



# The Bay Area Rapid Transit Police Department Report

# We do science to promote justice.



## CENTER FOR POLICING EQUITY

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## Bay Area Rapid Transit Police Department is Committed to Enhancing Equity & Improving Community Trust

Bay Area Rapid Transit (BART) Police Department has a long history with the Center for Policing Equity (CPE). The police department began its relationship with CPE in 2012, when CPE trainers conducted a workshop on the masculinity threat in policing.

In 2013 and 2014, CPE worked with BART to produce two reports entitled “Police-Initiated Stops for Fare Evasion in the BART System: Embarcadero, Powell, 12th Street and Dublin/Pleasanton Stations” (a preliminary report shared in June 2013 and an addendum to it shared in April 2014).

In November 2015, BART PD began to share data with CPE as part of the **National Justice Database (NJD)**.

In 2017-2018, BART officers participated in focus groups in the course of CPE’s development of the COPS Guidebook, which was published in 2019.

During the course of its work with CPE, BART PD has been led by several different chiefs. Most recently, in May 2019, Interim Chief Ed Alvarez took over leadership of the department from former Chief Carlos Rojas, who retired in April 2019. Chief Alvarez was promoted from Interim Chief to Chief in January 2020.

By participating in CPE's National Justice Database, and various reports and CPE initiatives, BART PD has shown itself to be a leader in its commitment to advancing policing outcomes. BART PD initiated the partnership with CPE and has participated with courage and transparency, knowing that disparities would be found. CPE commends BART PD for their proactive and ongoing participation in enhancing equity, and encourages BART PD to undertake additional steps enhance their commitment to fair and equitable policing.

## Key Findings

The Center for Policing Equity partnered with the Bay Area Rapid Transit (California) Police Department to examine policing practices and behavior from 2012 to 2017 as part of the **National Justice Database (NJD) project**. CPE examined the incidences of vehicle stops, pedestrian stops, and use of force in order to:

- Identify any racial disparities in police interactions with civilians
- Determine if disparities were caused by inequitable practices or other factors
- Identify any attitudinal dispositions by officers or within the department that may be risk factors for inequitable practices

CPE analyzed data provided by BART PD to generate this report. Findings and recommendations are summarized in the following pages.



## Key Findings

Results of the study did show racial disparities in BART PD interactions with community members during the study period. Key findings include:

Black persons comprise under 9% of the estimated residential population served by BART, but 63% of persons who experienced force were Black.

The force type most commonly recorded in BART use-of-force incidents was “hands-on” (including physical restraint, which was used in 45% of recorded force incidents, and physical striking in 2%) —and the second most recorded was the pointing or display of a firearm.

After taking into account crime, poverty, and racial demographics of the area around each BART station, the estimated rate of BART PD rider stops was eight times higher for Black riders than for White riders, and more rider stops were made in areas with higher poverty rates.

## What does this mean?

Disparities do not necessarily indicate that police officers have engaged in biased or discriminatory behavior.

Disparities in rates of police contact and the outcomes of this contact mean racial groups in California's Bay Area have different experiences of BART PD policing.

This is important to measure, as these differences can represent pain points for communities.



- **Factors outside of a department's control (e.g., poverty and crime rates) contribute to disparities. Measuring these factors can help infer what portion of the disparity is likely related to officer behavior and/or departmental policies and practices.**

## Recommendations

CPE developed six recommendations to improve police and community relations :

- **Updating use of force, stops, and searches data collection.** CPE recommends that BART PD adopts a written policy requiring officers to collect data on all stops in accordance with the Racial and Identity Profiling Act of 2015. This ensures that officers are trained to record racial data for stops and use of force and requires that arrests at vehicle/rider stops or after a use-of-force incident are recorded.



## Recommendations

- **Requiring supervisor review of stop records.** CPE recommends BART PD require officers to submit brief daily narratives to their supervisors about stops conducted, and that supervisors review these reports in a timely manner.



- **Reviewing fare enforcement policies.** Since BART PD indicates a majority of its activities consist of fare enforcement, CPE recommends the department monitors locations of enforcement and times of enforcement to ensure efficient and equitable deployment.

## Recommendations

- **Adopting a new policy on drawing or displaying firearms.** CPE recommends BART PD revise Policy 300.3.5 by adopting a policy stating that officers may only draw or display their firearms if they reasonably believe that there is a substantial risk that the situation may escalate to the point where deadly force may be justified.



## Recommendations

- **Further examining the cause of distrust with the community.** CPE recommends BART PD explore the underlying causes of distrust for both officers and community members by hosting open dialogues and listening sessions or administering community surveys. BART PD must implement responsive changes that are transparent to all concerned.
- **Collaborating with other officials.** CPE recommends BART PD work in collaboration with the BART Office of the Independent Police Auditor and the BART Police Citizen Review Board to implement the recommendations made in the full report.

**CPE's hope is that BART PD can leverage the information to address racial disparities and improve police-community relations.**



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## Ways in Which The BART PD Proactively Enhances Equity Already

*BART PD has described the following equity initiatives above and beyond those evaluated by CPE as part of the NJD project:*

Progressive modules with policing experts

The use of body-worn cameras

The adoption of a progressive Civilian Oversight Model



Serving as an ICAT pilot agency

Earning the Commission on Accreditation for Law Enforcement Agencies (CALEA) accreditation

- To promote even more transparency and accountability, BART PD also publishes an Annual Internal Affairs Report, which started in 2010 and describes data around the nature of complaints, the number and type of incidents involving officer use of force, and the demographics of complainants.
- CPE's full Bay Area Rapid Transit Police Department Report is available on BART's website at [www.bart.gov](http://www.bart.gov).



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communities want and  
law enforcement can stand behind