



About This Report

The Center for Policing Equity (CPE) partnered with the Bay Area Rapid Transit (California) Police Department (BART PD) 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 below.

What Does It Mean If This Analysis Finds Evidence of Racial Disparities?

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 that 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.

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 less than 9% of the estimated residential population served by BART PD, but 63% of persons that experienced force were Black.
- The force type most commonly recorded in BART PD 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 8 times higher for Black riders than for White riders, and more rider stops were made in areas with higher poverty rates.

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

Bay Area Rapid Transit Police Department is Committed To Enhancing Equity and Improving Community Trust

BART PD has a long history with 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 PD 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 PD 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 equitable 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 to enhance their commitment to fair and equitable policing.

RECOMMENDATIONS

CPE developed 6 recommendations to improve police and community relations:

1. **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, 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.
2. **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.
3. **Reviewing fare enforcement policies.** Since BART PD indicates a majority of its activities consist of fare enforcement, CPE recommends the department monitor locations of enforcement and times of enforcement to ensure efficient and equitable deployment.
4. **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.
5. **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.
6. **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.

Additional Ways in Which BART PD Proactively Enhances Equity Within the Community Already

The Bay Area Rapid Transit Police Department has described the following equity initiatives, above and beyond those evaluated by CPE as part of the NJD project:

- **Progressive modules with policing experts** such as Dr. Phillip Atiba Goff and Dr. Lorie Fridell and Crisis Intervention Training.
- **The use of body-worn cameras** In 2013 BART PD – one of the first police departments in the nation – implemented a department-wide requirement of body worn cameras by all of its officers.
- **The adoption of a progressive Civilian Oversight Model**, that includes two layers of oversight with the Office of Independent Police Auditor and a Civilian Review Board.
- **Serving as an ICAT pilot agency**, in 2016, BART PD was a pilot for the Police Executives Research Forum's (PERF) development of the "Integrating Communications, Assessment, and Tactics" (ICAT) program based on PERF's Guiding Principles on Use of Force (de-escalation training).
- **Earning the Commission on Accreditation for Law Enforcement Agencies (CALEA) accreditation**, in 2019, BART PD began the process to become CALEA accredited, which is the next phase of progress following implementations of National Organization of Black Law Enforcement Executives (NOBLE) recommendations.

To promote even more transparency and accountability, BART PD also publishes an Annual Internal Affairs Report which started in 2010 describing data around the nature of complaints, the number and type of incidents involving officer use of force and the demographics of complainants.

Read the Full Report *For access to the full Bay Area Rapid Transit Police Department Report please request it from the Chief's office.*

The Center for Policing Equity (CPE) is the nation's leading nonprofit organization dedicated to promoting and achieving policing equity. CPE addresses some of the nation's biggest social challenges through data and accountability. CPE works with police departments, communities, and political stakeholders to look for ways to strengthen relationships between law enforcement and the communities they serve. CPE has worked with Google, the TED Conference, SXSW, The Atlantic, and more. CPE created the National Justice Database, the nation's first database tracking national statistics on police behavior, including stops and use of force, built on data collected and voluntarily contributed by police departments across the country.