



Office of the  
**INDEPENDENT  
POLICE AUDITOR**

BAY AREA RAPID TRANSIT DISTRICT

Independent Police Auditor's Quarterly Update to the BART Board of Directors

November 19, 2020



# The BART Office of the Independent Police Auditor (OIPA)

## The Independent Police Oversight System at BART

- The BART Citizen Oversight Model is among the most effective in the country
- National demand for police reform resulted in several ballot measures, many of which sought to create or strengthen civilian oversight
- Features similar to our Model were approved by voters in SF, SJ, Berkeley, Oakland, Sonoma County, and San Diego
  - Investigative authority
  - Access to data
  - Internal Affairs oversight
  - Well-defined independence
  - Disciplinary role
- Robust oversight, including examination of low-level force and de-escalation efforts is intended to prevent unnecessary use of force, including lethal force
  - BART model allows for early detection of individual or systemic issues
  - **Detection and remedial action in these areas is intended to prevent loss of life**
    - OIPA approach relies on the belief that an oversight system must examine negative outcomes while simultaneously working to address all the factors that may contribute to those negative outcomes



# Racial Equity

BART historically stands against discrimination but is now committed to actively fighting racism

- The District has prioritized advancing systemic racial equity by participating in a year-long Government Alliance on Race and Equity (GARE) training series

## The BART Introductory Year Cohort

**There is a team of 17 BART employees from 10 different departments including Operations, Communications, BPD, OCR, OGC and others**

- Our cohort is a leadership team responsible for designing, coordinating, and organizing racial equity plans and activities across throughout BART to promote equitable systems change
- The team is the engine for transformation, having challenging conversations, moving our diverse community of workers in a common direction, and building partnerships to eliminate disparities



# Racial Equity

- Will result in the development of a Racial Equity Action Plan to be administered by the BART Office of Civil Rights
- Applies a racial equity lens to all external BART projects and internal policies and practices, including re law enforcement
- Allows BART to understand its role and capacity for mitigation of harm
- Allows BART to apply consistent practices to equity analyses
- Requires BART to develop partnerships to expand our capacity for impact
- **Highlights the critical importance of community input**
  - **To identify harm**
  - **To measure the success of our efforts**
- BART cohort will complete the training in December 2020



# Racial Equity

- OIPA worked in partnership with BPD Chief Alvarez to craft an appropriate statement in response to the killing of George Floyd
- OIPA advised executive management re messaging and response to national demand for police reform
- OIPA is leading the effort to provide equity training for staff
- OIPA is engaged with executive management to inform staff response to Directors' RCI re Policing
- OIPA is engaged in addressing racial disparities in policing
- OIPA reviews BPD use of force to address racially disparate application
- OIPA reviews "Quality of Life" contacts to address racially disparate impact of enforcement



# Model Adherence

- Review of BPD Activity
  - Prioritizing review of force related to low level contacts
    - Facemask enforcement
    - Fare evasion
    - Proof of Payment
    - End-of-revenue sweeps
    - Wellness checks
    - Eating/Drinking/Smoking
- Investigations
  - Decreasing completion times
  - Finalizing recruitment for an independent police investigator
  - No OIPA findings rejected by the BART Police Citizen Review Board (BPCRB) or appealed by Chief Alvarez



# Model Adherence

- OIPA Review of BPD Activity Has Resulted in Detection of Potential Misconduct and Opportunities for Policy Improvements
  - Chief Alvarez and BPD command staff are consistently receptive to OIPA input and recommendations for review
  - Misconduct allegations flagged by OIPA are appropriately and thoroughly investigated
  - Chief Alvarez updated instructions to personnel to eliminate problematic practices related to enforcement of the Proof of Payment Ordinance
    - OIPA identified that sworn officers interpreted educational contacts for facemask compliance as legal detentions, during which proof of payment may be requested
    - Sworn officers used discretion when deciding whether to request proof of payment during these facemask contacts



# Body Worn Cameras (BWC)

- Previously reported policy revision to provide 60 second buffer with audio
- OIPA resources allow for spot checks
- OIPA prioritizes review of certain contacts
  - Resisting Arrest or Detention
  - Fare Evasion
  - Proof of Payment Ejections
  - Facemask Ejections
- Review of these contacts resulted in:
  - Detection of officer misconduct (resulting in appropriate review/discipline)
  - Detection of potential misconduct (currently under investigation)
  - Formal complaints made to an officer or supervisor in the field that were not forwarded to the Office of Internal Affairs
  - Revision of facemask violation enforcement instructions
  - Revision of PoP Ordinance enforcement instructions
  - Remedial training related to supervisors' use of force review
  - OIPA recommendation related to BPD supervisory audits of BWC labeling and categorization
  - Identification of successful de-escalation efforts
- OIPA continues to detect late activations
  - OIPA identified that some officers powered down the BWC equipment to eliminate buffering
    - Significant decrease in this activity immediately following updated instructions from Chief Alvarez
- OIPA designing a reporting system to track officer adherence to the BWC policy
- OIPA and BPD are benefiting from the adjustment of buffering settings
  - Initial verbal contact often sets the tone and was occasionally missing from recordings before this adjustment
    - Examination of these early moments informs ongoing de-escalation efforts
- OIPA is seeing increased adherence to BWC policy





# Outreach and Education

- In-person outreach has been missing due to the Covid-19 pandemic
- OIPA renewed contract with Irlando Consulting to continue to establish online solutions for increased awareness and educational opportunities
- Establishing effective virtual outreach practices will allow OIPA to inform and connect with more people
- OIPA graphics are now included on Fleet of the Future display screens and our car card continues to run in the Legacy Fleet
- Re-branding was postponed due to the District's shifting priorities related to Covid-19.
  - OIPA will reinvigorate this project as resources allow
- National police reform discussions provided opportunities to advise legislators, advocates, researchers, community members, and elected officials about the efficacy of the BART Citizen Oversight Model



# Outreach and Education

- Discussion of Policing Reform and Civilian Oversight
  - National Association for Civilian Oversight of Law Enforcement (NACOLE) Panel Organizer and Presenter
    - GARE Training
    - Connection between racial equity and police Oversight
    - Equitable approaches to providing oversight services to the public
    - Engaging governmental agency leadership
    - Engaging governmental partners
    - Connecting with/learning from community partners
- Alameda County Bar Association (ACBA) Webinar
- San Francisco Department of Police Accountability (SFDPA) Panel
- Coro Fellowship Logic Study
- Coro Fellowship Progressive Policing Study
- National Association of City Transportation Officials (NACTO) – Alternatives to Policing
- Women's Safety on Transit, Alternative Models to Policing
- District-Wide Community Engagement Efforts re Policing Reform (re RCI response)



# Training

- Integrating Communications, Assessment and Tactics (ICAT) Update
  - ICAT designed by Police Executive Research Forum (PERF) and launched in 2016
  - OIPA and BPD personnel attended 3-day training in January 2020
  - Recent PERF report re Louisville, KY PD shows positive results
    - 28% Reduction in use of force
    - 26% Decline in citizen injuries
    - 36% Reduction in officer injuries
    - Officers found the training useful
    - Shifted Departmental Culture
    - Increased credibility of police in communities served
  - ICAT is applicable in **all** areas of policing, including:
    - Communication
    - Listening
    - Empathy
    - Problem-solving
    - Officer safety, health, and wellness
    - Developing and maintaining trust
- OIPA Staff Training
  - NACOLE Annual Conference
  - Implicit Bias Training
  - Effective Interviewing
  - Women's Safety on Transit
  - GARE
  - Race Forward Annual Conference



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**[www.bart.gov/about/policeauditor](http://www.bart.gov/about/policeauditor)**

**Thank you!**

