quarter.
- (d) Only members of the canine team shall have access to the explosive training aids storage facility.
- (e) A primary and secondary custodian will be designated to minimize the possibility of loss of explosive training aids during and after the training. Generally, the handler will

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be designated as the primary custodian while the trainer or authorized second person on-scene will be designated as the secondary custodian.

- (f) Any lost or damaged explosive training aids shall be promptly reported to the canine coordinator, who will determine if any further action will be necessary. Any loss of explosives will be reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

318.14 BREEDING

Departmental canines shall not be bred.

Victim and Witness Assistance

336.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

336.2 POLICY

The Bay Area Rapid Transit Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the Bay Area Rapid Transit Police Department will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

336.2.1 SUMMARY OF CRIME VICTIM/WITNESS RIGHTS

This is an overview of constitutional and statutory rights provided to victims/witnesses:

- (a) **Right to Keep Address Confidential** - In cases of child abuse, spousal abuse and sex crimes, victims/witnesses have a right to have their addresses kept confidential. Their addresses may be given only to the attorney for the defendant, but will not appear on any forms or public documents. (Penal Code § 293; Government Code § 6254(f)(2) et seq.).
- (b) **Right Not to be Threatened or Intimidated** - If anyone threatens a victim or witness, law enforcement has the responsibility to investigate such threat or intimidation. It is a crime for anyone to attempt to dissuade or prevent a victim or witness from assisting law enforcement agencies or prosecutors or from attending or giving testimony at any trial or proceeding authorized by law. It is a felony if any such efforts involve coercion, threats or force, or are done for financial gain.
- (c) **Right to be Present at Sentencing and Parole Hearings** - Crime victims/witnesses are entitled to appear at the sentencing hearing and to speak on matters concerning the crime, the penalty and the need for restitution.
- (d) **Right to be Informed of the Sentence Recommended by the Probation Officer** - Victims/ witnesses have a right to make a statement at parole hearings.
- (e) **Right to Restitution and Return of Property** - Victims/witnesses have a right to restitution from the person who is convicted of a misdemeanor or felony where the victim/witness suffered economic loss a result of the offender's conduct, as well as the return of their property when no longer needed as evidence in a court proceeding.

336.2.2 VICTIM/WITNESS INDEMNIFICATION

Law Enforcement agencies are charged with the responsibility of notifying victims/witnesses of violent crimes of their right to indemnification. For the purpose of indemnification by the State of California, the definition of victim shall include (Government Code § 13950 et seq.):

- (a) A person who sustains injury or death as a direct result of a crime.

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- (b) A person legally dependent for support upon a person who sustains injury or death as a direct result of a crime.
- (c) A family member or any person in close relationship to a victim who was present during the commission of the crime and whose treatment or presence during treatment of the victim is required for successful medical treatment.
- (d) Any individual who legally assumes the obligation or who voluntarily pays the medical or burial expenses incurred as a direct result of a death caused by a crime.

336.2.3 THREATS AND/OR INTIMIDATION OF VICTIMS/WITNESSES

- (a) It shall be the policy of the Bay Area Rapid Transit Police Department to provide appropriate assistance to victims/witnesses within our jurisdiction who have been threatened or who express specific, credible reasons for fearing intimidation or further victimization.
- (b) Appropriate assistance may include referral to the local district attorney's office for consideration of protective custody, referral for safety planning by a victim advocate, and/ or offering words of support.
- (c) If an employee of the Bay Area Rapid Transit Police Department becomes aware of danger to a victim or witness, that employee shall promptly notify a supervisor so that appropriate notifications can be made to the victim/witness and the appropriate law enforcement agency.
- (d) When notifying another agency of possible danger to a victim/witness within their jurisdiction, the notifying Bay Area Rapid Transit Police employee shall inform the agency of the danger and request that the agency take reasonable precautions.

336.3 CRIME VICTIM LIAISON

The Chief of Police shall appoint a member of the Department to serve as the crime victim liaison (2 CCR 649.36). The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Bay Area Rapid Transit Police Department regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

336.3.1 CRIME VICTIM LIAISON DUTIES

The crime victim liaison is specifically tasked with the following:

- (a) Developing and implementing written procedures for notifying and providing forms for filing with the California Victim Compensation Board (CalVCB) to crime victims, their dependents, or family. Access to information or an application for victim compensation shall not be denied based on the victim's or derivative victim's designation as a gang member, associate, or affiliate, or on the person's documentation or immigration status (Government Code § 13962; 2 CCR 649.35; 2 CCR 649.36).
- (b) Responding to inquiries concerning the procedures for filing a claim with CalVCB (2 CCR 649.36).

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- (c) Providing copies of crime reports requested by CalVCB or victim witness assistance centers. Disclosure of reports must comply with the Records Maintenance and Release Policy.
- (d) Annually providing CalVCB with the crime victim liaison's contact information (Government Code § 13962).
- (e) Developing in consultation with sexual assault experts a sexual assault victim card explaining the rights of victims under California law (Penal Code § 680.2).
 - 1. Ensuring that sufficient copies of the rights of sexual assault victim card are provided to each provider of medical evidentiary examinations or physical examinations arising out of sexual assault in the Bay Area Rapid Transit Police Department jurisdiction (Penal Code § 680.2).
- (f) Providing information required by Penal Code § 679.09 of a deceased minor to a parent or guardian of the minor whose death is being investigated.
 - 1. In cases where the parent or guardian of the deceased minor cannot be located, information required by Penal Code § 679.09 shall be provided to the victim's immediate family, upon their request.
- (g) Providing notification to victims of human trafficking or abuse of their right to have a human trafficking advocate and a support person that the victim chooses present during an interview by the Department, prosecutor, or the suspect's defense attorney (Penal Code § 236.21).

336.4 CRIME VICTIMS

Officers. should provide all victims with the applicable victim information handouts and information about the subsequent steps in the processing of the case.

Officers should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written department material or available victim resources.

Members should provide a phone number that the victim may use to report additional information about the case or to obtain information about the status of the case.

336.4.1 FOLLOW-UP INVESTIGATIONS

Members conducting follow-up investigations should explain to victims/witnesses the procedures involved in the prosecution of their cases and their role in those procedures.

The victim/witness should be recontacted within a reasonable period of time to determine whether further assistance is required, if in the opinion of this agency, the impact of a crime on a victim/witness has been unusually severe and has triggered above-average need for victim/witness assistance.

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When feasible, line-ups, interviews, and other required appearances should be scheduled at the convenience of the victim/witness.

336.4.2 VICTIMS OF HUMAN TRAFFICKING

Officers investigating or receiving a report involving a victim of human trafficking shall inform the victim, or the victim's parent or guardian if the victim is a minor, that upon the request of the victim the names and images of the victim and his/her immediate family members may be withheld from becoming a matter of public record until the conclusion of the investigation or prosecution (Penal Code § 293).

336.5 VICTIM INFORMATION

The Support Services Supervisor shall ensure that victim information handouts are available and current. These should include as appropriate:

- (a) Shelters and other community resources for victims of domestic violence.
- (b) Community resources for victims of sexual assault.
- (c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109; Penal Code § 13823.95(a)).
- (d) An explanation that victims of sexual assault who seek a standardized medical evidentiary examination shall not be required to participate or agree to participate in the criminal justice system, either prior to the examination or at any other time (Penal Code § 13823.95(b)).
- (e) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (f) A clear explanation of relevant court orders and how they can be obtained.
- (g) Information regarding available compensation for qualifying victims of crime (Government Code § 13962).
- (h) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
- (i) Notice regarding U visa and T visa application processes.
- (j) Resources available for victims of identity theft.
- (k) A place for the officer's name, badge number, and any applicable case or incident number.
- (l) The "Victims of Domestic Violence" card containing the names, phone numbers, or local county hotlines of local shelters for battered women and rape victim counseling centers within the county and their 24-hour counseling service telephone numbers (Penal Code § 264.2).

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- (m) The rights of sexual assault victims card with the required information as provided in Penal Code § 680.2.
- (n) Any additional information required by state law (Penal Code § 13701; Penal Code § 679.02; Penal Code § 679.04; Penal Code § 679.05; Penal Code § 679.026).

336.6 WITNESSES

Officers should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

Property taken as evidence from a witness shall be promptly returned, except for contraband, disputed property, and weapons used in the course of the crime, where permitted by law or rules of evidence if feasible.

336.7 NOTIFICATIONS AND RELATIONSHIPS

The Bay Area Rapid Transit Police Department will make every effort to inform the public and media about the agency's victim/witness assistance services. The Department will also maintain a strong relationship with other agencies and organizations versed with victim/witness assistance.

The Bay Area Rapid Transit Police Department maintains an operational agreement for victim/witness assistance with the Alameda County District Attorney's Victim/Witness Assistance Division. Through this cooperative agreement, the Alameda County District Attorney's Victim/Witness Assistance Division will provide appropriate comprehensive services as mandated by law (13835.5 Penal Code) including, but not limited to: crisis intervention, emergency assistance, resource and referral counseling, assistance in filing for State Compensation, property return, orientation to the criminal justice system, court support, case status and disposition. The Alameda County District Attorney's Victim/Witness Assistance Division will deploy the Advocate Crisis Response team upon receiving instructions from the Alameda County District Attorney, Chief of Inspectors, or Assistant Chief of Inspectors if requested by the Bay Area Rapid Transit Police Department to assist victims and families in the immediate aftermath of a crime related or disaster related mass casualty/victimization incident. The Alameda County District Attorney's Victim/Witness Assistance Division may be available to assist with incidents outside of Alameda County if local resources for victim/witness assistance are insufficient or overwhelmed in the event of a major incident. The Watch Commander or Incident Commander may request assistance from the Alameda County District Attorney's Victim/Witness Assistance Division by telephone via the Alameda County Sheriff Office Emergency Services Dispatch Center (510-667-7721).



**BART POLICE DEPARTMENT
KEVIN FRANKLIN, CHIEF OF POLICE**

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**SAN FRANCISCO COMMUNITY JUSTICE CENTER (CJC)
COLLABORATIVE COURT PROGRAM**

The CJC is a collaborative court of the Superior Court of San Francisco and County of San Francisco, created in partnership with the District Attorney's Office, Public Defender's Office, Department of Public Health (DPH), Human Services Agency (HSA), Adult Probation Department (APD), the San Francisco Bar Association and its defense counsel, and various other city agencies and community groups. The CJC has expanded the problem-solving justice model to target high-need, high-risk offenders in the Tenderloin, South of Market, Union Square, and Civic Center neighborhoods.

The CJC offers immediacy from arrest to contact with the court; social service referrals for substance abuse, mental health, and primary care are provided on-site; community service hours in lieu of a plea for eligible cases; restorative justice projects that allow participants to give back to the community where the crime occurred; and an open-door policy that allows for community feedback through community meetings.

The CJC can adjudicate eligible (non-violent) felonies and misdemeanors that occur in the Tenderloin, South of Market, Union Square, and Civic Center neighborhoods. For BART, the CJC district includes crimes that occur at Civic Center, Powell Street, and Montgomery Street stations.

For misdemeanor cite and release arrests within the established district of the CJC, officers are encouraged to cite individuals directly to the CJC in lieu of the Superior Court of San Francisco at 850 Bryant Street. The address "575 Polk Street, San Francisco" should be listed on the citation upon issuance if being cited to CJC. The court date will be set for Mondays, Tuesdays, Thursdays, or Fridays, and will be set 20-days out at 1400 hours.

Kevin Franklin
Chief of Police