

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
300 Lakeside Drive, P. O. Box 12688, Oakland, CA 94604-2688

NOTICE OF MEETING AND AGENDA
BART POLICE CITIZEN REVIEW BOARD

January 11, 2021
4:00 p.m.

A regular meeting of the BART Police Citizen Review Board (BPCRB) will be held on Monday, January 11, 2021 at 4:00 p.m.

Please note, pursuant to Governor Newsom's Executive Order N-29-20 and the California Shelter-in-Place mandate, which prevents all but essential travel, public participation for this meeting will be via teleconference only.

Presentation materials will be available 72 hours prior to the BPCRB meeting at <https://www.bart.gov/about/bod/advisory/crb> (click on "Agenda").

You may listen to the Meeting by calling 1-833-827-2778 and entering access code 736 909 248#.

We strongly encourage public comments to be submitted via email. **You may submit comments via email to CitizenReviewBoard@bart.gov using "public comment" as the subject line.** Your comment will be provided to the Board 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 2:00 p.m. in order to be included in the record.

Individuals may also be given an opportunity by the moderator to speak on any item on the agenda by calling (833) 827-2778 and entering access code 736 909 248# in advance of the item. Public comment will be limited to three (3) minutes per person. Your phone will be muted until you are called upon.

AGENDA

1. Call to Order.
 - a. Roll Call.
 - b. Pledge of Allegiance.
2. Announcement from December 14, 2020 Closed Session, if any.
3. [Approval of Minutes of the Meeting of December 14, 2020](#). For Discussion and Action.
4. Chief of Police's Report. For Discussion and Action.
 - a. [BART Police Department's Monthly Reports for November 2020](#).
 - b. [Overview of the Community Oriented Policing and Problem-Solving Unit \(COPPS\)](#).
5. Independent Police Auditor's Report. For Discussion and Action.
 - a. [Office of the Independent Police Auditor \(OIPA\) Monthly Report for December 2020](#).
6. Public Comment. (Limited to 3 minutes per speaker.)
(An opportunity for members of the public to address the BPCRB on matters under their jurisdiction and not on the agenda.)

7. Closed Session.

- a. To Consider Public Employee Discipline/Dismissal/Release in OIPA Cases #20-07 and #20-11. Govt. Code §54957.

All BPCRB closed session votes will be announced at the beginning of the next regular meeting.

8. Adjournment

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

Presentation materials will be available 72 hours prior to the BPCRB meeting at <https://www.bart.gov/about/bod/advisory/crb> (click on “Agenda”).

Pursuant to Govt. Code §54953.5, the audio recording of the open session portions of this public meeting shall be subject to inspection pursuant to the California Public Records Act (CPRA). Requests for information under the CPRA should be filed with the BART Office of the District Secretary.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
300 Lakeside Drive, P.O. Box 12688, Oakland, CA 94604-2688
BART Police Citizen Review Board Meeting Minutes
Monday, December 14, 2020

A regular meeting of the BART Police Citizen Review Board (BPCRB) was held Monday, December 14, 2020, convening at 4:04 p.m. via teleconference, pursuant to Governor Gavin Newsom's Executive Order N-29-20 and the California Shelter-in-Place mandate. The meeting was called to order by Chairperson David Rizk; Mag Tatum, Recording Secretary.

Chairperson David Rizk gave instructions on the virtual meeting, accessing presentation materials online, Public Comment, and Members' remarks.

1. Call to Order.

The regular meeting was convened at 4:04 p.m. by Chairperson David Rizk.

Members Present:

Members Erin Armstrong, Todd Davis, Kenneth Loo, Les Mensinger, George Perezvelez, William White and David Rizk.

Absent:

Members Zachary Bruno, Christina Gomez, Pete Longmire and Darren White.

The Pledge of Allegiance was recited.

2. Approval of Minutes of the Meeting of November 16, 2020.

Member Rizk moved that the Minutes of the Meeting of November 16, 2020 be approved as amended, to include Member Mensinger marked as present due to technical difficulties, at the start of the meeting; Member Armstrong seconded the motion, which carried by a unanimous roll call vote. Ayes – 6: Members Armstrong, Loo, Mensinger, Perezvelez, W. White and Rizk. Noes – 0. Abstain – 0. Absent – 5: Members Bruno, Davis, Gomez, Longmire, and D. White.

3. Chief of Police's Reports.

a. BPD Monthly Reports for October 2020.

Chief of Police Ed Alvarez presented the BPD Monthly Reports for October 2020. The reports were discussed.

Member Davis entered the meeting.

4. Independent Police Auditor's Report.

a. Office of the Independent Police Auditor (OIPA) Monthly Report for November 2020.

Independent Police Auditor Russell Bloom presented the OIPA Monthly Report. The report was discussed.

5. Senate Bill 230 (Caballero), Law Enforcement: Use of Deadly Force, Training Policies (continued from the November 16, 2020 meeting).

Member Perezvelez presented Senate Bill 230 (Caballero), Law Enforcement: Use of Deadly Force. The item was discussed.

6. BART Police Citizen Review Board Meeting Calendar for 2021.

Chairperson Rizk brought the matter of the BPCRB Meeting Calendar for 2021. The item was discussed.

7. Public Comment.

Chairperson Rizk called for Public Comment.

The following individuals addressed the Board via telephone and email:

Director Robert Raburn
Wes Tyler (via email only)

8. Closed Session.

a. To Consider Public Employee Discipline/Dismissal/Release in OIPA Case #20-06. Govt. Code §54957.

Chairperson Rizk announced that the Board would enter closed session under Item 8-A (Public Employee Discipline/Dismissal/Release in OIPA Case #20-06) of the Regular Meeting agenda, and that the closed session votes, if any, would be announced in open session at the beginning of the next regular BPCRB meeting.

Adjournment.

The Meeting adjourned at 5:23 p.m.

BART POLICE DEPARTMENT



November 2020

MONTHLY REPORT



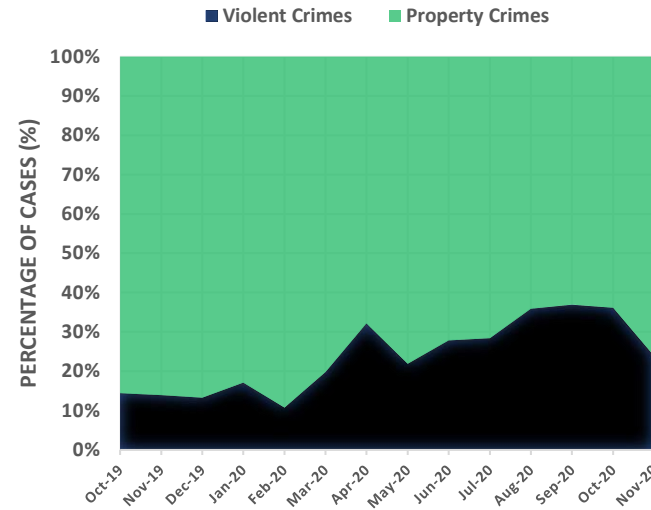
Bay Area Rapid Transit Police Department

101 8th St, Oakland, CA, 94607 (510) 464-7000 www.bart.gov/police

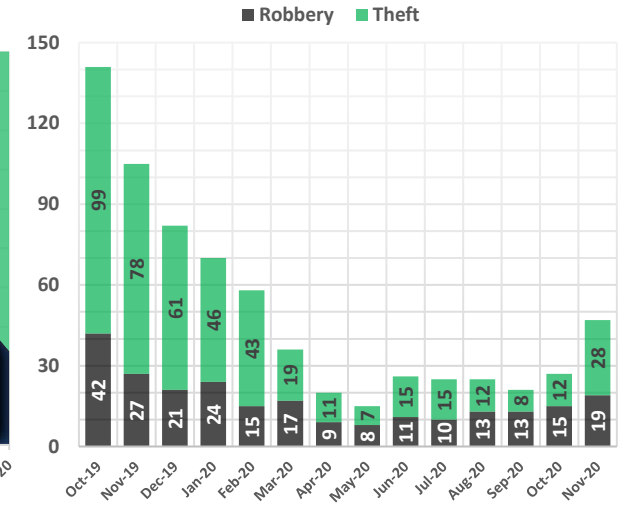
November 2020 Performance Measurement Review - **Systemwide**

PART 1 UCR Crime	2014	2015	2016	2017	2018	2019	YTD 2019	YTD 2020	PCT %
Homicide	0	1	1	0	3	2	2	0	-100%
Rape	2	3	4	8	3	7	6	5	-17%
Robbery	153	161	232	290	345	378	349	233	-33%
Aggravated Assault	71	73	93	125	130	112	104	86	-17%
Violent Crime Subtotal	226	238	330	423	481	499	461	324	-30%
Burglary (Structural)	7	4	12	15	18	16	15	12	-20%
Larceny & Auto Burglary	2,597	2,325	2,217	2,593	2,565	3,177	2,954	989	-67%
Auto Theft	522	480	480	420	348	247	223	95	-57%
Arson	0	0	1	4	4	4	4	4	0%
Property Crime Subtotal	3,126	2,809	2,710	3,032	2,935	3,444	3,196	1,100	-66%
TOTAL	3,352	3,047	3,040	3,455	3,416	3,943	3,657	1,424	-61%

PART 1 CRIME OVERALL



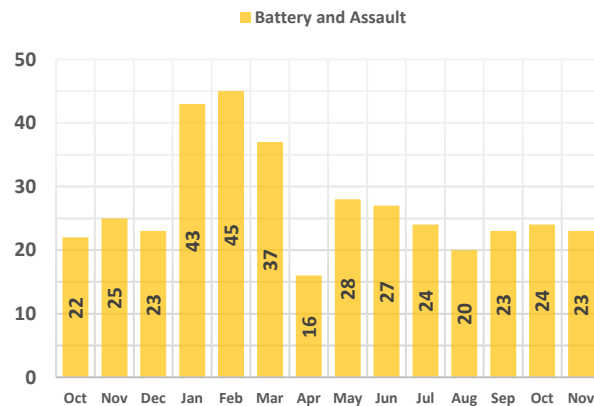
ELECTRONIC THEFT



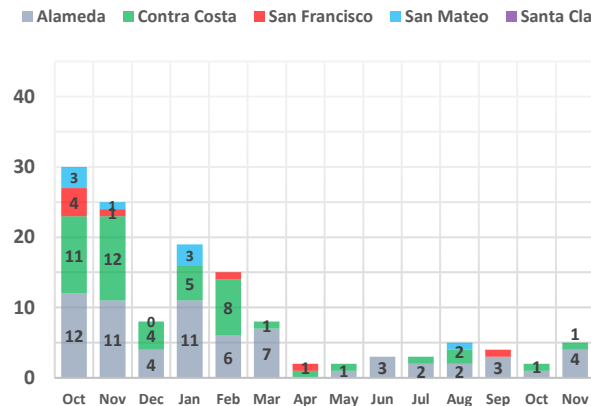
Part 1 Crimes: Top Five Stations

November 2020: M10/OWS M50/SSS M20/MOS M90/DCS M16/EMS
 Full Year 2019: A30/COS A60/HAS M10/OWS A20/FVS A40/SLS

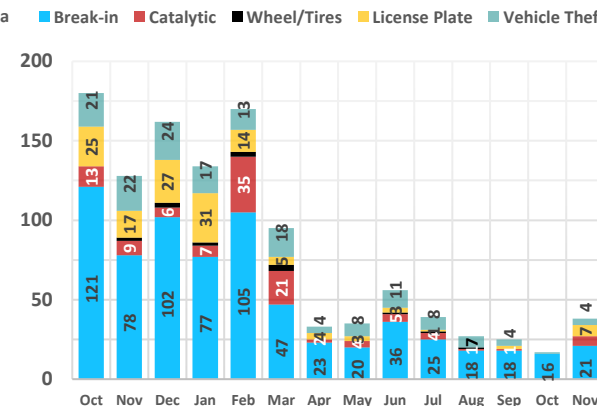
BATTERY & ASSAULT ON BART



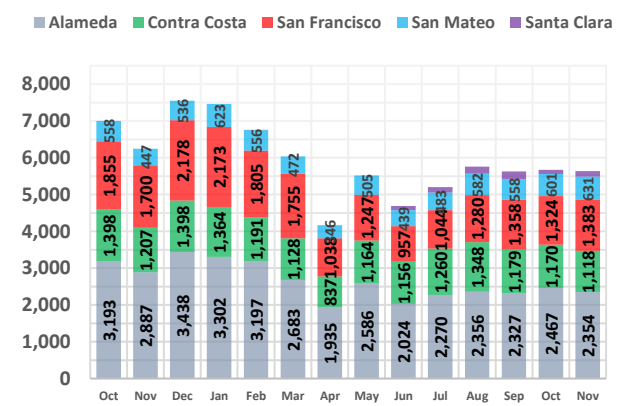
BICYCLE THEFT



VEHICLE CRIME



CALLS TO DISPATCH



Preface: The data is retrieved from the BART Police Database and remains unaudited until corrections. Numbers may differ from the reported data in the Uniform Crime Reporting (UCR) program.

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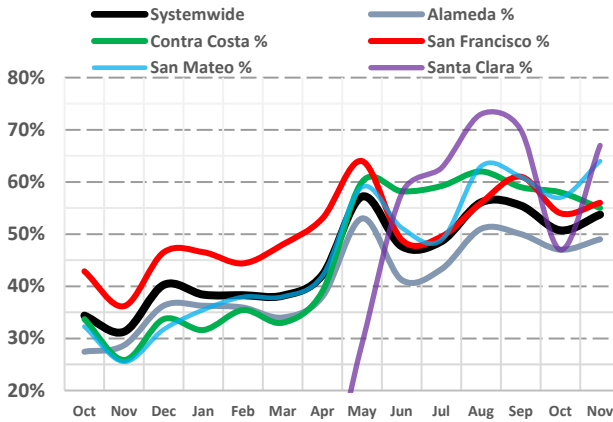


Bay Area Rapid Transit Police Department

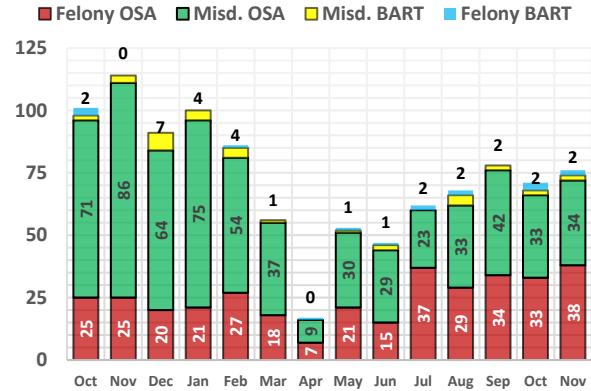
101 8th St, Oakland, CA, 94607 (510) 464-7000 www.bart.gov/police

November 2020 Performance Measurement Review - Systemwide

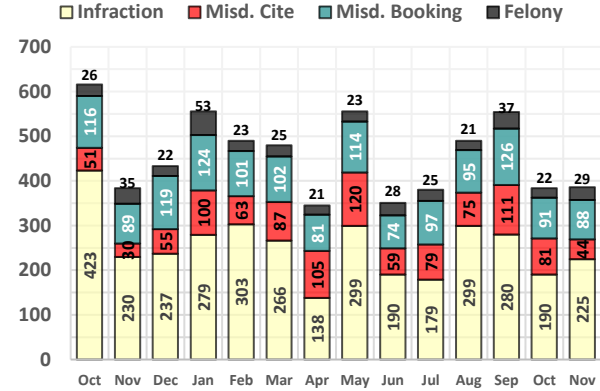
OFFICER-INITIATED INCIDENTS



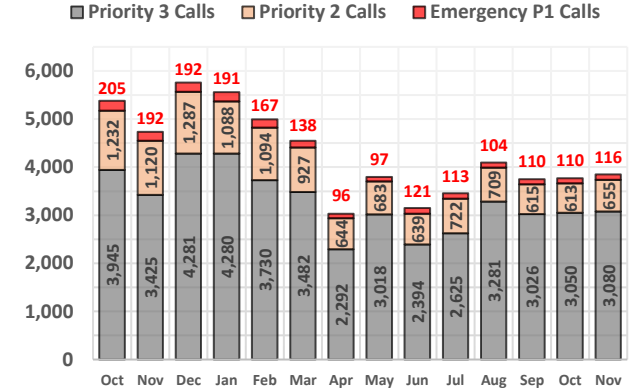
WARRANT ARRESTS



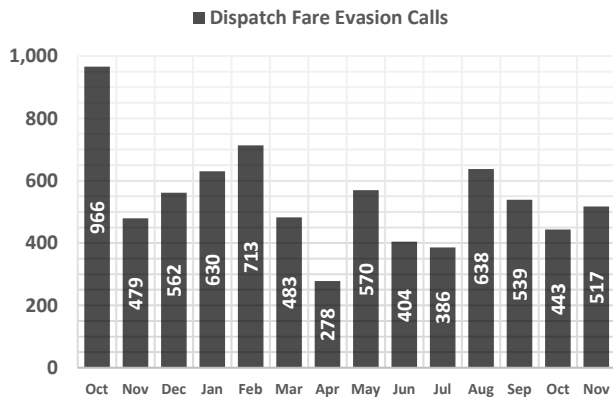
ALL BOOKINGS & ARRESTS



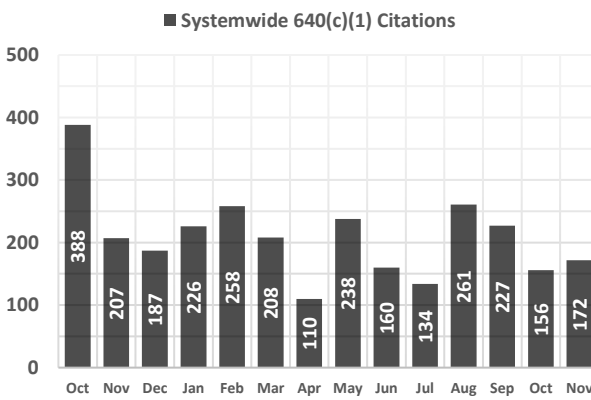
PRIORITY TYPE 1 - 3 CALLS



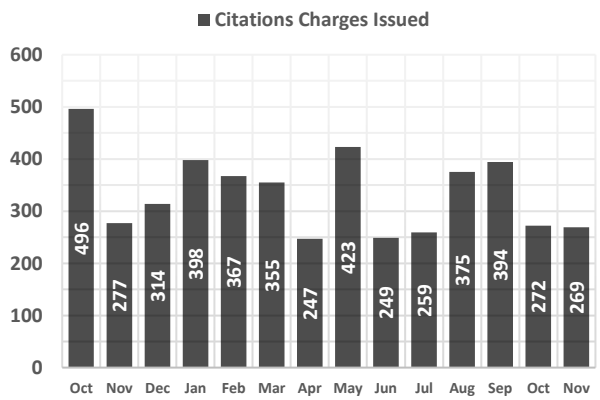
FARE EVASION CAD CALLS



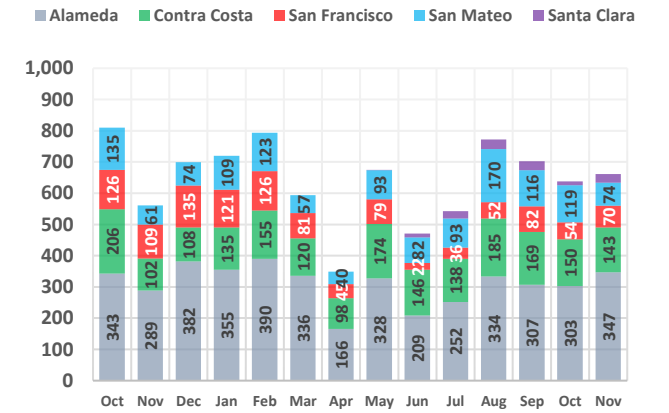
FARE EVASION CITATIONS



ALL CITATIONS



FIELD INTERVIEWS



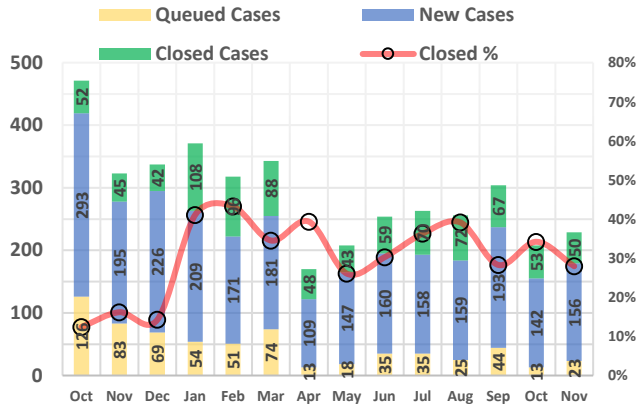


Bay Area Rapid Transit Police Department

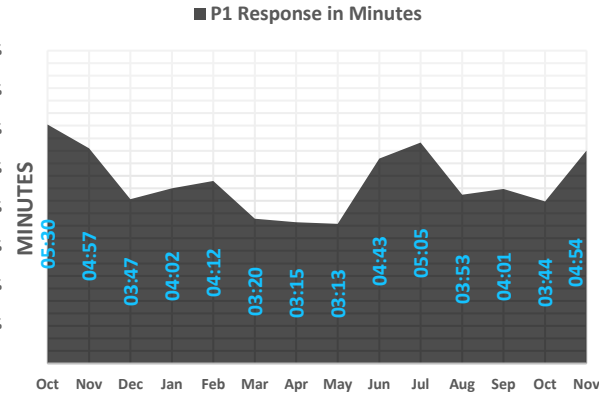
101 8th St, Oakland, CA, 94607 (510) 464-7000 www.bart.gov/police

November 2020 Performance Measurement Review - Systemwide

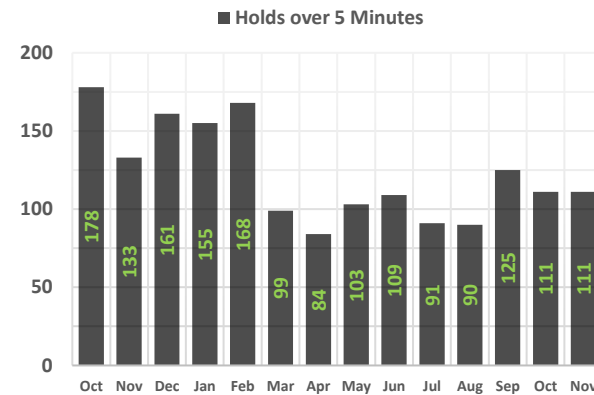
INVESTIGATIONS CASELOAD %



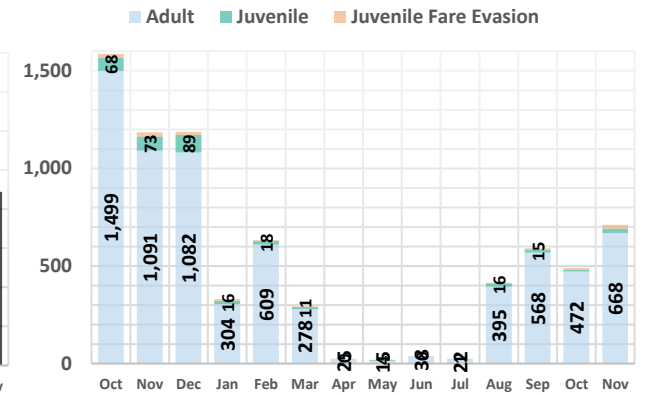
SYSTEM RESPONSE TIME (P1) AVG



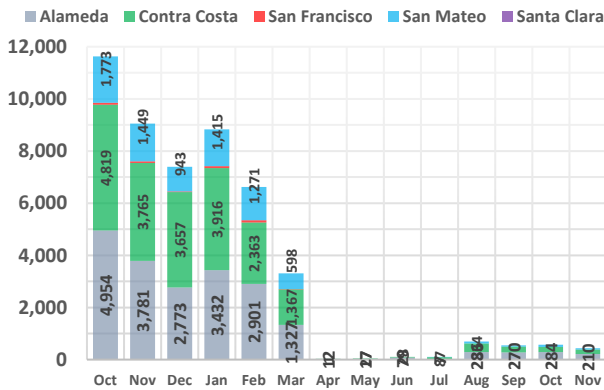
POLICE TRAIN HOLDS



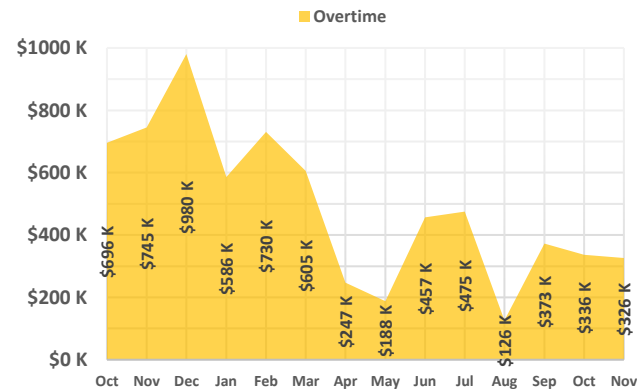
PROOF OF PAYMENT CITATIONS



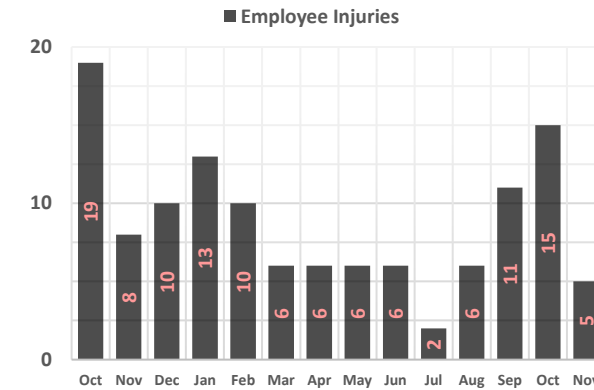
PARKING CITATIONS



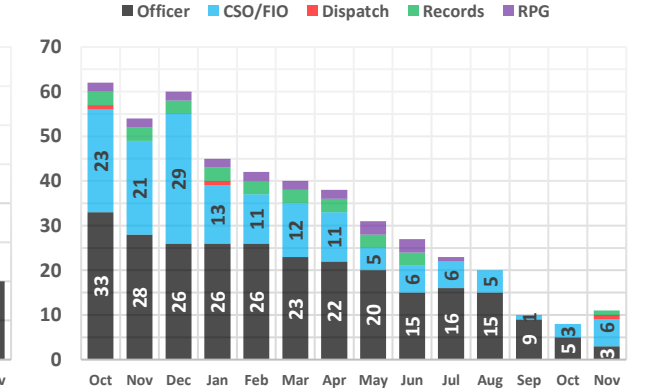
OVERTIME UTILIZATION (IN THOUSANDS)



EMPLOYEE INJURIES



VACANCIES



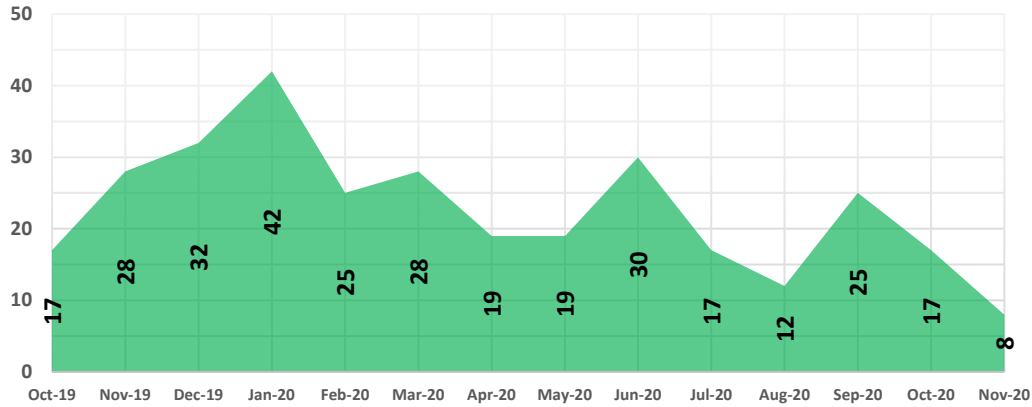


Bay Area Rapid Transit Police Department

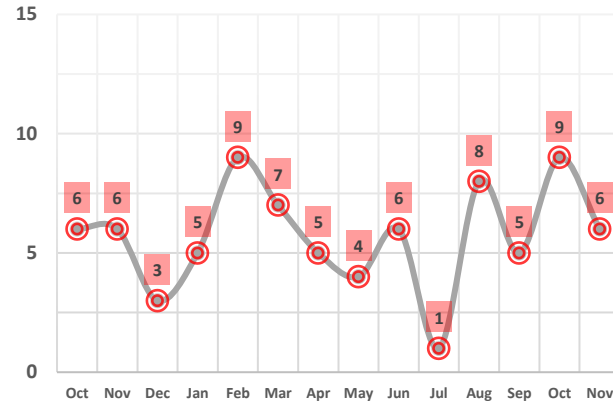
101 8th St, Oakland, CA, 94607 (510) 464-7000 www.bart.gov/police

November 2020 Performance Measurement Review - Systemwide

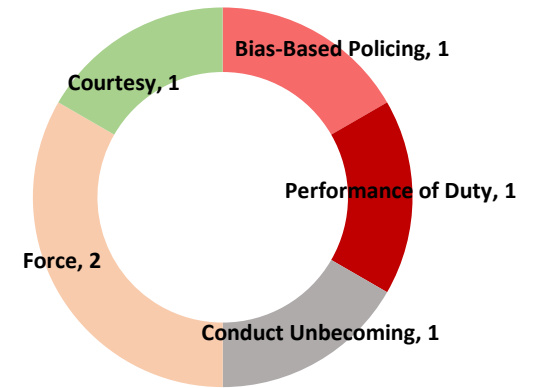
AB716 - PROHIBITION ORDERS



INTERNAL AFFAIRS COMPLAINTS

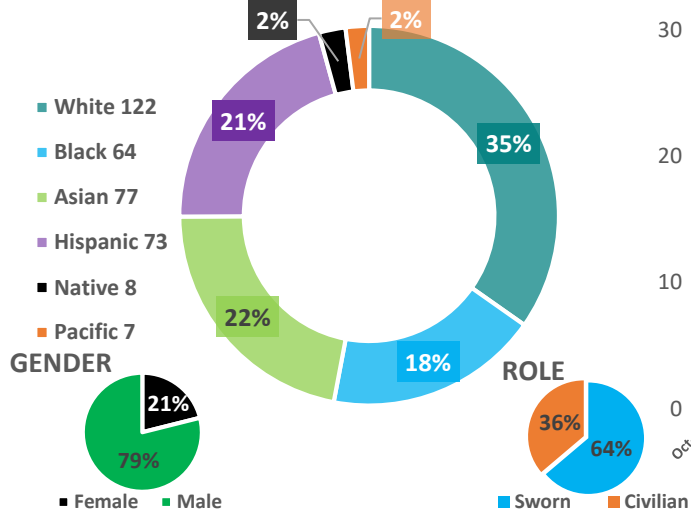


IA COMPLAINTS RECEIVED¹

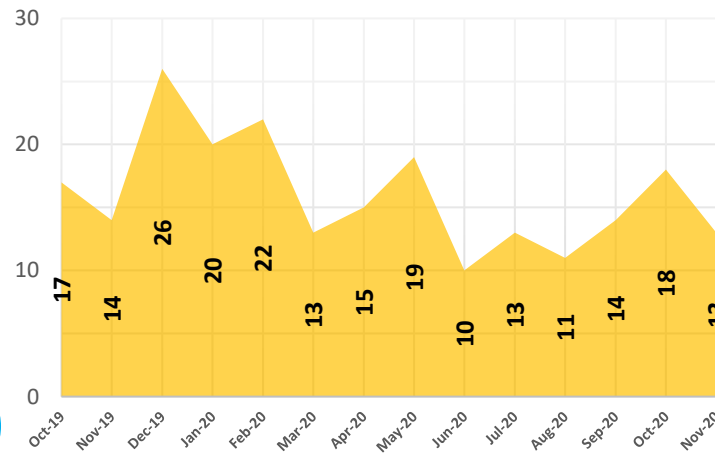


1: Each incident could contain more than one allegation. This chart reflects the most significant allegation per

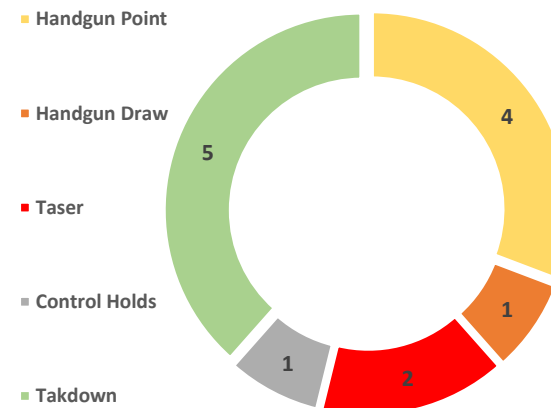
DEPARTMENT ETHNIC DIVERSITY



USE OF FORCE INCIDENTS

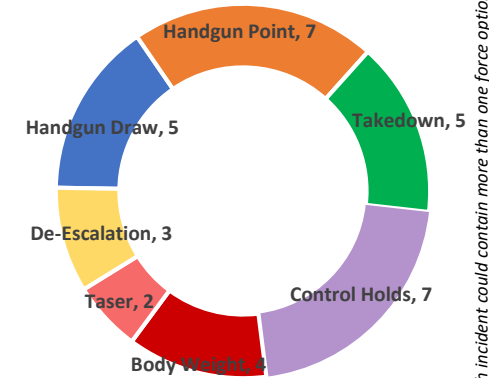


INCIDENT FORCE OPTIONS USED²



2: Some incidents involved the use of multiple force options. If two officers involved in the same incident used the same force option, this data would reflect both officers. As an example, if two officers used control holds in the same incident, this data would reflect two separate control holds.

TYPES OF FORCE USED³



3: Each incident could contain more than one force option. This chart reflects most significant force options used per incident.



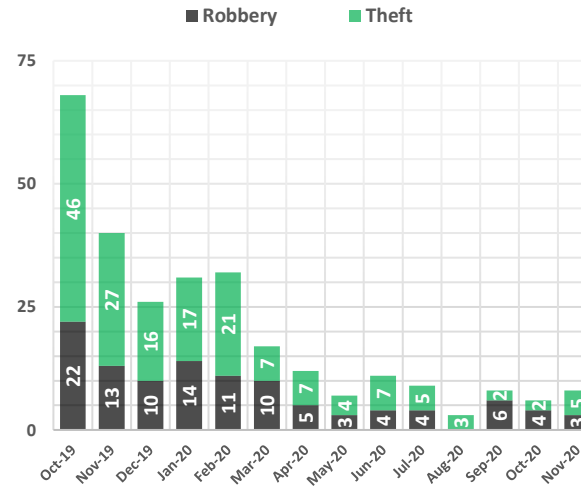
Bay Area Rapid Transit Police Department

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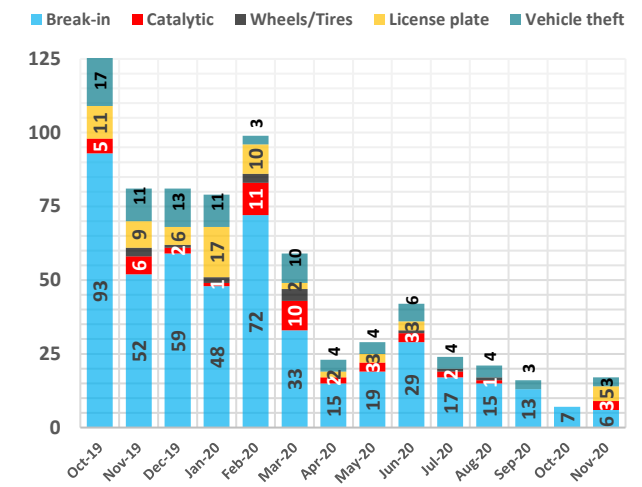
November 2020 Performance Measurement Review - Alameda County

PART 1 UCR Crime	2017	2018	2019	YTD 2019	YTD 2020	PCT %
Homicide	0	2	1	2	0	-100%
Rape	6	3	2	2	3	+50%
Robbery	191	211	229	212	115	-46%
Aggravated Assault	73	87	52	48	48	0%
Violent Crime Subtotal	270	303	284	264	166	-37%
Burglary (Structural)	8	11	13	13	9	-31%
Larceny & Auto Burglary	1,471	1,262	1,634	1,539	561	-64%
Auto Theft	266	201	149	136	52	-62%
Arson	2	3	5	5	2	-60%
Property Crime Subtotal	1,747	1,477	1,801	1,693	624	-63%
TOTAL	2,017	1,780	2,085	1,957	790	-60%

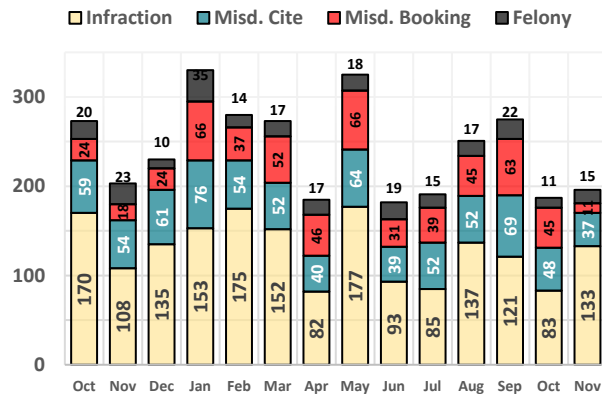
ALAMEDA ELECTRONIC THEFT



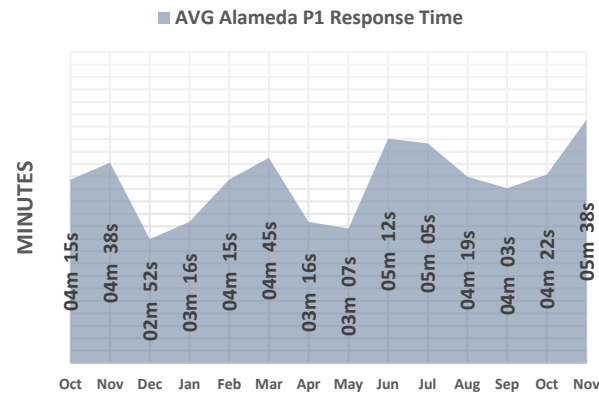
ALAMEDA VEHICLE CRIME



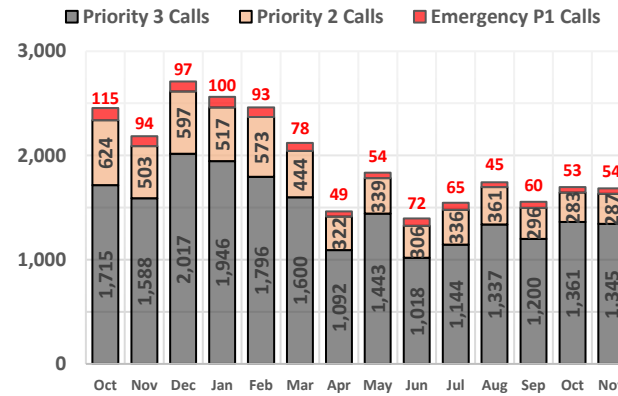
ALAMEDA ARRESTS & CITATIONS



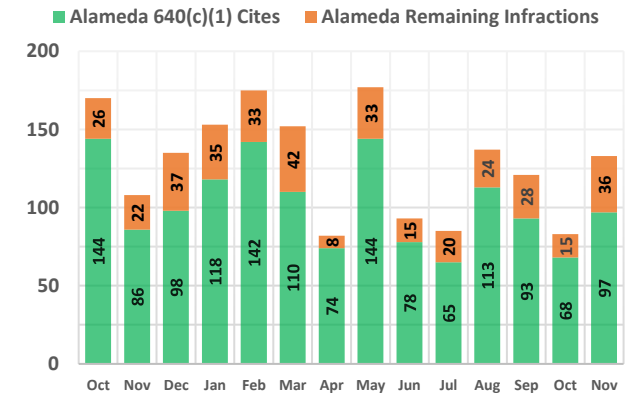
RESPONSE TIME (P1) AVG



ALAMEDA PRIORITY 1 - 3 CALLS



ALAMEDA FARE EVASION



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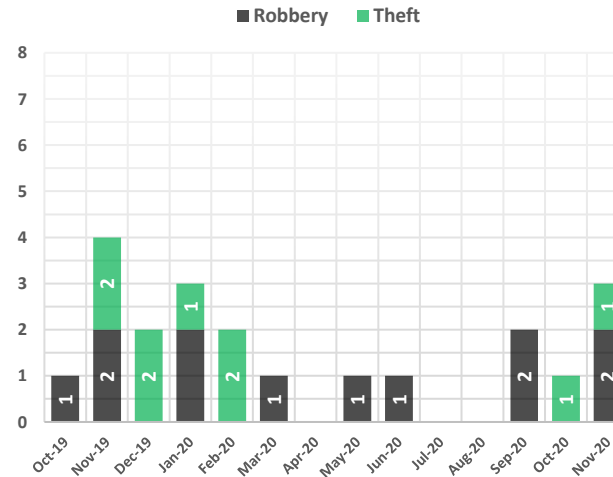
Bay Area Rapid Transit Police Department

101 8th St, Oakland, CA, 94607 (510) 464-7000 www.bart.gov/police

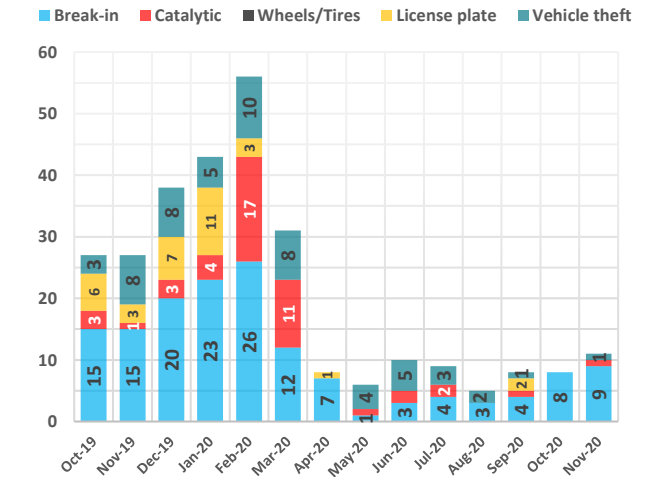
November 2020 Performance Measurement Review - Contra Costa County

PART 1 UCR Crime	2017	2018	2019	YTD 2019	YTD 2020	PCT %
Homicide	0	1	0	0	0	-%
Rape	1	0	4	4	0	-100%
Robbery	35	29	34	33	21	-36%
Aggravated Assault	23	20	23	20	15	-25%
Violent Crime Subtotal	59	50	61	57	36	-37%
Burglary (Structural)	2	1	2	2	1	-50%
Larceny & Auto Burglary	675	669	592	552	193	-65%
Auto Theft	134	124	81	73	39	-47%
Arson	3	1	0	0	0	-%
Property Crime Subtotal	814	795	675	627	233	-63%
TOTAL	873	845	736	684	269	-61%

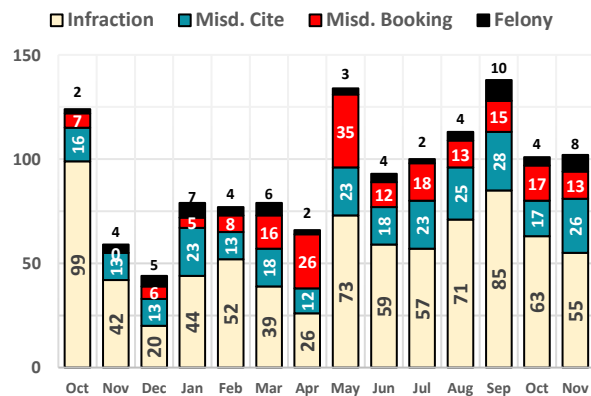
CONTRA COSTA ELECTRONIC THEFT



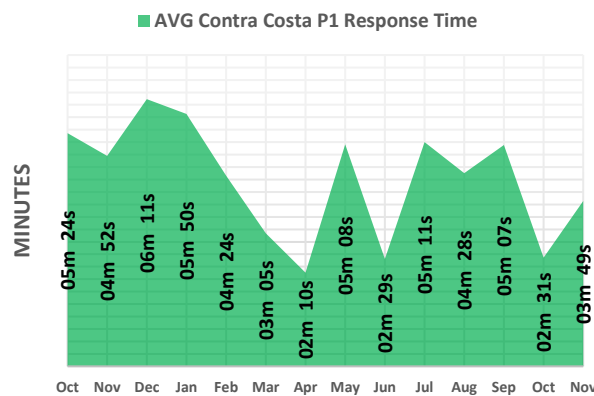
CONTRA COSTA VEHICLE CRIME



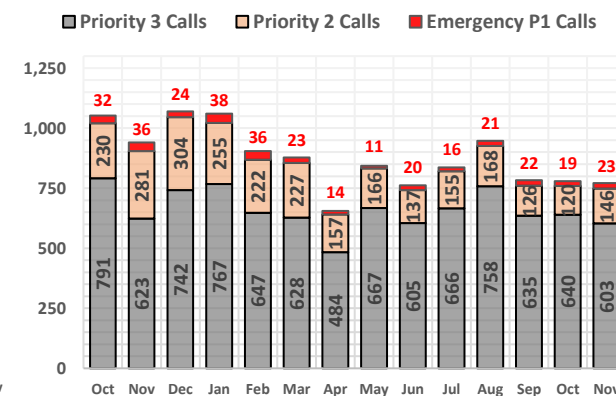
COCO ARRESTS & CITATIONS



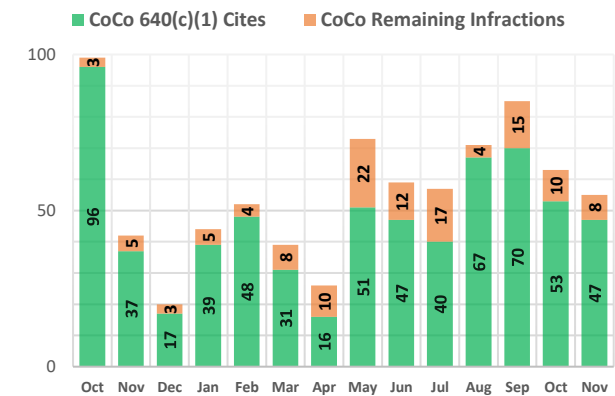
RESPONSE TIME (P1) AVG



COCO PRIORITY 1 - 3 CALLS



COCO FARE EVASION



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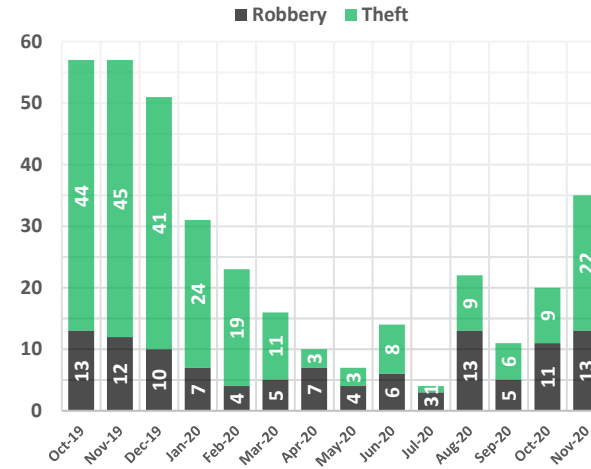
Bay Area Rapid Transit Police Department

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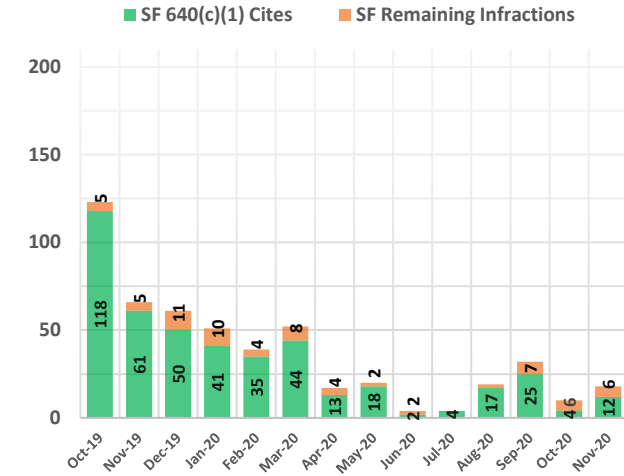
November 2020 Performance Measurement Review - San Francisco County

PART 1 UCR Crime	2017	2018	2019	YTD 2019	YTD 2020	PCT %
Homicide	0	0	0	0	0	-%
Rape	0	0	0	4	4	0%
Robbery	49	97	104	92	92	0%
Aggravated Assault	23	18	28	28	18	-36%
Violent Crime Subtotal	72	115	132	124	114	-8%
Burglary (Structural)	5	6	4	3	1	-67%
Larceny & Auto Burglary	244	473	619	552	180	-67%
Auto Theft	2	1	1	1	0	-100%
Arson	0	0	0	0	1	-%
Property Crime Subtotal	251	480	624	556	182	-67%
TOTAL	323	595	756	680	296	-56%

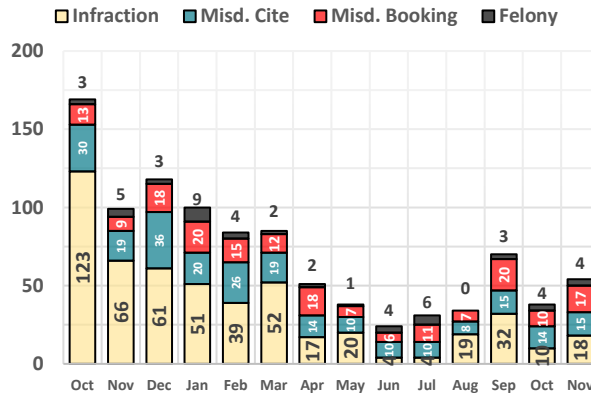
SAN FRANCISCO ELECTRONIC THEFT



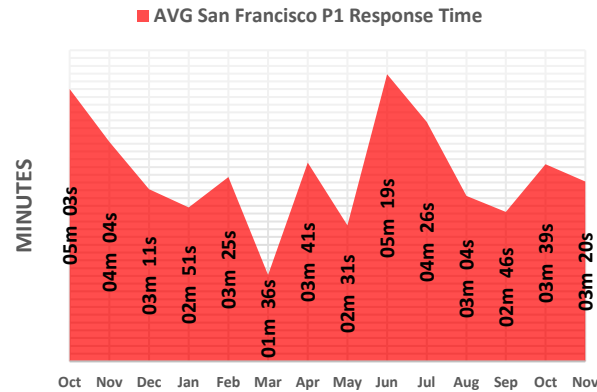
SAN FRANCISCO FARE EVASION



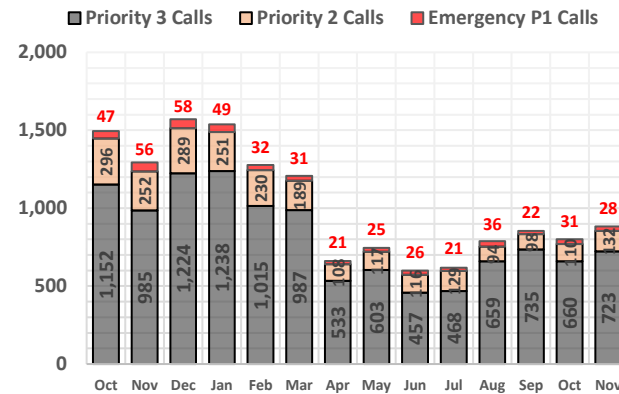
SF ARRESTS & CITATIONS



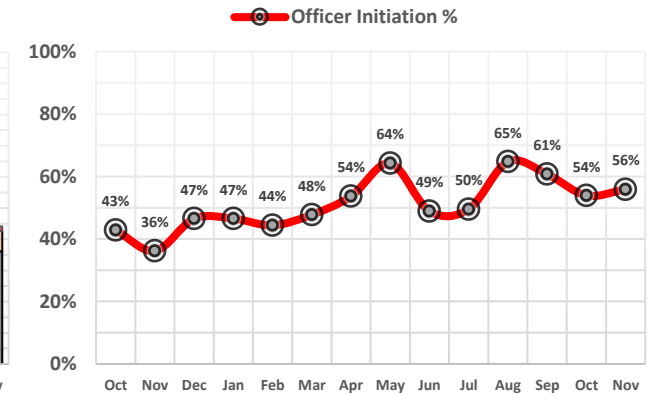
RESPONSE TIME (P1) AVG



SF PRIORITY 1 - 3 CALLS



SF OFFICER-INITIATED INCIDENTS



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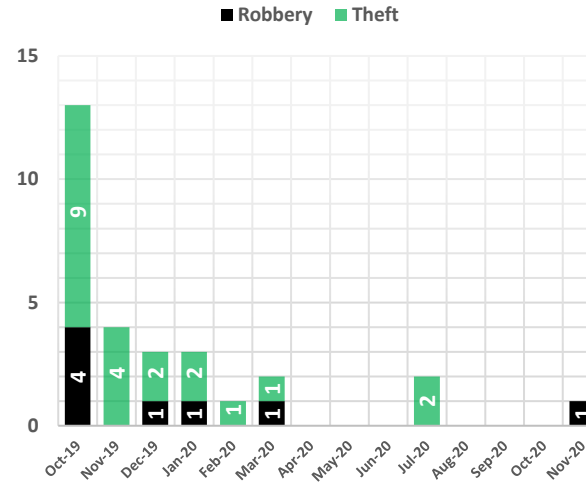
Bay Area Rapid Transit Police Department

101 8th St, Oakland, CA, 94607 (510) 464-7000 www.bart.gov/police

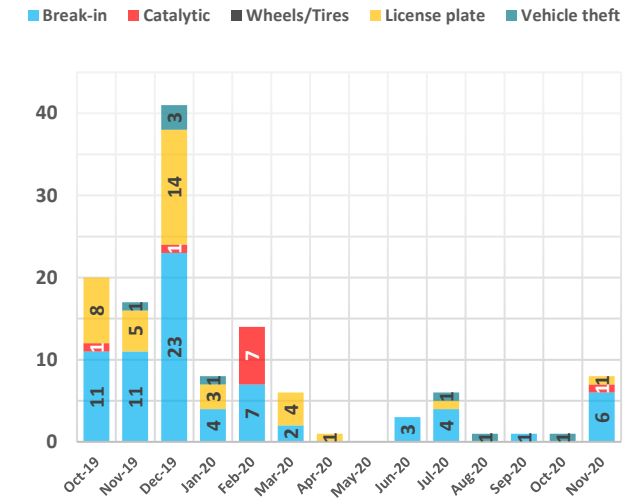
November 2020 Performance Measurement Review - San Mateo County

PART 1 UCR Crime	2017	2018	2019	YTD 2019	YTD 2020	PCT %
Homicide	0	0	0	0	0	-%
Rape	1	0	1	0	1	-%
Robbery	15	8	13	12	5	-58%
Aggravated Assault	6	5	8	6	4	-33%
Violent Crime Subtotal	22	13	22	18	10	-44%
Burglary (Structural)	0	0	0	0	1	-%
Larceny & Auto Burglary	208	161	332	280	71	-75%
Auto Theft	18	19	13	10	4	-60%
Arson	0	0	0	0	1	-%
Property Crime Subtotal	226	180	345	290	77	-73%
TOTAL	248	193	367	308	87	-72%

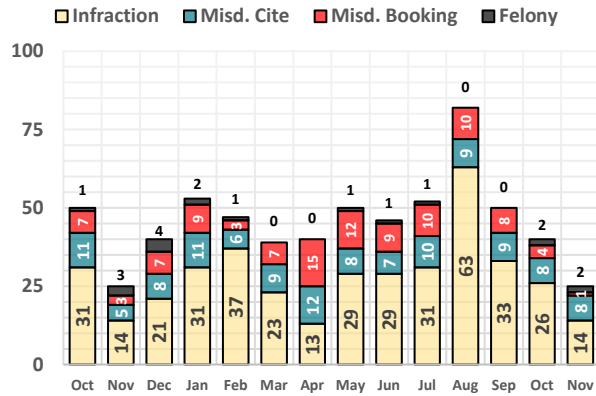
SAN MATEO ELECTRONIC THEFT



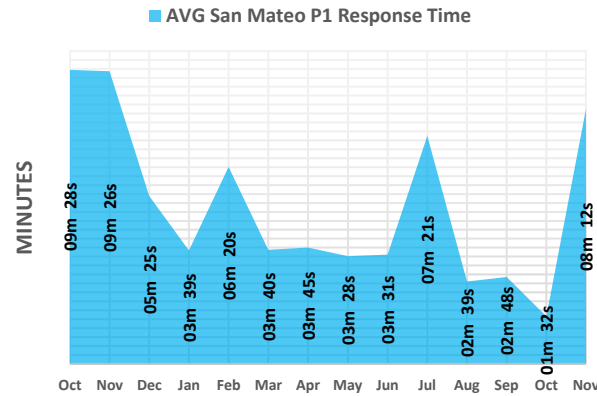
SAN MATEO VEHICLE CRIME



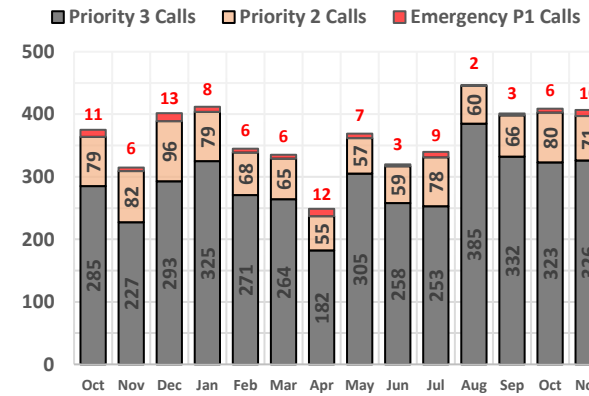
SMC ARRESTS & CITATIONS



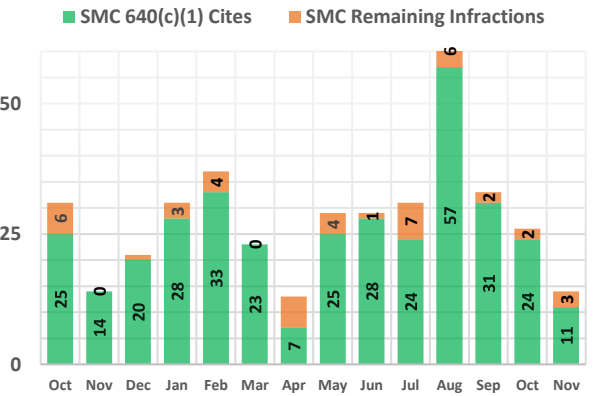
RESPONSE TIME (P1) AVG



SMC PRIORITY 1 - 3 CALLS



SMC FARE EVASION



Preface: The data is retrieved from the BART Police Database and remains unaudited until corrections. Numbers may differ from the reported data in the Uniform Crime Reporting (UCR) program.

Late reporting, the reclassification or unbounding of crimes, can affect crime statistics. Overtime costs are projected numbers. Information in the on the Performance Measurements are subject to change.



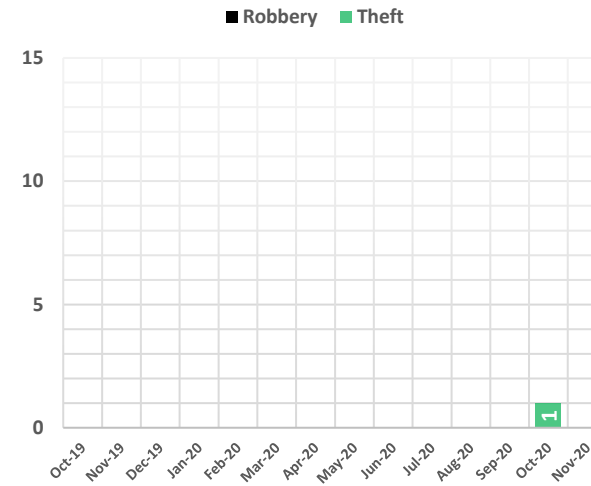
Bay Area Rapid Transit Police Department

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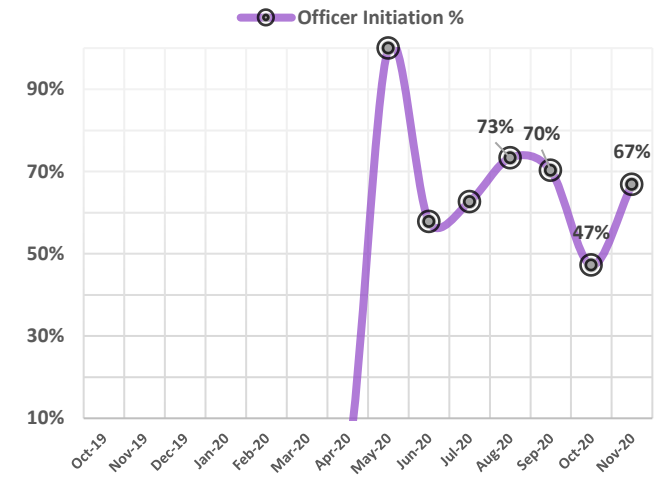
November 2020 Performance Measurement Review - Santa Clara County

PART 1 UCR Crime	2017	2018	2019	YTD 2019	YTD 2020	PCT %
Homicide	-	-	-	0	0	-%
Rape	-	-	-	0	0	-%
Robbery	-	-	-	0	0	-%
Aggravated Assault	-	-	-	0	1	-%
Violent Crime Subtotal	0	0	0	0	1	-%
Burglary (Structural)	-	-	-	0	0	-%
Larceny & Auto Burglary	-	-	-	0	0	-%
Auto Theft	-	-	-	0	0	-%
Arson	-	-	-	0	0	-%
Property Crime Subtotal	0	0	0	0	0	-%
TOTAL	0	0	0	0	1	-%

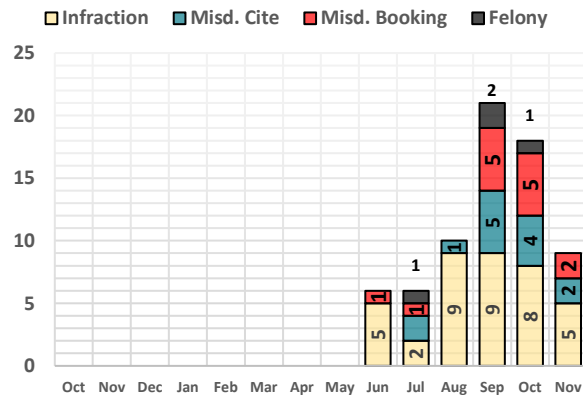
SANTA CLARA ELECTRONIC THEFT



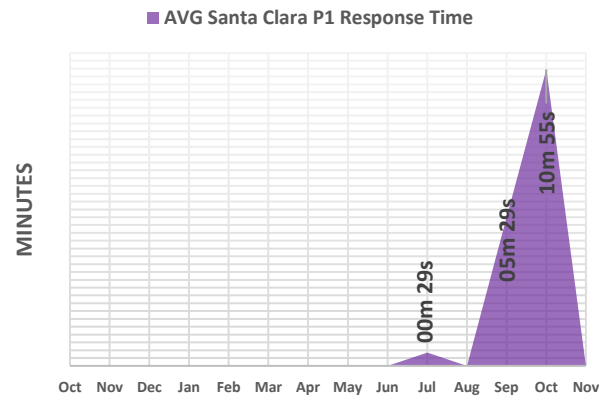
SCC OFFICER-INITIATED INCIDENTS



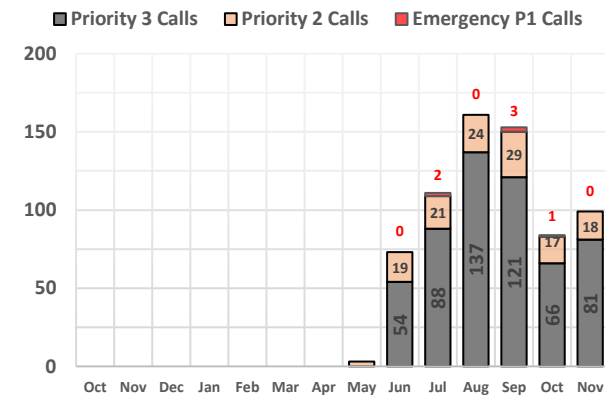
SCC ARRESTS & CITATIONS



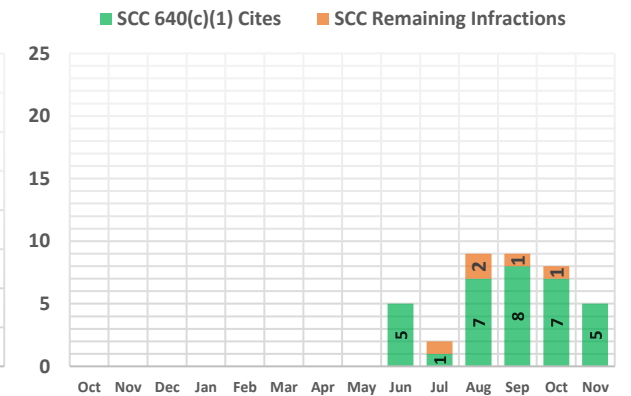
RESPONSE TIME (P1) AVG



SCC PRIORITY 1 - 3 CALLS



SCC FARE EVASION



Preface: The data is retrieved from the BART Police Database and remains unaudited until corrections. Numbers may differ from the reported data in the Uniform Crime Reporting (UCR) program.

Late reporting, the reclassification or unbounding of crimes, can affect crime statistics. Overtime costs are projected numbers. Information in the on the Performance Measurements are subject to change.

BART Police Department - Office of Internal Affairs
Investigation Log

IA#:	DATE OCC'D	DATE REC'D	ALLEGATION	MISC	INVESTIGATOR	STATUS	5 Month Date	Due Date
IA2018-001	1/3/2018	1/3/2018	Force (OIS)		Sgt. T. Salas	Tolled	6/4/2018	
IA2018-043	6/6/2018	6/6/2018	Force		Sgt. Spears	In Progress	11/5/2018	
IA2018-060	7/22/2018	7/23/2018	Service Review		Lt. Salas	Tolled	12/23/2018	
IA2020-017	2/15/2020	2/15/2020	Force		Sgt. Spears	Tolled	7/16/2020	2/15/2021
IA2019-124	10/24/2019	10/24/2019		Deferred to OIPA #19-46	OIPA	OIPA Investigation	3/24/2020	10/24/2020
IA2020-015	2/12/2020	2/12/2020	Force, Arrest/Detention	Deferred to OIPA #20-07	OIPA	OIPA Investigation	7/13/2020	2/12/2021
IA2020-018	2/1/2020	2/1/2020	CUBO, Policy/Procedure		Sgt. McNack	In Progress	7/2/2020	2/1/2021
IA2020-019	2/5/2020	2/5/2020	Arrest/detention, Policy/Procedure, Search/seizure	Deferred to OIPA #20-06	OIPA	OIPA Investigation	7/6/2020	2/5/2021
IA2020-020	3/6/2021	2/20/2020	Force	OIPA Intake #20-10	Sgt. Spears	In Progress	7/21/2020	2/20/2021
IA2020-022	2/19/2020	2/21/2020	Force, Arrest/Detention, Bias Based Policing, Search or seizure	Deferred to OIPA #20-11	OIPA	OIPA Investigation	7/22/2020	2/21/2021

IA2020-023	2/29/2020	2/29/2020	Axon, Bias Based Policing		Lt. Salas	In Progress	7/30/2020	3/1/2021
IA2020-024	2/15/2020	3/7/2020	Force, CUBO Arrest/Detention	OIPA Intake #20-13	Sgt. Spears	In Progress	8/6/2020	3/7/2021
IA2020-026	3/5/2020	3/9/2020	Arrest/Detention, BBP, Axon Policy/Procedure	Deferred to OIPA #20-14	OIPA	OIPA Investigation	7/30/2020	3/9/2021
IA2020-027	11/10/2019	3/12/2020	POD, Supervision		Sgt. T. Salas	In Progress	4/10/2020	3/12/2021
IA2020-028	3/12/2020	3/12/2020	Force		Sgt. T. Salas	Tolled	8/11/2020	3/12/2021
IA2020-031	3/11/2020	3/14/2020	CUBO		Sgt. Spears	In Progress	8/13/2020	3/14/2021
IA2020-035	4/26/2020	4/26/2020	BBP,CUBO, Axon	Formal/Admin Investigation	Sgt. T. Salas	In Progress	9/25/2020	4/26/2021
IA2020-036	Unk	4/30/2020	Arrest/Detention, POD, Axon	OIPA Intake #20-17	Lt. Salas	In Progress	9/29/2020	4/30/2021
IA2020-037	Unk	4/30/2020	POD	OIPA Intake #20-18	Sgt. T. Salas	In Progress	10/3/2020	4/30/2021
IA2020-038	5/4/2019	5/13/2020	POD	Clear by Video	Sgt. T. Salas	In Progress	10/12/2020	5/13/2021
IA2020-039	5/14/2019	5/14/2020	POD		Sgt. T. Salas	In Progress	10/12/2020	5/14/2021
IA2020-042	6/2/2020	6/3/2020	CUBO, Force, BBP		Sgt. T. Salas	In Progress	11/2/2020	6/3/2021
IA2020-044	6/4/2020	6/5/2020	CUBO, Courtesy, Policy/Procedure	Deferred to OIPA #20-19	OIPA	In Progress	11/4/2020	6/5/2021

IA2020-046	6/8/2020	6/8/2020	BBP, CUBO		Sgt. T. Salas	In Progress	11/7/2020	6/8/2021
IA2020-047	6/11/2020	6/12/2020	CUBO	Clear by Video	Sgt. T. Salas	In Progress	11/11/2020	6/12/2021
IA2020-048	7/23/2020	7/23/2020	Force		Sgt. T. Salas	In Progress	12/22/2020	7/23/2021
IA2020-050	7/7/2020	8/17/2020	Arrest/Detention, Force		Sgt. Spears	In Progress	1/16/2021	8/17/2021
IA2020-051	8/18/2020	8/21/2020	BBP		Sgt. Spears	In Progress	1/20/2021	8/21/2021
IA2020-056	8/29/2020	8/31/2020	CUBO		Sgt. T. Salas	In Progress	1/30/2021	8/31/2021
IA2020-057	8/12/2020	8/27/2020	CUBO	Deferred to OIPA #20-22	OIPA	In Progress	1/26/2021	8/27/2021
IA2020-058	9/2/2020	9/3/2020	Force, CUBO	Deferred to OIPA #20-23	OIPA	In Progress	2/2/2021	9/3/2021
IA2020-059	9/4/2020	9/4/2020	POD, Policy/Procedure		Sgt. Spears	In Progress	2/3/2021	9/4/2021
IA2020-060	9/9/2020	9/11/2020	POD, CUBO, Force, Policy/Procedure		Sgt. T. Salas	In Progress	2/10/2021	9/11/2021
IA2020-061	9/9/2020	9/17/2020	CUBO, Courtesy, Axon		Sgt. T. Salas	In Progress	2/16/2021	9/17/2021
IA2020-062	5/21/2020	9/17/2020	Bias Based Policing		Sgt. Spears	In Progress	2/21/2021	9/17/2021
IA2020-063	9/18/2020	9/18/2020	Arrest/Detention - Handcuffing, CUBO, Search/Seizure		Sgt. Spears	In Progress	2/22/2021	9/18/2021

IA2020-065	9/14/2020	9/14/2020	Force, CUBO, POD		Sgt. Spears	In Progress	2/13/2021	9/14/2021
IA2020-066	9/17/2020	9/18/2020	Force, CUBO, Bias, POD, Axon		Sgt. Spears	In Progress	2/17/2021	9/18/2021
IA2020-069		10/14/2020	POD	Deferred to OIPA #20-26	OIPA	OIPA Investigation	3/15/2021	10/14/2021
IA2020-070	10/20/2020	10/21/2020	Force, Arrest/Detention, Search/Seizure	OIPA Intake #20-28	Sgt. Spears	In Progress	3/22/2021	10/21/2021
IA2020-071	10/15/2020	10/16/2020	Courtesy, POD	Possible Clear by Video	Sgt. Spears	In Progress	3/17/2021	10/16/2021
IA2020-075	10/23/2020	10/23/2020	BBP, Courtesy	Possible Admin Closure	Sgt. Spears	In Progress	3/24/2021	10/23/2021
IA2020-076	10/27/2020	10/29/2020	Arrest/Detention, CUBO, POD, Axon		Sgt. Spears	In Progress	4/3/2021	10/29/2021
IA2020-077	10/16/2020	11/9/2020	Force, Arrest/Detention, CUBO	Deferred to OIPA #20-29	OIPA	In Progress	3/16/2021	11/9/2021
IA2020-078	11/3/2020	11/13/2020	Courtesy		Sgt. Spears	In Progress	4/3/2021	11/13/2021
IA2020-079	11/9/2020	11/9/2020	POD		Sgt. Spears	In Progress	4/9/2021	11/9/2021
IA2020-080	9/14/2020	10/26/2020	Arrest/Detention		Sgt. Spears	In Progress	2/14/2021	10/26/2021
IA2020-081	11/18/2020	11/18/2020	Policy/Procedure		Lt. Salas	In Progress	4/19/2021	11/17/2021

IA2020-082	11/17/2020	11/17/2020	BBP, CUBO		Lt. Salas	In Progress	4/19/2021	11/17/2021
IA2020-083	11/19/2020	11/19/2020	Force, CUBO, Axon		Sgt. Spears	In Progress	4/20/2021	11/19/2021
IA2020-084	11/21/2020	11/23/2020	POD		Sgt. Spears	In Progress	4/23/2021	11/30/2021
IA2020-085	11/27/2020	11/30/2020	CUBO, Axon		Lt. Salas	In Progress	5/1/2021	11/30/2021
IA2020-086		11/25/2020	POD, Axon		Lt. Salas	In Progress	4/26/2021	11/25/2021

BART Watch - 2020

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Crime in Progress	53	60	32	17	9	17	16	16	16	13	19		268
Disruptive Behavior	589	593	352	78	86	114	140	146	140	182	190		2,610
Drug Use	294	222	155	38	52	64	62	71	62	79	66		1,165
Human Trafficking	2	0	0	3	1	0	1	0	0	0	0		7
Illegally Parked Vehicle	16	22	1	1	2	2	2	2	0	6	1		55
Aggressive Panhandling	40	42	15	3	5	3	4	9	5	5	6		137
Report a Crime Tip	22	28	10	4	13	29	14	4	11	14	9		158
Robbery/Theft	18	13	10	5	6	5	1	6	0	2	2		68
Sexual Assault/Lewd Behavior	20	17	35	246	137	327	2	6	12	3	3		808
Suspicious Activity	82	71	58	28	17	28	19	18	27	36	27		411
Unattended Bag or Package	28	25	9	2	5	6	3	2	2	4	4		90
Unsecure Door	11	2	4	4	3	2	0	1	5	6	1		39
Vandalism	64	55	21	18	6	21	15	10	12	17	13		252
Welfare Check	144	121	91	27	29	39	50	36	34	36	30		637
Total	1383	1271	793	474	371	657	329	327	326	403	371		6,705
Text-a-Tip	-	-	-	-	-	-	-	20	414	833	1031		2,298

Total Downloads: 90,329



Community-Oriented Policing and Problem Solving (COPPS)

Edgardo Alvarez
Chief of Police

Angela Averiett
Bureau Deputy
Chief

COPPS Coordinators:
Jonathan Moreland
Shirley Lara

Progressive Policing and Community Engagement Bureau

COPPS

Purpose and Philosophy

Purpose

The BART Police Department's community-oriented policing program is a proactive approach to policing that involves problem identification and resolution and creating partnerships between the members of the police department and the communities they serve.

Philosophy

Community-oriented policing is a philosophy that promotes organizational strategies, which support the systematic use of partnerships and problem-solving techniques, to pro-actively address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime.

Our Mission

- A liaison to BART citizen advisory committees, outside community groups and governmental working groups
- Assist in the training of Police personnel on the Community Oriented Policing and Problem-Solving
- Contribute feedback towards departmental policies and practices pertaining to community-oriented policing and problem solving
- Manage department charitable programs

Conclusion

Our purpose is to build trusting partnerships with the diverse communities we serve. We're looking forward to working with you in efforts to improve the quality of life for our citizens.



Office of the
**INDEPENDENT
POLICE AUDITOR**

BAY AREA RAPID TRANSIT DISTRICT

MONTHLY REPORT

December 2020

Issue date: January 11, 2020

This report is filed pursuant to the BART Citizen Oversight Model, Chapter 1-05 (B), which requires the Office of the Independent Police Auditor (OIPA) to submit reports to the BART Police Citizen Review Board (BPCRB). This report provides information for the period **December 1, 2020 through December 31, 2020**.¹

(The Quantitative Report includes all complaints received and administrative investigations initiated by both OIPA and the BART Police Department (BPD) Internal Affairs Bureau (IAB)).

QUANTITATIVE REPORT

	Cases Filed ²	Open Cases ³	Investigations Resolved	OIPA Investigations Concluded ⁴	Cases Appealed to OIPA ⁵	Cases Appealed by BPCRB ⁶
December 2019	6	58	6	1	0	0
January 2020	8	53	13	2	0	0
February 2020	15	56	10	0	0	0
March 2020	9	54	11	1	0	0
April 2020	6	44	18	1	1	0
May 2020	4	40	6	1	0	0
June 2020	7	44	4	0	0	0
July 2020	1	41	3	1	0	0
August 2020	9	43	5	1	0	0
September 2020	10	45	8	1	0	0
October 2020	10	48	9	2	0	0
November 2020	11	51	7	2	0	0
December 2020	7	55	4	1	0	0

TYPES OF CASES FILED

Citizen Complaints (Formal)	4
Informal Complaints ⁷	3
Administrative Investigations	0
Inquiries ⁸	0
TOTAL	7

CITIZEN COMPLAINTS RECEIVED PER DEPARTMENT⁹

OIPA	1
BART Police Department	3
TOTAL	4

COMPLAINTS/INVESTIGATIONS INITIATED DURING REPORTING PERIOD

During December 2020, **1 Citizen Complaint** was received by OIPA:

Complaint # (OIPA Case #) (IA Case #)	Nature of Complaint	Action Taken	Days Elapsed Since Complaint Filed
1 (OIPA #20-32) (IA2020-093)	Officer #1: • Conduct Unbecoming an Officer	OIPA notified BPD which initiated an investigation.	25

During December 2020, **2 Citizen Complaints (Formal)** were received by BPD:

(IA Case #)	Nature of Complaint	Action Taken	Days Elapsed Since Complaint Filed
1 (IA2020-089)	Officers #1-2: • Force	BPD initiated an investigation.	27
2 (IA2020-095)	Employee #1: • Performance of Duty • Conduct Unbecoming	BPD initiated an investigation.	13
3 (IA2020-096)	Officer #1: • Force	BPD initiated an investigation.	13

During December 2020, **2 Informal Complaints** were received by BPD:

Complaint # (IA Case #)	Nature of Complaint	Action Taken	Days Elapsed Since Investigation Initiated
1 (IA2020-088)	Officer #1: • Policy/Procedure	BPD initiated a Supervisor Referral. ¹⁰	39
2 (IA2020-090)	Officer #1: • Policy/Procedure	BPD initiated a Supervisor Referral.	39

COMPLAINTS/INVESTIGATIONS INITIATED DURING A PRIOR REPORTING PERIOD

During November 2020, **1 Citizen Complaint (Formal)** was received by BPD:

Complaint # (IA Case #)	Nature of Complaint	Action Taken	Days Elapsed Since Complaint Filed
1 (IA2020-091)	Officer #1: • Force	BPD initiated an investigation.	43

During November 2020, **1 Informal Complaint** was received by BPD:

Complaint # (IA Case #)	Nature of Complaint	Action Taken	Days Elapsed Since Investigation Initiated
1 (IA2020-092)	Officer #1: • Arrest/Detention	BPD initiated an investigation.	42

COMPLAINTS/INVESTIGATIONS CONCLUDED DURING REPORTING PERIOD

During December 2020, **1 Citizen Complaint** was concluded by OIPA:

Complaint # (IA Case #)	Nature of Complaint	Disposition	Days Elapsed Since Complaint Filed	Days Taken to Complete Investigation
1 (OIPA #20-06)	Officer harassed and improperly detained and searched subject and did not properly document a law enforcement contact.	Officer #1: <ul style="list-style-type: none"> • Arrest/Detention – Administratively Closed • Search/Seizure – Administratively Closed • Courtesy – Administratively Closed • Conduct Unbecoming an Officer – Administratively Closed • Policy/Procedure (AXON Camera) – Administratively Closed 	341	306

During December 2020, **2 Citizen Complaints (Formal)** were concluded by BPD:

Complaint # (IA Case #)	Nature of Complaint	Disposition	Days Elapsed Since Complaint Filed	Days Taken to Complete Investigation
1 (IA2020-023)	Officer improperly ejected complainant from the system.	Officer #1: <ul style="list-style-type: none"> • Conduct Unbecoming an Officer – Not Sustained 	317	292
2 (IA2020-084)	Employee was unprofessional and inattentive to complainant during a phone call.	Employee #1: <ul style="list-style-type: none"> • Conduct Unbecoming – Supervisor Referral 	49	10

During December 2020, **1 Informal Complaint** was addressed by BPD:

Complaint # (IA Case #)	Nature of Complaint	Disposition	Days Elapsed Since Complaint Filed	Days Taken to Complete Investigation
1 (IA2020-088)	Officer exceeded the posted speed limit.	Officer #1: <ul style="list-style-type: none"> • Policy/Procedure – Supervisor Referral 	48	7

DISCIPLINE ISSUED DURING REPORTING PERIOD

During December 2020, BPD took the following actions in cases where one or more allegations of misconduct were sustained:

Case #	Nature of Sustained Allegation(s) *	Classification of Sustained Allegation(s)	Action Taken
1	Employee fell asleep while on duty.	Employee #1: • Policy/Procedure	Officer #1: • Written Reprimand
2	Officer did not properly document a law enforcement contact.	Officer #1: • Policy/Procedure (AXON Camera)	Officer #1: • Oral Counseling
3	Officer did not properly document a law enforcement contact.	Officer #1: • Policy/Procedure (AXON Camera)	Officer #1: • Letter of Discussion

ADDITIONAL NOTES

In accordance with the BART Citizen Oversight Model (Model), OIPA investigates certain complaints, conducts complainant-initiated appeals, and also monitors and/or reviews complaint investigations conducted by BPD. Though potentially work-intensive, some complaint investigation reviews are completed informally, with any concerns being addressed through a conference with BPD's Internal Affairs investigators. Noting the various kinds of work that OIPA undertakes with regard to complaints and investigations, the following chart includes some of the pending cases in which OIPA is involved as of the end of this reporting period.

Investigations Being Conducted	9
Complainant-Initiated Appeals	0
BPD-Initiated Appeals	0
Investigations Being Monitored	59
Investigations Reviewed During Current Month	13†

†This number does not include all OIPA reviews, as OIPA commonly looks at a variety of cases in the Internal Affairs database to obtain updates on both pending and completed investigations.

The Model provides that OIPA shall have authority to require follow-up investigation into any citizen complaint or allegation that is addressed by BPD. The OIPA Monthly Report will reflect information regarding monitored or reviewed cases with detail not to exceed that which is allowable under state law.

The BPD Internal Affairs investigations, Supervisor Use of Force Reports (SUFRs), officer contacts, and body-worn camera recordings reviewed by OIPA during the period

*Some details regarding the nature of sustained allegations may be withheld to avoid unintentionally breaching mandatory confidentiality requirements. In some instances, the relative infrequency of the alleged misconduct may tend to allow for identification of the subject officer in violation of the applicable CA Penal Code section (832.7).

generated recommendations for policy/practice revisions and requests for additional action.¹¹

BPD Supervisor Use of Force Reports

OIPA review of SUFRs during this reporting period, which are generated as required by BPD Policy 300 (Use of Force), prompted OIPA to recommend investigation by the BPD Office of Internal Affairs in some instances.

These referrals to Internal Affairs were related to:

- Unreported use of force
- Late or failed AXON camera activations
- Incomplete supervisory reviews
- Conduct Unbecoming an Officer
- Improper application and enforcement of the BART Proof of Payment (PoP) Ordinance

In response to OIPA's concerns related to the actual and potential policy violations listed above, BPD pledged to examine the quality and scope of training for new supervisors. Command staff also indicated that they will recommend that Field Training Officers review the body-worn camera recordings of trainees on a daily basis to provide correction, additional training, or discipline where appropriate.

BPD command staff have also committed to improve data collection efforts to better document the underlying reason for a contact that results in an arrest. For example, where a subject is contacted for fare evasion and refuses to provide verifiable identification, that subject may ultimately be charged with resisting, delaying or obstructing an officer while the underlying fare evasion violation will be documented only in the officer's written narrative. This process does not lend itself to an efficient data retrieval process and prevents effective analysis of contact outcomes related to low level criminal activity and the manner in which enforcement contributes to racially disparate outcomes.

Additionally, OIPA review of SUFRs has detected instances in which supervisors did not properly or fully perform duties related to the review of force, including:

- Force Analysis
 - Properly identifying and documenting de-escalation efforts
 - Properly categorizing the level of force
 - Fully addressing all applied force options including TASER deployment
 - Fully reviewing available video prior to making a determination about the propriety of the force used
- Investigation Processes
 - Deferring review to a supervisor who was not involved in the contact
 - Identifying, documenting, and addressing contacts that were initiated absent reasonable suspicion of criminal activity
 - Differentiating between a consensual contact and a detention
 - Interviewing subjects and officers outside one another's presence as required
 - Collecting available relevant evidence

- e.g. station video and witness interviews
 - Conducting administrative interviews of the subject of the applied force
 - Some subjects appear to be under the impression that if they do not complain about the officer's conduct, the supervisor will release them from custody.
 - This undermines the supervisor's ability to collect accurate information about the subject's perception regarding the use of force and supervisors should be more aware of that dynamic during these interviews
- Collateral Issues
 - Insufficiently addressing late or failed body-worn camera activations
 - Identification of inaccurate statements in the involved officers' written reports
- Internal Accountability Measures
 - Auditing subordinate officers' body-worn camera recordings to detect improper labeling and categorization
- Complaint Routing
 - Appropriately addressing complaints of misconduct, including improper arrest or detention and excessive force

In connection with concerns noted above and at the invitation of Chief Alvarez, I addressed over 50 attendees at a December Police Managers' Meeting, including the majority of BPD Sergeants. I was able to describe the OIPA SUFR review process and to identify each of the areas that I typically review in relation to the quality of these reports. One attendee requested that I identify examples of high-quality supervisory force review and reporting, which I committed to provide, and I reminded the supervisors that I remain available to answer any questions about my expectations.

I will continue to identify areas for improvement or conduct that warrants further action or review to determine whether the frequency of these lapses declines.

Body Worn Camera Activation, Labeling, and Retention

As mentioned above, SUFR review revealed that some officers continued to activate cameras after the initiation of a law enforcement contact in violation of BPD policy, including after the application of force. Late activations are not consistently detected, documented, or properly addressed by supervisory personnel.

Updated instructions provided to BPD personnel by Chief Alvarez further clarified the Department's expectations of its officers with regard to activation of the body-worn cameras. Prior to these adjustments, OIPA review of body-worn camera recordings revealed that there were undetected instances in which officers eliminated the pre-activation buffering recording prior to a law enforcement contact by fully shutting down the camera. This practice threatened to defeat one of the main purposes of collecting pre-activation recordings which are useful, and at times central, in criminal prosecutions, complaint investigations, administrative investigations, supervisory review of subordinate officers, and litigation defense.

Importantly, this practice of eliminating the buffering recording creates circumstances in which a critical incident may not be recorded, and the unavailability of critical incident video

may seriously erode community trust and may call into question the Department's commitment to transparency.

During this reporting period, OIPA also discovered that despite the existence of a video labeling category for every possible type of officer activity, some officers improperly used a category that automatically deleted videos after 30 days.

OIPA alerted Chief Alvarez that this practice, which had been previously identified and addressed via policy revision in 2019, caused the permanent deletion of recordings related to law enforcement contacts (including ejections related to proof of payment enforcement activities) and those recordings were no longer available to assist in the areas listed above. In response, BPD emailed a reminder to all officers about the requirements for proper labeling and assigned supervisors to audit a subset of recordings to determine whether certain repeated inaccurate categorizations were intentional and/or intended to subvert the intended retention period.

At least one officer has been identified as the subject of an Internal Affairs misconduct investigation in connection with repeated mislabeling to determine whether these inaccuracies were intentional and/or intended to circumvent review and other similarly situated BPD personnel may be identified as a result of internal auditing activity initiated by the Chief and his command staff. I will monitor these investigations going forward and will report on the results, including any related disciplinary action and/or related policy revisions.

Pending the completion of their internal review, BPD has temporarily adjusted the video recording retention periods and has suspended automatic deletions. OIPA looks forward to an update regarding the department's long-term remedy.

Uniform Standards (Thin Blue Line Facemasks)

OIPA recently received a complaint including an allegation of Conduct Unbecoming an Officer directly connected with an on-duty supervisor's use of a "Thin Blue Line (TBL)"ⁱ facemask. It is my opinion, which is supported by the complaint we received, that the imagery can be reasonably interpreted to convey a rejection of the assertion that "Black Lives Matter," regardless of the original intent of the TBL imagery and messaging.

ⁱ"The idea of a "thin blue line" can be traced all the way back to a[n] 1854 British battle formation, a "thin red line" used during the Crimean War and then popularized in art, poetry and song. According to lawyers James Clapp and Elizabeth Thornburg, who have dug up the history behind popular phrases, the idea migrated to other professions, with other colors, from a "thin white line of bishops" to a "thin blue line of public schoolboys in blazers." It was occasionally used for police, they write, but that usage caught on in 1922, after New York police commissioner Richard Enright, facing criticism of his leadership, mentioned it in a public relations effort. The phrase started showing up in speeches by politicians and related press coverage from Chicago to Los Angeles. In the 1950s, "The Thin Blue Line" was the title of a briefly running television show about the Los Angeles Police Department, masterminded by the chief, William H. Parker, who took advantage of Hollywood's proximity to make public relations a key part of his tenure. (The Short, Fraught History of the 'Thin Blue Line' American Flag by Maurice Chammah and Cary Aspinwall; <https://www.themarshallproject.org/2020/06/08/the-short-fraught-history-of-the-thin-blue-line-american-flag>, accessed January 5, 2021).

The Police1[‡] website, which is administered by Lexipol (a company with whom BPD contracts for policy manual maintenance and guidance), recently posted an article that included the acknowledgement that “[w]hile police officers and supporters of law enforcement have embraced the image as a source of pride and fraternal kinship, **others see the thin blue line flag as a banner of defiance in a time of demands for police reform.**” (emphasis added). A related article on the website about the TBL flag[§] notes that officers cannot rely on the protection of the First Amendment to counter a departmental prohibition of TBL displays, adding that the standard for protected speech is more limited as applied to public government employees.

In yet another related article on Police1 about a TBL controversy in Massachusetts, the author explained:

“Tensions across the country have risen around policing as protesters have called for reexamination of the justice system in the wake of recent police killings of unarmed Black men and women such as George Floyd in Minneapolis. Recently, the black and blue flags have been used by “Back the Blue” or “Blue Lives Matter” groups that have formed in response to the Black Lives Matter movement and calls to defund the police, **often as a direct counter.**”^{**} (emphasis added).

Images of protestors displaying TBL imagery alongside white supremacist imagery were distributed nationally after the killing of George Floyd and during the expressions of outrage that followed, as documented in the image included below.



Given the current national climate, it is objectively reasonable to perceive the imagery as a direct opposition to voiced concerns about the racially disparate impact of police violence on communities of color, both currently and historically. The display of the TBL facemask by BPD officers and supervisors can be perceived as unnecessarily antagonistic and can be reasonably expected to decrease community trust and to minimize the effectiveness of officers who choose to wear the masks.

[‡]Police1 describes itself as the #1 resource for law enforcement online, adding that its mission is to help officers fulfill their mission. They note that they provide law enforcement with the information and resources they need to better protect their communities and come home safe every day. (<https://www.police1.com/info/about/>, accessed 12/11/20).

[§]<https://www.police1.com/legal/articles/3-things-to-consider-before-you-raise-a-blue-line-flag-yTymSYXUqtXZUOYi/>, accessed 12/11/20).

^{**}<https://www.police1.com/chiefs-sheriffs/articles/mass-police-chief-retires-amid-thin-blue-line-flag-controversy-kwFHRmj20wsAPFcy/>, accessed 12/11/20)

It is of concern that any BPD officer who observed national events and media coverage since the May 2020 killing of George Floyd by a Minneapolis police officer could remain unaware of the tension that may result from displaying the TBL imagery. It is equally concerning that any officer charged with serving communities of color would disregard that awareness and don a TBL-branded mask despite even the mere possibility that it would offend a single citizen under their care.

OIPA advised Chief Alvarez of the facemask-related complaint and recommended the issuance of a prohibition on facemasks that display any messaging or imagery. OIPA later became aware of at least 3 other sworn officers who wore a TBL facemask while on duty, including a Field Training Officer and a Sergeant.

Chief Alvarez ultimately standardized uniform components, including facemasks, and BPD officers will now only be permitted to wear face coverings with no messaging, imagery, or logo other than a BPD logo.

De-Escalation

As part of our mission to assist in the improvement of policing at BART, OIPA also noted some instances in which officers applied sound and effective de-escalation tactics in accordance with the state-of-the-art Integrating Communications, Assessment, and Tactics (ICAT) training program designed by the Police Executive Research Forum (PERF).

OIPA remains committed to identifying and addressing areas for improvement while also recognizing and elevating examples of effective de-escalation that can be used in trainings to inform those conversations with real-life references. Effective de-escalation tactics have been employed by BPD officers in potentially deadly situations involving firearms and other weapons as well as during low-level contacts, thereby minimizing applications of force, injuries, complaints of misconduct, and legal liability.

OIPA is aware that Chief Alvarez has now selected in-house ICAT trainers who are expected to begin providing instruction to BPD officers in January 2021. OIPA looks forward to reviewing contacts to identify positive outcomes resulting from the application of these techniques.

¹ In addition to reporting on complaints received by the BART Police Department, the Citizen Oversight Model requires reporting on all complaints received by the “Citizen Board, Office of the District Secretary, and other District departments.” As complaints received by the BART Police Citizen Review Board are customarily directed to OIPA for further action, such complaints are included in the Quantitative Report above; OIPA is also made aware of additional complaints about the BART Police Department by the Office of the District Secretary or other District departments.

² This number includes all Citizen Complaints filed against members of the BART Police Department, as well as Administrative Investigations generated internally by BART Police Department members (as opposed to being filed by a citizen). This number also includes previously completed cases that have been re-opened during the current reporting period.

³ This number indicates all investigations that are open as of the end of the reporting period. It includes Citizen Complaints (regardless of whether the investigation is being conducted by OIPA, the BART Police Department, or both) and Administrative Investigations.

⁴ This number includes all cases completed by OIPA during the reporting period for which OIPA’s findings are required by the BART Citizen Oversight Model to be submitted to the BART Police Citizen Review Board. It therefore includes independent investigations, as well as reviews of completed BART Police Department investigations initiated via appeal from a complainant. Unless otherwise noted, it does not include reviews of BART Police Department investigations initiated

at the discretion of OIPA, which happen commonly and do not always generate a formal report; it also does not include reviews conducted by OIPA of complaint investigations where the complaint was filed with OIPA but did not fall under OIPA's investigative jurisdiction.

⁵ This number refers to appeals filed with OIPA by complainants who have been issued the findings of the BART Police Department's internal investigation into their complaint regarding on-duty incidents. OIPA has a responsibility to review such appeals pursuant to the BART Citizen Oversight Model, Chapter 1-04 (E).

⁶ This number refers to all appeals initiated by the BART Police Citizen Review Board after receiving and reviewing the findings issued by OIPA in a given case. The routes of all such appeals are described in detail in the BART Citizen Oversight Model, Chapter 1-04 (B) (iv-v).

⁷ The BART Police Department defines an Informal Complaint as, "A comment on the actions of a Department employee, where the reporting party expressly states that he or she does not feel that the matter should be formally investigated with the understanding that an Informal Complaint does not hold the potential to result in disciplinary action against the employee." (BART Police Department Policy Manual, Policy 1020.1.1(d)).

⁸ BPD policy provides that if a person alleges or raises an issue that does not constitute a violation of Department policy, procedure, rules, regulations, or the law, the Department will classify the issue as an inquiry.

⁹ It is important to note that OIPA does not separate citizen complaints it receives into "Formal" and "Informal" classifications. This chart reflects all citizen complaints received by OIPA and all Formal Complaints received by the BART Police Department.

¹⁰ A Supervisor Referral refers to an instance involving an Inquiry or an Informal Complaint. An assigned supervisor addresses the issue informally with the involved employee and documents the content of the conversation with a memorandum to IAB.

¹¹ OIPA may submit recommendations to IAB regarding minor clerical or record-keeping adjustments which are intended to maintain the integrity of the data collection and record-keeping processes at BPD. These are not considered by OIPA to be substantive recommendations requiring reporting herein.