

San Francisco Bay Area Rapid Transit District

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



COMMITTEE MEETING AGENDA

Tuesday, March 26, 2024

9:00 AM

**The TSAC Meeting will be held in-person, with an option for
public participation via teleconference.**

**BART Board Room, 2150 Webster Street, 1st Floor, Oakland, CA
94612. Zoom Link: <https://us06web.zoom.us/j/82006892525>**

Transit Security Advisory Committee

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

NOTICE OF MEETING AND AGENDA
Transit Security Advisory Committee (TSAC)
March 26, 2024
9:00 a.m.

Committee Members: Oleksii Chuiko, Omar Farmer, Gloria Garmon,
Tiffany Lacsado, Julia Owens, and Armando Sandoval

A Regular Meeting of the Transit Security Advisory Committee (TSAC) will be held on Tuesday, March 26, 2024, at 9:00 a.m. in the BART Board Room, 2150 Webster Street, 1st Floor, Oakland, California 94612.

Please note that this meeting will be held in person in the BART Board Room, 2150 Webster Street, 1st Floor, Oakland, California 94612, with an option for public participation via teleconference.

Presentation materials will be available via Legistar at <https://bart.legistar.com>

You may join the Committee Meeting via Zoom by calling 833-548-0282 and entering access code 820 0689 2525; logging in to Zoom.com and entering access code 820 0689 2525; or typing the following Zoom link into your web browser:

<https://us06web.zoom.us/j/82006892525>

If you wish to make a public comment:

- 1) Submit written comments via email to TransitSecurityAdvisory@bart.gov using “public comment” as the subject line. Your comment will be provided to the Committee 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 12:00 p.m. on March 25, 2024, in order to be included in the record.
- 2) Complete a “Request to Address the Transit Security Advisory Committee” 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 Committee.
- 3) Call 833-548-0282, enter access code 820 0689 2525, 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 820 0689 2525, and use the raise hand feature; or join the Committee Meeting via

the Zoom link (<https://us06web.zoom.us/j/82006892525>) and use the raise hand feature.

Public comment is limited to three (3) minutes per person.

AGENDA

1. Call to Order.
- a. Roll Call.

2. Approval of Minutes of the Meeting of January 23, 2024. For Action.

Attachments: [Minutes of the Meeting of January 23, 2024](#)

3. Public Comment (Limited to 3 minutes per speaker). (An opportunity for members of the public to address the TSAC on matters not on the agenda.)

4. Reporting Out Announcement from Transit Security Advisory Committee (TSAC) Subcommittees. For Discussion.

5. Introduction of the Presentation of Progressive Policing and Community Engagement Bureau (PPCEB). For Information and Discussion.

(Continued from the January 23, 2024, TSAC meeting)

6. Review of the Proposed Draft TSAC Bylaws 2024. For Discussion and Action.

Attachments: [TSAC Bylaws Redlined - 2024 - 030424 rev.](#)
[Assembly Bill No. 730 2017](#)

7. Review of Monthly Statistics for Prohibition Orders for January 2024 and February 2024. For Discussion.

Attachments: [Monthly Statistics for Prohibition Orders for January 2024](#)
[Monthly Statistics for Prohibition Orders for February 2024](#)

8. Review of TSAC Observations and Recommendations. For Discussion.

Attachments: [TSAC ObservationsRecommendations](#)

9. Request for Trends in Data: TSAC Prohibition Orders Summary Statistics 2019-2023 (Member Owens' Request). For Discussion.

Attachments: [TSAC Summary Data](#)

10. Determining if Evaluating "Pink Cars"/ Women Only Train Cars is Within the Scope of the TSAC (Member Owens' Request). For Discussion.

11. Presentation of BART's "Not One More Girl" Initiative. For Discussion.

Attachments: [BART Not One More Girl for TSAC - Presentation](#)
[BART Not One More Girl for TSAC](#)

12. Election of Chairperson and Vice-Chairperson. For Discussion and Action.
13. Staff Comments. For Discussion.
14. Committee Member Announcements/Comments. For Discussion. (An opportunity for Committee members to provide brief comments on matters relevant to the TSAC.)
15. Next Meeting Agenda Items and Date. For Discussion.
16. Adjournment.

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.

BART provides services/accommodations upon request to persons with disabilities and individuals who are limited English proficient who wish to address Committee matters. A request must be made within one and five days in advance of Committee meetings, depending on the service requested. Please contact the Office of the District Secretary at (510) 464-6083 for information.

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

Transit Security Advisory Committee Meeting Minutes
Tuesday, January 23, 2024

A regular meeting of the Transit Security Advisory Committee (TSAC) was held on January 23, 2024, convening at 9:07 a.m., and was held in the BART Board Room, 2150 Webster Street, 1st Floor, Oakland, California 94612. The meeting was called to order by Mag Tatum, Recording Secretary.

Members Present: Members Oleksii Chuiko, Omar Farmer, Tiffany Lacsado, Randall Glock, and Julia Owens.

Members Absent: Members Gloria Garmon and Armando Sandoval.

1. Call to Order.

The regular meeting was called to order at 9:07 a.m.

2. Approval of Minutes of the Meeting of November 14, 2023.

Member Farmer moved that the meeting minutes of November 14, 2023, be approved. Member Owens seconded the motion. The motion passed by roll call vote. Ayes – 4: Members Chuiko, Farmer, Glock, and Owens. Noes – 0. Abstain – 0. Absent – 3: Members Garmon, Lacsado, and Sandoval. Vacant – 1.

3. Public Comment.

Member Glock called for public comment.

Neha Balram and Mark Nagales, BART's Senior Government and Community Relations Representatives, Government and Community Relations Department, addressed the Board.

4. Reporting Out Announcement from Transit Security Advisory Committee (TSAC) Subcommittees.

Members Farmer and Owens address the Board regarding various Transit Security Advisory Committee (TSAC) Subcommittees.

5. Review of the Proposed Draft TSAC Bylaws 2024.

Member Glock brought up the matter of TSAC Bylaws, before the committee. The item was discussed and continued to a future meeting.

6. Review of Monthly Statistics for Prohibition Orders for November 2023 and December 2023.

Member Glock brought the matter of reviewing the Monthly Statistics for Prohibition Orders for November 2023 and December 2023, before the Committee. The reports were discussed.

7. Staff Comments.

Member Glock called for staff comments. Mag Tatum addressed the Board.

Member Lacsado entered the meeting.

8. Committee Member Announcements/Comments.

Member Glock called for Committee Member announcements and comments.

Members Chuiko, Farmer, Lacasado, and Sandoval provided additional information to the Committee.

9. Next Meeting Agenda Items and Date.

Member Glock brought the matter of the Next Meeting Agenda Items and Date before the Committee. The next meeting is scheduled for February 27, 2024, at 9:00 a.m.:

The following items were proposed for the next agenda:

- Review of the TSAC Outlook Calendar.
- Review Statistics for Prohibition Orders (Quarterly Report).
- Committee Member Announcements/Comments.

The following items were proposed as future agenda items:

- Presentation – Informational Session from BART Police Department's Zone Commanders.
- Presentation – Overview of Age and Ethnicity of Prohibition Orders Reports.
- Presentation – BART Police Department's Monthly or Quarterly Reports.
- Presentation – Progressive Policing and Community Engagement Bureau.
- Presentation – Prohibition Order Program.
- Presentation – Update on the Annual Prohibition Orders Report.
- Presentation – COPPS (March)
- Presentation – Girl Not One Companion Initiative (Alicia Trost)
- Presentation – Review of TSAC Observations and Recommendations
- Presentation – Request for Trends in Data: TSAC Prohibition Orders Summary Statistics 2019-2023 (Member Owens' Request).
- Presentation – Determining if Evaluating "Pink Cars"/ Women Only Train Cars is Within the Scope of the TSAC (Member Owens' Request).

10. Adjournment.

The Meeting was adjourned at 9:56 a.m.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

AB-716 AB730 Advisory Committee Bylaws

ARTICLE I - NAME

The name of this committee shall be TRANSIT SECURITY ADVISORY COMMITTEE, "TSAC".

ARTICLE II — OBJECT

This committee shall serve to provide recommendations to the BART Board of Directors and BART staff. The purpose of the committee is to evaluate the procedures for, and issuance of prohibition orders and recommends a course of training for personnel charged with issuance and enforcement of prohibition orders. (Review committee role and scope on training and policy recommendations)

Specifically, in accordance with Section 99172 (a) (1) of the Public Utilities Code, the TSAC shall:

1. Provide recommendations, in consultation with the County Mental Health Director, regarding the type and extent of training that should be undertaken by individuals with responsibility for issuance and enforcement of prohibition orders, with an emphasis on training designed to assist in identifying and interacting with persons who are homeless or who have psychiatric, developmental, or other disabilities;
2. Identify, in consultation with the County Mental Health Director, services and programs to which persons who are homeless or who have psychiatric, developmental, or other disabilities maybe referred by transit district personnel prior to or in conjunction with issuance of a prohibition order;
3. Monitor the issuance of prohibition orders to assist BART in ensuring compliance with Section 51 of the Civil Code; and
4. Provide BART's Board of Directors and the California State Legislature with an annual report summarizing the number of prohibition orders issued by BART during the preceding year, including, but not limited to, the types and numbers of citations by category, and the number of exclusion orders appealed, the appeals granted, the reasons granted, and other relevant information directly related to those orders.

ARTICLE III — MEMBERS

Section 1. Maximum Membership

The membership of this Committee shall be composed of no less than ~~five(5)~~ seven (7) and no greater than ~~seven(7)~~ nine (9) representatives. Each member shall be appointed by the BART BOARD of DIRECTORS. Alternates: two alternates shall be appointed by the BART Board with no more than one alternate per category. All alternates are strongly encouraged to attend all meetings. Alternates are not eligible to vote unless filling in for an appointed member that is absent. An alternate is designated by the Chairperson. Staff will notify alternate that attendance will be needed for the next meeting.

Transit Security Advisory Committee Board Bylaws. Originally adopted: 10/11/12. Amended: 6/25/19; and 9/26/19 Board of Directors meeting. **Effected on 01/01/2025.**

Section 2. Membership Representation

Representation will be composed of the following categories:

- A. Mental Health Representative: At least one (1) member with experience working with individuals ~~with who are unhoused and/or living with~~ psychiatric, developmental, or other disabilities.
- B. Youth Advocates Representative: At least one (1) member with experience, ~~active or retired,~~ as a youth advocate within the region of the BART system.
- C. Law Enforcement: At least one (1) member with experience, ~~active or retired,~~ as a sworn peace officer within the region of the BART system.
- D. ~~Transit Oriented Community Representative: At least one (1) member who lives/has lived in a transit-oriented community. (Define with committee and BART legal team)~~
- E. At-Large Representatives: There shall be ~~three (3) or four (4)~~ four (4) or five (5) at-large Representatives, preferably users of the BART system, ~~those who have been impacted by prohibition orders, and those who have lived experience with housing instability.~~

Section 3. Composition of Committee

Other than Mental Health Representative, the Youth Advocates Representative, and the Law Enforcement Representative, which are mandated by Section 99172 of the Public Utilities Code, no group shall be entitled to representation on the TSAC.

Section 4. Resignations

Any member may resign by filing a written or verbal resignation with staff, chair or the BART Board of Directors.

~~*In the event of 2 consecutive unexcused absences member forfeits membership (BART legal to review with committee)~~

Section 5. Term of Membership

The term of each member shall be two (2) years. Terms shall begin on January 1, 2013 and end on December 31, 2014 unless Section 99172 is amended to apply to BART beyond the January 1, 2015 sunset date. Members may be considered for re-appointment if the Section 99172 of the Public Utilities Code is so amended.

Section 6. Removal of Members

BART's Board of Directors may remove any member of the TSAC ~~with or without cause-~~ (Advisement by BART legal, political appointees at will.)

Section 7. Appointment of Vacancies

In the event of a vacancy, the BART Board of Directors shall appoint a replacement member to fill the term of the vacancy ~~forth with.~~ (Advisement by BART legal)

Transit Security Advisory Committee Board Bylaws. Originally adopted: 10/11/12. Amended: 6/25/19; and 9/26/19 Board of Directors meeting. ~~Effected on 01/01/2025.~~

ARTICLE IV — OFFICERS

Section 1, Officers and Duties

The officers of the TSAC shall be a Chair and a Vice Chair, these officers shall perform the duties prescribed by these Bylaws and by the parliamentary authority adopted by the TSAC. The officers may serve as liaisons to the BART Board of Directors.

- A. Chair. The TSAC shall elect from its membership a Chair who shall preside at all meetings of the TSAC. The Chair or his designee shall act as the preliminary spokesperson for the TSAC and will perform such other duties applicable to the office as prescribed by the parliamentary authority adopted by the TSAC.
- B. Vice Chair, The Committee shall elect from its membership a Vice Chair who, in the absence or inability of the Chair to serve, shall have all of the powers of the Chair and shall perform all of those duties. The Vice Chair will perform such other duties from time to time as may be requested by the Chair.

Section 2. Nomination Procedure

At the first regular Committee meeting, a Chair and a Vice Chair shall be selected. It shall be the duty of this Committee to nominate candidates who are members of the TSAC for the officers of Chair and Vice Chair.

Section 3. Election of Officers

The Chair and Vice Chair shall be elected by majority vote to serve for one (1) year. Those elected may serve beyond one (1) year if successors have not been elected. The election shall occur at the first meeting of the calendar year.

The Chair and Vice Chair can be removed from office upon a vote of two-thirds of the TSAC.

ARTICLE V — MEETINGS

Section 1. Committee Meetings

Regular meetings will be held as frequently as necessary to achieve the objectives set forth in Section II above, but in no event shall the committee hold less than ~~four (4)~~ **ten (10)** regular meetings in a calendar year. Notice of the times and locations of the meetings will be set by the BART staff liaison at least 72 hours prior to the meeting.

Section 2. Special Meetings

Special meetings may be called at any time by the Chair or by a majority of the TSAC members. BART staff will provide written notice required for all special meetings, with such notice may be discussed by the Committee at a special meeting.

Section 3. Meetings Open to the Public

All regular and special meetings of the TSAC shall be conducted in accordance with the requirements of the Ralph M. Brown Act (Government Code 54950 et seq.). Meeting agendas shall be posted by BART staff in a public place and distributed to all members at least 72 hours before the meeting for regular meetings and 24 hours before the meeting for special meetings.

Section 4. Quorum

A majority of the members then appointed to the TSAC shall constitute a quorum for the purposes of conducting business.

Section 5. Voting

Each member of the TSAC has a single vote.

Section 6. Actions

All actions of the TSAC shall be by motion passed by a majority of the members present and voting.

Section 7. Adjournment

The TSAC may adjourn any meeting to a time and place specified in the motion of adjournment, but not beyond the next regular meeting, if any.

ARTICLE VIII — LIAISON WITH BART

There shall be an ongoing liaison between BART staff and the TSAC. The BART General Manager shall designate a BART staff person to serve as liaison. The staff liaison shall prepare meeting notices, agendas, and minutes as required. BART staff shall provide information, technical assistance, and facilitation assistance during all TSAC meetings. The BART staff liaison shall serve as the custodian of records.

ARTICLE IX — PARLIAMENTARY AUTHORITY

The rules contained in the current edition of The Standard Code of Parliamentary Procedure shall govern the TSAC in all cases to which they are applicable and in which they are not inconsistent with these Bylaws and any special rules of order the TSAC may adopt. **Bylaws and any special rules of order may be reviewed every two (2) years. (Advisement by BART Legal.)**

ARTICLE X — AMENDMENT OF BYLAWS

These bylaws may be amended or repealed at any time by majority vote of the BART Board of Directors after consultation with or by recommendation of the TSAC committee.

ARTICLE XI — TERM OF COUNCIL

The TSAC shall remain in existence until discharged by action of the BART Board of Directors or the sunset of Section 99172 of the Public Utilities Code.

Assembly Bill No. 730

CHAPTER 46

An act to amend Sections 99171 and 99172 of the Public Utilities Code, relating to transit districts.

[Approved by Governor July 10, 2017. Filed with
Secretary of State July 10, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

AB 730, Quirk. Transit districts: prohibition orders.

Existing law prohibits certain acts by a person with respect to the property, facilities, or vehicles of a transit district. A violation is generally an infraction punishable by a fine not exceeding \$75 on a first offense, or on a subsequent offense by a fine not exceeding \$250 or by community service.

Existing law authorizes the Sacramento Regional Transit District, the Fresno Area Express, and, until January 1, 2018, the San Francisco Bay Area Rapid Transit District to issue a prohibition order to any person cited for committing one or more of certain prohibited acts in specified transit facilities. Existing law prohibits a person subject to the prohibition order from entering the property, facilities, or vehicles of the transit district for specified periods of time. Existing law establishes notice requirements in that regard and provides for initial and administrative review of the order.

This bill would permanently apply these provisions to the San Francisco Bay Area Rapid Transit District.

The people of the State of California do enact as follows:

SECTION 1. Section 99171 of the Public Utilities Code is amended to read:

99171. (a) (1) A transit district may issue a prohibition order to any person to whom either of the following applies:

(A) On at least three separate occasions within a period of 90 consecutive days, the person is cited for an infraction committed in or on a vehicle, bus stop, or train or light rail station of the transit district for any act that is a violation of paragraph (2) or (5) of subdivision (a) of Section 99170 of this code or paragraph (1), (2), (3), or (4) of subdivision (d) of Section 640 or Section 640.5 of the Penal Code.

(B) The person is arrested or convicted for a misdemeanor or felony committed in or on a vehicle, bus stop, or light rail station of the transit district for acts involving violence, threats of violence, lewd or lascivious behavior, or possession for sale or sale of a controlled substance.

(C) The person is convicted of a violation of Section 11532 of the Health and Safety Code or Section 653.22 of the Penal Code.

(2) A person subject to a prohibition order may not enter the property, facilities, or vehicles of the transit district for a period of time deemed appropriate by the transit district, provided that the duration of a prohibition order shall not exceed the following, as applicable:

(A) Thirty days if issued pursuant to subparagraph (A) of paragraph (1), provided that a second prohibition order within one year may not exceed 90 days, and a third or subsequent prohibition order within one year may not exceed 180 days.

(B) Thirty days if issued pursuant to an arrest pursuant to subparagraph (B) of paragraph (1). Upon conviction of a misdemeanor offense, the duration of the prohibition order for the conviction, when added to the duration of the prohibition order for the initial arrest, if any, may not exceed 180 days. Upon conviction of a felony offense, the duration of the prohibition order for the conviction, when added to the duration of the prohibition order for the initial arrest, if any, may not exceed one year.

(3) No prohibition order issued under this subdivision shall be effective unless the transit district first affords the person an opportunity to contest the transit district's proposed action in accordance with procedures adopted by the transit district for this purpose. A transit district's procedures shall provide, at a minimum, for the notice and other protections set forth in subdivisions (b) and (c), and the transit district shall provide reasonable notification to the public of the availability of those procedures.

(b) (1) A notice of a prohibition order issued under subdivision (a) shall set forth a description of the conduct underlying the violation or violations giving rise to the prohibition order, including reference to the applicable statutory provision, ordinance, or transit district rule violated, the date of the violation, the approximate time of the violation, the location where the violation occurred, the period of the proposed prohibition, and the scope of the prohibition. The notice shall include a clear and conspicuous statement indicating the procedure for contesting the prohibition order. The notice of prohibition order shall be personally served upon the violator. The notice of prohibition order, or a copy, shall be considered a record kept in the ordinary course of business of the transit district and shall be prima facie evidence of the facts contained in the notice establishing a rebuttable presumption affecting the burden of producing evidence. For purposes of this paragraph, "clear and conspicuous" means in larger type than the surrounding text, or in contrasting type, font, or color to the surrounding text of the same size, or set off from the surrounding text of the same size by symbols or other marks that call attention to the language.

(2) For purposes of this section, "personal service" means any of the following:

(A) In-person delivery.

(B) Delivery by any form of mail providing for delivery confirmation, postage prepaid, to at least one address provided by the person being served,

including, but not limited to, the address set forth in any citation or in court records.

(C) Any alternate method approved in writing by the transit district and the person being served.

(3) If a person served with a notice of prohibition order is not able, or refuses, to provide a mailing address, the notice of prohibition order shall set forth the procedure for obtaining any letters, notices, or orders related to the prohibition order from the administrative offices of the transit district. For purposes of this section, delivery shall be deemed to have been made on the following date, as applicable:

(A) On the date of delivery, if delivered in person.

(B) On the date of confirmed delivery, for any delivery by mail.

(C) For any alternate method of service, as provided in the writing specifying the alternate method.

(4) Proof of service of the notice shall be filed with the transit district.

(5) If a person contests a notice of prohibition order, the transit district shall proceed in accordance with subdivision (c). If the notice of prohibition order is not contested within 10 calendar days after delivery by personal service, the prohibition order shall be deemed final and shall go into effect, without further action by the transit district, for the period of time set forth in the order.

(6) All prohibition orders shall be subject to an automatic stay and shall not take effect until the latest of the following:

(A) Eleven calendar days after delivery of the prohibition order by personal service.

(B) If an initial review is timely requested under paragraph (1) of subdivision (c), 11 calendar days after delivery by personal service of the results of the review.

(C) If an administrative hearing is timely requested under paragraph (3) of subdivision (c), the date the hearing officer's decision is delivered by personal service.

(c) (1) For a period of 10 calendar days from the delivery of the prohibition order by personal service, the person may request an initial review of the prohibition order by the transit district. The request may be made by telephone, in writing, or in person. There shall be no charge for this review. In conducting its review and reaching a determination, the transit district shall determine whether the prohibition order meets the requirements of subdivision (a) and, unless the person has been convicted of the offense or offenses, whether the offense or offenses for which the person was cited or arrested are proven by a preponderance of the evidence. If, following the initial review, based on these findings, the transit district determines that the prohibition order is not adequately supported or that extenuating circumstances make dismissal of the prohibition order appropriate in the interest of justice, the transit district shall cancel the notice. If, following the initial review, based on these findings, the transit district determines that the prohibition order should be upheld in whole or in part, the transit district shall issue a written statement to that effect, including

any modification to the period or scope of the prohibition order. The transit district shall serve the results of the initial review to the person contesting the notice by personal service.

(2) The transit district may modify or cancel a prohibition order in the interest of justice. The transit district shall cancel a prohibition order if it determines that the person did not understand the nature and extent of his or her actions or did not have the ability to control his or her actions. If the person is dependent upon the transit system for trips of necessity, including, but not limited to, travel to or from medical or legal appointments, school or training classes, places of employment, or obtaining food, clothing, and necessary household items, the transit district shall modify a prohibition order to allow for those trips. A person requesting a cancellation or modification in the interest of justice shall have the burden of establishing the qualifying circumstances by a preponderance of the evidence.

(3) If the person is dissatisfied with the results of the initial review, the person may request an administrative hearing of the prohibition order no later than 10 calendar days after the results of the initial review are delivered by personal service. The request may be made by telephone, in writing, or in person. An administrative hearing shall be held within 30 calendar days after the receipt of a request for an administrative hearing. The person requesting the hearing may request one continuance, not to exceed seven calendar days.

(4) The administrative hearing process shall include all of the following:

(A) The person requesting the hearing shall have the choice of a hearing by mail or in person. An in-person hearing shall be conducted within the jurisdiction of the transit district.

(B) The administrative hearing shall be conducted in accordance with written procedures established by the transit district and approved by the governing body or chief executive officer of the transit district. The hearing shall provide an independent, objective, fair, and impartial review of the prohibition order.

(C) The administrative review shall be conducted before a hearing officer designated to conduct the review by the transit district's governing body or chief executive officer. In addition to any other requirements, a hearing officer shall demonstrate the qualifications, training, and objectivity prescribed by the transit agency's governing body or chief executive officer as are necessary to fulfill and that are consistent with the duties and responsibilities set forth in this subdivision. The hearing officer's continued service, performance evaluation, compensation, and benefits, as applicable, shall not be directly or indirectly linked to the number of prohibition orders upheld by the hearing officer.

(D) The person who issued the notice of prohibition order shall not be required to participate in an administrative hearing, unless participation is requested by the person requesting the hearing. The request for participation must be made at least five calendar days prior to the date of the hearing and may be made by telephone, in writing, or in person. The notice of prohibition order, in proper form, shall be prima facie evidence of the violation or

violations pursuant to subdivision (a) establishing a rebuttable presumption affecting the burden of producing evidence.

(E) In issuing a decision, the hearing officer shall determine whether the prohibition order meets the requirements of subdivision (a) and, unless the person has been convicted of the offense or offenses, whether the offense or offenses for which the person was cited or arrested are proven by a preponderance of the evidence. Based upon these findings, the hearing officer may uphold the prohibition order in whole, determine that the prohibition order is not adequately supported, or cancel or modify the prohibition order in the interest of justice. The hearing officer shall cancel a prohibition order if he or she determines that the person did not understand the nature and extent of his or her actions or did not have the ability to control his or her actions. If the person is dependent upon the transit system for trips of necessity, including, but not limited to, travel to or from medical or legal appointments, school or training classes, places of employment, or obtaining food, clothing, and necessary household items, the transit district shall modify a prohibition order to allow for those trips. A person requesting a cancellation or modification in the interest of justice shall have the burden of establishing the qualifying circumstances by a preponderance of the evidence.

(F) The hearing officer's decision following the administrative hearing shall be delivered by personal service.

(G) A person aggrieved by the final decision of the hearing officer may seek judicial review of the decision within 90 days of the date of delivery of the decision by personal service, as provided by Section 1094.6 of the Code of Civil Procedure.

(d) A person issued a prohibition order under subdivision (a) may, within 10 calendar days of the date the order goes into effect under paragraph (6) of subdivision (b), request a refund for any prepaid fare media rendered unusable in whole or in part by the prohibition order, including, but not limited to, monthly passes. If the fare media remain usable for one or more days outside the period of the prohibition order, the refund shall be prorated based on the number of days the fare media will be unusable. The issuance of a refund may be made contingent on surrender of the fare media.

(e) For purposes of this section, "transit district" means the Sacramento Regional Transit District, the Fresno Area Express, or the San Francisco Bay Area Rapid Transit District.

SEC. 2. Section 99172 of the Public Utilities Code is amended to read:

99172. (a) Prior to exercising the authority given in subdivision (a) of Section 99171 to issue prohibition orders, a transit district shall do all of the following:

(1) Establish an advisory committee for the purpose of evaluating the procedures for and issuance of prohibition orders and recommending a course of training for personnel charged with issuance and enforcement of prohibition orders.

(2) Ensure that personnel to be charged with issuance and enforcement of prohibition orders have received training as recommended by the advisory committee.

(3) Provide reasonable notification to transit district riders that persons who engage in disorderly conduct may be subject to a prohibition order barring the person from the transit district's property, facilities, or vehicles for a period of up to one year. "Reasonable notification" may include, but is not limited to, information on the transit district's Internet Web site, in written materials, at transit stations, and on citations issued by the transit district of the types of conduct that may result in issuance of a prohibition order.

(b) The advisory committee shall be composed of at least five members appointed by the legislative body of the transit district. At least one of the members of the advisory committee shall have experience working with individuals with psychiatric, developmental, or other disabilities, at least one member shall be a youth advocate, and at least one member shall have law enforcement experience.

(c) The advisory committee shall be tasked, at a minimum, with all of the following:

(1) Providing recommendations, in consultation with the county mental health director within the service area of the transit district, regarding the type and extent of training that should be undertaken by individuals with responsibility for issuance and enforcement of prohibition orders, with particular emphasis on training designed to assist those individuals in identifying and interacting with persons who are homeless or who have psychiatric, developmental, or other disabilities.

(2) Identifying, in consultation with the county mental health director within the service area of the transit district, services and programs to which persons who are homeless or who have psychiatric, developmental, or other disabilities may be referred by transit district enforcement personnel prior to or in conjunction with issuance of a prohibition order.

(3) Monitoring the issuance of prohibition orders to assist the transit district in ensuring compliance with Section 51 of the Civil Code.

(4) Providing the governing board of the transit district and the Legislature with an annual report summarizing the number of prohibition orders that were issued by the transit district during the preceding year, including, but not limited to, the types and numbers of citations by category, and the number of exclusion orders appealed, the appeals granted, the reasons granted, and other relevant information directly related to those orders.

(d) The transit district may use an existing advisory committee to fulfill the requirements of this section, provided that the composition and purpose of the existing advisory committee meet or are modified to meet the requirements of this section.

(e) For purposes of this section, “transit district” means the Sacramento Regional Transit District, the Fresno Area Express, or the San Francisco Bay Area Rapid Transit District.

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Prohibition Order Statistics

(From Jan 1, 2024 to Jan 31, 2024)

Crime Code	Description	Prohib Orders Issued	In Custody	In Custody %	Cite Released	Citation %	Appeal	Mental Illness	Transient	Juvenile
243.3 PC	Battery	7	6	86%	1	14%	0	2	2	1
243(e)(1) PC	Domestic Violence	3	3	100%	0	0%	0	0	0	0
243.35 PC	Battery	3	1	33%	2	67%	0	1	0	0
212.5 PC	Robbery on Train	3	3	100%	0	0%	0	0	1	2
211 PC	Robbery	2	2	100%	0	0%	0	0	1	0
69 PC	Obstruct/resist officer w/ violence	2	2	100%	0	0%	0	0	0	0
273.5 PC	Domestic Violence	2	2	100%	0	0%	0	0	0	0
11351 H&S	Possess/Transport Narcotics for sale	2	2	100%	0	0%	0	0	0	1
243(b) PC	Battery on LEO	1	1	100%	0	0%	0	0	0	0
245 PC	Assault w/deadly weapon or GBI	1	1	100%	0	0%	0	0	0	0
422 PC	Threats	1	1	100%	0	0%	0	0	0	0
243(d) PC	Battery w/serious bodily injury	1	1	100%	0	0%	0	0	0	0
647(a) PC	Lewd Conduct	1	1	100%	0	0%	0	0	1	0
11378 H&S	Possess controlled substance for sale	1	1	100%	0	0%	0	0	0	0
417 PC	Brandishing a weapon	1	1	100%	0	0%	0	0	1	0
		31	28		3		0	3	6	4

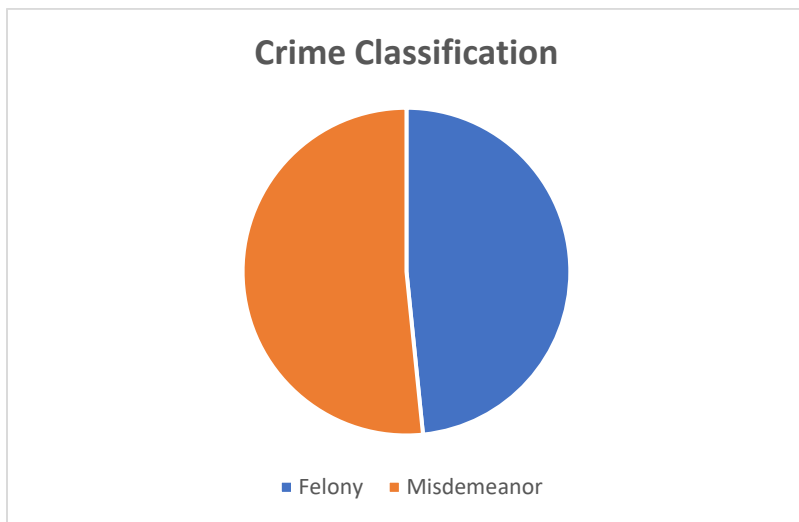
Prohibition Order Statistics

(From Jan 1, 2024 to Jan 31, 2024)

Crime

Classification

Felony	15
Misdemeanor	16
Total	31

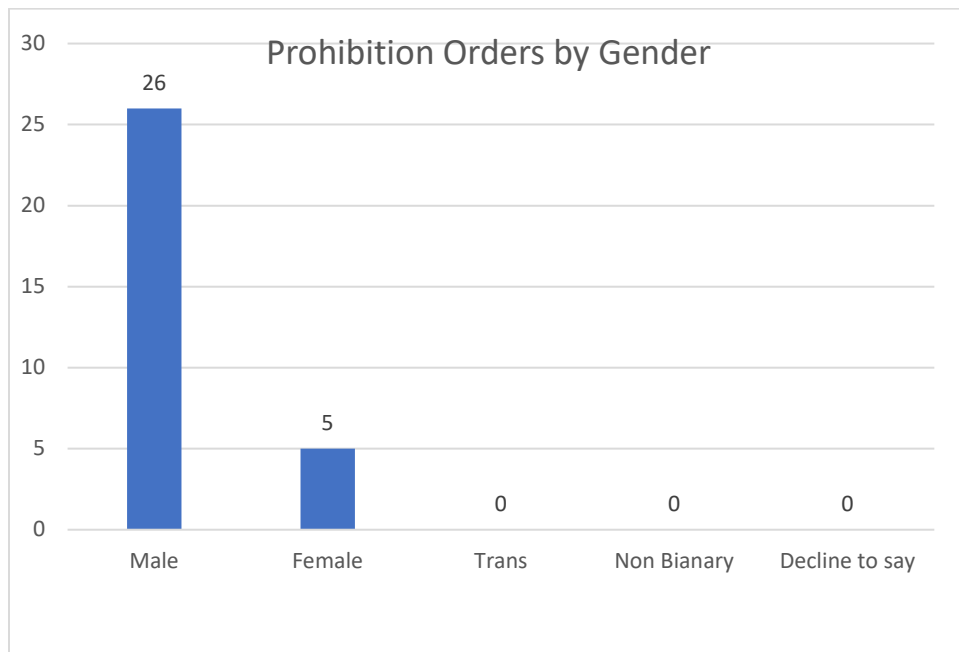


Prohibition Order Statistics

(From Jan 1, 2024 to Jan 31, 2024)

Prohibition Orders by Gender

Male	26
Female	5
Trans	0
Non Binary	0
Decline to say	0
Total	31

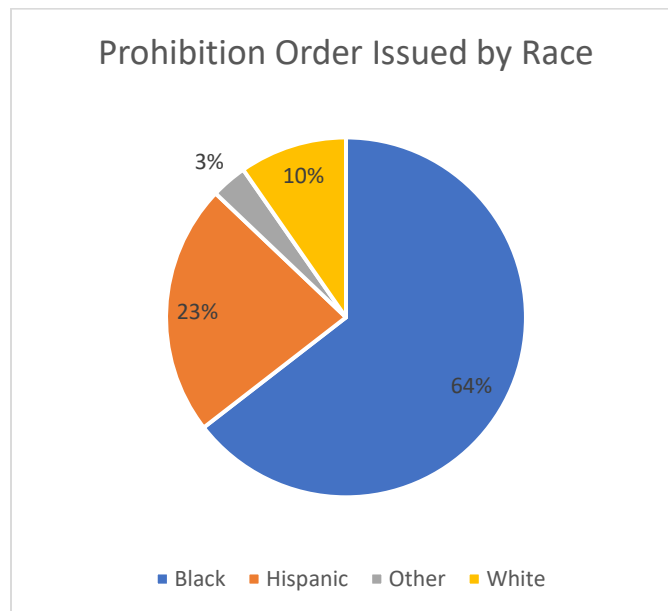


Prohibition Order Statistics

(From Jan 1, 2024 to Jan 31, 2024)

Prohibition Order Issued by Race

Black	20	65%
Hispanic	7	23%
Other	1	3%
White	3	10%
Total	31	



Prohibition Order Statistics

(From Jan 1, 2024 to Jan 31, 2024)

Prohibition Order Issued by Age

17 & Under	5
18-25	5
26-35	13
36-45	1
46-55	5
56+	2
Total	31

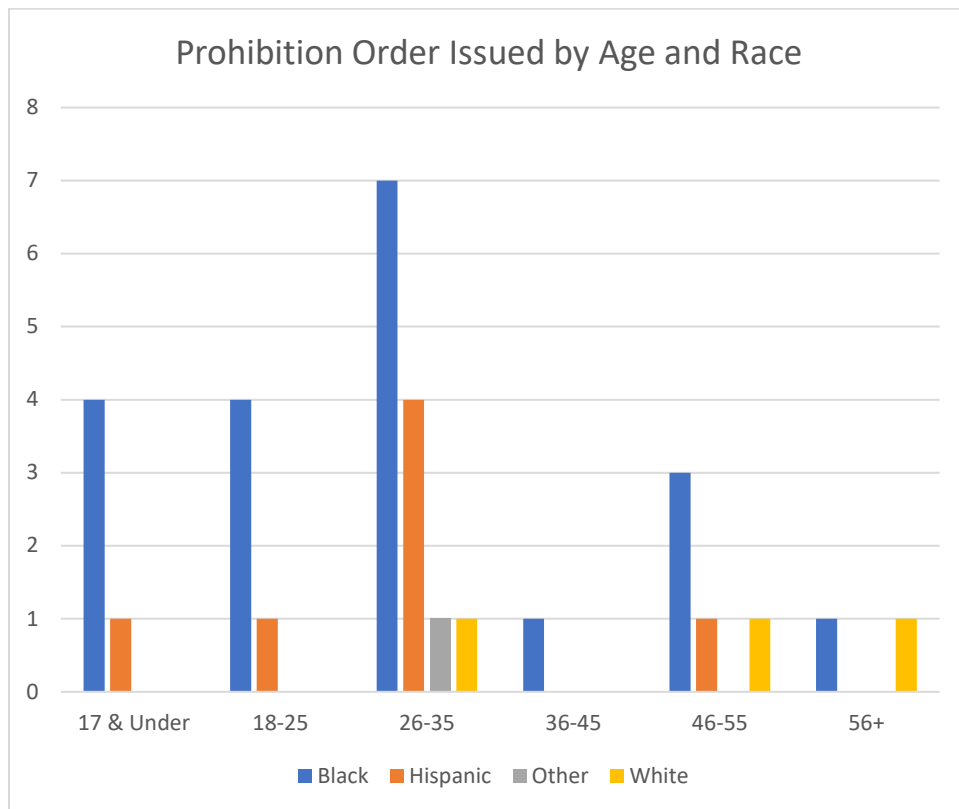


Prohibition Order Statistics

(From Jan 1, 2024 to Jan 31, 2024)

Prohibition Order Issued by Age and Race

	Black	Hispanic	Other	White
17 & Under	4	1	0	0
18-25	4	1	0	0
26-35	7	4	1	1
36-45	1	0	0	0
46-55	3	1	0	1
56+	1	0	0	1
Total	20	7	1	3
	31			

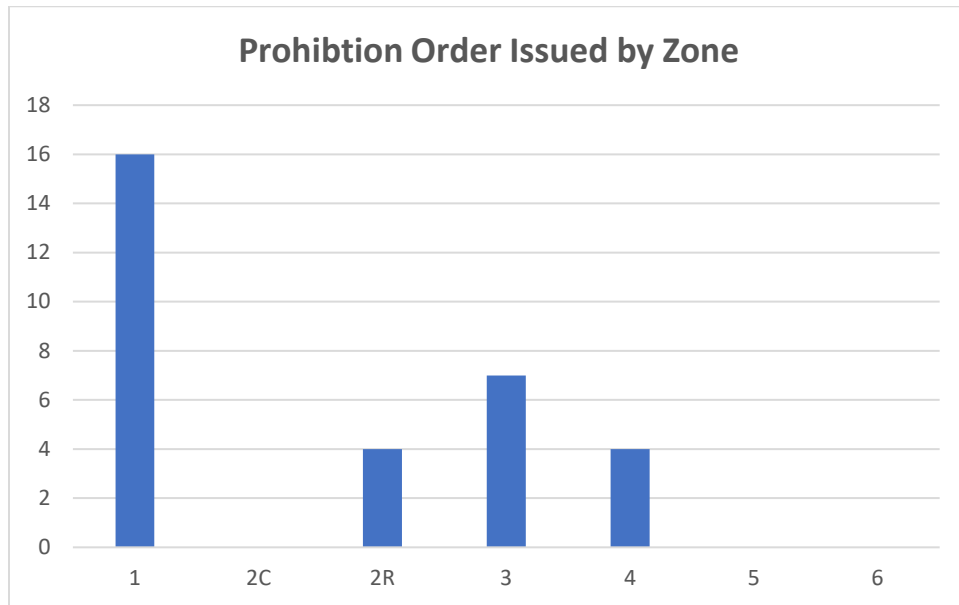


Prohibition Order Statistics

(From Jan 1, 2024 to Jan 31, 2024)

Prohibition Order Issued by Zone

1	16
2C	0
2R	4
3	7
4	4
5	0
6	0
	31

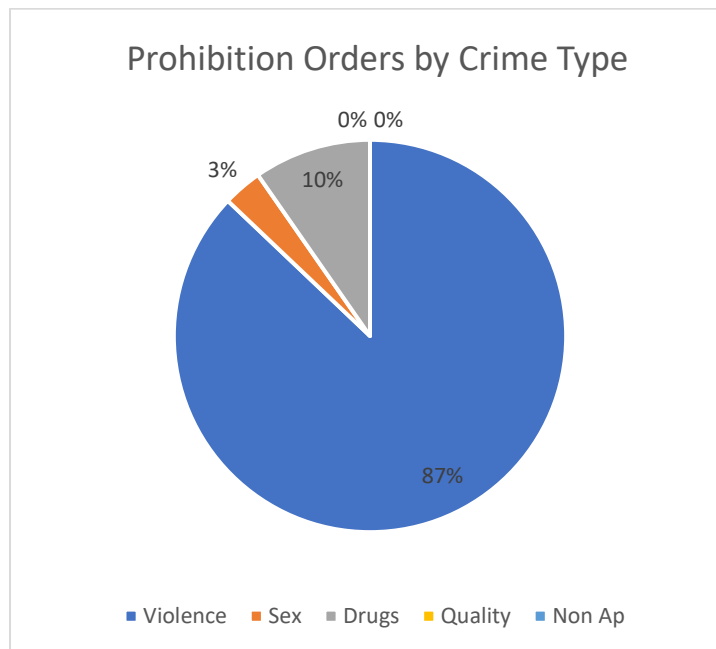


Prohibition Order Statistics

(From Jan 1, 2024 to Jan 31, 2024)

Prohibition Orders by Crime Type

v	Violence	27	87%
S	Sex	1	3%
D	Drugs	3	10%
Q	Quality	0	0%
X	Non Ap	0	0%
		31	100.0%

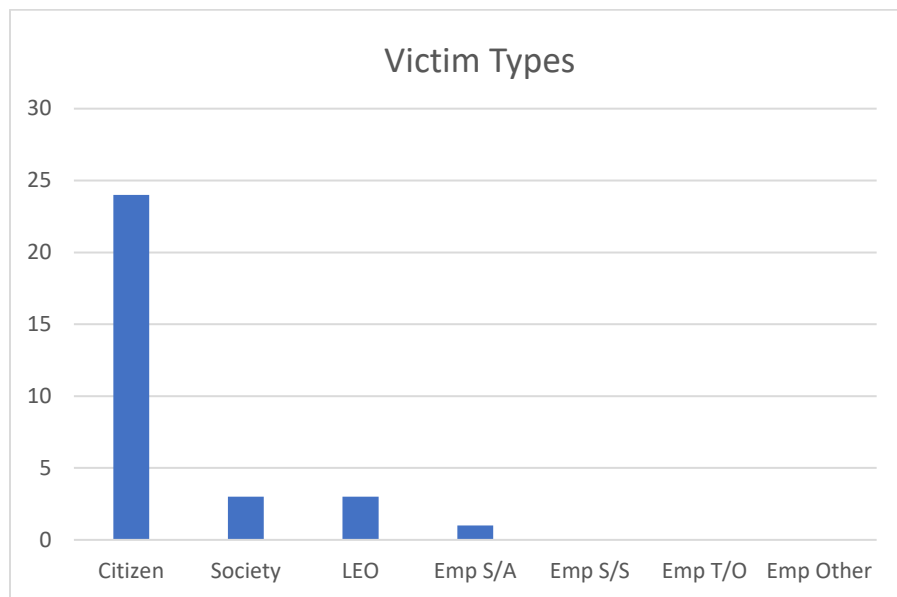


Prohibition Order Statistics

(From Jan 1, 2024 to Jan 31, 2024)

Victim Types

Citizen	24
Society	3
LEO	3
Emp S/A	1
Emp S/S	0
Emp T/O	0
Emp Other	0
	31

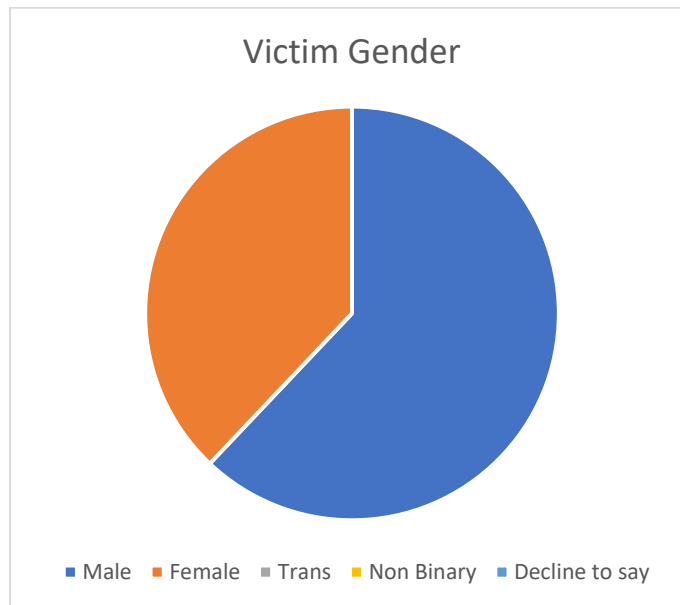


Prohibition Order Statistics

(From Jan 1, 2024 to Jan 31, 2024)

Victim Gender

Male	18	62%
Female	11	38%
Trans	0	0%
Non Binary	0	0%
Decline to say	0	0%
	29	

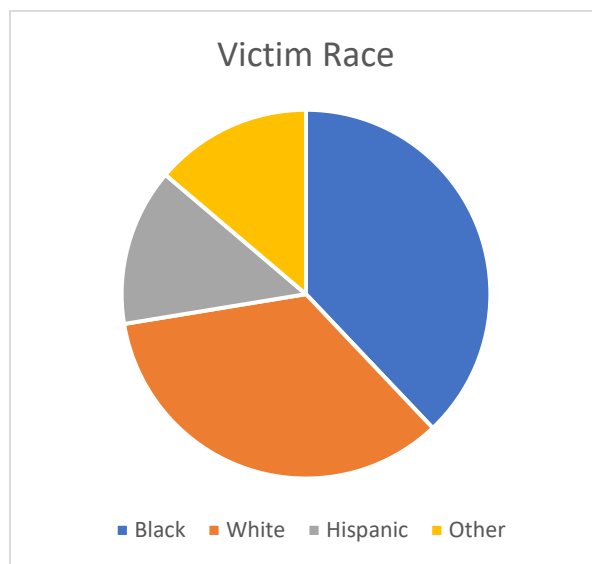


Prohibition Order Statistics

(From Jan 1, 2024 to Jan 31, 2024)

Victim Race

Black	11	38%
White	10	34%
Hispanic	4	14%
Other	4	14%
	29	



Prohibition Order Statistics

(From Jan 1, 2024 to Jan 31, 2024)

Victim known to Suspect

Yes	7	24%
No	22	76%
	29	

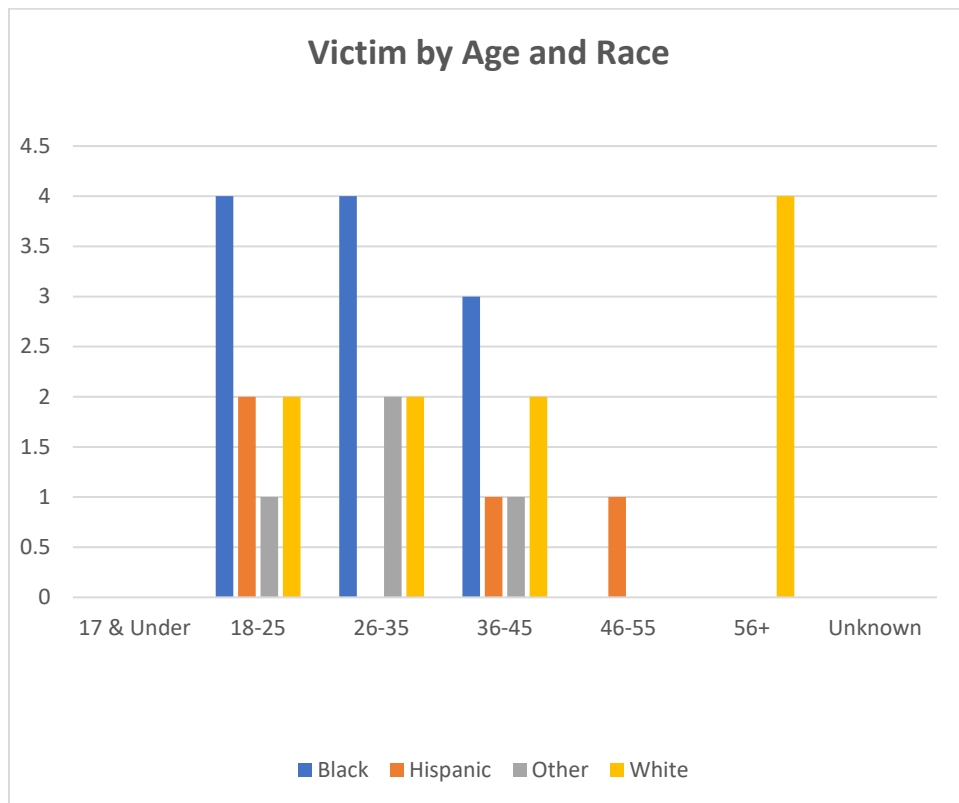


Prohibition Order Statistics

(From Jan 1, 2024 to Jan 31, 2024)

Victim by Age and Race

	Black	Hispanic	Other	White
17 & Under	0	0	0	0
18-25	4	2	1	2
26-35	4	0	2	2
36-45	3	1	1	2
46-55	0	1	0	0
56+	0	0	0	4
Unknown	0	0	0	0
Total	11	4	4	10
				29



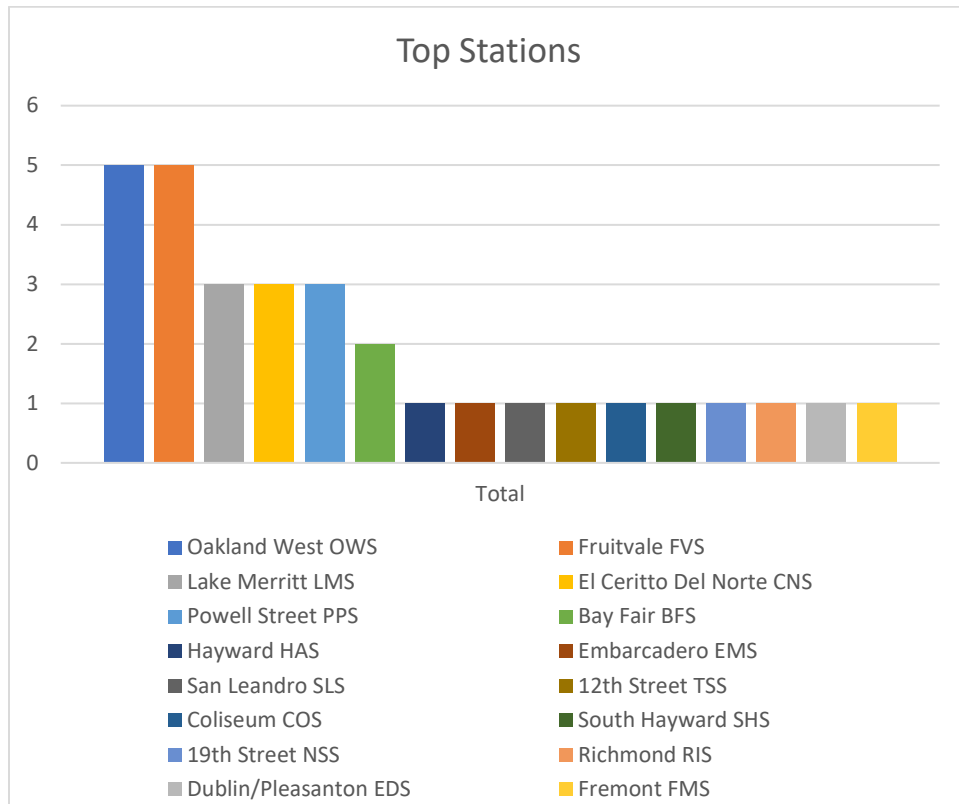
Prohibition Order Statistics

(From Jan 1, 2024 to Jan 31, 2024)

	Station	ABV	Total
1	Oakland West	OWS	5
2	Fruitvale	FVS	5
3	Lake Merritt	LMS	3
4	El Cerrito Del Norte	CNS	3
5	Powell Street	PPS	3
6	Bay Fair	BFS	2
7	Hayward	HAS	1
8	Embarcadero	EMS	1
9	San Leandro	SLS	1
10	12th Street	TSS	1
11	Coliseum	COS	1
12	South Hayward	SHS	1
13	19th Street	NSS	1
14	Richmond	RIS	1
15	Dublin/Pleasanton	EDS	1
16	Fremont	FMS	1

Prohibition Order Statistics

(From Jan 1, 2024 to Jan 31, 2024)



Transit Security Advisory Committee

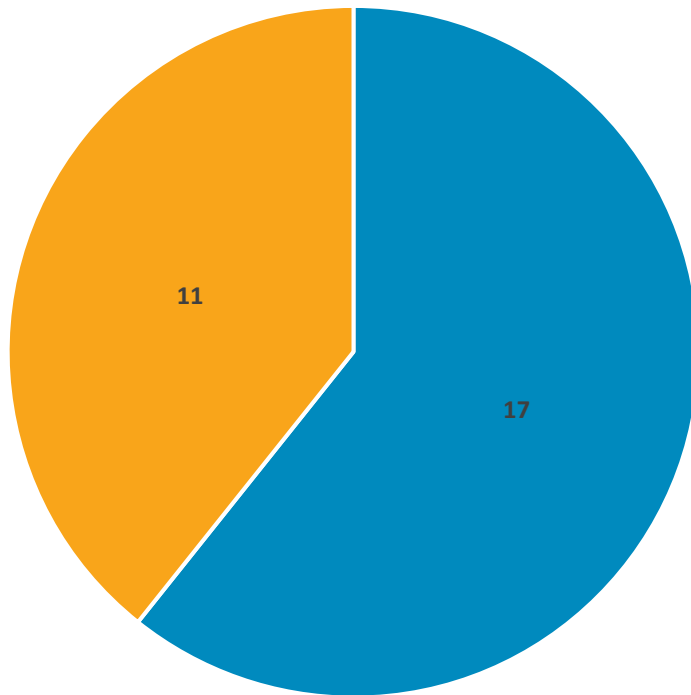
From Feb 1, 2024 to Feb 29, 2024

Prohibition Order Statistics

Crime Code	Description	Prohib Orders Issued	In Custody	In Custody %	Cite Released	Citation %	Appeal	Mental Illness	Transient	Juvenile
243.3 PC	Battery	3	3	100%	0	0%	0	0	0	0
245 PC	Assault w/deadly weapon or GBI	3	3	100%	0	0%	0	0	0	0
69 PC	Obstruct/resist officer w/ violence	9	9	100%	0	0%	0	0	0	0
243(e)(1) PC	Domestic Violence	0	0	0%	0	0%	0	0	0	0
211 PC	Robbery	2	2	100%	0	0%	0	0	0	0
417 PC	Brandishing a weapon	0	0	0%	0	0%	0	0	0	0
243(b) PC	Battery on LEO	0	0	0%	0	0%	0	0	0	0
422 PC	Threats	0	0	0%	0	0%	0	0	0	0
11378 H&S	Possess controlled substance for sale	1	1	100%	0	0%	0	0	0	0
243.35 PC	Battery	1	1	100%	0	0%	0	0	0	0
273.5 PC	Domestic Violence	1	1	100%	0	0%	0	0	0	0
314.1 PC	Indecent Exposure	0	0	0%	0	0%	0	0	0	0
11352 H&S	Transport/sell narcotic	0	0	0%	0	0%	0	0	0	0
243.4(e)(1) PC	Sexual Battery	0	0	0%	0	0%	0	0	0	0
451 PC	Arson	0	0	0%	0	0%	0	0	0	0
236 PC	False imprisonment	0	0	0%	0	0%	0	0	0	0
212.5 PC	Robbery on Train	0	0	0%	0	0%	0	0	0	0
11351 H&S	Possess/Transport Narcotics for sale	1	1	100%	0	0%	0	0	0	0
243(d) PC	Battery w/serious bodily injury	0	0	0%	0	0%	0	0	0	0
647(a) PC	Lewd Conduct	0	0	0%	0	0%	0	0	0	0
211/664 PC	Robbery, attempt	0	0	0%	0	0%	0	0	0	0
71 PC	Threaten LEO	0	0	0%	0	0%	0	0	0	0
273a PC	Child abuse/Endangerment	0	0	0%	0	0%	0	0	0	0
261 PC	Rape	0	0	0%	0	0%	0	0	0	0
25400(a)(2) PC	Possession of concealed weapon	0	0	0%	0	0%	0	0	0	0
187 PC	Murder	0	0	0%	0	0%	0	0	0	0
640(d)(4) PC	Blocking free movement	0	0	0%	0	0%	0	0	0	0
215 PC	Car jacking	0	0	0%	0	0%	0	0	0	0
11359 H&S	Possession of cannabis	0	0	0%	0	0%	0	0	0	0
187/664 PC	Murder, attempt	0	0	0%	0	0%	0	0	0	0
25850 PC	Possession of firearm	0	0	0%	0	0%	0	0	0	0
243 pc	Battery on a patron	0	0	0%	0	0%	0	0	0	0
241 PC	Assault on LEO	0	0	0%	0	0%	0	0	0	0
240 PC	Assault on Patron	0	0	0%	0	0%	0	0	0	0
241(c) PC	Assault on LEO	0	0	0%	0	0%	0	0	0	0
369I(b) PC	Trespassing	0	0	0%	0	0%	0	0	0	0
244 PC	Assault w/ caustic chemical	0	0	0%	0	0%	0	0	0	0
242 PC	Battery on a patron	0	0	0%	0	0%	0	0	0	0
288 PC	Lewd and Lascivious act w/child	0	0	0%	0	0%	0	0	0	0
369I(a) PC	Trespass: railroad property	0	0	0%	0	0%	0	0	0	0
640(d)(3) PC	Urinate public transit system	0	0	0%	0	0%	0	0	0	0
		21	21		0		0	0	0	0

Prohibition Order Statistics

Crime Classification

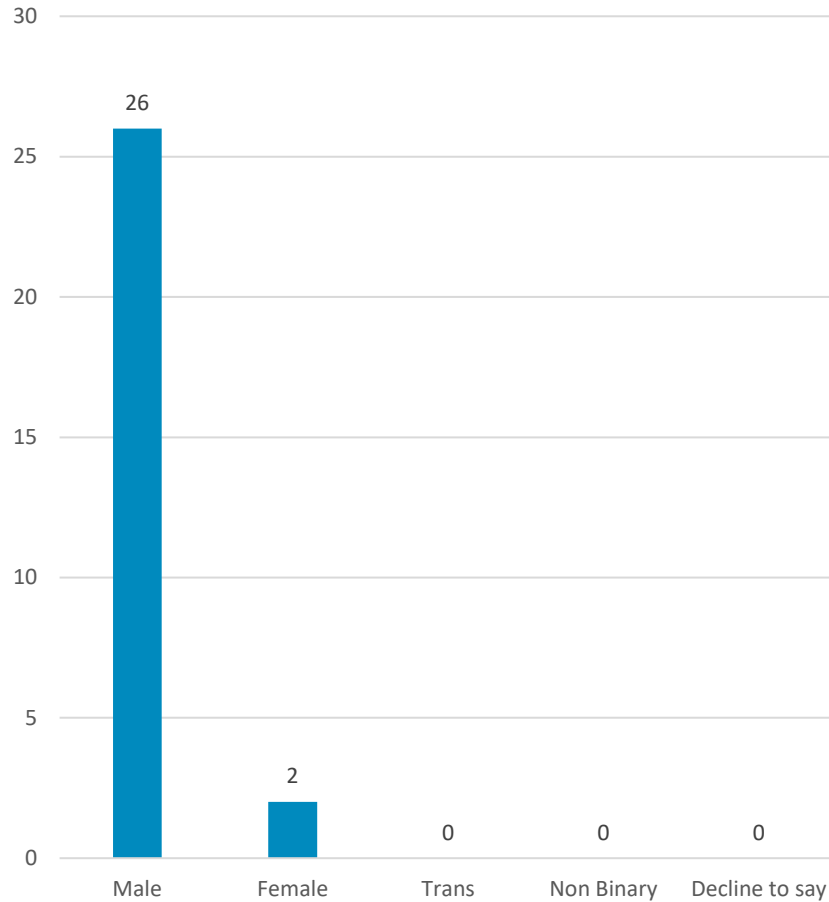


■ Felony ■ Misdemeanor

Crime Classification	
Felony	17
Misdemeanor	11
Total	28

Prohibition Order Statistics

Prohibition Orders by Gender

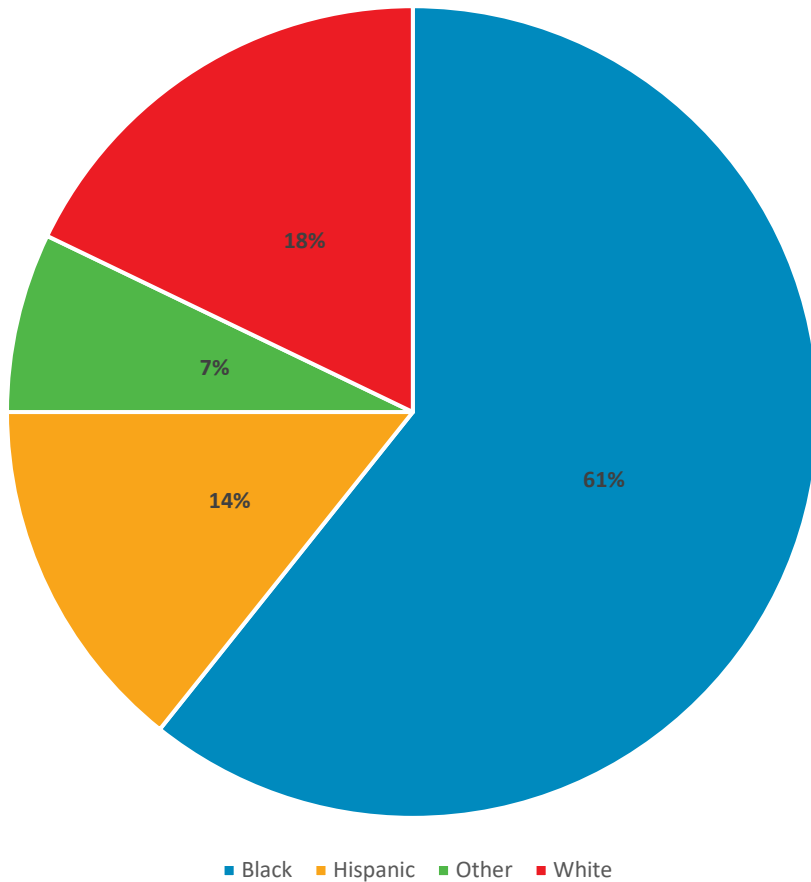


Prohibition Orders by Gender

Male	26
Female	2
Trans	0
Non Binary	0
Decline to say	0
Total	28

Prohibition Order Statistics

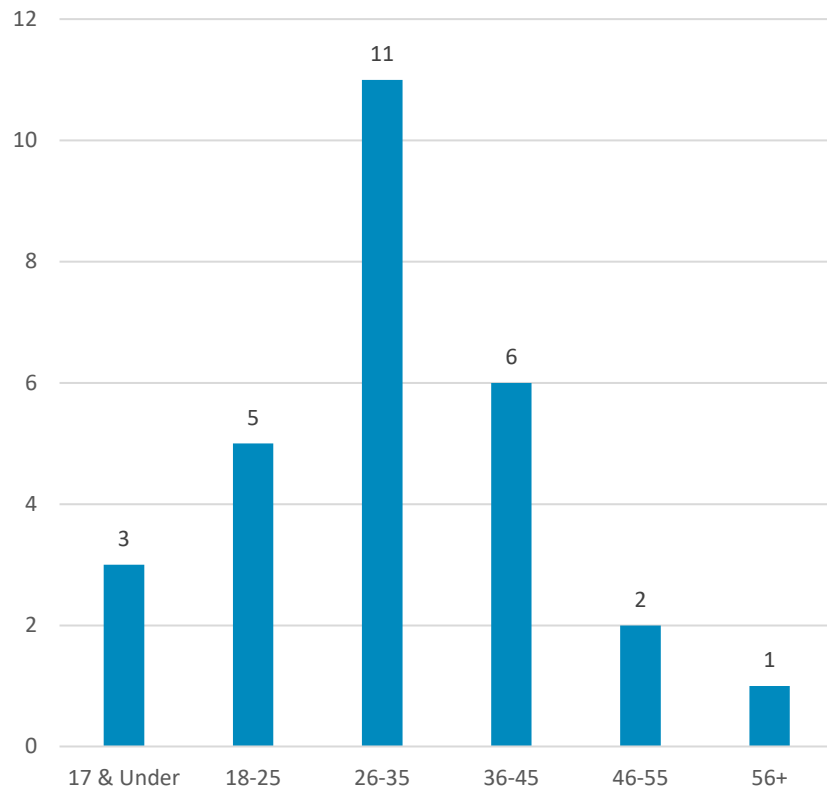
Prohibition Order Issued by Race



Prohibition Order Issued by Race		
Black	17	61%
Hispanic	4	14%
Other	2	7%
White	5	18%
Total	28	100%

Prohibition Order Statistics

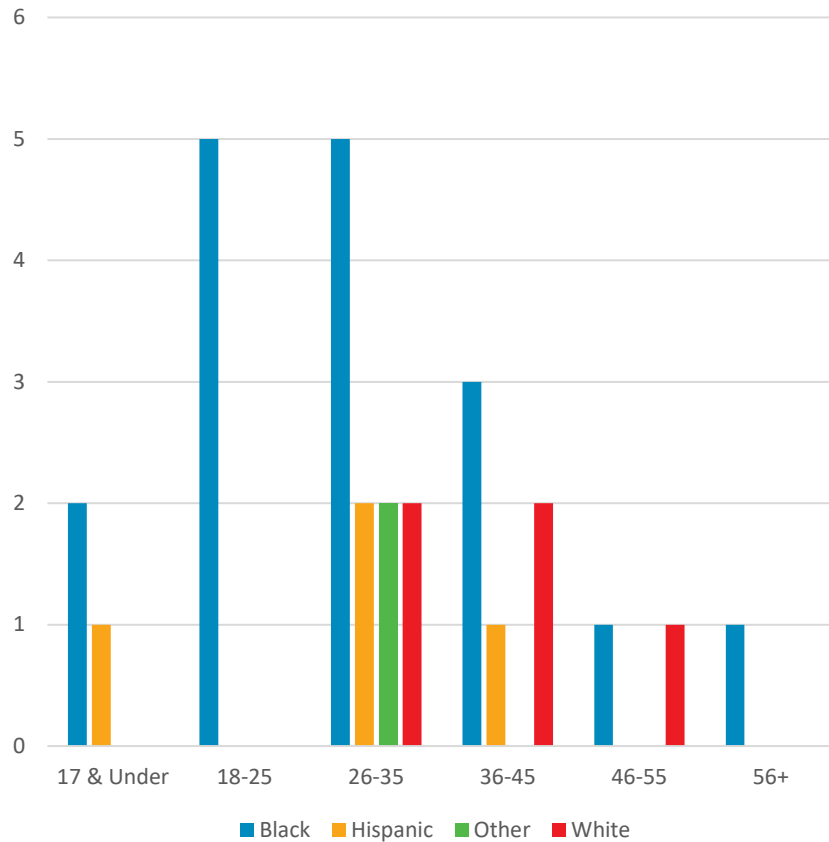
Prohibition Order Issued by Age



Prohibition Order Issued by Age	
17 & Under	3
18-25	5
26-35	11
36-45	6
46-55	2
56+	1
Total	28

Prohibition Order Statistics

Prohibition Order Issued by Age and Race

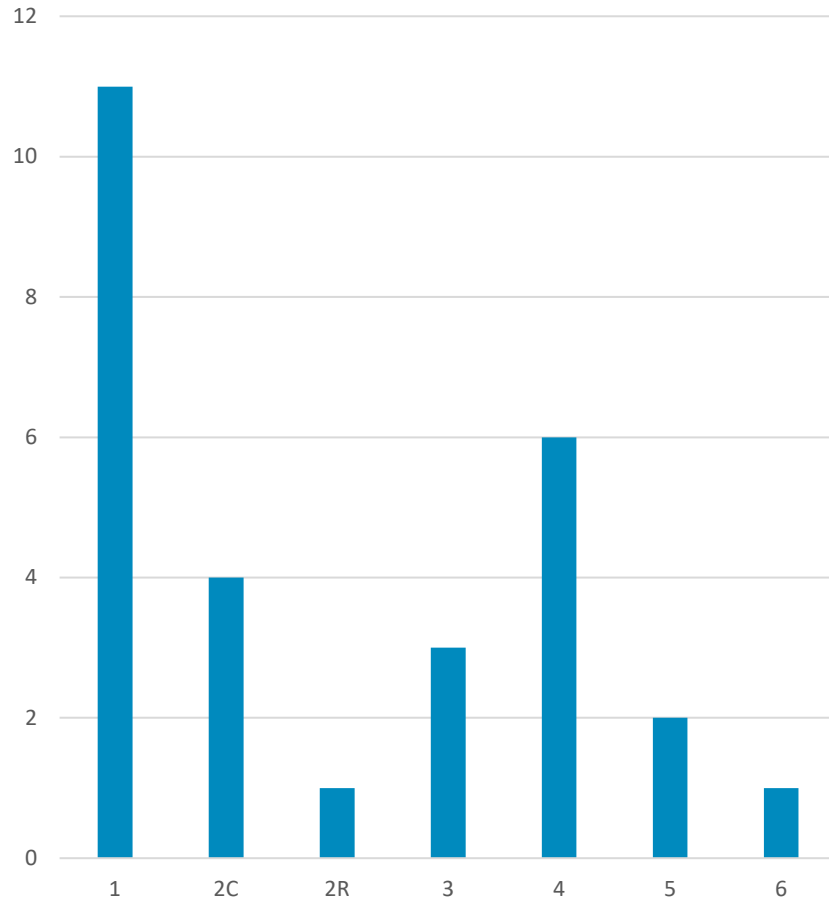


Prohibition Order Issued by Age and Race

Age	Black	Hispanic	Other	White
17 & Under	2	1	0	0
18-25	5	0	0	0
26-35	5	2	2	2
36-45	3	1	0	2
46-55	1	0	0	1
56+	1	0	0	0
Total	17	4	2	5

Prohibition Order Statistics

Prohibition Order Issued by Zone

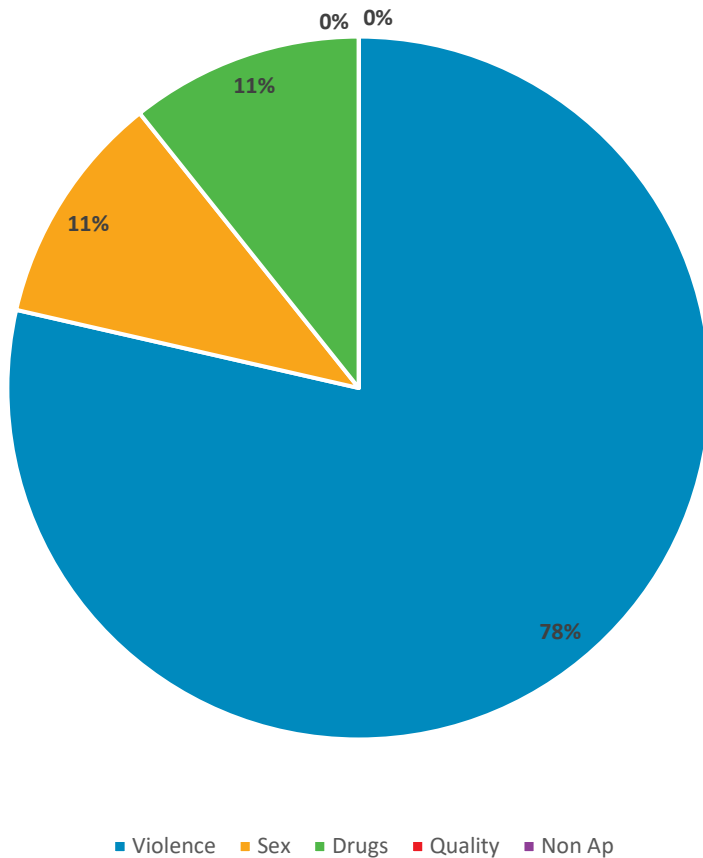


Prohibition Order Issued by Zone

1	11
2C	4
2R	1
3	3
4	6
5	2
6	1
Total	28

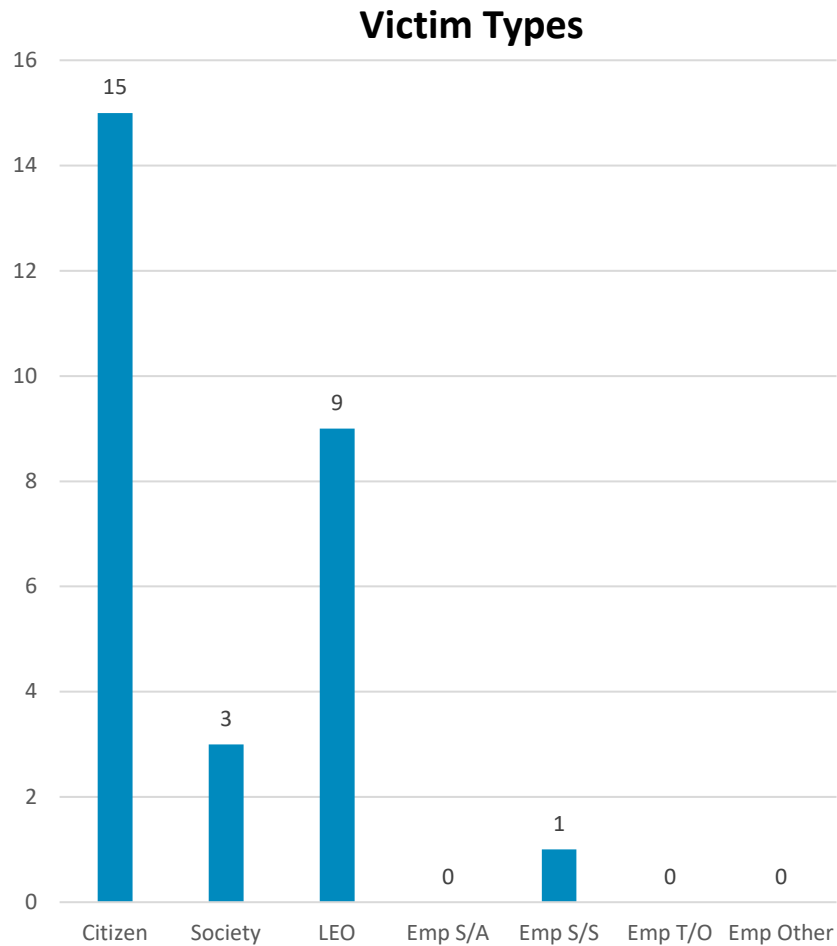
Prohibition Order Statistics

Prohibition Orders by Crime Type



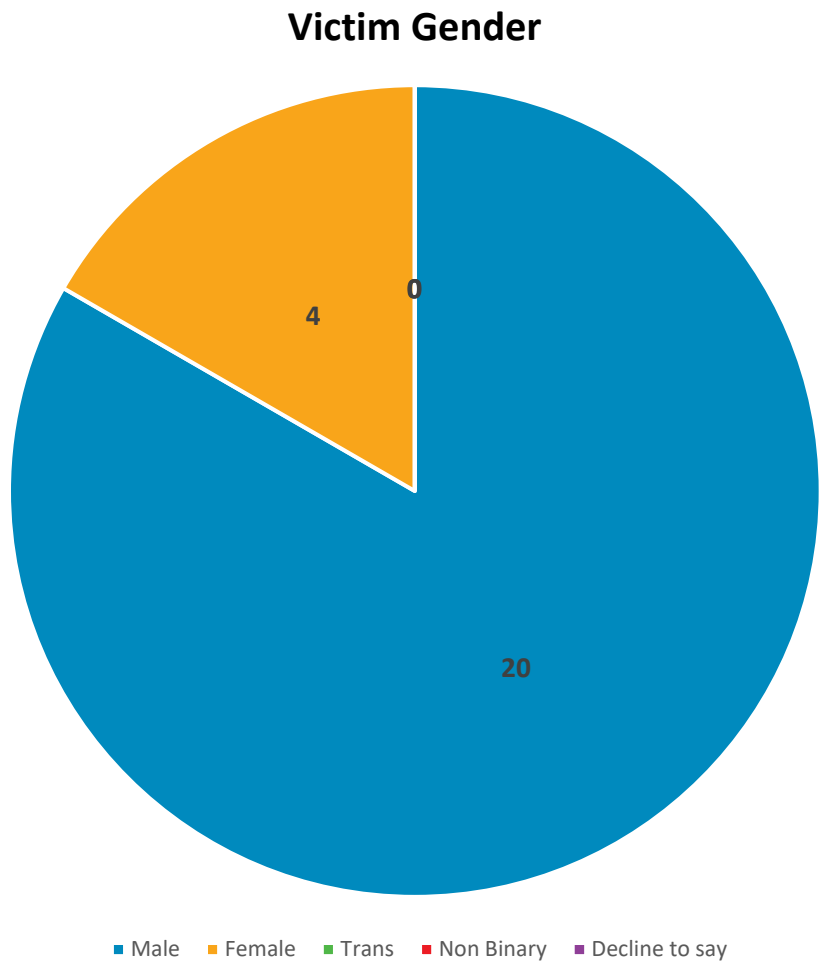
Prohibition Orders by Crime Type		
Violence	22	79%
Sex	3	11%
Drugs	3	11%
Quality	0	0%
Non Ap	0	0%
Total	28	100.0%

Prohibition Order Statistics



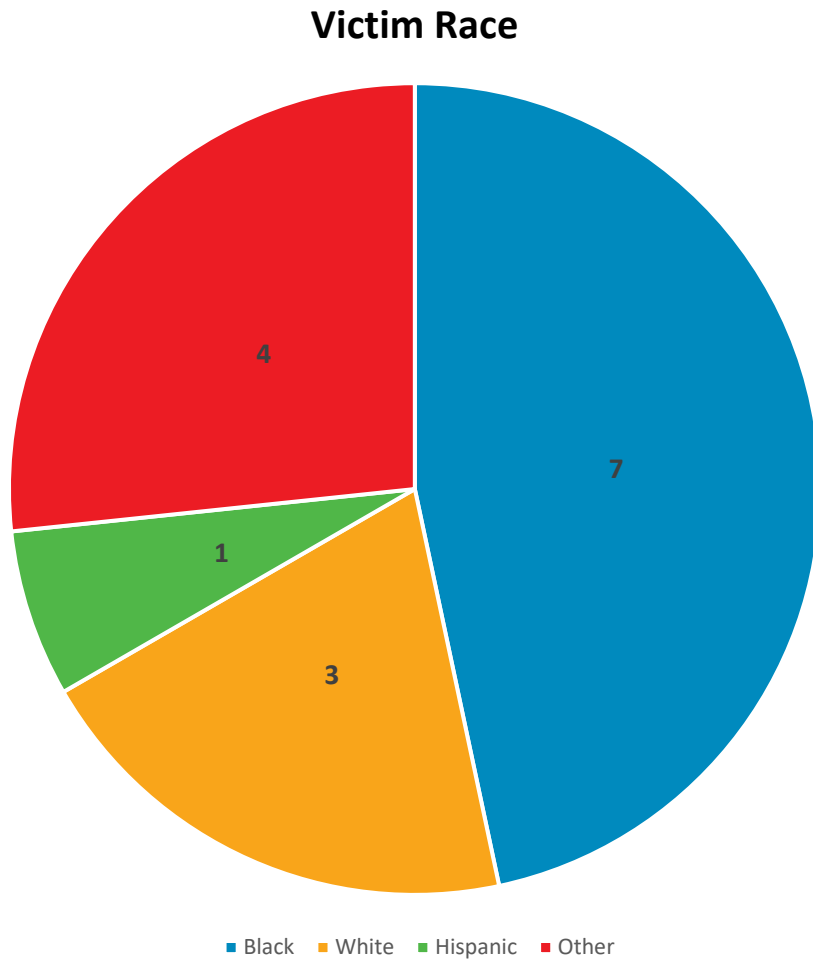
Victim Types	
Citizen	15
Society	3
LEO	9
Emp S/A	0
Emp S/S	1
Emp T/O	0
Emp Other	0
Total	28

Prohibition Order Statistics



Victim Gender		
Male	20	83%
Female	4	17%
Trans	0	0%
Non Binary	0	0%
Decline to say	0	0%
Total	24	100%

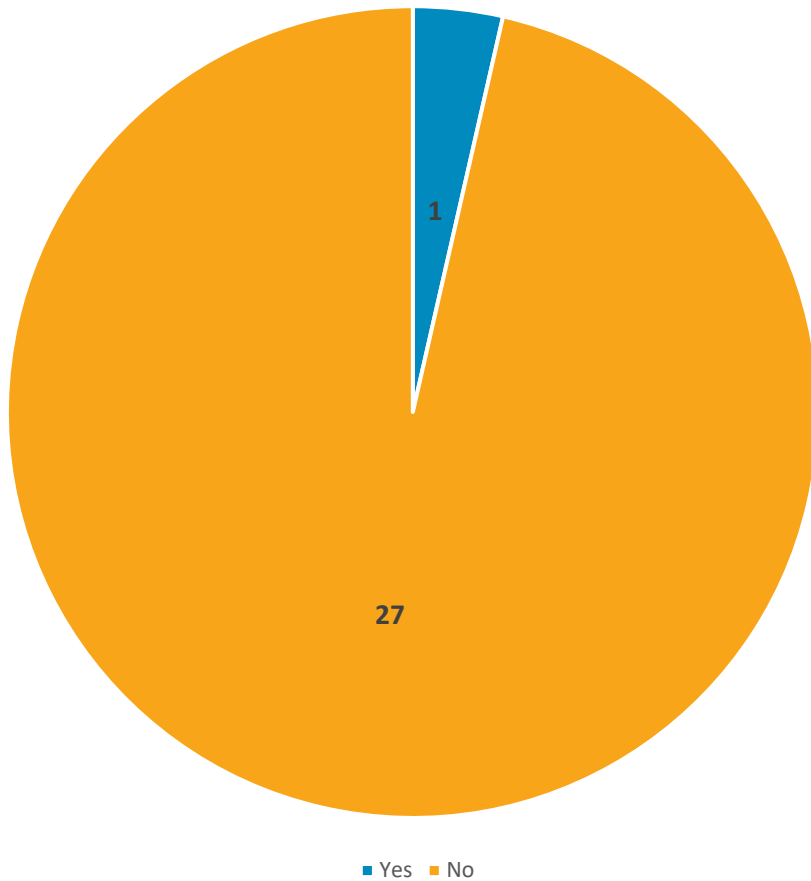
Prohibition Order Statistics



Victim Race		
Black	7	47%
White	3	20%
Hispanic	1	7%
Other	4	27%
Total	15	100%

Prohibition Order Statistics

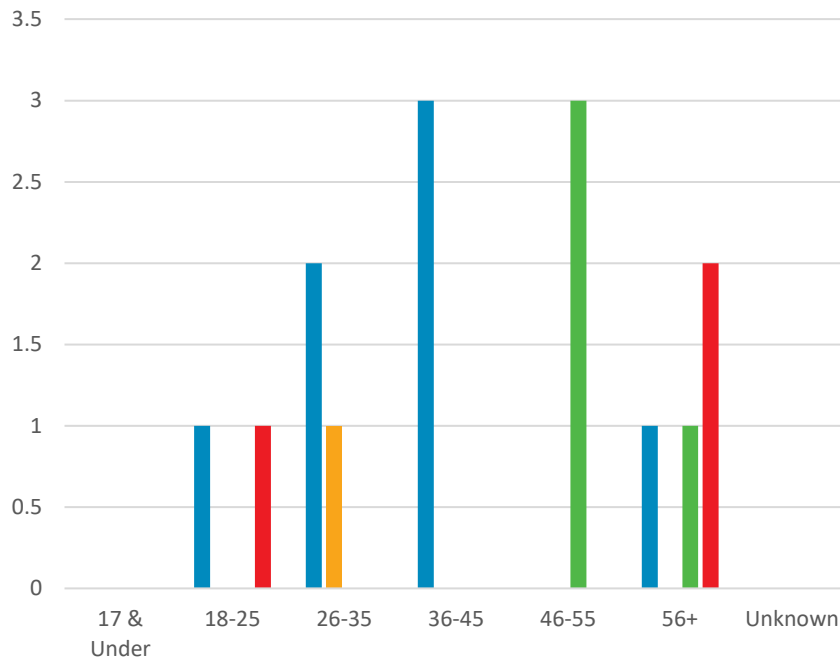
Victim known to Suspect



Victim known to Suspect		
Yes	1	4%
No	27	96%
Total	28	100%

Prohibition Order Statistics

Victim by Age and Race



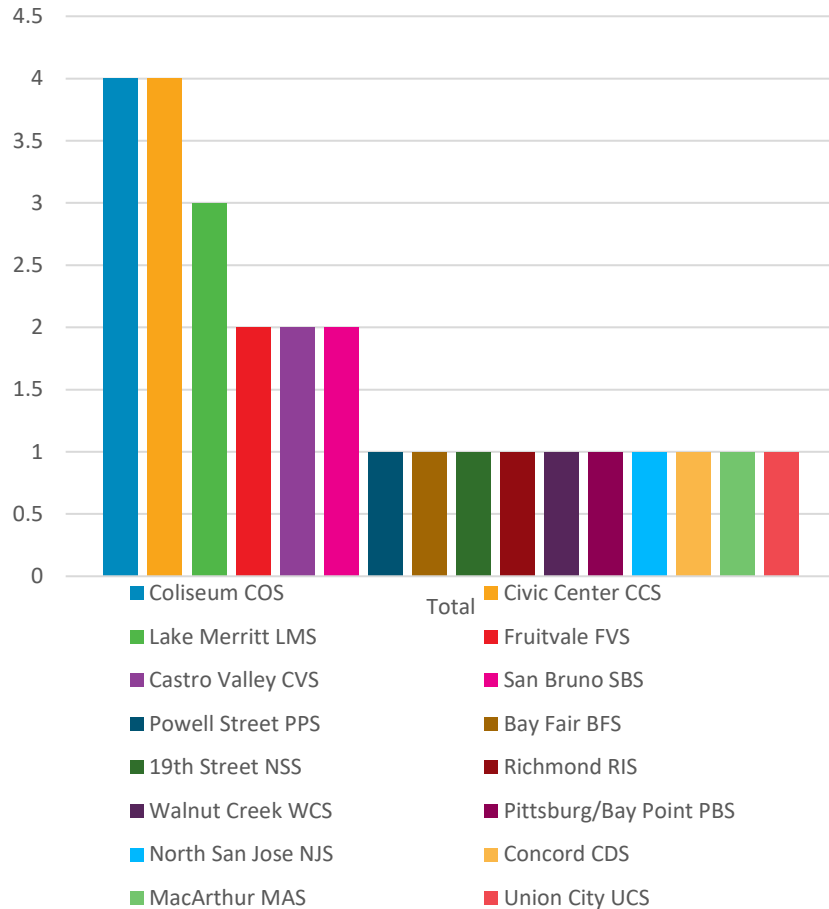
■ Black ■ Hispanic ■ Other ■ White

Victim by Age and Race

Age	Black	Hispanic	Other	White
17 & Under	0	0	0	0
18-25	1	0	0	1
26-35	2	1	0	0
36-45	3	0	0	0
46-55	0	0	3	0
56+	1	0	1	2
Unknown	0	0	0	0
Total	7	1	4	3

Prohibition Order Statistics

Top Stations



Rank	Station	ABV	Total
1	Coliseum	COS	4
2	Civic Center	CCS	4
3	Lake Merritt	LMS	3
4	Fruitvale	FVS	2
5	Castro Valley	CVS	2
6	San Bruno	SBS	2
7	Powell Street	PPS	1
8	Bay Fair	BFS	1
9	19th Street	NSS	1
10	Richmond	RIS	1
11	Walnut Creek	WCS	1
12	Pittsburg/Bay Point	PBS	1
13	North San Jose	NJS	1
14	Concord	CDS	1
15	MacArthur	MAS	1
16	Union City	UCS	1

2013 Report

Conclusion/Observation	Details	Implemented
1. Prohibition Orders Distribution	- Prohibition orders issued across all BART stations, with downtown San Francisco stations having the highest number. - Top areas of concern include domestic violence, batteries/threats on patrons and employees, batteries/threats on officers, and robbery. - Rising incidences of indecent exposure noted.	
2. BART Employee Impact	- 26% of prohibition orders issued in response to employee-involved incidents. - Reported crimes against employees decreased, potentially influenced by contract negotiations. - Suggested increased training and signage to improve employee safety.	
3. Domestic Violence Incidents	- 25% of prohibition orders involved domestic violence cases. - Recommendation to empower BART officers to issue Emergency Protective Orders (EPOs).	
4. Mental Health Outreach	- BART Police addressing homelessness, mental health, and substance abuse issues. - Majority of contacts did not qualify under prohibition order criteria. - Collaboration with Homeless Outreach Teams (HOT) and Multi-Disciplinary Forensic Team (MDFT).	
5. Fewer Mental Health Instances	- Marginal impact on mental health community observed from new prohibition citation process. - Indecent exposure cases noted, potentially linked to mental health challenges.	
6. Youth Involvement	- Disproportionate number of prohibition orders issued to riders aged 15-25. - Recommendation to categorize age groups	

	into juveniles and young adults for better analysis. - Plans to work with local school programs to reduce delinquent behavior.	
7. Focus on Fare Evaders	- Increased fare evasion noted, correlated with serious nuisance behavior. - Recommendation to consider fare evasion as an AB 716 violation for improved safety.	

2014 Report

Conclusion/Observation	Details	Implemented
1. Prohibition Orders Distribution	- Issued across all BART stations, with downtown San Francisco stations having the highest number. - Top areas of concern include battery/threats to patrons, domestic battery, battery/threats to police officers, battery/threats to other BART employees, and robbery.	
2. Domestic Violence Cases	- 20% of prohibition orders involved domestic violence cases. - SB 1154 empowers BART officers to issue Emergency Protective Orders (EPOs), potentially decreasing these cases.	
3. BART Employee Impact	- 24% of prohibition orders issued in response to cases involving employees. - Reported crimes against employees continue to decrease. - Increased training for employee groups recommended.	

4. Mental Health Outreach	- BART Police addressing homelessness, mental health, and substance abuse issues. - Majority of cases did not qualify under prohibition order criteria. - Collaboration with Homeless Outreach Teams (HOT) and Multi-Disciplinary Forensic Team (MDFT).	
5. Mental Health Instances	- Marginal impact on individuals with mental health challenges observed from new prohibition citation process. - Tools and resources created for officers to better handle encounters with individuals with specific needs.	
6. Indecent Exposure Cases	- Rise in indecent exposure cases noted. - Continued monitoring and outreach efforts recommended.	
7. Domestic Violence Numbers	- Total domestic violence cases in 2014 totaled 74. - 20% of total prohibition orders issued related to domestic violence.	
8. Youth Involvement	- Disproportionate number of prohibition orders issued to riders aged 18-25. - Plans to work with local school programs to address delinquent behavior and gang activity.	
9. Appeals for 2014	- Six prohibition orders appealed, with various outcomes. - Suggestions for modifications to accommodate work or school schedules.	
10. Fare Evaders Focus	- Increased fare evasion noted. - Recommendation to consider fare evasion as an AB 716 violation for improved safety.	
11. Ridership Increase	- 6% increase in ridership from 2013 to 2014. - Correlation between ridership increase and prohibition orders issuance suggested.	
12. Overall Effectiveness	- More time needed to determine the program's effectiveness. - Recommendations	

	for further studies on fare evasion and criminal activity correlations. - Continued training for frontline BART employees recommended.	
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2015 Report

Conclusion/Observation	Details	Implemented
1. Reduction in Prohibition Orders	- Despite increased ridership from 2014 to 2015, fewer prohibition orders were issued in 2015 (255 compared to 281 in 2014). - Corresponds with a decrease in reported part 1 crimes and violent crimes. - AB716 contributes to crime reduction and violence prevention.	
2. Reduction in Crimes of Violence	- Significant reduction in prohibition orders issued for robbery, batteries/threats involving patrons, and threats/batteries involving employees. - Factors contributing to reduction include heightened patron awareness, increased employee training, and low recidivism rate.	
3. Increase in Domestic Batteries	- 25% of prohibition orders issued in 2015 involved domestic violence cases, slightly higher than in 2014 (20%). - BART stations serve as neutral custody exchange locations,	

	leading to potential domestic violence incidents.	
4. Fare Evasion Related Assaults	- Increased fare evasion remains a problem not addressed by AB 716. - TSAC recommends reviewing system-wide statistics to determine correlations with other crime-related activities.	
5. Focus on Youth Outreach	- Fewer prohibition orders were issued to individuals under 18 in 2015 compared to 2014. - Continued plans for youth outreach programs to address delinquent behavior, youth violence, and gang activity.	
6. Appeals Process	- Only 2% of prohibition orders were appealed in 2015. - Various outcomes, including voiding, modifications, and upholding of orders, based on appeal review.	
7. BART Employee Impact	- Continued training for employees crucial to reducing incidents, especially assaults on station agents and service workers. - Reviewing training content with union leaders for possible modifications.	
8. Improvements Needed for Unruly Behavior	- Suggestions for additional signage, relocating fare machines/elevators, increasing staffing levels, and public service announcements to minimize unruly behavior.	
9. Continued Outreach Efforts for Mental Health	- Fewer prohibition orders related to mental health issues in 2015 compared to 2014. - BART Police actively address homelessness and mental health concerns, offering crisis intervention services and collaborating with allied agencies.	
10. Mental Health Outreach Efforts	- Collaboration with Homeless Outreach Teams and Multi-Disciplinary Forensic Team meetings to assist individuals with mental	

	illness and substance abuse issues. - Referrals made to the DA's office for specified treatment.	
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2016 Report

Conclusion/Observation	Details	Implemented
1. Increase in Prohibition Orders	- BART District saw a 2% ridership increase in 2016, corresponding with an overall 3% decrease in reported crimes of violence and property crimes. - However, reported crimes of violence increased by 38% during this period. - AB 716 continues to assist in crime reduction and violence prevention.	
2. Prohibition Orders for Specified Crimes	- Overall increase in prohibition orders, notable reductions in robbery and domestic violence, but an increase in battery against District employees. - Factors contributing to reduction include heightened awareness, increased training, police patrol focus, and low recidivism rate.	
3. Decrease in Domestic Battery Prohibition Orders	- Decrease in the percentage of prohibition orders involving domestic violence cases from 2015 to 2016. - Potential factors include increased community outreach and reduction in civil standby calls at BART stations.	

4. Battery on BART Patrons	- Assaults and batteries on BART patrons remain a noticeable problem. - Highest percentage of prohibition orders issued for battery on patrons.	
5. Focus on Youth and Young Adult Outreach	- Increase in the number of prohibition orders issued to juveniles in 2016 compared to 2015. - Plans to work with local schools to reduce recidivism of delinquent behavior, youth violence, and gang activity.	
6. Appeals	- Only a small percentage of prohibition orders were appealed in 2016. - Various outcomes of appeals, including modifications and rescinding due to compliance issues.	
7. BART Employee Impact	- Training for employees crucial to reducing incidents of violence. - Reviewing training content for possible modifications.	
8. Improvements Needed for Unruly Behavior	- Suggestions to minimize conflict with frontline employees, including additional signage and increased staffing.	
9. Continued Need for Mental Health Outreach	- Decrease in the percentage of prohibition orders involving mental health issues. - Continued efforts to address homelessness and mental health concerns.	
10. Reduction in Repeat Offender Statistics	- Promising data showing a decrease in repeat offenders violating prohibition orders. - Overwhelming adherence to prohibition orders, with only a small percentage reoffending.	

2017 Report

Topic	Recommendation	Implemented
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1. Overall Crime Trends	Examine the relationship between increases and decreases in criminal activity within the communities BART serves.	
2. Prohibition Orders for Specified Crimes	Monitor and address the increase in prohibition orders for robbery, battery to employees, and other specified crimes, considering the percentage of total orders issued for each crime category.	
3. Increase in Domestic Battery Orders	Acknowledge the decrease in the percentage of prohibition orders issued for domestic violence and attribute it to increased community outreach, reduced civil standby calls, and the authority to issue Emergency Protective Orders (EPO) at stations.	
4. Impact on BART Employees	Recognize the challenges faced by BART employees and emphasize the need to decrease assaults and batteries against them. Advocate for consistent, system-wide training to prevent violence against employees.	
5. Battery on BART Patrons	Address the ongoing problem of assaults and batteries on BART patrons, especially focusing on specific groups such as juveniles, elderly riders, and persons with disabilities.	
6. BART Improvements for Unruly Behavior	Recommend additional training for frontline BART employees, including station agents, train operators, and system service personnel. Propose measures such as de-escalation training, increased staffing, support for Proof of Payment (POP) program, public service announcements, additional signage, and crisis intervention training.	
7. Youth and Young Adult Outreach	Suggest expanding Community Oriented Policing and Problem Solving (COPPS) programs, increasing personnel in COPPS and	

	Government and Community Relations Department, educating the public on youth Clipper Card, continuing GREAT program, developing Crisis Intervention Response Team, and recruiting a youth services representative to TSAC.	
8. Appeals	Highlight the low percentage of appeals (2%) in 2017 and recommend continued outreach efforts to inform individuals about the appeals process.	
9. Mental Health Outreach	Recognize the need for outreach efforts involving mental health. Acknowledge the percentage (11%) of offenders with mental health issues and emphasize Crisis Intervention Training (CIT), collaboration with Homeless Outreach Teams (HOT), and referrals to specific mental health or social services.	
10. Repeat Offender Statistics	Acknowledge the promising data showing high adherence to prohibition orders (94-98%) and emphasize the effectiveness of prohibition orders in preventing repeat offenses. Commit to ongoing collection and examination of repeat offender data for future reports.	
11. Homeless Outreach Initiatives	Highlight the investments in homeless outreach initiatives, including partnering with the San Francisco Homeless Outreach Team (HOT) and joining the San Francisco Law Enforcement Assisted Diversion (LEAD) program.	

2018 Report

Conclusions and Observations	Recommendations	
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1. Increase in Prohibition Orders	- Utilize AB 716 as a tool for crime reduction and prevention of violence. - Analyze demographic data with the Center for Policing Equity (CPE). - Initiate a study with the Hayward Burns Institute to analyze demographic data from BART Police Proof of Payment Citations.	
2. Prohibition Orders Issued for Specified Crimes	- Promote rider safety through education campaigns.	
3. Decrease in Domestic Battery Prohibition	- Monitor and address domestic violence cases.	
4. BART Employee Impact, Slight Increase in Employee Battery	- Prioritize prevention of violence against employees through consistent system-wide training. - Consider additional measures beyond training.	
5. Battery on BART Patrons: A Continued Issue	- Implement additional training for employees to enhance safety. - Increase employee staffing levels. - Support the Proof of Payment (POP) program. - Conduct public service announcements regarding AB 716.	
6. BART Improvements to Improve Safety and Security	- Provide additional training for employees. - Review training content with union leaders for possible modifications.	
7. A Focus on Youth and Young Adult Outreach	- Expand COPPS Unit outreach to all patrol zones. - Continue and expand the GREAT program. - Develop a Crisis Intervention Response Team. - Recruit a youth services representative to TSAC.	
8. Appeals	- Monitor and address appeal processes.	
9. Continued Need for Outreach Efforts Involving Mental Health & Homelessness	- Continue Crisis Intervention Training (CIT) for personnel. - Collaborate with Homeless Outreach Teams (HOT).	
10. Repeat Offender Statistics	- Collect and analyze data on repeat offenders for further examination.	

11. Homeless Outreach Initiatives	- Invest in initiatives to reduce prohibition orders related to homelessness. - Partner with external organizations for homeless outreach.	
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2019 Report

Topic	TSAC Recommendations	
Ridership Trends and Customer Satisfaction	- Address factors impacting customer satisfaction: crowding, cleanliness, aging trains/stations, personal security - Prioritize customer safety - Continue safety emphasis	
Prohibition Orders and Crime Rates in 2019	- Analyze crime trends in relation to prohibition orders - Focus on prevention of violent crimes - Consider additional measures for violence prevention	
BART Improvements to Improve Safety and Security	- Additional training for employees - Active listening and de-escalation training - Mental Health First Aid Training - Increasing employee staffing levels	
Youth and Young Adults	- Special attention to youth population - Expanding outreach efforts - Recruitment of a youth services representative	

Request for Appeals	- Appeal process review	
Continued Need for Outreach Efforts Involving Mental Health & Homelessness	- Collaborate with outreach teams - Homeless outreach initiatives - Join LEAD program	
Repeat Offender Statistics	- Track repeat offenders - Address repeat violations	
Prior Year Annual Reports	- Reports available online for transparency and accountability	

2020 Report

Topic	Recommendations/Conclusions	
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Ridership Trends and Customer Satisfaction	- BART's ridership significantly declined in 2020 due to COVID-19, leading to service reductions. - Despite the decline, customer satisfaction increased to 72% compared to 2018.	
Prohibition Orders and Crime Rates in 2020	- 255 prohibition orders issued in 2020. - Highest number of orders issued in core East Bay stations. - Young adults under 35 form most orders, with a high number issued to young African American males.	
Violent Crime Statistics	- 352 violent crimes and 1,154 property crimes reported in 2020. - Robberies and larceny/auto burglary were the most common.	
Part 1 DOJ UCR Crime Rates	- Violent and property crime rates fluctuated over the years.	
Prohibition Orders Issued for Specified Crimes	- Decrease in orders related to domestic violence and robbery. - Battery/threats to employees decreased slightly.	
Battery Against BART Employees by Classification	- Proportion of battery against station agents decreased in 2020.	
TSAC Trainings and Presentations in 2020	- Various trainings conducted including violence in the workplace, Narcan and Fentanyl use, and updates on policing and community engagement.	
Battery on BART Patrons	- Decrease in prohibition orders for battery on patrons compared to 2019.	
BART Improvements to Improve Safety and Security	- Recommendations for additional training and social distancing protocols for employees.	
Youth and Young Adults	- Decrease in prohibition orders issued to persons under 18. - Focus on outreach programs for youth populations.	

Request for Appeals	- No appeals initiated in 2020.	
Repeat Offender Statistics	- 21 persons violated prohibition orders in 2020.	
Continued Need for Outreach Efforts	- Identification of individuals struggling with mental health and homelessness. - Collaboration with outreach teams and referral to services.	
Homeless Outreach Initiatives	- Partnerships with county departments and Salvation Army for homeless outreach.	
Center for Policing Equity Report	- Analysis of racial disparities in policing practices. - Adoption of recommendations from the report.	
Prior Annual Reports	- Access to prior year reports on BART's prohibition order program online.	

2021 Report

Category	Recommendation	
Ridership Trends and Customer Satisfaction	- Increase service hours to accommodate rebounding ridership.	
- Maintain long trains for social distancing.	- Continue monitoring and responding to customer feedback for service improvement.	
Prohibition Orders and Crime Rates	- Analyze and address trends in prohibition orders, especially among young adults and specific demographic groups.	
- Monitor and address crime rates, with a focus on violent crimes and property crimes.	**Battery Against BART Employees**	
- Provide additional training for employees on de-escalation and conflict resolution.	- Increase employee staffing levels, especially for frontline positions.	

Youth and Young Adults	- Focus on outreach programs for youth, especially those who are transit dependent.	
- Expand community outreach efforts and partnership with youth programs.	**Request for Appeals**	
- Ensure individuals served prohibition orders have the right to appeal.	**Mental Health & Homelessness*	
- Address issues related to mental health and homelessness through outreach and collaboration with local agencies.	**BART Improvements for Safety and Security**	
- Implement additional training for frontline employees.	- Continue efforts to minimize conflicts with frontline employees.	
Center for Policing Equity Report	- Adopt recommendations from the report to ensure equitable policing practices.	
Repeat Offender Statistics	- Monitor and address repeat offenders violating prohibition orders.	

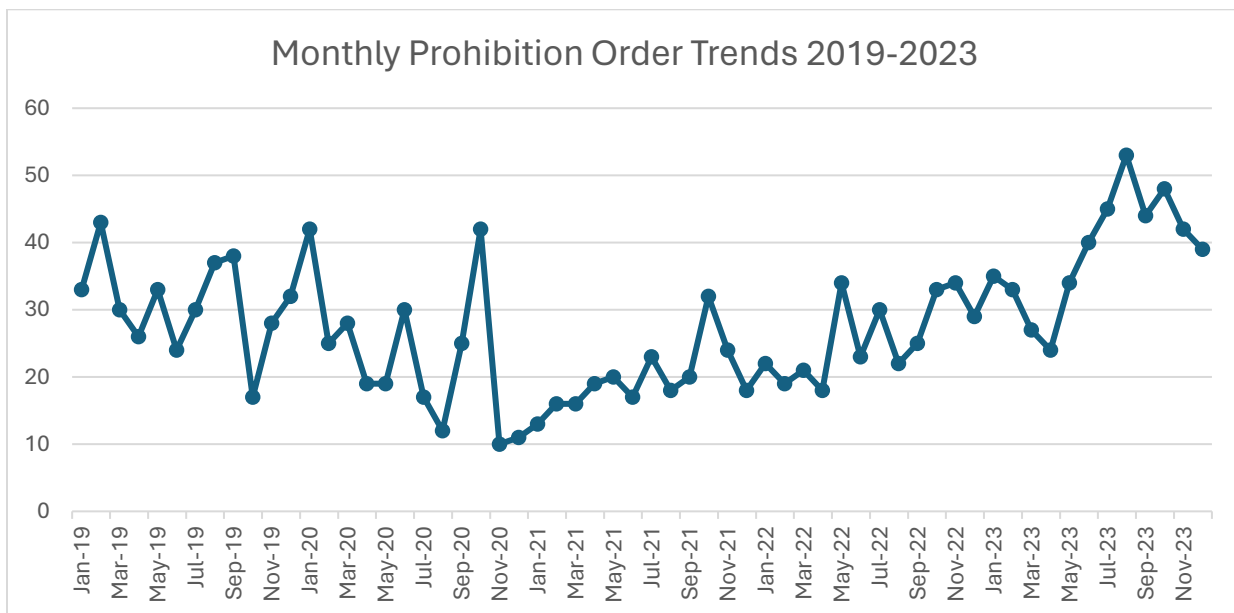
Topic	Conclusions and Observations for 2022	
Ridership Trends and Customer Satisfaction	- BART's average weekday ridership slowly rebounded throughout most of 2022, reaching 41% of pre-pandemic levels in September.	
- Ridership dipped again towards the end of 2022 due to the spread of new COVID variants, ending at 35% of pre-pandemic levels in December.	- Customer satisfaction, as per BART's fall 2022 survey, was at 67%, down from 72% in 2020 but up from 56% in 2018.	
Prohibition Orders and Crime Rates in 2022	- In 2022, 310 prohibition orders were issued, with the highest number (106) issued in Oakland stations.	
- Violent crimes in 2022 totaled 350, with property crimes totaling 1,382.	- The most common violent crime was robbery, while larceny and auto burglary were the most common property crimes.	
Department of Justice (DOJ) Uniform Crime Reporting (UCR)	- Violent crime rates increased from 2021 to 2022, reaching 20% of total reported crimes.	
- Property crime rates remained relatively stable, comprising 80% of total reported crimes in 2022.	Specified Crime	
- Prohibition orders for battery/threats to employees increased significantly in 2022.	- Prohibition orders for battery/threats to patrons also rose, comprising 30% of all orders in 2022.	
Battery Against BART Employees by Classification	- Battery against police officers accounted for the highest percentage of issued orders in 2022.	
- Battery against station agents and system service/others remained relatively consistent.	TSAC Training and Presentations	
- In 2022, TSAC received presentations on updates from the PPCEB and ethics training.	- 2021 TSAC training included presentations on the District's Not One More Girl campaign and ethics training.	
- 2020 TSAC trainings covered violence in the workplace, Narcan and Fentanyl use, and BART Police Department procedures.	Battery on BART Patrons	

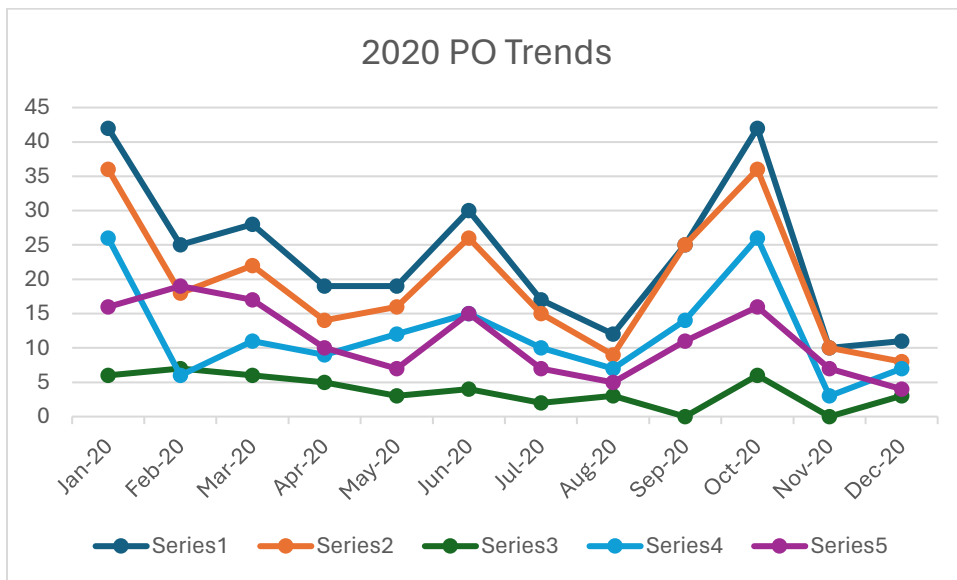
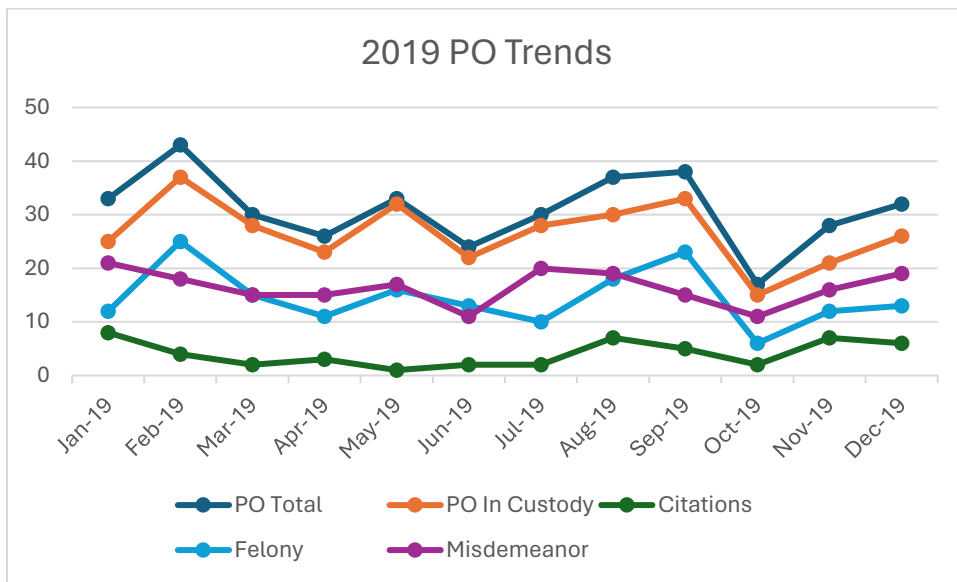
- Ninety-three prohibition orders were issued in 2022 for battery and threats to BART patrons.	- BART Police implemented new techniques and programs, including the ambassador program, to address safety concerns.	
BART Improvements to Improve Safety and Security	- The TSAC recommends additional training for frontline BART employees and increased staffing levels.	
- Recommendations include crisis intervention training and continued support for the Proof of Payment program.	Youth and Young Adults	
- In 2022, 29 prohibition orders were issued to persons under 18 years old, prompting increased attention to youth outreach efforts.	- Recommendations include expanding outreach programs and partnerships with youth-focused organizations.	
Request for Appeals	- None of the 310 prohibition orders issued in 2022 were appealed, demonstrating confidence in the exclusion process.	
Continued Need for Outreach Efforts	- In 2022, 18 offenders with mental health crises and 42 unhoused individuals were issued prohibition orders, highlighting ongoing challenges.	
- BART Police collaborate with various agencies to address homelessness and mental health concerns, focusing on referral to support services.	Homeless Outreach Initiatives	
- Partnerships with local organizations and the hiring of a Senior Manager of Social Service Partnerships demonstrate BART's commitment to addressing homelessness.	Prior Year Annual Reports	

2019-2023 Monthly POS Summary Statistics	
Mean	27.68
Standard Error	1.29
Median	26.5
Mode	33
Standard Deviation	9.98
Sample Variance	99.61
Kurtosis	-0.49
Skewness	0.39
Range	43
Minimum	10
Maximum	53

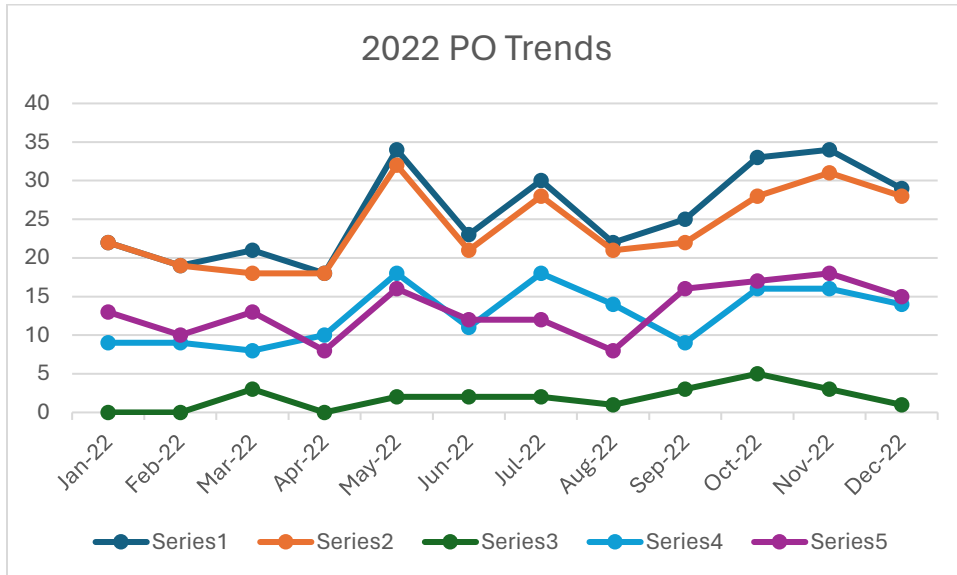
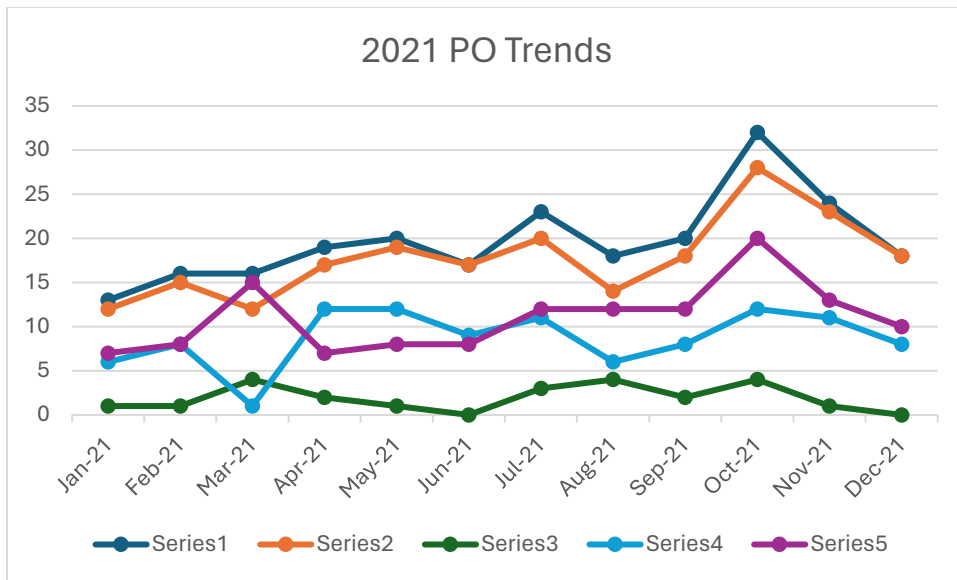
Key

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PO Total	Blue
PO In Custody	Orange
Citations	Dark Green
Felony	Light Blue
Misdemeanor	Purple

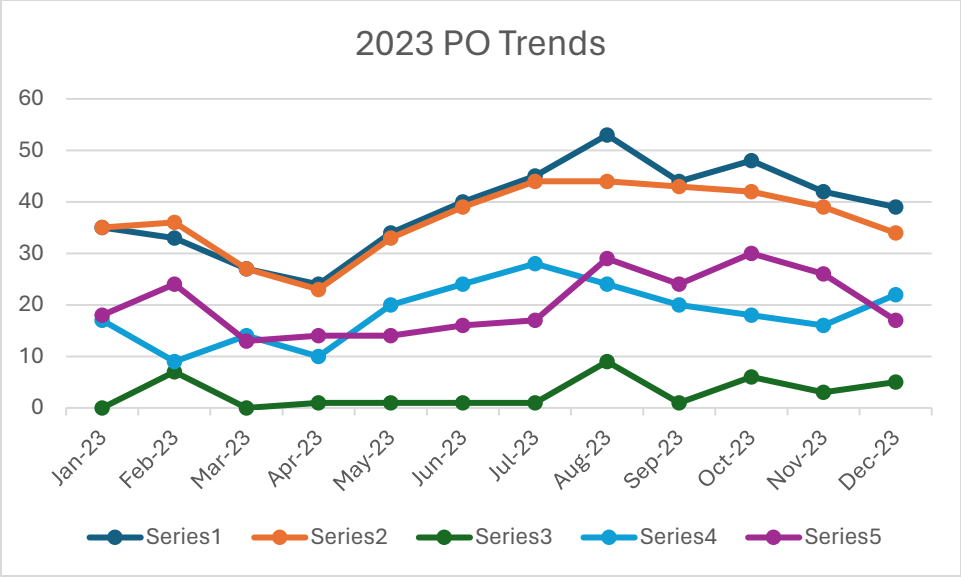




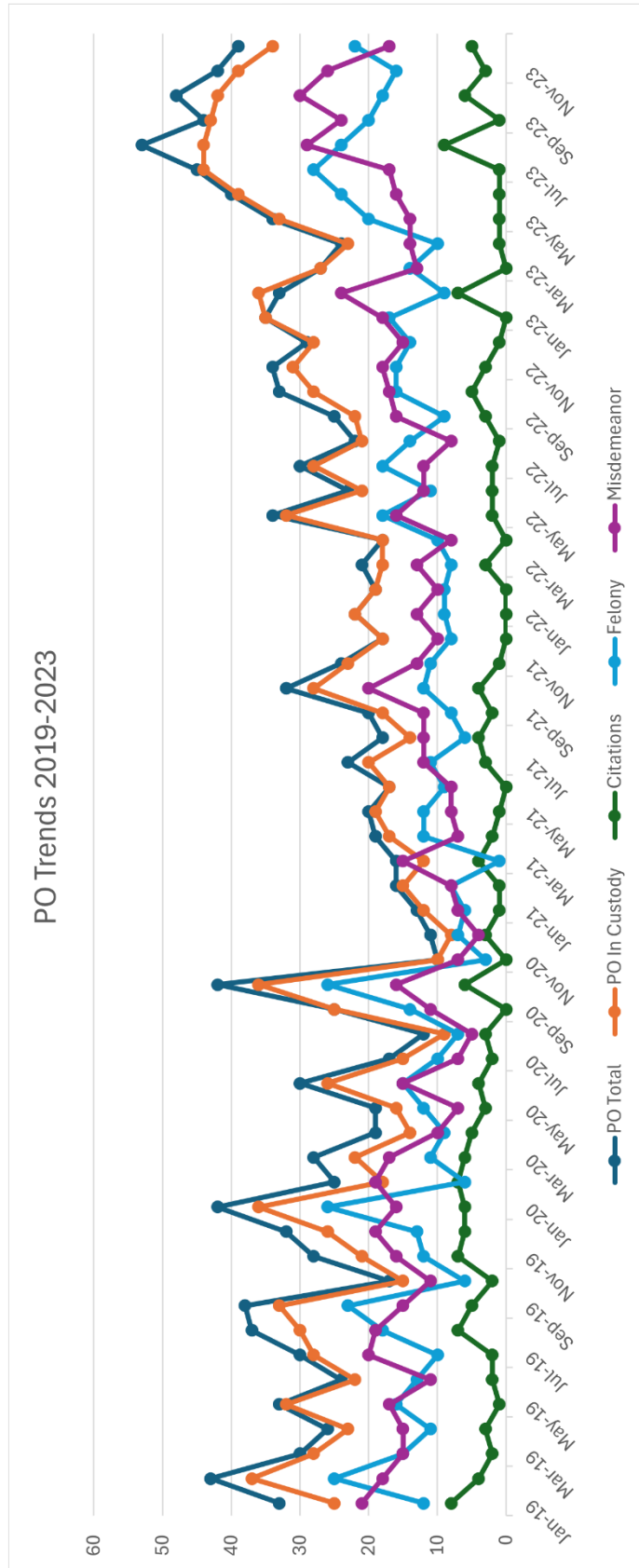
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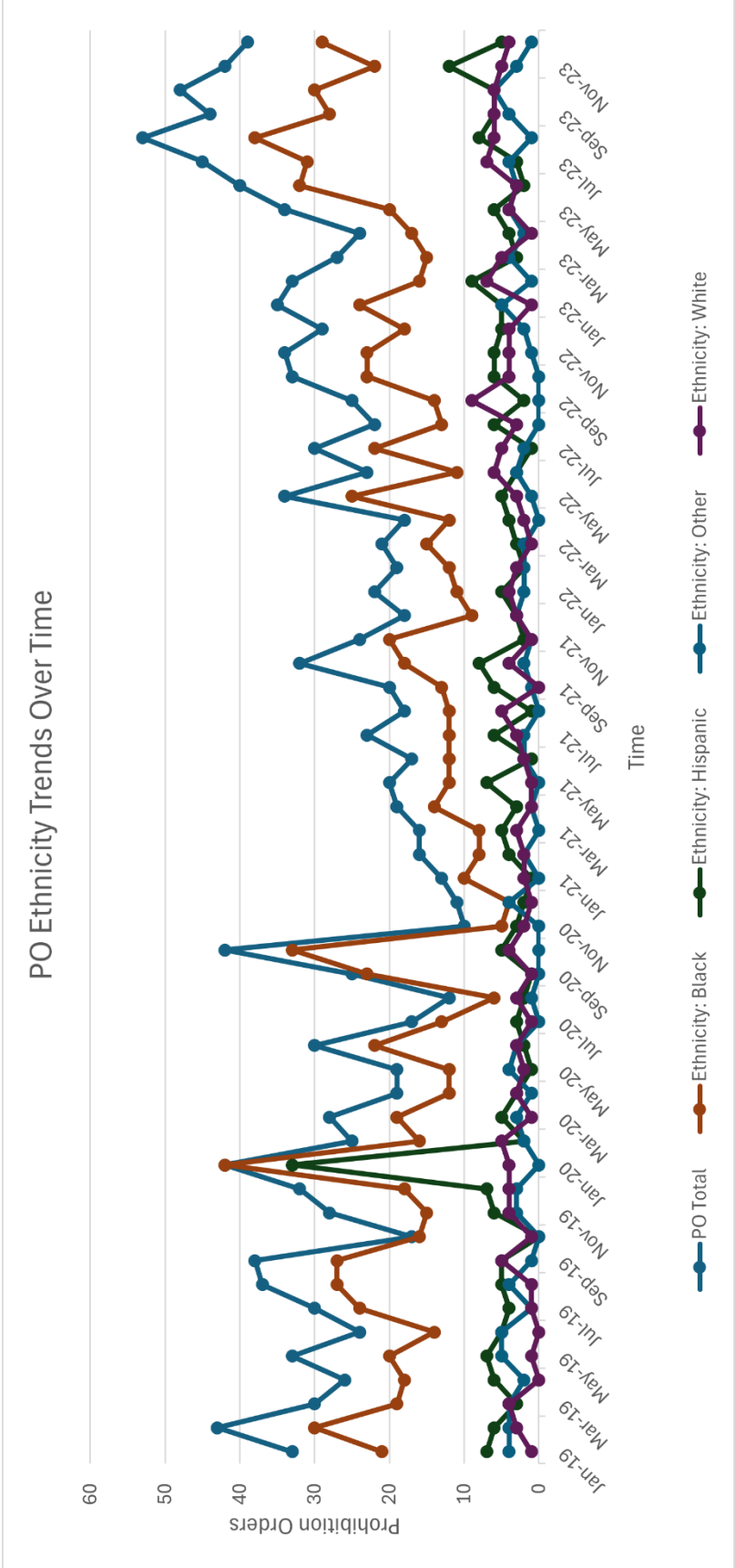


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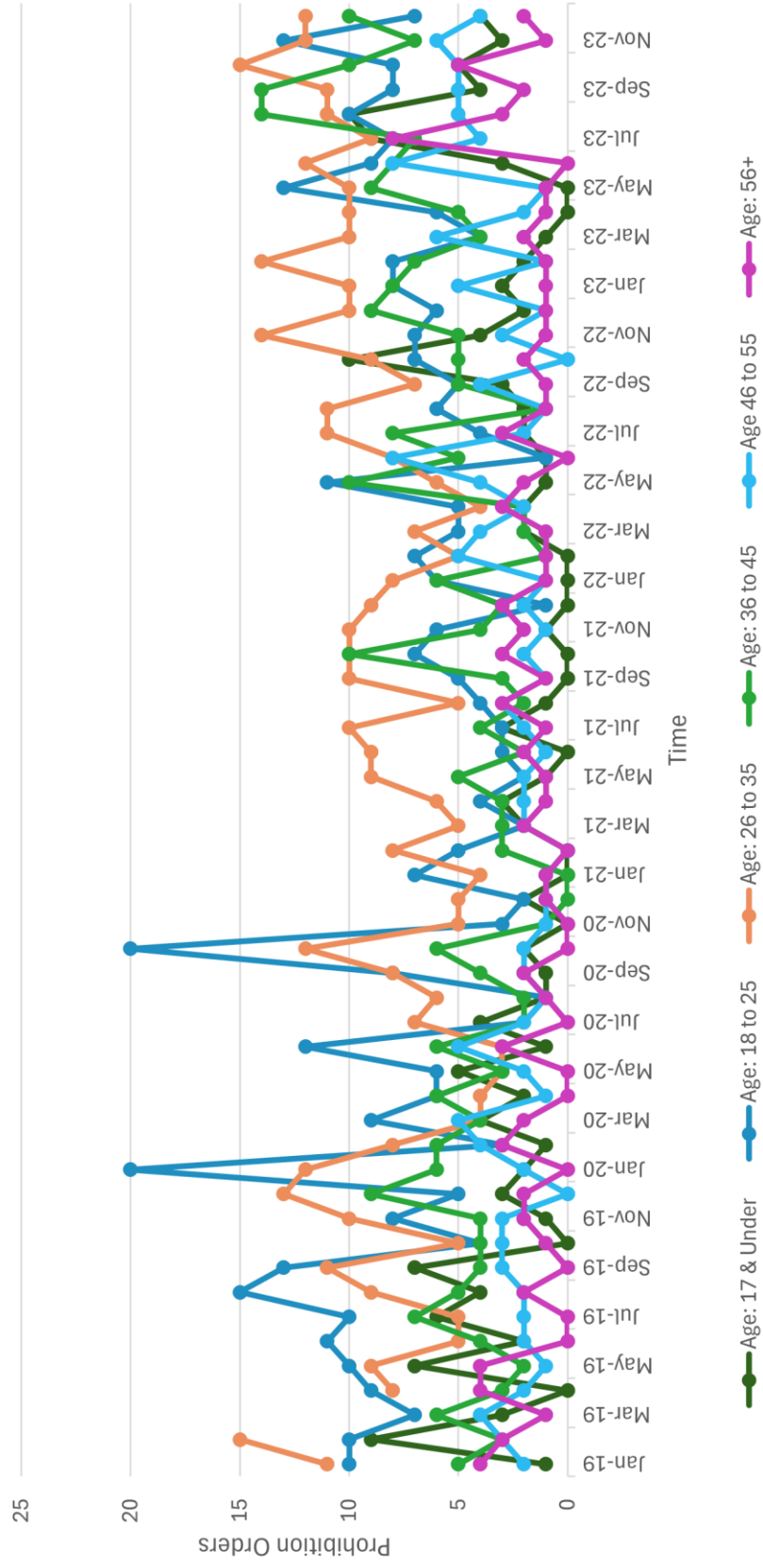


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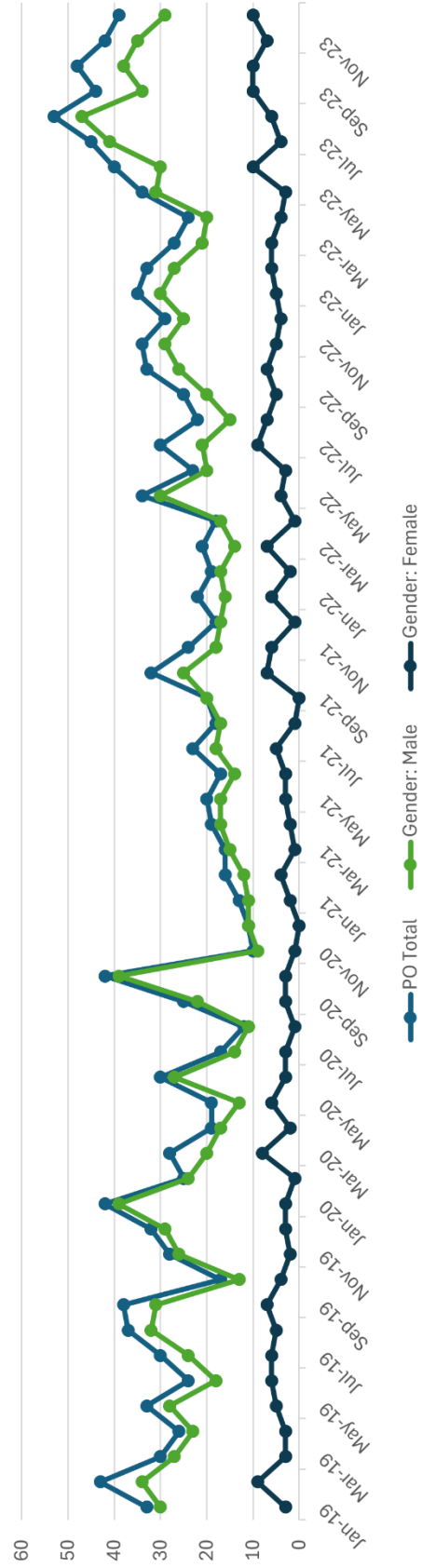




PO Offender Age Trends



PO Gender Trends 2019-2023



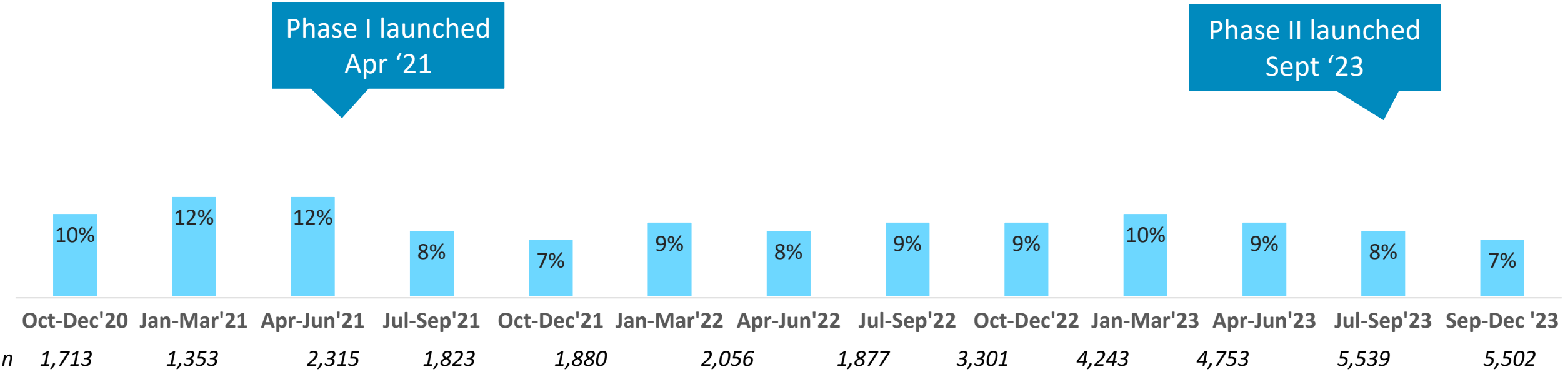
Tackling Sexual Harassment: Not One More Girl

- Not One More Girl is a BIPOC youth led initiative to combat sexual harassment and teach safety tips
- Centers around non-policing solutions and creating a culture of care among riders
- The initiative includes partnerships with community organizations, outreach to youth, and the use of art to help change the culture of violence



Sexual Harassment Data Collection

Because of Not One More Girl, BART began conducting a quarterly random survey of riders on trains asking about gender-based harassment.



Have you experienced gender-based sexual harassment at BART in the last six months?

Changes in Policy

- Prohibited sexual harassment in the Code of Conduct.
- Started collecting data.
- Unarmed ambassadors.
 - Hire transitional age youth for hiring panels.
- Added sexual harassment category to our reporting tool BART Watch.
- Was a pilot agency for new state mandated survey about street harassment.



Phase II Theme: Our Story of Courage



Our Story of Courage

#OurStoryOfCourage
focuses on the experience
of the bystander who
witnesses harm being done
to someone on BART, and
encourages them to step
into their power to enact
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#NotOneMoreGirl

 BETTI ONO

 BART

 THE UNITY COUNCIL

Our Story of Courage

Art by: Safi Kolozsvari Regalado



NOT ONE MORE GIRL

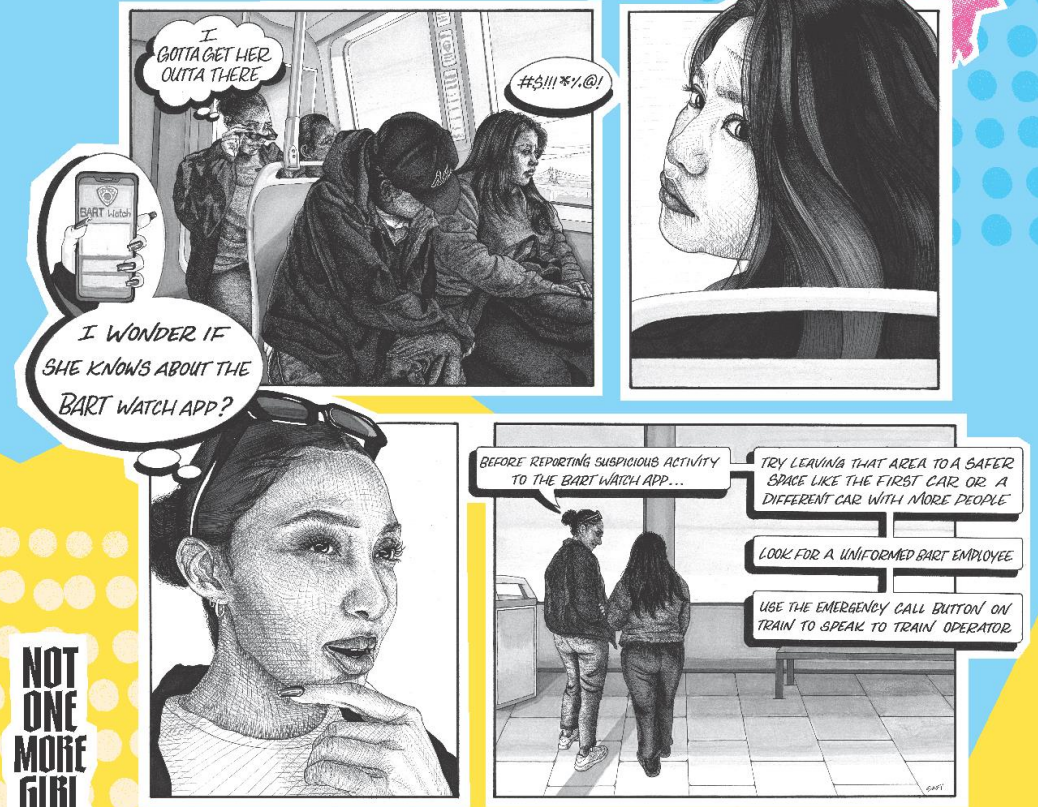


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Posters offer safety tips:

- Riding in the first car
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Our Story of Courage
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BART FIRST CAR
0510X

OUR STORY OF COURAGE!

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YOU GOT ME!

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BART
BETTI ONO
THE UNITY COUNCIL

Emergency Call Button



Random Sample Survey (1,929 sample)

- 30% recalled seeing the posters
- 47% now know where to get help if they experience sexual harassment or GBV
- 55% now know what to do if they witness sexual harassment or GBV
- 28% feel safer riding BART
- Based on demographics: posters successfully increased awareness among male, non-white, younger, and lower income riders
- Females, POC, younger riders are more likely to experience gender-based harassment

What riders recalled about the posters

- *Don't hassle women?!*
- *Women Safety Suggestions*
- *The anti-sexual harassment comic*
- *Unacceptable behavior*
- *Story about us*
- *Our story of courage*
- *Sexual harassment (help a friend)*
- *The one about helping the girl that needed help*

Phase I Posters



Testing Bystander Intervention Cards

- Available at all Station Agent booths
- Offered at outreach events and BART booths at festivals
- Promoting the cards on the platform digital screens
- Includes a survey to measure effectiveness



The Youth Asked us to Make Service Changes

- Running shorter trains during all hours of the day
 - Eliminates empty cars, makes cars more crowded
 - Brings first car closer to riders so you don't have to wait at the end of a dark platform
 - October had a 40% drop in number of trains negatively impacted by police incidents
- Increased service on nights on weekends so less time waiting on the platform
- Effort to upgrade platform lighting systemwide
- Ambassadors and Crisis Intervention Specialists

Bystander Intervention Training

- Approach the targeted person. Ignore the attacker.
- Ask another bystander to support you.
- Offer options to the targeted person for how you can support them.
- Engage in a conversation with the targeted person.



Frontline Staff Engagement

- Internalize the initiative to engage frontline workers on their ideas
- Meet with unarmed safety staff (Ambassadors and Crisis Intervention Specialists)
- Train operators and Station Agents (set up through union leadership)



Not One More Girl strategy session with BART Ambassadors and Crisis Intervention Specialist.



With the combined forces of cultural strategy, policy change, community engagement, and youth leadership development, the Not One More Girl team developed a campaign where “safety” on transit was redefined as girls saw it.

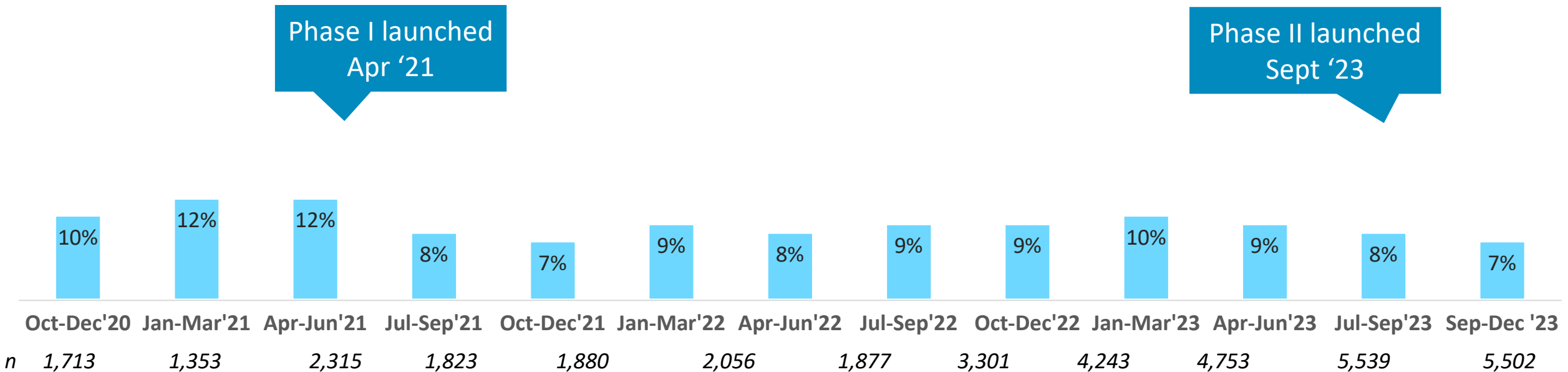
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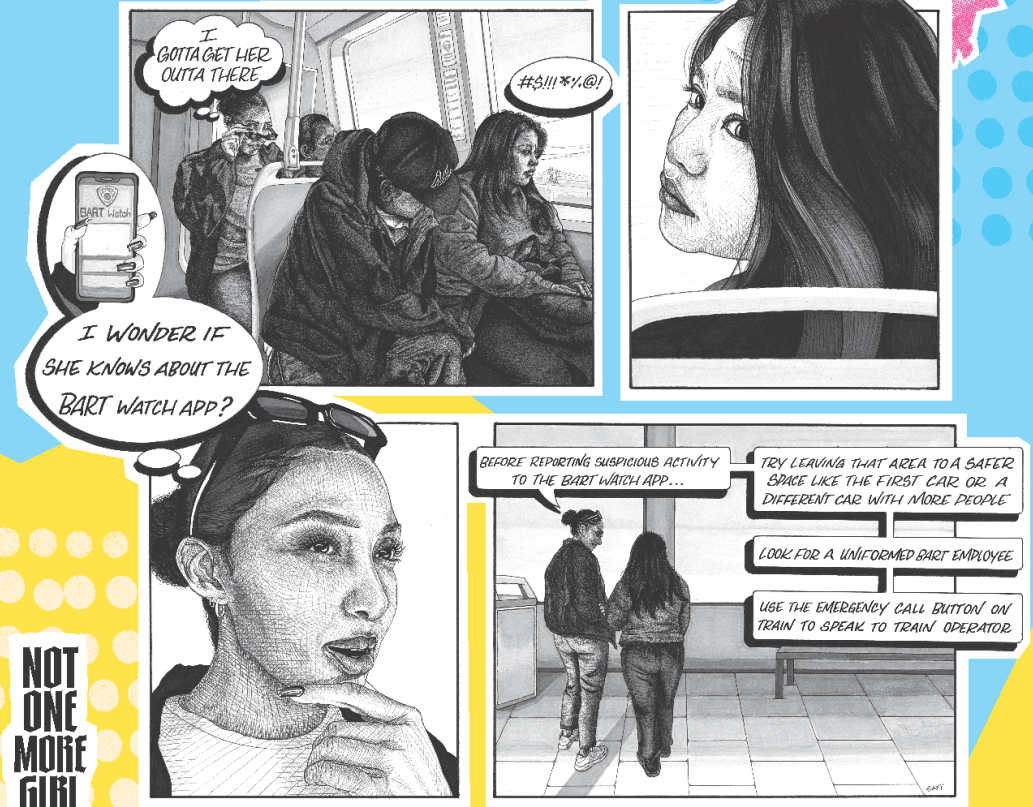


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Assembly Bill No. 730

CHAPTER 46

An act to amend Sections 99171 and 99172 of the Public Utilities Code, relating to transit districts.

[Approved by Governor July 10, 2017. Filed with
Secretary of State July 10, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

AB 730, Quirk. Transit districts: prohibition orders.

Existing law prohibits certain acts by a person with respect to the property, facilities, or vehicles of a transit district. A violation is generally an infraction punishable by a fine not exceeding \$75 on a first offense, or on a subsequent offense by a fine not exceeding \$250 or by community service.

Existing law authorizes the Sacramento Regional Transit District, the Fresno Area Express, and, until January 1, 2018, the San Francisco Bay Area Rapid Transit District to issue a prohibition order to any person cited for committing one or more of certain prohibited acts in specified transit facilities. Existing law prohibits a person subject to the prohibition order from entering the property, facilities, or vehicles of the transit district for specified periods of time. Existing law establishes notice requirements in that regard and provides for initial and administrative review of the order.

This bill would permanently apply these provisions to the San Francisco Bay Area Rapid Transit District.

The people of the State of California do enact as follows:

SECTION 1. Section 99171 of the Public Utilities Code is amended to read:

99171. (a) (1) A transit district may issue a prohibition order to any person to whom either of the following applies:

(A) On at least three separate occasions within a period of 90 consecutive days, the person is cited for an infraction committed in or on a vehicle, bus stop, or train or light rail station of the transit district for any act that is a violation of paragraph (2) or (5) of subdivision (a) of Section 99170 of this code or paragraph (1), (2), (3), or (4) of subdivision (d) of Section 640 or Section 640.5 of the Penal Code.

(B) The person is arrested or convicted for a misdemeanor or felony committed in or on a vehicle, bus stop, or light rail station of the transit district for acts involving violence, threats of violence, lewd or lascivious behavior, or possession for sale or sale of a controlled substance.

(C) The person is convicted of a violation of Section 11532 of the Health and Safety Code or Section 653.22 of the Penal Code.

(2) A person subject to a prohibition order may not enter the property, facilities, or vehicles of the transit district for a period of time deemed appropriate by the transit district, provided that the duration of a prohibition order shall not exceed the following, as applicable:

(A) Thirty days if issued pursuant to subparagraph (A) of paragraph (1), provided that a second prohibition order within one year may not exceed 90 days, and a third or subsequent prohibition order within one year may not exceed 180 days.

(B) Thirty days if issued pursuant to an arrest pursuant to subparagraph (B) of paragraph (1). Upon conviction of a misdemeanor offense, the duration of the prohibition order for the conviction, when added to the duration of the prohibition order for the initial arrest, if any, may not exceed 180 days. Upon conviction of a felony offense, the duration of the prohibition order for the conviction, when added to the duration of the prohibition order for the initial arrest, if any, may not exceed one year.

(3) No prohibition order issued under this subdivision shall be effective unless the transit district first affords the person an opportunity to contest the transit district's proposed action in accordance with procedures adopted by the transit district for this purpose. A transit district's procedures shall provide, at a minimum, for the notice and other protections set forth in subdivisions (b) and (c), and the transit district shall provide reasonable notification to the public of the availability of those procedures.

(b) (1) A notice of a prohibition order issued under subdivision (a) shall set forth a description of the conduct underlying the violation or violations giving rise to the prohibition order, including reference to the applicable statutory provision, ordinance, or transit district rule violated, the date of the violation, the approximate time of the violation, the location where the violation occurred, the period of the proposed prohibition, and the scope of the prohibition. The notice shall include a clear and conspicuous statement indicating the procedure for contesting the prohibition order. The notice of prohibition order shall be personally served upon the violator. The notice of prohibition order, or a copy, shall be considered a record kept in the ordinary course of business of the transit district and shall be prima facie evidence of the facts contained in the notice establishing a rebuttable presumption affecting the burden of producing evidence. For purposes of this paragraph, "clear and conspicuous" means in larger type than the surrounding text, or in contrasting type, font, or color to the surrounding text of the same size, or set off from the surrounding text of the same size by symbols or other marks that call attention to the language.

(2) For purposes of this section, "personal service" means any of the following:

(A) In-person delivery.

(B) Delivery by any form of mail providing for delivery confirmation, postage prepaid, to at least one address provided by the person being served,

including, but not limited to, the address set forth in any citation or in court records.

(C) Any alternate method approved in writing by the transit district and the person being served.

(3) If a person served with a notice of prohibition order is not able, or refuses, to provide a mailing address, the notice of prohibition order shall set forth the procedure for obtaining any letters, notices, or orders related to the prohibition order from the administrative offices of the transit district. For purposes of this section, delivery shall be deemed to have been made on the following date, as applicable:

(A) On the date of delivery, if delivered in person.

(B) On the date of confirmed delivery, for any delivery by mail.

(C) For any alternate method of service, as provided in the writing specifying the alternate method.

(4) Proof of service of the notice shall be filed with the transit district.

(5) If a person contests a notice of prohibition order, the transit district shall proceed in accordance with subdivision (c). If the notice of prohibition order is not contested within 10 calendar days after delivery by personal service, the prohibition order shall be deemed final and shall go into effect, without further action by the transit district, for the period of time set forth in the order.

(6) All prohibition orders shall be subject to an automatic stay and shall not take effect until the latest of the following:

(A) Eleven calendar days after delivery of the prohibition order by personal service.

(B) If an initial review is timely requested under paragraph (1) of subdivision (c), 11 calendar days after delivery by personal service of the results of the review.

(C) If an administrative hearing is timely requested under paragraph (3) of subdivision (c), the date the hearing officer's decision is delivered by personal service.

(c) (1) For a period of 10 calendar days from the delivery of the prohibition order by personal service, the person may request an initial review of the prohibition order by the transit district. The request may be made by telephone, in writing, or in person. There shall be no charge for this review. In conducting its review and reaching a determination, the transit district shall determine whether the prohibition order meets the requirements of subdivision (a) and, unless the person has been convicted of the offense or offenses, whether the offense or offenses for which the person was cited or arrested are proven by a preponderance of the evidence. If, following the initial review, based on these findings, the transit district determines that the prohibition order is not adequately supported or that extenuating circumstances make dismissal of the prohibition order appropriate in the interest of justice, the transit district shall cancel the notice. If, following the initial review, based on these findings, the transit district determines that the prohibition order should be upheld in whole or in part, the transit district shall issue a written statement to that effect, including

any modification to the period or scope of the prohibition order. The transit district shall serve the results of the initial review to the person contesting the notice by personal service.

(2) The transit district may modify or cancel a prohibition order in the interest of justice. The transit district shall cancel a prohibition order if it determines that the person did not understand the nature and extent of his or her actions or did not have the ability to control his or her actions. If the person is dependent upon the transit system for trips of necessity, including, but not limited to, travel to or from medical or legal appointments, school or training classes, places of employment, or obtaining food, clothing, and necessary household items, the transit district shall modify a prohibition order to allow for those trips. A person requesting a cancellation or modification in the interest of justice shall have the burden of establishing the qualifying circumstances by a preponderance of the evidence.

(3) If the person is dissatisfied with the results of the initial review, the person may request an administrative hearing of the prohibition order no later than 10 calendar days after the results of the initial review are delivered by personal service. The request may be made by telephone, in writing, or in person. An administrative hearing shall be held within 30 calendar days after the receipt of a request for an administrative hearing. The person requesting the hearing may request one continuance, not to exceed seven calendar days.

(4) The administrative hearing process shall include all of the following:

(A) The person requesting the hearing shall have the choice of a hearing by mail or in person. An in-person hearing shall be conducted within the jurisdiction of the transit district.

(B) The administrative hearing shall be conducted in accordance with written procedures established by the transit district and approved by the governing body or chief executive officer of the transit district. The hearing shall provide an independent, objective, fair, and impartial review of the prohibition order.

(C) The administrative review shall be conducted before a hearing officer designated to conduct the review by the transit district's governing body or chief executive officer. In addition to any other requirements, a hearing officer shall demonstrate the qualifications, training, and objectivity prescribed by the transit agency's governing body or chief executive officer as are necessary to fulfill and that are consistent with the duties and responsibilities set forth in this subdivision. The hearing officer's continued service, performance evaluation, compensation, and benefits, as applicable, shall not be directly or indirectly linked to the number of prohibition orders upheld by the hearing officer.

(D) The person who issued the notice of prohibition order shall not be required to participate in an administrative hearing, unless participation is requested by the person requesting the hearing. The request for participation must be made at least five calendar days prior to the date of the hearing and may be made by telephone, in writing, or in person. The notice of prohibition order, in proper form, shall be prima facie evidence of the violation or

violations pursuant to subdivision (a) establishing a rebuttable presumption affecting the burden of producing evidence.

(E) In issuing a decision, the hearing officer shall determine whether the prohibition order meets the requirements of subdivision (a) and, unless the person has been convicted of the offense or offenses, whether the offense or offenses for which the person was cited or arrested are proven by a preponderance of the evidence. Based upon these findings, the hearing officer may uphold the prohibition order in whole, determine that the prohibition order is not adequately supported, or cancel or modify the prohibition order in the interest of justice. The hearing officer shall cancel a prohibition order if he or she determines that the person did not understand the nature and extent of his or her actions or did not have the ability to control his or her actions. If the person is dependent upon the transit system for trips of necessity, including, but not limited to, travel to or from medical or legal appointments, school or training classes, places of employment, or obtaining food, clothing, and necessary household items, the transit district shall modify a prohibition order to allow for those trips. A person requesting a cancellation or modification in the interest of justice shall have the burden of establishing the qualifying circumstances by a preponderance of the evidence.

(F) The hearing officer's decision following the administrative hearing shall be delivered by personal service.

(G) A person aggrieved by the final decision of the hearing officer may seek judicial review of the decision within 90 days of the date of delivery of the decision by personal service, as provided by Section 1094.6 of the Code of Civil Procedure.

(d) A person issued a prohibition order under subdivision (a) may, within 10 calendar days of the date the order goes into effect under paragraph (6) of subdivision (b), request a refund for any prepaid fare media rendered unusable in whole or in part by the prohibition order, including, but not limited to, monthly passes. If the fare media remain usable for one or more days outside the period of the prohibition order, the refund shall be prorated based on the number of days the fare media will be unusable. The issuance of a refund may be made contingent on surrender of the fare media.

(e) For purposes of this section, "transit district" means the Sacramento Regional Transit District, the Fresno Area Express, or the San Francisco Bay Area Rapid Transit District.

SEC. 2. Section 99172 of the Public Utilities Code is amended to read:

99172. (a) Prior to exercising the authority given in subdivision (a) of Section 99171 to issue prohibition orders, a transit district shall do all of the following:

(1) Establish an advisory committee for the purpose of evaluating the procedures for and issuance of prohibition orders and recommending a course of training for personnel charged with issuance and enforcement of prohibition orders.

(2) Ensure that personnel to be charged with issuance and enforcement of prohibition orders have received training as recommended by the advisory committee.

(3) Provide reasonable notification to transit district riders that persons who engage in disorderly conduct may be subject to a prohibition order barring the person from the transit district's property, facilities, or vehicles for a period of up to one year. "Reasonable notification" may include, but is not limited to, information on the transit district's Internet Web site, in written materials, at transit stations, and on citations issued by the transit district of the types of conduct that may result in issuance of a prohibition order.

(b) The advisory committee shall be composed of at least five members appointed by the legislative body of the transit district. At least one of the members of the advisory committee shall have experience working with individuals with psychiatric, developmental, or other disabilities, at least one member shall be a youth advocate, and at least one member shall have law enforcement experience.

(c) The advisory committee shall be tasked, at a minimum, with all of the following:

(1) Providing recommendations, in consultation with the county mental health director within the service area of the transit district, regarding the type and extent of training that should be undertaken by individuals with responsibility for issuance and enforcement of prohibition orders, with particular emphasis on training designed to assist those individuals in identifying and interacting with persons who are homeless or who have psychiatric, developmental, or other disabilities.

(2) Identifying, in consultation with the county mental health director within the service area of the transit district, services and programs to which persons who are homeless or who have psychiatric, developmental, or other disabilities may be referred by transit district enforcement personnel prior to or in conjunction with issuance of a prohibition order.

(3) Monitoring the issuance of prohibition orders to assist the transit district in ensuring compliance with Section 51 of the Civil Code.

(4) Providing the governing board of the transit district and the Legislature with an annual report summarizing the number of prohibition orders that were issued by the transit district during the preceding year, including, but not limited to, the types and numbers of citations by category, and the number of exclusion orders appealed, the appeals granted, the reasons granted, and other relevant information directly related to those orders.

(d) The transit district may use an existing advisory committee to fulfill the requirements of this section, provided that the composition and purpose of the existing advisory committee meet or are modified to meet the requirements of this section.

(e) For purposes of this section, “transit district” means the Sacramento Regional Transit District, the Fresno Area Express, or the San Francisco Bay Area Rapid Transit District.

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