



**SAN FRANCISCO BAY AREA  
RAPID TRANSIT DISTRICT**

**ANNUAL PROHIBITION ORDER REPORT  
TO THE CALIFORNIA LEGISLATURE**

**March 2022**

This report annual report summarizes the San Francisco Bay Area Rapid Transit District's prohibition order program pursuant to Assembly Bill 730 (Chapter 46, Statutes of 2017). The report contains data gathered from documented calls of service regarding incidents occurring on BART property and trains, in addition to statistics obtained from BART Police Officers.

## Table of Contents

|   |       |
|---|-------|
| Message from the Chief of Police                            | 3     |
| Message from BART Transit Security Advisory Committee Chair | 4     |
| Overview of the Transit Security Advisory Committee         | 5-6   |
| Legislative History   | 7     |
| Summary of Assembly Bill 730                                | 8     |
| Transit System Profile                                      | 9     |
| Conclusions and Observations for 2021                       | 10-18 |
| 2021 Prohibition Statistics                                 | 19-23 |

## Message from the Chief of Police

Honorable Members of the California State Legislature,

The men and women of the San Francisco Bay Area Rapid Transit District (BART) Police Department are committed to ensuring the safety and security of all BART riders and employees.

In 2011, the Legislature passed, and the Governor signed AB 716 (Dickinson) into law, granting BART the authority to implement a pilot program to issue prohibition orders. The program was created to improve front-line employee and rider safety by excluding persons from the transit system who had committed certain acts of violence, misdemeanors, or felonies.

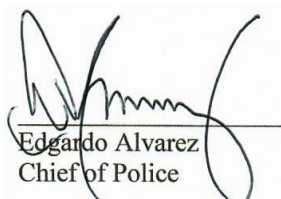
BART began issuing prohibition orders in mid-2013 and throughout the program has focused on serious and repeat offenders who commit violent crimes, sexual offenses, or traffic and sell narcotics on BART property. In 2017, BART received permanent authority to issue prohibition orders through the passage of AB 730 (Quirk).

With permanent authority to issue prohibition orders, BART remains committed to public safety and the protection of our riders and employees. We believe the authority to exclude individuals who commit violent crimes on BART property or cause drug-related safety concerns, is a great asset to implementing an effective public safety strategy.

As the COVID-19 pandemic continues, 2021 proved to be another challenging year for BART. However, we have seen results from new programs. After its creation in 2020, we saw in its first full year how the ridership experience has been improved by the new Bureau of Progressive Policing and Community Engagement. The increased presence of non-armed personnel, including Transit Ambassadors and Crisis Intervention Specialists, in our stations and on our trains has made strides in addressing issues of homelessness, mental illness, and drug addiction.

I am committed to making BART the most progressive department in the country. This means taking steps to build upon more than a decade of reforms, expanding training, and implementing new initiatives to bolster oversight, accountability, and trust within the communities we serve. As shown in our annual reports, BART is committed to collecting and analyzing data related to passenger behavior and crimes committed on BART property. practices to ensure fair and impartial policing across arrests, citations, and police contacts. It is our hope these reviews will keep BART accountability to the public and help build community trust moving forward.

Thank you for your continued support,



Edgardo Alvarez  
Chief of Police

## Message from the Transit Security Advisory Committee Chair

Honorable Members of the California State Legislature,

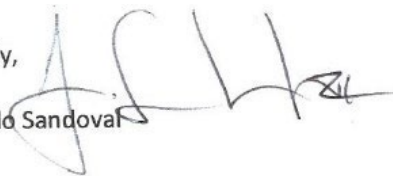
The Transit Security Advisory Committee (TSAC) of the San Francisco Bay Area Rapid Transit District (BART) is the citizen and community advisory committee that works to ensure that Assembly Bill 730 is implemented as the Legislature intended. AB 730 requires an annual report from BART to the Legislature on the statistics regarding prohibition orders and crimes of violence.

The TSAC is made up of both members of the community and BART employees. The TSAC takes seriously its role in examining the program's monthly statistics, findings related to the issuance of prohibition orders, and ways in which BART can effectively promote the safety and security of both riders and employees.

This year the TSAC welcomed new members, who will bring a wealth of knowledge in the areas of youth advocacy, mindfulness/mental health wellness, and law enforcement. The TSAC is also committed to focusing on more comprehensive reviews of monthly data as well as a review of the total data received since the conception of this granted authority. Utilizing the data received, we will continue to look at the determining factors leading to the issuance of a prohibition order, suggest proactive outreach strategies on youth engagement/education of the BART system, and offer recommendations for employee education and support to create a safer environment for both BART employees and its ridership.

Sincerely,

Armando Sandoval  
Chair

A handwritten signature in blue ink, appearing to read 'Armando Sandoval', is written over the typed name and title.

## Overview of the Transit Security Advisory Committee

Pursuant to authorizing legislation, Assembly Bill 716 (Chapter 534, Statutes of 2011), BART established a Transit Security Advisory Committee (TSAC) to serve as a volunteer advisory group and review body for the implementation of BART's exclusion policy. Drawing from their private and public-sector experiences, committee members bring a diverse set of skills to the program's planning and review.

The advisory committee members and alternates are appointed by the BART Board of Directors. Meetings are generally held once per month. The committee consists of at least five members and no greater than seven. At least one of the committee members must have experience working with individuals with psychiatric or other disabilities, one must have experience as a youth advocate, and at least one advisory committee member must have law enforcement experience as a sworn peace officer.

In 2021, three of the advisory committee members have experience working with individuals with psychiatric or other disabilities, and at least two members have experience working in youth services. In addition, one advisory committee member is from the bargaining unit representing BART Station Agents.

The advisory committee is tasked with the following:

1. Providing recommendations, in consultation with the county mental health directors 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 or other disabilities.
2. Identifying, in consultation with the county mental health directors 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, also known as the Unruh Civil Rights Act.
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.

Armando Sandoval, Chair  
Behavioral Health/Youth Advocate  
(Appointed 7/23/2021 – Term ends 7/1/2023)

Yulanda Williams, Vice Chair  
Law Enforcement Representative  
(Appointed 3/25/2021 - Term ends 7/1/2023)

Janet Abelson  
Behavioral Health/Youth Advocate  
(Appointed 7/23/2020 – Term ends 7/1/2022)

Manual Vasquez  
Public-at-Large  
(Appointed 7/23/2020 – Term ends 7/1/2022)

Tiffany Lacsado  
Public-at-Large  
(Appointed 7/23/2020 – Term ends 7/1/2022)

Angela Jenkins  
Public-at-Large  
(Appointed 3/25/2021 - Term ends 7/1/2023)

Stephanie Barnes  
Public-at-Large  
(Appointed 3/25/2021 - Term ends 7/1/2023)

Randall Glock  
Alternate  
(Appointed 7/23/2020 – Term ends 7/1/2022)

### **TSAC Staff**

Mag Tatum  
BART, District Secretary Office

#### **Past members:**

Stephine Barnes  
Public-at-Large  
Service ended 9/24/21

## Legislative History

Like other public transit systems in the state and across the country, BART is experiencing an increasing number of complaints from riders and employees regarding safety and security. The BART Board of Directors believes that the safety of its workers and riders must be an ongoing priority. For this reason, in 2010, BART sought to be included in state legislation, Assembly Bill 716 (Dickinson, 2011), which reauthorized programs assisting with crime control for the Sacramento Regional Transit District and Fresno Area Express.

AB 716 passed the Legislature, was signed by the Governor, and became law on January 1, 2012. As amended, the bill authorized the creation of a three-year pilot project where BART could focus on reducing the number of passenger disruptions and improving overall service through a process that would exclude passengers cited for certain offenses. The bill would also assist BART in protecting its front-line employees, including station agents, system service workers, and BART Police Officers from acts of violence. BART began to issue prohibition orders authorized by AB 716 in 2013 and soon realized a significant number of the orders were issued for domestic violence offenses.

Introduced by Senator Loni Hancock (D-Berkeley) in 2014, SB 1154 clarified that BART Police are in fact included in the general provisions of the law enforcement response to domestic violence and have the authority to issue Emergency Protective Orders (EPO) and take temporary custody of firearms or deadly weapons while conducting domestic violence investigations. SB 1154 received no negative votes in either house of the Legislature and was signed into law by Governor Brown in September 2014. The bill added BART Police to the following Penal Code Sections: 13700, 646.91, and 18250. Additionally, the bill extended the sunset provisions relating to BART's prohibition order authority until January 1, 2018.

In 2017, AB 730, authored by Assemblymember Bill Quirk (D-Hayward), was introduced, and granted permanent authority to BART to issue prohibition orders. Persons could be banned from entering BART property for 30, 90 or 180 days for committing specified acts and crimes as defined within the earlier AB 716. AB 730 was signed into law in July 2017 and went into effect on January 1, 2018.

In 2021, BART sponsored AB 1337 by Assemblymember Alex Lee (D-Milpitas), extending the authority to issue prohibition orders to areas where BART has an operating agreement but does not own the land. This was necessitated by the opening of new stations in Santa Clara County, situated on property that BART does not own. AB 1337 went into effect January 1, 2022.

## Summary of Assembly Bill 730

The purpose of AB 730 is to enhance safety and public transit system security by excluding public transit riders whose actions impact the safety and security of public transit passengers and public transit employees. The law allows BART to exclude passengers from entering the transit system for specified periods of time, depending on the nature and the frequency of offenses committed while on transit district property. The law does not intend to target or adversely impact any one group of individuals. The law relies in part on provisions in the state Public Utilities Code (PUC) to define those actions or behaviors which passengers see as disruptive and the number of offenses for which a passenger may be cited. Generally, AB 730:

1. Authorizes BART to issue a prohibition order to any person who, on at least three separate occasions within a period of 90 consecutive days, is cited for a transit related misdemeanor committed in or on a vehicle, bus stop, or light rail station of the transit district for any act that is a violation as specified in statute.
2. Authorizes a prohibition order to be issued to a person arrested or convicted for any misdemeanor or felony committed in or on BART District property.
3. Prohibits a person subject to a prohibition order from entering the property, facilities, or vehicles of BART for a period of time deemed appropriate.
4. Specifies prohibition processes, notification procedures, and hearing and appeals procedures.
5. Requires BART to establish an advisory committee and to ensure that personnel charged with issuance and enforcement of prohibition orders receive training as emphasized and recommended by the advisory committee.



## **Transit System Profile**

BART is a special district created by the State of California consisting of Alameda County, Contra Costa County, and the City and County of San Francisco. BART is governed by a nine-member board of publicly elected Directors, each of whom represent specific geographic areas within the BART District. Each board member serves a term of four years. San Mateo County, which hosts six BART stations is not part of the BART district. BART, in partnership with the Santa Clara Valley Transportation Authority, extended the system into Santa Clara County, with the opening of the Milpitas and Berryessa/North San José Stations. Santa Clara County is also not part of the BART district.

BART connects San Francisco with cities in the East Bay, Santa Clara County, and northern San Mateo County operating on five lines, 135 miles of track with 50 stations in five counties. Prior to the COVID-19 pandemic, average weekday daily ridership was 412,000 passengers, making BART the fifth-busiest heavy rail rapid transit system in the nation. Ridership levels fell to 12% of normal levels through the first year of the pandemic, with 75% of passengers being persons of color. Throughout 2021, ridership slowly but steadily began to recover, until November when it began to decline again due to the highly contagious Omicron variant. BART continued to serve thousands of essential workers, transit-dependent riders, and low-income households each day. Several transit agencies also connect to BART including the San Francisco Municipal Transportation Agency (MUNI), Alameda Contra Costa Transit (AC Transit), San Mateo County Transit (Sam Trans), County Connection, and the Golden Gate Bridge, Highway and Transportation District (Golden Gate Transit).

The BART Police Department (BPD) is comprised of 337 personnel, of which 207 are sworn peace officers and 57 are community service officers, 10 ambassadors and 12 crisis intervention specialists. The BART Chief of Police commands the department, which is the agency's sole law-enforcement entity and provides a full range of police services. Additionally, BART's Citizen Oversight Model established the Office of the Independent Police Auditor and the BART Police Citizen Review Board. Both provide for independent investigations of alleged police misconduct, review of BPD Internal Affairs investigations, policy recommendations, reviews of every use-of-force incident, and civilian community engagement.

### **Progressive Policing and Community Engagement Bureau**

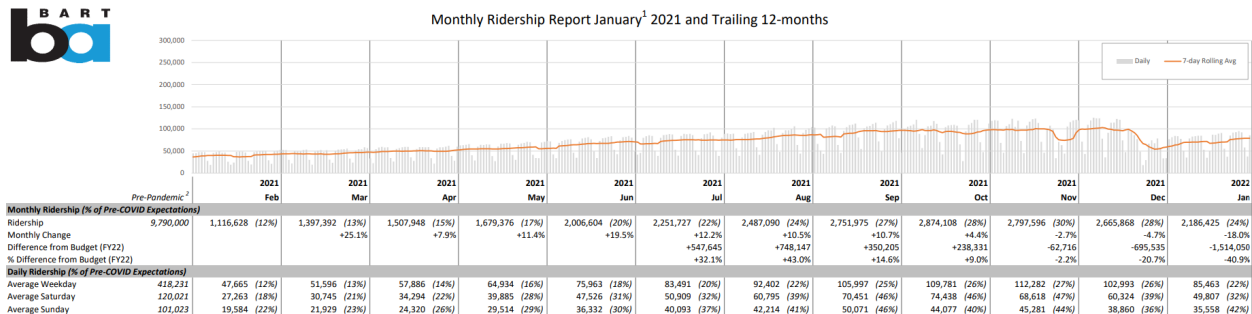
The BART Police Department recently launched a new Progressive Policing and Community Engagement Bureau, which includes Transit Ambassadors, a Crisis Intervention and Community Outreach Unit, and Community-Oriented Policing Division. The Bureau's mission is to engage the Department in leading transparent, equitable, and innovative policing practices to improve public safety across the diverse communities served by BART. The Bureau will eventually include 20 Crisis Intervention Specialists trained in de-escalation techniques; it currently has 50% hired. This builds on the successful launch of the department's Ambassador Program in 2020, which relies on non-sworn personnel to boost the visible safety presence in the system.

# Conclusions and Observations for 2021

## Ridership Trends and Customer Satisfaction

As we continue to make a somewhat uneven recovery from the COVID-19 pandemic, BART's average weekday ridership slowly rebounded throughout 2021 to a high of 108,000 in October from a low of just over 25,000 in April 2020. However, as the highly contagious Omicron variant started to spread, ridership began to dip again, ending at just under 99,000 in December 2021. This is compared to approximately 404,000 in February 2020, the last full month before stay-at-home orders were issued.

Beginning in March 2020, Bay Area residents were encouraged to avoid non-essential travel, and many employers allowed employees to work from home when feasible. With the rollout of vaccinations beginning in late 2020, some employees began returning to workplaces for at least one day of the week, accounting for the slow but steady recovery throughout 2021. With such a steep decline in ridership, BART made the decision to reduce service by 40%, moving from 15-minute to 30-minute train frequencies, and closing the system at 9:00 PM. With the ridership rebound in 2021, BART increased service in August, extending weekday operating hours until midnight and reducing train frequencies back to 15 minutes before 8:00 PM; Saturday service was also extended until midnight. In total, the combined service hours increased by 76% on weekdays and 99% on Saturdays. BART continues to run long trains despite reduced ridership to facilitate social distancing onboard.



According to BART's most recent [Customer Satisfaction Survey](#), conducted in 2020, 72% of respondents said they are very or somewhat satisfied with BART. This is up 16 percentage points since BART's last Customer Satisfaction Survey in 2018. Additionally, 81% would definitely or probably recommend BART to a friend or out-of-town guest, and 66% agree strongly or somewhat that "BART is a good value for the money." These numbers are up eight and 11 percentage points, respectively, from 2018.

Given the different context for 2020's survey, as well as the changes in ridership (both in terms of number of riders and demographic composition), it is difficult to pinpoint precise reasons for the relatively strong ratings, at least compared to the last two surveys. A review of open-ended comments suggests that riders were grateful that BART continues to provide reliable service during the pandemic; this may have a relationship to the increased percentage of riders who do not own a car compared to 2018. Comments about personal security referenced the need for more police, the presence of homeless riders, individuals not wearing masks, fare evasion, drug use/smoking on BART, and disruptive passengers. Some specifically mentioned that riding BART at night was a concern.

## Prohibition Orders and Crime Rates in 2021

In 2021, 236 prohibition orders were issued compared to 255 in 2020. Prohibition orders were issued at 48 BART stations in 2021 and only a small number (1 of 236) were issued on other BART property. The highest number of prohibition orders (58 in total) were issued in the core East Bay stations in Oakland and represent approximately 25% of all prohibition orders.

The lowest number of prohibition orders, 6 (or 2.5%), were issued in Santa Clara County.

In 2020, 255 prohibition orders were issued compared to 317 in 2019. Prohibition orders were issued at 45 BART transit stations in 2020 and only a small number (5 of 255) were issued on other BART property. The highest number of prohibition orders (88 total) were issued in the core East Bay stations primarily in Oakland and represent 34% of all prohibition orders. The lowest number of prohibition orders, 13 (or 5%), were issued in San Mateo County.

Statistics related to age, race, and gender have remained relatively consistent over the years. However, the number of persons who received prohibition orders and are considered younger adults (under age 35) continues to be relatively high at 155 or 66% of all orders. Of this demographic, a disproportionate number of orders were also issued to young African American males (35 years or younger), totaling 95 orders or approximately 40%; this is in contrast to 2020 where there were 123 orders issued to this demographic group, or 48% of all orders.

## Violent Crime Statistics

During monthly meetings, the TSAC discusses crime trends that effect BART in relation to the number of prohibition orders issued.

In 2021, there were 222 violent crimes and 1,031 property crimes reported. Robberies made up the majority (143) of violent crimes and general theft consisted of the greatest number (882) of property crimes.

In 2020, there were 352 violent crimes and 1,154 property crimes reported. Robberies made up the greatest number (252) of violent crimes and larceny/auto burglary made up the greatest number (1,038) of property crimes.

**Part 1 DOJ UCR Crime Rates**

|                | 2015        | 2016        | 2017        | 2018        | 2019        | 2020        | 2021        |
|----------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Violent Crime  | 238         | 330         | 423         | 481         | 499         | 352         | 222         |
| Property Crime | 2809        | 2710        | 3032        | 2935        | 3444        | 1154        | 1031        |
| <b>Total</b>   | <b>3047</b> | <b>3040</b> | <b>3455</b> | <b>3416</b> | <b>3943</b> | <b>1506</b> | <b>1253</b> |

*Per the Department of Justice Uniform Crime Reporting system, crimes of violence include the categories of homicide, rape, robbery, and aggravated assault. Property crimes include the categories of burglary, larceny, auto theft, and arson.*

*(Data source - <https://www.bart.gov/about/police/reports>)*

### Prohibition Orders Issued for Specified Crimes

With the decrease in prohibition orders issued in 2020 relative to ridership, BART saw some new trends in specified crimes related to domestic violence, robbery, and battery/threats to employees.

| Specified Crime              | 2015       | 2016       | 2017       | 2018       | 2019       | 2020       | 2021       |
|------------------------------|------------|------------|------------|------------|------------|------------|------------|
| Domestic Violence            | 64         | 51         | 53         | 47         | 46         | 29         | 29         |
| Robbery/ Attempt Robbery     | 29         | 24         | 34         | 51         | 51         | 45         | 25         |
| Battery/Threats to Employees | 50         | 68         | 80         | 82         | 84         | 41         | 16         |
| Battery/Threats to Patrons   | 44         | 67         | 74         | 94         | 104        | 64         | 56         |
| <b>Total</b>                 | <b>187</b> | <b>210</b> | <b>241</b> | <b>274</b> | <b>285</b> | <b>179</b> | <b>126</b> |

- Prohibition orders for Domestic Violence, including domestic battery/corporal injury, made up 12% of all prohibition orders, compared to 11% in 2020.
- Prohibition orders for Robbery/Attempt Robbery accounted for 11% of all prohibition orders, compared to 18% in 2020.
- Prohibition orders for Battery/Threats to Employees including station agents, train operators, system service workers, and officers fell to only 7% in 2021, compared to 16% in 2020.
- Prohibition orders for Battery/Threats to Patrons held relatively steady at 24% as compared 25% in 2020.

### Battery Against BART Employees by Classification

| Crime                                 | 2021      | % of issued orders | 2020      | % of issued orders | 2019      | % of issued orders | 2018      | % of issued orders | 2017      | % of issued orders | 2016      | % of issued orders |
|---------------------------------------|-----------|--------------------|-----------|--------------------|-----------|--------------------|-----------|--------------------|-----------|--------------------|-----------|--------------------|
| Battery Against Station Agents        | 12        | 5%                 | 12        | 5%                 | 20        | 5%                 | 24        | 6%                 | 28        | 9%                 | 30        | 11%                |
| Battery Against Train Operators       | 2         | 1%                 | 2         | 1%                 | 6         | 2%                 | 5         | 1%                 | 8         | 2.5%               | 9         | 3.25%              |
| Battery Against System Service/Others | 2         | 1%                 | 2         | 1%                 | 4         | 1%                 | 7         | 2%                 | 3         | 1%                 | 4         | 1.5%               |
| Battery Against Police Officers       | 37        | 16%                | 25        | 10%                | 54        | 15%                | 46        | 12%                | 41        | 13%                | 25        | 9%                 |
| <b>Total</b>                          | <b>53</b> | <b>23%</b>         | <b>41</b> | <b>16%</b>         | <b>84</b> | <b>23%</b>         | <b>82</b> | <b>21%</b>         | <b>80</b> | <b>25.5%</b>       | <b>68</b> | <b>24.75%</b>      |

TSAC considers the prevention of violence against any employee a priority and seeks to identify additional measures beyond training and public education to prevent violence against BART employees. This training must be consistent system wide, and should include the police department employees, the front-line staff, and the transit supervisors.

The TSAC believes potential benefits from continued and additional training could include:

- Developing a Civilian Academy in partnership with OIPA, CRB, BART PD COPPS and Community Partners
- Helping employees de-escalate potentially dangerous behaviors and situations
- Helping employees identify individuals with specific needs
- Reducing the likelihood an employee is the victim of assault or battery

In 2021, the TSAC received the following trainings and presentations:

- Due to the COVID-19 pandemic, TSAC was limited to what they received for 2021
- Progressive Policing and Community Engagement Bureau
- Ethics Training

In 2020, the TSAC received the following trainings and presentations:

- Violence in the Workplace
- Districtwide use of Narcan and Fentanyl
- BART's Proof of Payment Teams
- Criteria for Dispatching BART Police Officers
- BART Police Department's Communication Division
- Office the Independent Police Auditor

### **Battery on BART Patrons**

Fifty-six prohibition orders were issued in 2021 for battery and threats to BART patrons. This is a decrease from 64 in 2020 and 104 in 2019; the drop could potentially be attributed to record low ridership due to the pandemic.

Patrons, especially youth who travel via public transit, seniors, and persons with disabilities who must use specific routes and entrances to utilize various BART stations, are often affected by such nuisance behavior. To address crime on the BART system, the BART Police have mounted a robust campaign to recruit more officers and implemented new techniques including high visibility foot patrols and dedicated commanders for specific zones of the system.

In February 2020, BART also launched a pilot ambassador program to increase the presence of uniformed personnel on trains to address customers' concerns about safety and security. The ten unarmed ambassadors are recruited from the ranks of the BART Police Department's Community Service Officers and are non-sworn personnel who perform a variety of police services. The ambassadors receive additional de-escalation and anti-bias training and walk trains in teams of two, seven-days-a-week, with extra coverage on Saturdays. They focus their patrols on the most heavily travelled section of the system.

### **BART Improvements to Improve Safety and Security**

In an effort to reduce incidents of violence against the front-line BART employees, specifically stations agents, train operators, and system service personnel who deal with thousands of passengers each day, the TSAC recommends additional training for employees. Updated and expanded training is an important way to reduce incidents of violence against these employees who find themselves in the middle of disruptive and sometimes violent public actions. This recommended training should occur at the entry level stage of employment, as well as throughout the employee's career via routinely scheduled, specified recertification training.

The TSAC is currently reviewing training content with union leaders of station agents, system

service employees, fore workers, and train operators for possible modifications to the current training guidelines.

The TSAC recommends the following to help continue to minimize areas of conflict with frontline employees and management staff:

- Identification and implementation of active listening and de-escalation training
- Employee education and resources on conflict resolution and peer support
- Continue increasing employee staffing levels across service classifications, especially station agents and police officers
- Continued support of the Proof of Payment program and its personnel assigned to the enforcement.
- Support of the newly implemented Ambassador program and its personnel assigned to engage with the public and special populations
- Public Service Announcements (PSAs) via BART Media Relations and the BART Police Department regarding AB 730
- Additional signage at station agent booths to help inform the public of AB 730
- Crisis intervention training and a dedicated Crisis Intervention Response Team allowed to address problems district wide with the assistance of county wide Multi-Disciplinary Forensic Teams (MDFT)

### **Youth and Young Adults**

In 2021, 11 persons under 18 years old were issued prohibition orders in compared to 25 in 2020 and 43 in 2019. The TSAC has shown interest in the youth population because of the high volume of juveniles in the area who are transit dependent. Special attention will be paid to demographics, age and ethnicity as outreach programs are created and designed for the groups that have the greatest needs.

In 2019, dedicated Zone Commander positions were created for each county/zone. Zone Commanders are responsible to coordinate and lead all COPPS efforts and initiatives in their respective zone. Zone Commanders hear recommendations and complaints from community stakeholders, and they work to address issues, concerns and challenges that are important the community.

BART Police has been involved in programs in Alameda County such as Gang Resistance Education and Training (GREAT) at the grammar school level. GREAT offers many components to help children focus on life skills while helping them avoid delinquent behavior and violence. Educating our youth stakeholders and providing a positive citizen/police encounter at this early age group will assist in reducing the incidences of criminal behavior later in life for many of these juveniles.

The TSAC recommends pursuing additional outreach efforts, at the BART District and Police Department levels including:

- Frontline staff and BART PD developing rapport with young riders through community outreach
- Expanding the COPPS Unit to extending the outreach to all patrol zones by providing one COPPS assigned employee per zone
- Continuance of the GREAT program and an expansion of the program outside of Alameda County
- Development of a Crisis Intervention Response Team staffed by sworn law enforcement

personnel and trained civilian staff, an initiative of the Progressive Policing & Community Engagement Bureau

- Recruitment of a youth services representative to the TSAC.
- Partnering with local youth at risk/youth empowerment programs

### **Request for Appeals**

A person served a prohibition order has a right to appeal. The Exclusion Administrator shall serve the results of the initial review to the person contesting the notice by personal service. This decision shall become final after the expiration of ten days after service, unless the person is dissatisfied with the results of the initial review and requests an administrative hearing within the ten days. If an administrative hearing is requested, the excluded individual shall be entitled to further review in the form of a hearing. The hearing officer can overturn the order if he or she determines 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 behavior.

Of the 236 prohibition orders issued in 2021, one appeal was initiated, and the prohibition order was upheld. Of the 255 prohibition orders issued in 2020, no appeals were initiated.

Of the 371 prohibition orders issued in 2019, 6 appeals were initiated, 6 completed the appeals process and 1 was overturned. In 2019 these appeals accounted for just 1.6 % of the total orders issued.

### **Continued Need for Outreach Efforts Involving Mental Health & Homelessness**

In 2021, of the 236 prohibition orders issued, 9 of the offenders were identified as “in crisis” or struggled with a mental health condition and identified as a danger to self or others. This represents 4% of the total number of prohibition orders issued. Additionally, 23 of the 236 individuals that were issued a prohibition order were identified as transient.

In 2020, of the 255 prohibition orders issued, 8 of the offenders were identified as “in crisis” or struggled with a mental health condition and identified as a danger to self and or others. This represents 4% of the total number of prohibition orders issued. In addition, 34 of the 371 individuals issued a prohibition were identified as transient. This is a promising downward trend compared to the previous year. In 2018, of the 376 prohibition orders issued, 34 offenders were identified as “in crisis” and 61 individuals were identified as transient. In all cases involving mental illness issues, subjects are transported to, and evaluated at, a licensed psychiatric facility prior to being booked at the jail.

BART Police is constantly addressing issues and concerns of individuals struggling with homelessness and/or mental health conditions. Crisis Intervention Training (CIT) officers, Ambassadors and police personnel continue to offer services at the scene by referring them to appropriate resources through local city or county organizations. BART is one of a few transit agencies in the nation to employ a full-time CIT Supervisor/Community Outreach Liaison to connect individuals who may be in crisis to specific mental health or social services. The CIT Supervisor is a member of the TSAC and works with homeless outreach teams in all four counties that BART operates. The BART Police CIT Supervisor is either on scene and/or meets with police personnel to review individual cases and develop an action plan to connect or re-connect

individuals to specific mental health or appropriate services daily. BART Police tracks cases involving individuals with mental health conditions and shares the information with allied agencies during line-ups or via email.

The following BART police personnel, eligible to attend training, have completed crisis intervention training (CIT):

**Crisis Intervention Training**

|                   |                                      |
|-------------------|--------------------------------------|
| 1 of 1            | Chief                                |
| 3 of 3            | Deputy Chiefs                        |
| 12 of 13          | Lieutenants                          |
| 35 of 36          | Sergeants                            |
| 112 of 157        | Officers                             |
| 11 of 13          | Dispatchers + 2 Dispatch Supervisors |
| 27 of 49          | Community Service Officers           |
| 1 of 2            | Crisis Intervention Team Supervisors |
| <b>200 of 273</b> | <b>Eligible Personnel Trained</b>    |

To continue to develop and increase relationships with key outreach groups in the Bay Area, BART PD has worked with the Homeless Outreach Teams (HOT) in all five of the counties it serves. Information on mental health incidents is gathered and shared at monthly Multi- Disciplinary Forensic Team (MDFT) workgroup meetings in each of the following counties: Alameda, Contra Costa, San Mateo and San Francisco. The MDFT is a voluntary coalition of law enforcement agencies and allied service providers who assist individuals with mental illness, substance abuse and co-occurring disorders who are at high risk of involuntary hospitalization and are arrested for behaviors and activity related to their disabilities. BART PD has been able to make referrals to the District Attorney and Public Defender’s office through collaboration with MDFT workgroups to help specify treatment for individuals and focus on chronic cases that tend to exhaust valuable resources for many police agencies.

**Homeless Outreach Initiatives**

BART continues to invest in a process to reduce prohibition orders resulting from conditions related to homelessness. BART extended partnerships with Contra Costa County Department of Public Health’s CORE (Coordinated Outreach, Referral and Engagement) Team, to conduct homeless outreach in BART stations and on BART trains in Contra Costa County. Additionally, BART extended its agreement with The Salvation Army (TSA) to assist in engaging the unsheltered population at the four downtown San Francisco stations. The unit works during the weekday shifts when BART has the highest level of patronage.

The District also hired its first Senior Manager of Social Service Partnerships to advise and push forward the District’s Quality of Life initiatives. This hire in coordination with several other departments has allowed time for staff to continue to work to expand its partnerships with the 5 counties, and staff anticipates further levels of financial and/or resource sharing in 2022.

BART continues to be involved in a district wide approach to addressing the challenge of homelessness by partnering with each county in a regional collaboration.

**Center for Policing Equity Report**



The Center for Policing Equity is a research and action organization that produces analyses identifying and reducing the causes of racial disparities in law enforcement. CPE partnered with BPD to analyze the department's policing practices between January 2012 and December 2017. BPD is the first transit law enforcement agency in the country to undergo such a review by CPE. BPD voluntarily agreed to this process with the hope the findings would form the foundation of a data-driven approach to ensuring equitable policing.

With data provided by BPD, CPE's analysis looked to identify any racial disparities in police interactions with civilians, determine if disparities were caused by inequitable practices or other factors, and identify any attitudinal dispositions by officers or within the department that may be risk factors for inequitable practices. The identification of racial disparities does not necessarily indicate that police officers have engaged in inequitable practices, nor does it mean that they are solely responsible for these disparities as conditions outside of a department's control such as poverty and crime rates can be contributing factors.

The key findings from the report include:

- Black Americans comprise less than 9 percent of residents served by BPD but represented 63 percent of people who experienced force.
- After taking into account crime, poverty, and racial demographics of the area around each BART station, the estimated rate of BPD rider stops was eight times higher for Black riders than for white riders. In addition, rider stops were made more frequently in areas with higher poverty rates.

From the findings of the NJD project, CPE created six recommendations for BPD moving forward, including:

- Update use of force, stops, and searches data collection.
- Require supervisor review of stop records
- Review fare enforcement policies
- Adopt a new policy on drawing or displaying firearms
- Further examine the causes of distrust with the community
- Collaborate with other officials including the BART Office of the Independent Police Auditor and the BART Police Citizen Review Board

BPD has adopted all the recommendation from the CPE report.

### **Repeat Offender Statistics**

In early 2016, BART Police began looking at data on repeat offenders arrested for violating their prohibition order. The applicable penal code, 369i(b), is used for a variety of offenses to include returning to BART District property while a valid prohibition order is in effect.

In 2021, 39 persons violated their prohibition order for a total of 70 arrests. Two persons violated their prohibition order 7 times; 2 persons violated their prohibition order 5 times; 1 person violated their prohibition order 4 times; 1 person violated their prohibition order 3; 6 persons violated their prohibition order 2 times, and the remaining 27 persons violated their prohibition order once. It should be noted approximately 16.5% of the offenders issued prohibition orders violated the order and were subsequently arrest for the violation.

In 2020, 21 persons violated the prohibition order for a total of 37 arrests. One person violated their

prohibition order 9 times; 3 persons violated their prohibition order 3 times; 2 persons violated their prohibition order 2 times, and the remaining 15 persons violated their prohibition order once. It should be noted approximately 8.78% of the offenders issued prohibition orders violated the order and were subsequently arrest for the violation.

### **Prior Year Annual Reports**

In BART's commitment to transparency and accountability, prior year reports to the California legislature on BART's prohibition order program can be found online at [bart.gov/reports](http://bart.gov/reports).

**Prohibition Order Statistics**  
**(From January 1, 2021 to December 31, 2021)**  
**Percentages may not add up to 100% due to rounding**

| <b>Crime</b>               | <b>Description</b>                         | <b>Prohibition Orders Issued</b> | <b>In-Custody</b> | <b>Citations</b> |
|----------------------------|--|----------------------------------|-------------------|------------------|
| 664/187 PC                 | Attempted Murder                           | 0                                | 0                 | 0                |
| 215 PC                     | Carjacking                                 | 0                                | 0                 | 0                |
| 211 PC<br>664/211/212.5 PC | Robbery/Attempted Robbery                  | 25                               | 25                | 0                |
| 241/243/422/415(3) PC      | Assault/Battery/Threats to Station Agents  | 12                               | 11                | 1                |
| 243/422 PC                 | Battery/Threats to Train Operator          | 2                                | 2                 | 0                |
| 243/422 PC                 | Battery/Threats to System Service or Other | 2                                | 2                 | 0                |
| 243(b)/69/422PC            | Battery/Threats to Officer                 | 37                               | 36                | 1                |
| 243(e)(1) PC               | Domestic Battery                           | 19                               | 14                | 5                |
| 273.5 PC                   | Domestic Battery– Corporal Injury          | 10                               | 10                | 0                |
| 243.3/243d/422 PC          | Battery/Threats to Patron                  | 56                               | 44                | 12               |
| 243.4/288 PC               | Sexual Battery                             | 6                                | 6                 | 0                |
| 245 PC                     | Assault with Deadly Weapon                 | 18                               | 16                | 2                |
| 273d(a) PC/<br>243a(b) PC  | Child Abuse/<br>Endangerment               | 1                                | 1                 | 0                |
| 314 PC                     | Indecent Exposure                          | 16                               | 16                | 0                |
| 417 PC                     | Brandishing Weapon                         | 15                               | 14                | 1                |
| 647(a) PC                  | Lewd Conduct                               | 10                               | 8                 | 2                |
| 11352/11360 H&S            | Narcotic Sales                             | 3                                | 3                 | 0                |
| 148 PC/ 237 PC             | Resisting Arrest/ False Imprisonment       | 1                                | 1                 | 0                |
| 369 I PC                   | Trespassing PO Violation                   | 3                                | 2                 | 1                |
| <b>Total</b>               |  | <b>236</b>                       | <b>211</b>        | <b>25</b>        |
| <b>Percentage</b>          |  |                                  | <b>89%</b>        | <b>11%</b>       |

| <b>Crime</b>               | <b>Description</b>                                      | <b>Arrests</b> | <b>Prohibition Appeals</b> | <b>Mental Illness *</b> | <b>Transient</b> | <b>Juvenile (&lt;18)</b> |
|----------------------------|---|----------------|----------------------------|-------------------------|------------------|--------------------------|
| 664/187 PC                 | Attempt Murder  | 0              | 0                          | 0                       | 0                | 0                        |
| 215 PC                     | Carjacking  | 0              | 0                          | 0                       | 0                | 0                        |
| 211 PC<br>664/211/212.5 PC | Robbery/ Attempt Robbery                                | 25             | 0                          | 0                       | 3                | 2                        |
| 243/422 PC                 | Battery/Threats to Station Agent                        | 10             | 0                          | 1                       | 3                | 0                        |
| 243/422 PC                 | Battery/Threats to Train Operator                       | 3              | 0                          | 0                       | 1                | 0                        |
| 243/422 PC                 | Battery/Threats to System Service or Other              | 2              | 0                          | 0                       | 0                | 0                        |
| 243(b)/69/422 PC           | Battery/Threats to Officer                              | 36             | 0                          | 1                       | 5                | 0                        |
| 243(e)(1) PC               | Domestic Battery  | 14             | 0                          | 0                       | 0                | 2                        |
| 273.5 PC                   | Domestic Battery– Corporal Injury                       | 10             | 0                          | 0                       | 0                | 0                        |
| 243.3 PC/ 422 PC           | Battery/Threats to Patron                               | 45             | 0                          | 1                       | 2                | 1                        |
| 243.4/288 PC               | Sexual Battery  | 6              | 0                          | 1                       | 1                | 0                        |
| 245 PC                     | Assault w/ Deadly Weapon                                | 18             | 0                          | 0                       | 0                | 2                        |
| 273d(a) PC/<br>243a(b) PC  | Child Abuse/ Endangerment, annoy/molest victim under 18 | 1              | 0                          | 0                       | 0                | 0                        |
| 314 PC                     | Indecent Exposure                                       | 17             | 0                          | 3                       | 4                | 0                        |
| 417 PC                     | Brandishing Weapon                                      | 15             | 0                          | 2                       | 3                | 0                        |
| 647(A) PC                  | Lewd Conduct  | 7              | 0                          | 0                       | 0                | 0                        |
| 11352/11360 H&S            | Sales of Illegal Narcotics                              | 3              | 0                          | 0                       | 1                | 0                        |
| 148 PC ;/<br>237 PC        | Resisting Arrest/<br>False Imprisonment                 | 1              | 0                          | 0                       | 0                | 0                        |
| 369 I PC                   | Trespassing PO Violation                                | 2              | 0                          | 0                       | 0                | 0                        |
| <b>Total</b>               |   | <b>211</b>     | <b>0</b>                   | <b>9</b>                | <b>23</b>        | <b>7</b>                 |

| <b>Crime Classification</b> | <b>Prohibition Orders Issued</b> | <b>Percentage</b> |
|-----------------------------|----------------------------------|-------------------|
| Felony                      | 104                              | 44%               |
| Misdemeanor                 | 132                              | 56%               |
| Total                       | <b>236</b>                       |                   |

| <b>Gender</b> | <b>Prohibition Orders Issued</b> | <b>Percentage</b> |
|---------------|----------------------------------|-------------------|
| Male          | 201                              | 85%               |
| Female        | 35                               | 15%               |
| Total         | <b>236</b>                       |                   |

| <b>Ethnic Background</b> | <b>Prohibition Orders Issued</b> | <b>Percentage</b> |
|--------------------------|----------------------------------|-------------------|
| Black                    | 148                              | 63%               |
| Hispanic                 | 47                               | 20%               |
| Other                    | 14                               | 6%                |
| White                    | 27                               | 11%               |
| Total                    | <b>236</b>                       |                   |

| <b>Age</b> | <b>Prohibition Orders Issued</b> | <b>Percentage</b> |
|------------|----------------------------------|-------------------|
| 17 & Under | 11                               | 5%                |
| 18 to 25   | 49                               | 21%               |
| 26 to 35   | 95                               | 40%               |
| 36 to 45   | 42                               | 18%               |
| 46 to 55   | 19                               | 8%                |
| 56 +       | 20                               | 8%                |
| Total      | <b>236</b>                       |                   |

| <b>Age/Ethnic Background</b> | <b>Black</b> | <b>%</b>   | <b>Hispanic</b> | <b>%</b>   | <b>Other</b> | <b>%</b>  | <b>White</b> | <b>%</b>   |
|------------------------------|--------------|------------|-----------------|------------|--------------|-----------|--------------|------------|
| 17 & Under                   | 9            | 82%        | 2               | 18%        | 0            | N/A       | 0            | N/A        |
| 18 to 25                     | 28           | 57%        | 14              | 29%        | 3            | 6%        | 4            | 8%         |
| 26 to 35                     | 58           | 61%        | 21              | 22%        | 6            | 6%        | 10           | 11%        |
| 36 to 45                     | 27           | 64%        | 6               | 14%        | 5            | 12%       | 4            | 10%        |
| 46 to 55                     | 10           | 53%        | 4               | 21%        | 0            | N/A       | 5            | 26%        |
| 56 +                         | 16           | 80%        | 0               | N/A        | 0            | N/A       | 4            | 20%        |
| <b>Total</b>                 | <b>148</b>   | <b>63%</b> | <b>47</b>       | <b>20%</b> | <b>14</b>    | <b>6%</b> | <b>27</b>    | <b>11%</b> |

| <b>Month</b>                | <b>Prohibition Orders Issued</b> | <b>Percentage</b> |
|-----------------------------|----------------------------------|-------------------|
| January                     | 13                               | 6%                |
| February                    | 16                               | 7%                |
| March                       | 16                               | 7%                |
| April                       | 19                               | 8%                |
| May                         | 20                               | 8%                |
| June                        | 17                               | 7%                |
| July                        | 23                               | 10%               |
| August                      | 18                               | 8%                |
| September                   | 20                               | 8%                |
| October                     | 32                               | 14%               |
| November                    | 24                               | 10%               |
| December                    | 18                               | 8%                |
| <b>Year to date total =</b> | <b>236</b>                       |                   |

| <b>Zone</b>                                   | <b>Prohibition Orders Issued</b> | <b>Percentage</b> |
|---|----------------------------------|-------------------|
| Zone 1 (Oakland)                              | 58                               | 25%               |
| Zone 2R (Berkeley & West Contra Costa County) | 24                               | 10%               |
| Zone 2C (East Contra Costa County)            | 34                               | 14%               |
| Zone 3 (South Alameda County)                 | 52                               | 22%               |
| Zone 4 (San Francisco County)                 | 46                               | 19%               |
| Zone 5 (San Mateo County)                     | 16                               | 7%                |
| Zone 6 (Santa Clara County)                   | 6                                | 3%                |
| <b>Totals:</b>                                | <b>236</b>                       |                   |

| Station                                 | Zone | Prohibition Orders | Percentage |
|---|------|--------------------|------------|
| 12 <sup>th</sup> Street (Oakland)       | 1    | 8                  | 3%         |
| 16 <sup>th</sup> Street (San Francisco) | 4    | 3                  | 1%         |
| 19 <sup>th</sup> Street (Oakland)       | 1    | 1                  | <1%        |
| 24 <sup>th</sup> Street (San Francisco) | 4    | 2                  | 1%         |
| Antioch (Contra Costa) ANS              | 2c   | 5                  | 2%         |
| Ashby (Berkeley) – AHS                  | 2r   | 3                  | 1%         |
| Balboa Park (San Francisco) – BPS       | 4    | 3                  | 1%         |
| Bay Fair (San Leandro) – BFS            | 3    | 13                 | 6%         |
| Berkeley - BES                          | 2r   | 3                  | 1%         |
| Berryessa – BYS                         | 6    | 4                  | 2%         |
| Castro Valley – CVS                     | 3    | 5                  | 2%         |
| Civic Center (San Francisco) – CCS      | 4    | 9                  | 4%         |
| Coliseum (Oakland) – COS                | 1    | 10                 | 4%         |
| Colma – CLS                             | 5    | 0                  | N/A        |
| Concord - CDS                           | 2c   | 2                  | 1%         |
| Daly City – DCS                         | 5    | 3                  | 1%         |
| Dublin Pleasanton – DPS                 | 3    | 4                  | 2%         |
| El Cerrito Del Norte – CNS              | 2r   | 9                  | 4%         |
| El Cerrito Plaza – CPS                  | 2r   | 3                  | 1%         |
| Embarcadero (San Francisco) – EMS       | 4    | 7                  | 3%         |
| Fremont - FMS                           | 3    | 3                  | 1%         |
| Fruitvale (Oakland) – FVS               | 1    | 8                  | 3%         |
| Glen Park (San Francisco) - GPS         | 4    | 4                  | 2%         |
| Hayward – HAS                           | 3    | 6                  | 3%         |
| Lafayette – LFS                         | 2c   | 1                  | <1%        |
| Lake Merritt (Oakland) – LMS            | 1    | 15                 | 6%         |
| MacArthur (Oakland) – MAS               | 1    | 9                  | 4%         |
| Millbrae – MBS                          | 5    | 4                  | 2%         |
| Milpitas – MPS                          | 6    | 1                  | <1%        |
| Montgomery Street (SF) – MOS            | 4    | 5                  | 2%         |
| North Berkeley – NBS                    | 2r   | 2                  | 1%         |
| North Concord – NCS                     | 2c   | 2                  | 1%         |
| Orinda - ORS                            | 2c   | 3                  | 1%         |
| Pittsburg – PBS                         | 2c   | 8                  | 3%         |
| Pleasant Hill – PHS                     | 2c   | 2                  | 1%         |
| Powell Street (San Francisco) – PPS     | 4    | 16                 | 7%         |
| Richmond – RIS                          | 2r   | 3                  | 1%         |
| Rockridge - ROS                         | 2c   | 2                  | 1%         |
| San Bruno – SBS                         | 5    | 2                  | 1%         |
| San Leandro – SLS                       | 3    | 9                  | 4%         |
| South Hayward – SHS                     | 3    | 3                  | 1%         |
| South San Francisco – SSS               | 5    | 2                  | 1%         |
| Union City – UCS                        | 3    | 3                  | 1%         |
| Walnut Creek – WCS                      | 2c   | 5                  | 2%         |
| Warm Springs – WSS                      | 3    | 4                  | 2%         |
| West Dublin – WDS                       | 3    | 2                  | 1%         |
| West Oakland – OWS                      | 1    | 14                 | 6%         |
| San Francisco Airport (SFO)             | 5    | 0                  | N/A        |
| Other BART Property (P&R)               |      | 1                  | <1%        |
| <b>Total Stations</b>                   |      | <b>236</b>         |            |

