

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
300 Lakeside Drive, P. O. Box 12688, Oakland, CA 94604-2688
(510) 464-6000

**NOTICE OF MEETING AND AGENDA
BART POLICE CITIZEN REVIEW BOARD**

March 12, 2018

A Meeting of the BART Police Citizen Review Board (BPCRB) will be held on Monday, March 12, 2018, at 4:00 p.m. The Meeting will be in the BART Board Room, Kaiser Center 20th Street Mall – Third Floor, 344 20th Street, Oakland, California.

AGENDA

1. Call to Order.
2. Call for Quorum.
3. Pledge of Allegiance Recital.
4. Approval of Minutes of Prior Board Meeting. For Discussion and Action.
5. General Discussion and 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).
6. Chairperson's Report. For Discussion and Action.
7. BPCRB Onboarding and Training Syllabus Subcommittee Status. For Discussion and Action.
8. January 3, 2018 BART Police Department (BPD) Officer-Involved Shooting (OIS). For Discussion and Action.
9. Discussion of BART Police Officers' Association (BPOA) Memo Regarding the OIR Oversight System Evaluation Report. For Discussion and Action.
10. Chief of Police's Report. For Discussion and Action.
 - a. BPD Monthly Report for January 2018
 - b. Use of Force Analysis Report Pursuant to BPD Policy 300 (Section 300.9)
11. Independent Police Auditor's Report. For Discussion and Action.
 - a. Office of the Independent Police Auditor (OIPA) Monthly Report for February 2018
 - b. Report-back on February 22, 2018 BART Board of Directors Meeting: Public Comment re January 3, 2018 OIS and Next Steps re OIR Report Recommendations
 - c. Discussion re Board Appointments for BPCRB Seats Expiring on June 30, 2018 and the Public-at-Large Seat
 - d. Discussion of OIPA and BPCRB Roles in Connection with BPD Officer-Involved Shootings
12. Closed Session.
 - a. To Consider Public Employee Discipline/Dismissal/Release in Office of the Independent Police Auditor Case #17-35. Govt. Code §54957

13. Adjournment.

Please refrain from wearing scented products (perfume, cologne, after-shave, etc.) to this meeting, as there may be people in attendance susceptible to environmental illnesses.

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.

BPCRB Meeting Agenda materials will be made available to the public at the meeting and may also be accessed and downloaded 72 hours prior to the meeting at <http://www.bart.gov/about/bod/advisory/crb> (click on “Agenda”).

Pursuant to Govt. Code §54953.5, the audio recording of this open and 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 94604-2888

BART Police Citizen Review Board
Monday, February 12, 2018

A regular meeting of the BART Police Citizen Review Board (BPCRB) was held on Monday, February 12, 2018 convening at 4:00 p.m. in the BART Board Room, 344 20th Street, Oakland, California.

Members Present: Chairperson George Perezvelez, Vice Chairperson William White, Kenneth Loo, Cathryn Freitas, Darren White, Bob Maginnis, Les Mensinger, Aman Sebahtu, David Rizk, and Richard Knowles.

BART Staff: BART Police Department (BPD) Chief Carlos Rojas, BPD Deputy Chief Jeffrey Jennings, BPD Deputy Chief Lance Haight, BPD Deputy Chief Edgardo Alvarez, BPD Lieutenant Chris Vogan, BPD Officer Stephen Christ, BPD Senior Administrative Analyst LaTonia Peoples-Stokes, Independent Police Auditor Russell Bloom, and Independent Police Investigator Patrick Caceres, BART Attorney Byron Toma.

Others Present: BART Director John McPartland, BART Director Robert Raburn, Jessie Yau, KQED Radio, and KCBS TV.

Agenda items discussed:

- 1. Call to Order.**
The regular meeting was called to order at 4:02 p.m. by Chairperson George Perezvelez.
- 2. Call for Quorum.**
Chairperson George Perezvelez, Kenneth Loo, Cathryn Freitas, Darren White, Bob Maginnis, Les Mensinger, David Rizk, and Richard Knowles were present, amounting to a quorum.
- 3. Pledge of Allegiance Recital.**
The pledge of allegiance was recited.
- 4. Approval of Minutes of Prior Board Meeting. For Discussion and Action.**
A motion to approve the minutes for the Prior Board Meeting was made by Mr. Maginnis and seconded by Mr. Mensinger. The motion passed unanimously.
- 5. General Discussion and 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.)**
No general discussion. No public comment.

Mr. W. White entered the meeting at 4:04 p.m.

6. BPCRB Onboarding and Training Syllabus Subcommittee-Assignment of Subcommittee Members. For Discussion and Action.

Chairperson Perezvelez discussed this topic. He asked for an additional BPCRB volunteer to participate on the subcommittee. Mr. D. White volunteered to be a part of the subcommittee. The subcommittee consists of BPCRB Members: Chairperson Perezvelez, Mr. Rizk, Mr. Sebahtu, and Mr. D. White.

7. Revised BPCRB Training Plan for 2018-2019. For Discussion and Action.

Chairperson Perezvelez presented the revised BPCRB Training Plan for 2018-2019 to the BPCRB.

Mr. Bloom addressed the BPCRB.

Mr. Sebahtu entered the meeting at 4:08 p.m.

The BPCRB discussed this item.

Deputy Chief Alvarez answered a question from a BPCRB Member.

The BPCRB continued to discuss this item.

A motion to accept the revised BPCRB Training Plan for 2018-2019 with changes to July 2019 (Support Services Bureau and Communications Center) and November 2019 (Tour of new BART Stations to include Pittsburg and Antioch) training topics was made by Mr. Mensinger and seconded by Mr. D. White. The motion passed unanimously.

8. National Association for Civilian Oversight of Law Enforcement (NACOLE) Annual Conference Attendance. For Discussion and Action.

This item was originally Agenda Item #9.

The BPCRB discussed the NACOLE Annual Conference Attendance and the proposed CRB (Citizen Review Board) Bylaws language change to the NACOLE annual conference budget.

Director Raburn addressed the BPCRB.

A motion to accept the proposed language change with regards to equal disbursement of the allocated funds to any and/or all members who express interest and register for the NACOLE Annual Conference was made by Mr. Mensinger and seconded by Mr. D. White. The motion passed with seven in favor, two against and one abstention.

The BPCRB continued discussing this item.

A motion to petition the BART Board of Directors to increase the NACOLE Annual Conference budget from \$3,500 to \$5,000 beginning July 1, 2018 was made by Ms. Freitas and seconded by Mr. W. White. The motion passed with seven in favor, two against and one abstention.

Director Raburn addressed the BPCRB.

An amendment to the prior motion to change the CRB Bylaws to increase the budget for the NACOLE Annual Conference to \$5,000 beginning July 1, 2018 was made by Ms. Freitas and seconded by Mr. W. White. The motion passed unanimously.

9. BPCRB Training Session (The curriculum to be addressed will not satisfy AB 1234 Training requirements for legislative body members.)

This item was originally Agenda Item #8.

a. BART Citizen Oversight Model Basics

Mr. Bloom reviewed the BPCRB Citizen Oversight Model and compared it to San Jose Independent Police Auditor's Oversight Model, and discussed the differences between the two. He also discussed other types of oversight models and structures.

Mr. Toma made a presentation to the BPCRB regarding laws relevant to the BPCRB's service. He covered matters pertaining to the Brown Act, California Public Records Act, Standard Rules of Parliamentary Procedure, Peace Officers' Procedural Bill of Rights, *Copley Press v. Superior Court*, and New Cases and Law Relevant to the BPCRB's work.

10. Chief of Police's Report. For Discussion and Action.

This item was originally Agenda Item #11.

a. BPD Monthly Report for December 2017

Chief Rojas presented the BPD Monthly Report for December 2017, and he answered questions from the BPCRB.

b. Rescinded BPD Fare Evasion Policy

Chief Rojas explained that the BPD Fare Evasion Policy was rescinded because the relevant elements are contained in other documents in the BPD Policy Manual.

The BPCRB discussed this item.

Chief Rojas answered questions from the BPCRB.

c. BPD Officer and Employee Vacancy Report

Chief Rojas provided an update on BPD's officer and employee vacancies, and he answered questions from the BPCRB.

- d. Use of Force Analysis Report Pursuant to BPD Policy 300 (Section 300.9)
This item was not presented and will be added to the agenda for next month's meeting.
- e. Proof of Payment Ordinance Enforcement Manual and Protocol
Chief Rojas discussed this item with the BPCRB.

Deputy Chief Haight discussed and provided details about the Proof of Payment Ordinance Enforcement Manual. He also answered questions from the BPCRB.

Chief Rojas answered questions from the BPCRB.

The BPCRB discussed this item.

No action was taken on the above items.

A motion to extend the meeting to 6:10 p.m. was made by Mr. W. White and seconded by Mr. Maginnis. The motion passed unanimously.

Director McPartland addressed the BPCRB.

Mr. Sebahtu exited the meeting at 6:05pm.

Mr. Rizk exited the meeting at 6:05pm.

11. Independent Police Auditor's Report. For Discussion and Action.

This item was originally Agenda Item #10.

Mr. Bloom reminded the BPCRB to complete their online ethics training and send their certificate of completion to Ms. Celso.

Mr. Bloom presented the new OIPA car card to the BPCRB. He pointed out that the BPCRB was mentioned on the new car card, which will roll out sometime in 2018 with 140 car cards throughout the BART District.

a. OIPA Monthly Report for January 2018

Mr. Bloom presented the OIPA Monthly Report for January 2018.

12. Adjournment.

A motion to adjourn the meeting was made by Mr. Maginnis and was seconded by Ms. Freitas. The motion passed unanimously.

The meeting was adjourned at approximately 6:07 p.m.



February 22, 2018

BART Board of Directors

President Raburn and Members of the Board,

On behalf of the members of the BART POLICE OFFICERS ASSOCIATION, I am writing to express our opinion of the OIR Group review of the BART Police oversight structure. We found the proposed fifty three recommendations constitute a gross power grab. If accepted, it would place almost complete control of the police department in the hands of the Office of the Independent Police Auditor (OIPA). It is our opinion that the OIPA does not have the training, experience, and expertise in police management to adequately manage the role. A second concern is that many of the OIR recommendations would inflate the budget of the OIPA, and place an unnecessary financial burden on the District. These recommendations are not in the best interest of the public, the police department, or the District.

If adopted, the OIR recommendations would change the role of the OIPA from oversight to active intervention in internal affairs investigations. How can an auditor be independent and review the work of the police department if they are directing the course of the investigations? The OIR recommendations expand the scope and control of the OIPA to include investigating civilians, intervening in civil litigations and participation in all use of force reviews. These types of changes would serve no purpose other than to damage morale and stifle pro-active law enforcement. No justification for these changes has been offered, and we see no need for these changes to be implemented. Furthermore, every law enforcement officer has received extensive training and specialized education to become a police officer. Allowing civilians without the specialized training and education in law enforcement to make decisions about how to run a police department is irresponsible, and subjects the District to inefficiency, or worse, harmful litigation. Allowing the OIPA to control the police department would be a disastrous decision.

We are in favor of the current model, which offers oversight and transparency. The current model has proven to be effective. We recommend rejecting the OIR Group report and continuing the oversight model in its current configuration.

Sincerely,

Keith Garcia
BPOA President

BART POLICE DEPARTMENT



January 2018

MONTHLY REPORT

BPD Monthly Reports

January 2018

Report	Responsible
01 – Industrial Leave*	SSD – J. Morgan
02 – Vacancy	SSD – F. Cheung
03 – Diversity	SSD – F. Cheung
04 – Training	PS&T – R. Gregson
05 – Use of Force	PS&T – P. Kwon
06 – Citizen Complaints	PS&T – P. Kwon
07 – Internal Affairs Log	PS&T – P. Kwon
08 – Performance Measures	SSD – K. Dam
09 – Enforcement Contacts	SSD – K. Dam
10 – Parking Enforcement	POD – J. DeVera
11 – Warrant Arrests	SSD – K. Dam
12 – Detectives Assignments	SSD – J. Power
13 – Detectives Closure Rate	SSD – J. Power
14 – Assembly Bill 716	POD – M. Williamson
15 – Absence Overview	SSD – C. Vogan
16 – Overtime	SSD – F. Cheung
17 – Communications Center	SSD – G. Hesson
18 – BART Watch	SSD – C. Vogan

*Not included in Year-End or Monthly BPCRB Reports

BART Police Department (07) Staffing Status

As of: 02/07/18
Vacancy Factor: 0.0

	Pos'n Code	Job Title	FY18 Adopted	Reclass	As of 02/07/18	Filled	On Leave or TMD	Vacant
NON-SWORN (Rep)	027	Community Service Officer	63		63	46	5	17
	045	Police Admin Specialist	12		12	10	-	2
	048	Police Dispatcher	16		16	15	1	1
	098	Revenue Protection Guard	19		19	16	1	3
	836	Police Sup./CAD/RMS Admin**	6		6	6	-	-
SWORN	778	Police Officer	67		67	55	6	12
		In Academy = 7						-
		Field Training = 2						-
	788	Senior Police Officer	100		100	79	5	21
	798	Master Police Officer	14		14	11	-	3
	838	Police Sergeant	34		34	31	4	3
	888	Police Lieutenant	10		10	11	1	(1)
	898	Police Deputy Chief	3		3	3		-
	980	Police Chief	1		1	1		-
Non-Sworn (Non-Rep)	SF100	Mgr of Security Programs**	1		1	-		1
	000065	Emergency Preparedness Mgr.	1		1	1	-	-
	000074	Crisis Outreach Coordinator	1		1	1		-
	000081	Accreditation Manager	1		1	1	-	-
	AF200	Sr. Administrative Analyst	1		1	1		-
DEPARTMENT TOTAL			350	-	350	288	23	62

Notes

>1 ea. LT show as unbudgeted

Add people on TMD to the filled position

EBART - Ofc 5, CSO 4

Fare Evasion - 6 CSOs, 1 PAS

Note: BART Police Department has 17 Attrition Float positions, of which 10 are Police Officers (778), 5 are Community Service Officers (027) and 2 are Police Dispatchers (048).

- > "On Leave" category does not include personnel on Admin Leave.
- > Mgr of Security Programs position is currently filled by a Police Lieutenant**

BART PD DIVERSITY MONTHLY REPORT

As of 2/7/18

+

<u>ETHNICITY</u>		<u>S</u>		<u>C</u>	
White	37% 107	43%	77	31%	30
Black	22% 62	21%	40	23%	22
Asian	21% 61	16%	31	30%	30
Hispanic	17% 53	18%	40	12%	13
American/ Indian	0% 0	0%	0	0%	0
Native Hawaiian/Pac Island	2% 5	2%	3	2%	2
Total:	100% 288	100%	191	100%	97
<u>DEMOGRAPHIC</u>		<u>S</u>		<u>C</u>	
Female	21% 59	9%	18	47%	46
Male	79% 225	91%	173	53%	52
Total:	100% 284	100%	191	100%	98
<u>CLASSIFICATION</u>					
Sworn	66% 191				
Civilian	34% 98				
Total:	100% 289				

CRISIS INTERVENTION TRAINING AS OF: January 31, 2018

Personnel Positions	Total Positions	Filled Positions	Vacant Positions	(Not in Academy or Field Training) Eligible to Attend Training	Total of Filled Positions Trained	Percentage of Total Filled Positions Trained	Percentage of Eligible Filled Positions Trained
Chief	1	1	0	1	0	0%	0%
Deputy Chiefs	3	3	0	3	3	100%	100%
Lieutenants	11	11	0	9	9	82%	100%
Sergeants	34	31	3	31	31	100%	100%
Officers	183	145	38	135	131	90%	97%
Dispatchers	16	15	1	13	13	87%	100%
Dispatch Supervisors	2	2	0	2	2	100%	100%
CSOs	63	46	17	45	43	93%	96%
Crisis Outreach Coordinator	1	1	0	1	1	100%	100%
Total	314	255	59	240	233	91%	97%

Personnel Positions that are not designated to attend CIT Training

	Total	Filled	Vacant
Revenue Protection Guards	19	16	3
Police Administrative Specialists	12	10	2
Police Sup./CAD RMS Admin	4	4	0
Civilian Managers/Analyst	3	3	0
Sub Total	38	33	5
TOTAL PERSONNEL	352	288	64

FAIR AND IMPARTIAL / BIASED BASED TRAINING AS OF January 31, 2018

Personnel Positions	Total Positions	Filled Positions	Vacant Positions	Eligible to Attend (Not in Academy or Field Training)	Total of Filled Positions Trained	Percentage of Total Filled Positions Trained	Percentage of Eligible Filled Positions
Chief	1	1	0	1	0	0.0%	0.0%
Deputy Chiefs	3	3	0	3	3	100.0%	100.0%
Lieutenants	11	11	0	11	11	100.0%	100.0%
Sergeants	34	31	3	31	31	100.0%	100.0%
Officers	181	145	38	138	138	95.2%	100.0%
CSOs	63	46	17	44	42	91.3%	95.5%
Total	293	237	58	228	225	94.9%	98.7%

Personnel Positions that are not designated to attend FAIR AND IMPARTIAL Training

	Total	Filled	Vacant
Dispatchers	16	15	1
Dispatch Supervisors	2	2	0
Crisis Outreach Coordinator	1	1	0
Revenue Protection Guards	19	16	3
Police Administrative Specialists	12	10	2
Police Sup./CAD RMS Admin	4	4	0
Civilian Managers/Analyst	3	3	0
Sub Total	57	51	6
TOTAL PERSONNEL	350	288	64

POLICE ROADWAY PROTECTION TRAINING AS OF: January 31, 2018

Personnel Positions	Total Positions	Filled Positions	Vacant Positions	Eligible to Attend (Not in Academy, FTO, or IND/Leave)	Total of Filled Positions Trained	Percentage of Total Filled Positions Trained	Percentage of Eligible Filled Positions
Chief	1	1	0	1	0	0.0%	0.0%
Deputy Chiefs	3	3	0	3	3	100.0%	100.0%
Lieutenants	11	11	0	10	10	90.9%	100.0%
Sergeants	34	31	3	30	30	97%	100.0%
Officers	181	145	38	137	136	93.8%	99.3%
CSOs-Not Required	63	46	17	43	41	89.1%	95.3%
Total	293	237	58	224	220	92.8%	98.2%

Personnel Positions that are REQUIRED to attend Police Roadway Protection Training

	Total	Filled	Vacant
CSOs	63	46	17
Dispatchers	16	15	1
Dispatch Supervisors	2	2	0
Crisis Outreach Coordinator	1	1	0
Revenue Protection Guards	19	16	3
Police Administrative Specialists	12	10	2
Police Sup./CAD RMS Admin	4	4	0
Civilian Managers/Analyst	3	3	0
Sub Total	120	97	23
TOTAL PERSONNEL	413	334	81

Use of Force Incidents - 2018

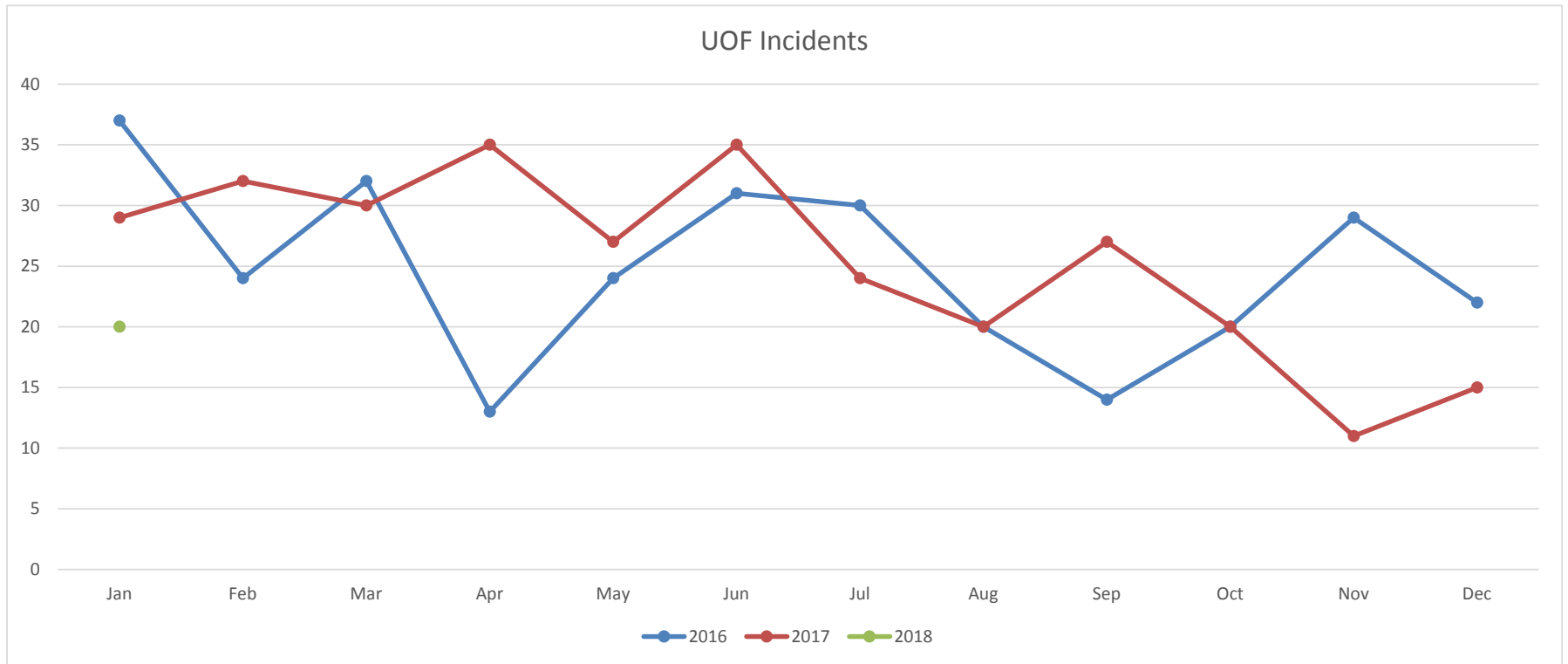
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2018	20												20
YTD 2018	20												

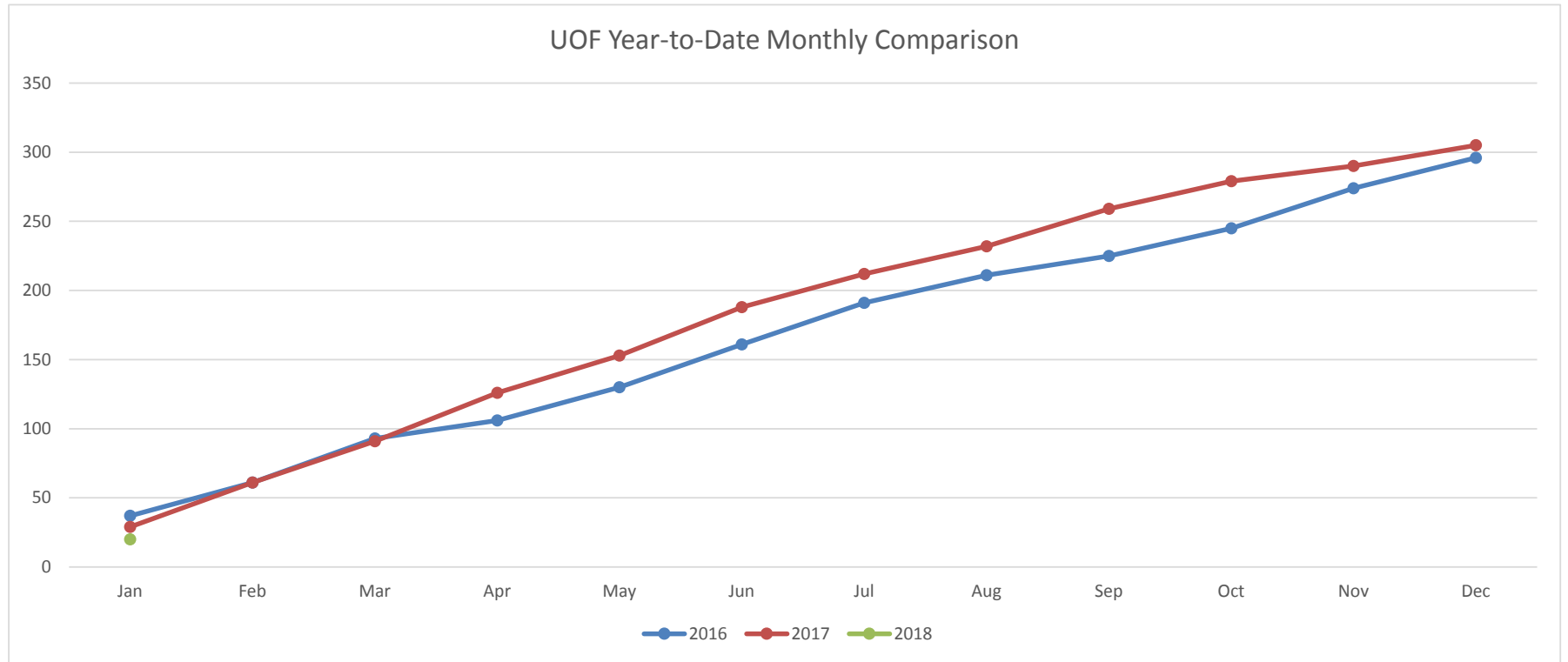
Use of Force Incidents - 2017

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2017	29	32	30	35	27	35	24	20	27	20	11	15	305
YTD 2017	29	61	91	126	153	188	212	232	259	279	290	305	

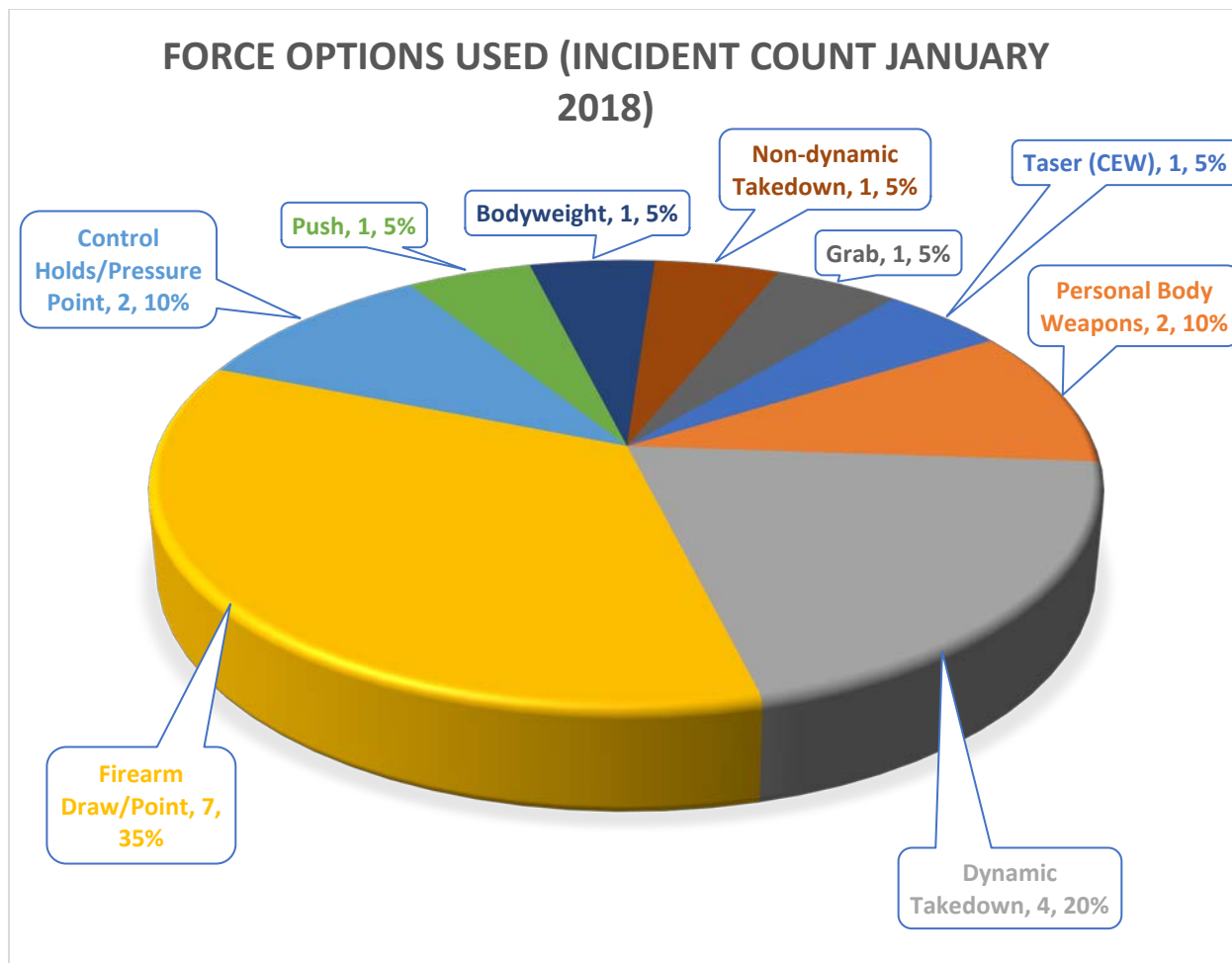
Use of Force Incidents - 2016

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2016	37	24	32	13	24	31	30	20	14	20	29	22	296
YTD 2016	37	61	93	106	130	161	191	211	225	245	274	296	



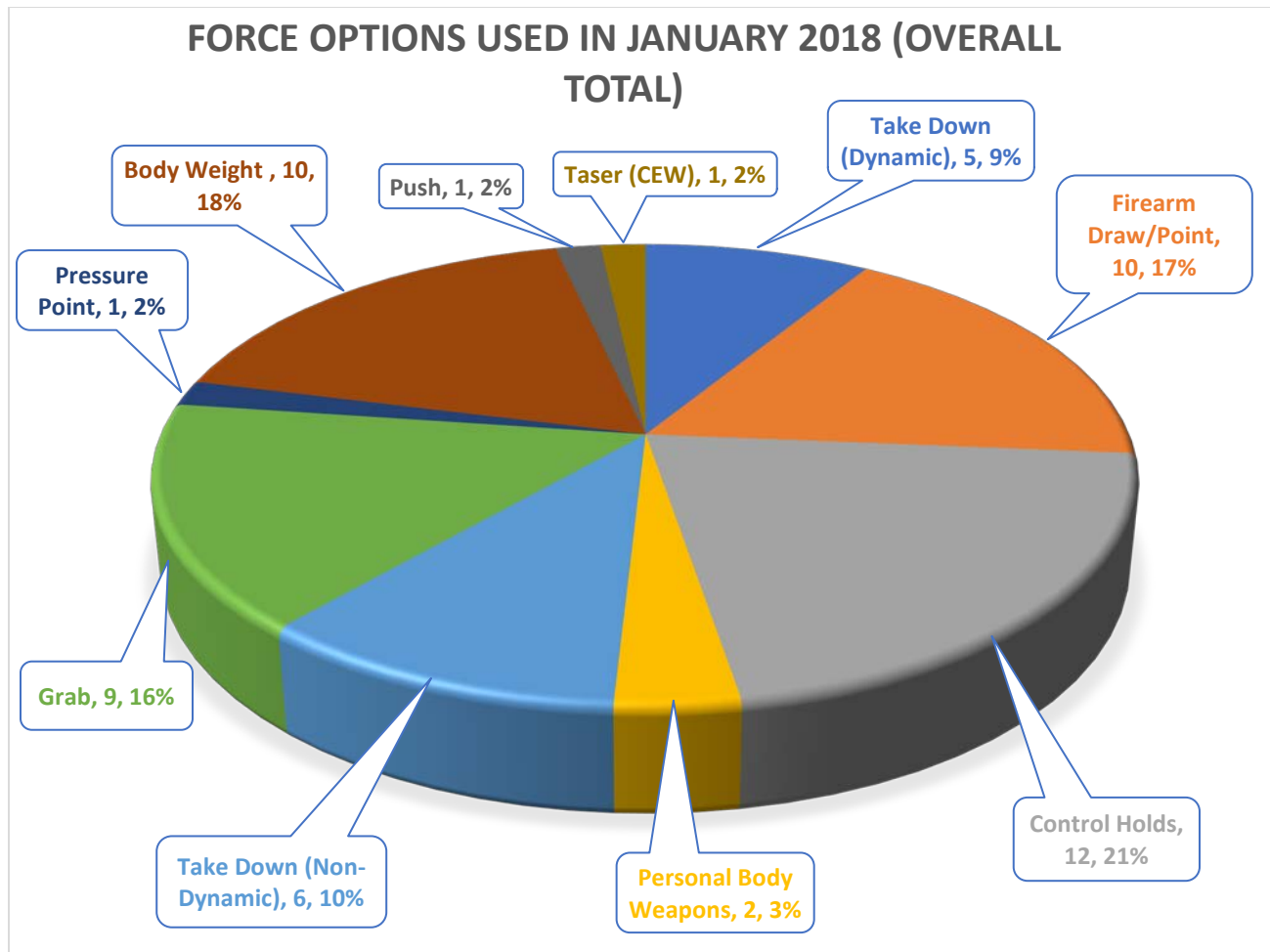


Force Options Used (Incident Count), January 2018



*Each incident could contain more than one force option used. This pie chart reflects the most significant force option used per incident.

Types of Force Used, January 2018 (Overall Total)



*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 in the same incident used control holds, this data would reflect two separate control holds.

Citizen Complaints - 2018

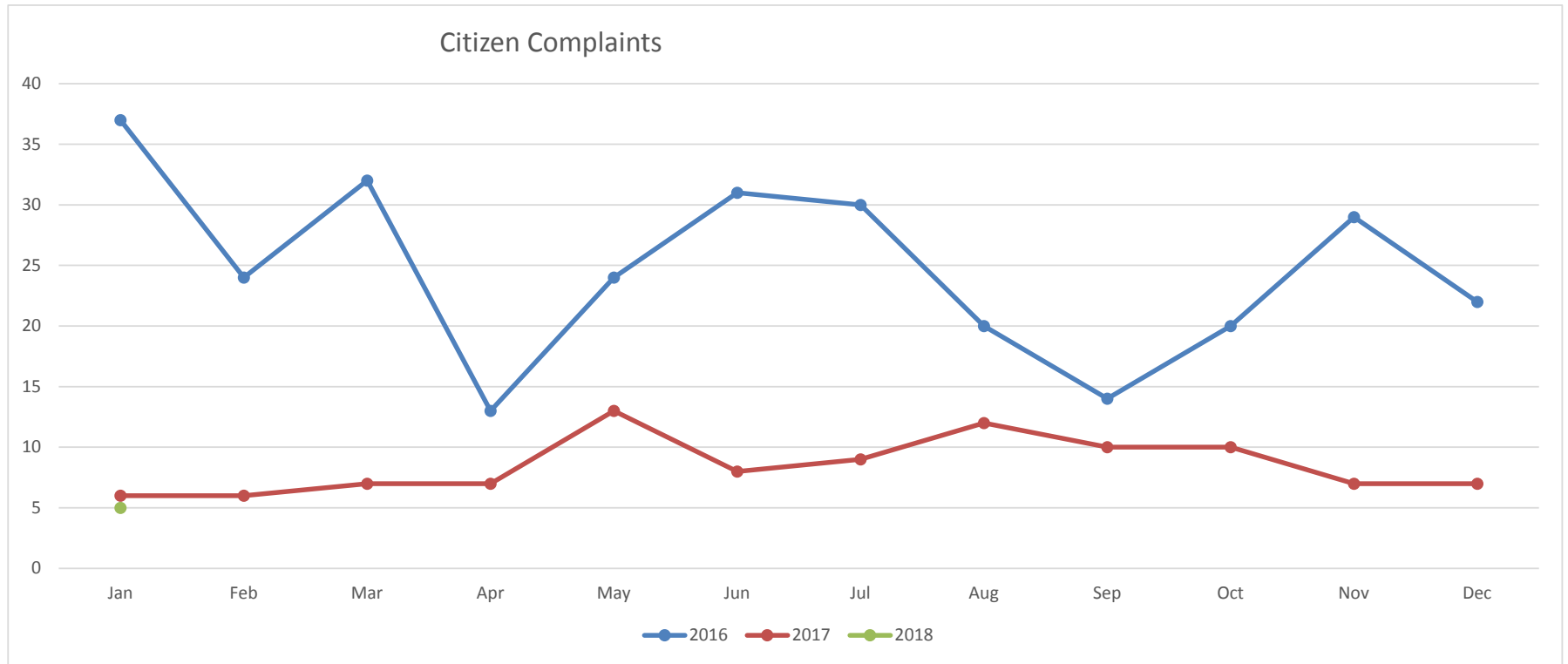
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2018	5												5
YTD 2018	5												

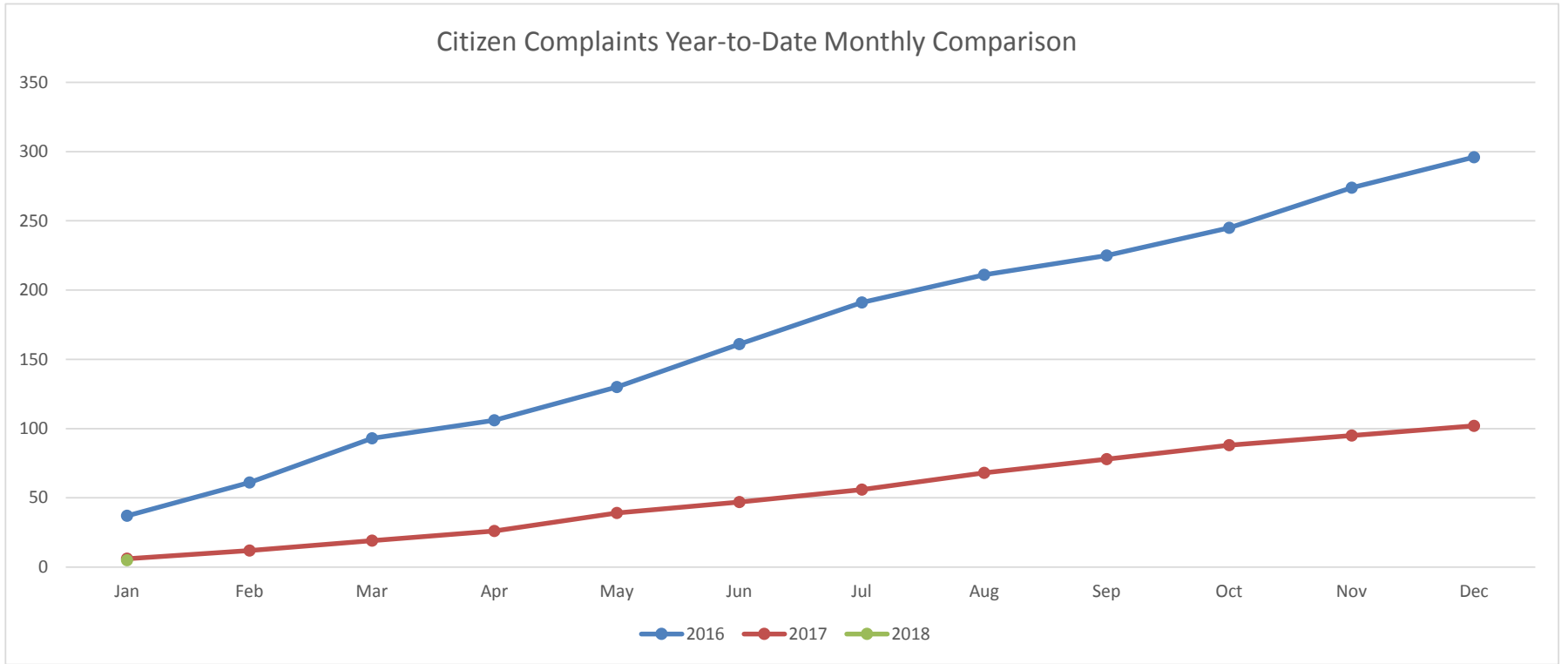
Citizen Complaints - 2017

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2017	6	6	7	7	13	8	9	12	10	10	7	7	102
YTD 2017	6	12	19	26	39	47	56	68	78	88	95	102	

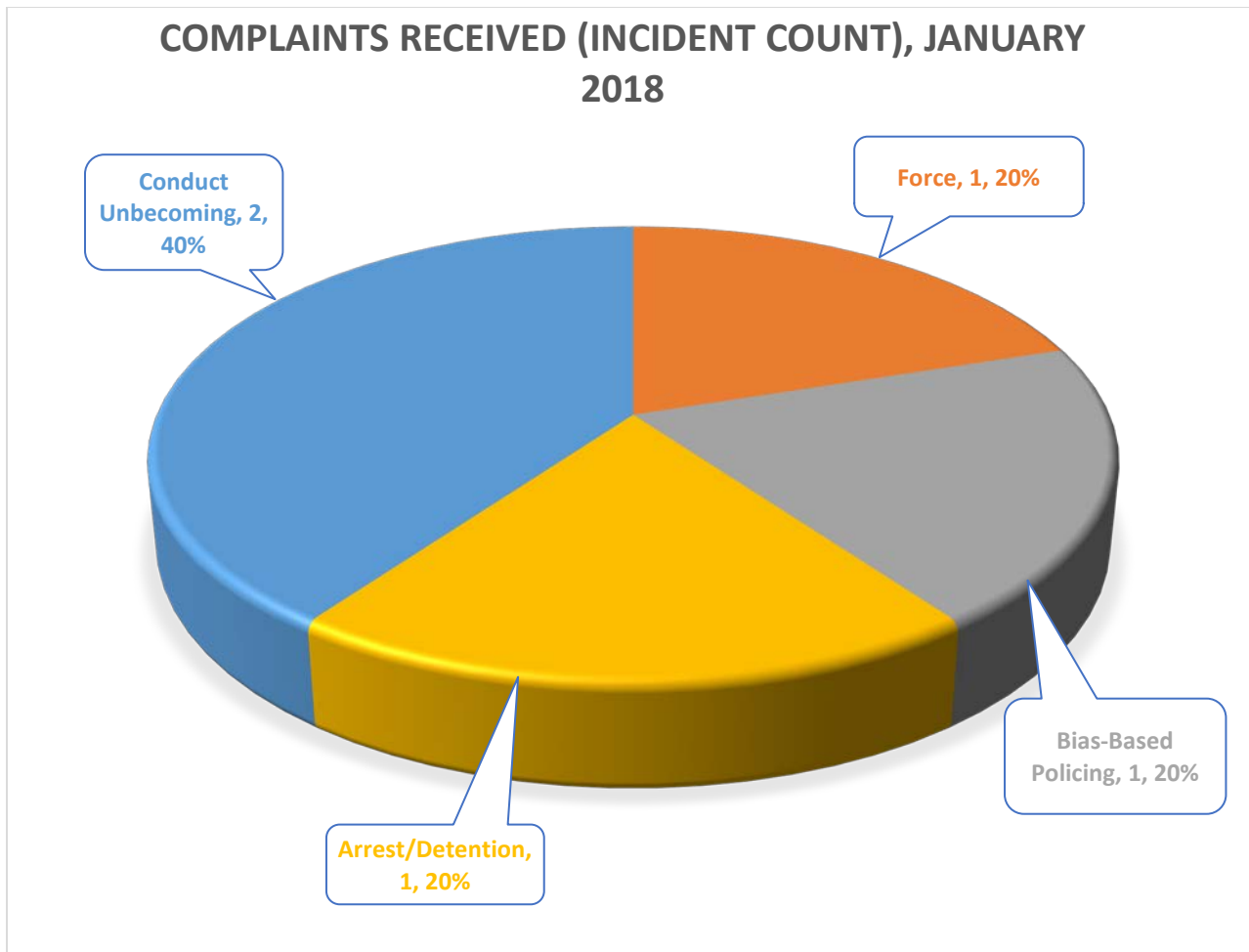
Citizen Complaints - 2016

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2016	10	3	13	7	7	10	6	9	8	7	8	6	94
YTD 2016	10	13	26	33	40	50	56	65	73	80	88	94	





Complaints Received (Incident Count), January 2018



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

BART Police Department - Office of Internal Affairs							
Investigation Log - January 2018							
IA	DATE						COMPLETED DATE
CASE #	OCC'D	REC'D	ALLEGATION	FINDING	INVESTIGATOR	DUE DATE	
IA2016-071	07/29/16	07/29/16	Force, Bias, Arrest		Lt. Kwon	12/28/16	
			Force, Bias, Arrest		(Tolled)	01/27/17	
			Force, Bias, Arrest				
			Force, Bias, Arrest				
IA2017-040	1/31/2017	5/18/2017	Force		Sgt. Togonon	10/17/2017	
			Force		Tolled		
IA2017-060	3/2/2016	7/19/2017	Conduct Unbecoming		Sgt. T.Salas	12/18/2017	Submitted C5
			Courtesy				
IA2017-079	8/30/2017	9/8/2017	CUBO		Sgt. T. Salas	2/7/2018	Submitted L21
					Hesson	10/14/2017	
IA2017-081	8/31/2017	8/31/2017	CUBO		Sgt. T. Salas	1/30/2018	Submitted L21
			CUBO				
			CUBO				
IA2017-083	9/13/2017	9/13/2017	CUBO	Admin Closure	Sgt. T. Salas	2/7/2018	Submitted L21
IA2017-084	9/17/2017	9/18/2017	Force, CUBO		Sgt. Togonon	2/17/2018	Submitted 01/24/2018
IA2017-093	10/4/2017	10/4/2017	Force		Sgt. T. Salas	3/5/2018	
IA2017-095	10/13/2017	10/18/2017	Performance of duty		Sgt. T. Salas	3/19/2018	
			Force/Search				
IA2017-096	10/20/2017	10/23/2017	Bias Based Policing		Sgt.T. Salas	3/24/2018	
					Sgt. Fueng		
IA2017-097	10/13/2017	10/18/2017	CUBO		Sgt. Togonon	3/19/2018	
			Bias-Based Policing				
IA2017-101	10/30/2017	10/31/2017	Performance of Duty		Sgt. T. Salas	3/22/2018	Submitted L21
IA2017-102	11/3/2017	11/3/2017	Performance of Duty		Sgt. Togonon	4/4/2018	
					Sgt. Henderson		
IA2017-103	11/7/2017	11/7/2017	Condcut Unbecoming		T.Salas	4/8/2018	Submitted L21
					Sgt. Williamson	1/5/2018	
IA2017-105	11/15/2017	11/16/2017	Performance of Duty		T. Salas		
			Bias-Based Policing				
			Policy (Axon)				
IA2017-106	11/16/2017	11/16/2017	Force		Sgt. Togonon		Submitted L21
					Lt. Kwon		
IA2017-108	11/22/2017	11/23/2017	CUBO		Sgt. Togonon	4/15/2018	Submitted L21
			CUBO				
IA2017-110	11/28/2017	11/28/2017	Policy/Procedure	Service Review	Lt. Kwon		
IA2017-111	11/10/2017	11/10/2017	Force		Sgt. Salas	4/11/2017	
IA2017-112	12/5/2017	12/5/2017	Performance		Sgt. T. Salas	5/6/2018	
IA2017-113	12/12/2017	12/12/2017	CUBO sent on 011518	Supervisor Referral	Sgt. Salas	5/13/2018	1/25/2018
IA2017-114	12/12/2017	12/13/2017	Force, Bias, CUBO		Sgt. T. Salas	5/14/2018	
IA2017-115	12/20/2017	Unk	Force		Sgt. Togonon	5/21/2018	
			Policy/Procedure				
IA2017-117	12/17/2017	12/28/2017	Performance			5/29/2018	
			Arrest/ Detention		Sgt. Togonon		
IA2017-118	12/25/2017	1/2/2018	Force		Sgt. T. Salas	6/3/2018	
IA2018-001	1/3/2018	1/3/2018	Force (OIS)		Sgt. T.Salas	6/4/2018	

IA	DATE		ALLEGATION	FINDING	INVESTIGATOR	DUE DATE	COMPLETED DATE
	CASE #	OCC'D					
IA2018-002	1/4/2018	1/4/2018	CUBO	Admin Closure	Sgt. Togonon	6/4/2018	
IA2018-003	1/28/2018	1/8/2018	Arrest/Detention		Sgt. Togonon	7/8/2018	
IA2018-004	1/12/2018	1/12/2018	CUBO		Sgt. Togonon	7/12/2018	
IA2018-005	1/12/2018	1/12/2018	Bias/CUBO		Sgt. Togonon	7/12/2018	
IA2018-007	1/26/2018	1/26/2018	Force		Sgt. Togonon	7/4/2018	

PART 1 CRIMES	2013	2014	2015	2016	2017	YTD January		% change from '17
						2017	2018	
Homicide	1	0	1	1	0	0	0	#DIV/0!
Rape	0	2	3	4	8	0	0	#DIV/0!
Robbery	209	153	161	232	290	32	32	0%
Aggravated Assault	29	44	35	42	49	4	4	0%
Violent Crime Subtotal	239	199	200	279	347	36	36	0%
Burglary (Not including Auto)	25	7	4	12	15	1	1	0%
Larceny	2524	2597	2325	2217	2586	188	201	7%
Auto Theft	483	522	480	480	419	32	35	9%
Arson	0	0	0	1	4	0	0	#DIV/0!
Property Crime Subtotal	3032	3126	2809	2710	3025	221	237	7%
TOTAL	3271	3325	3009	2989	3372	257	273	6%



BART Police Performance Measurements

January 2018

Disclaimer--**The data is drawn from the BART Police Department TriTech computer database, and they are unaudited. The numbers may not match the official monthly totals reported to the FBI through the Uniform Crime Reporting (UCR) program. Late reporting, the reclassification or unfounding of crimes, can affect crime statistics. The statistics contained in the on the Performance Measurements are **subject to change, updates, and corrections. ****

Top 5 Stations For Part 1 Crimes

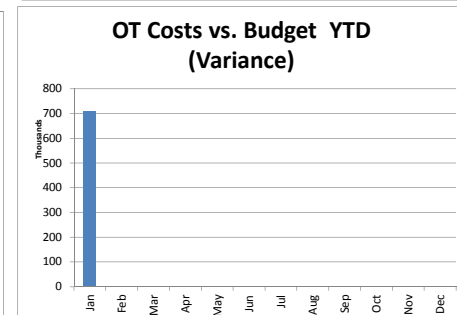
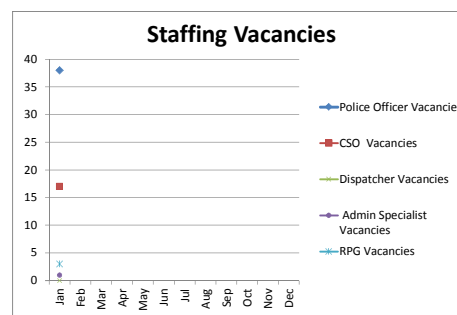
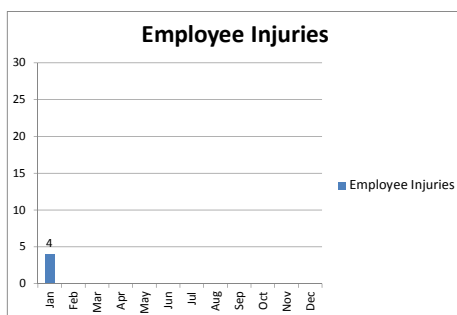
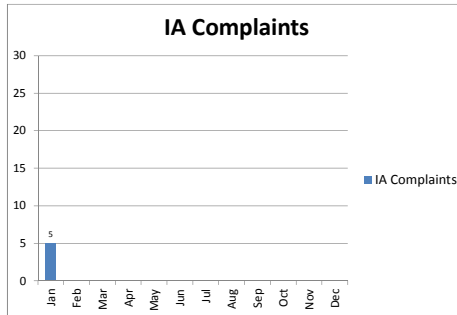
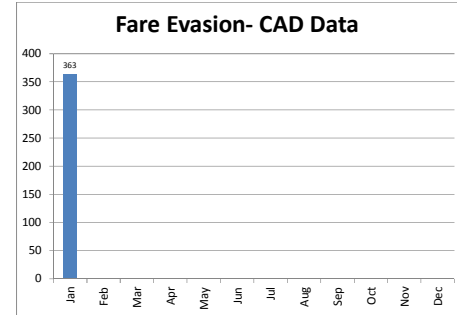
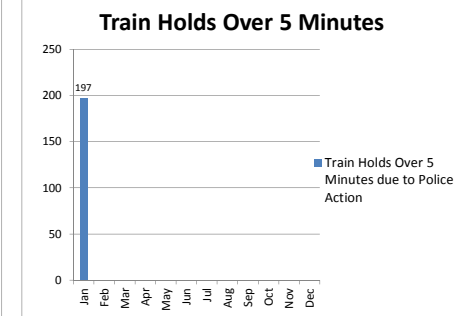
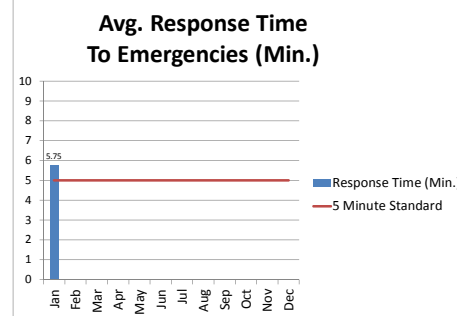
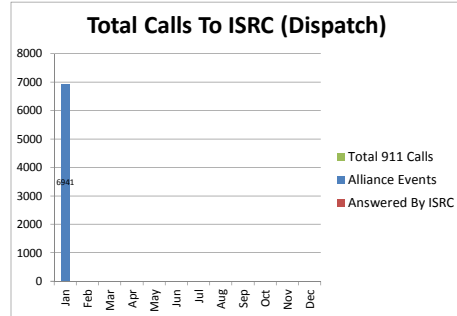
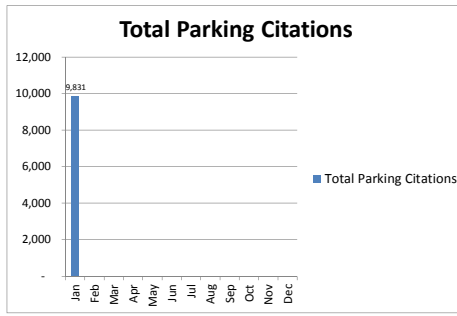
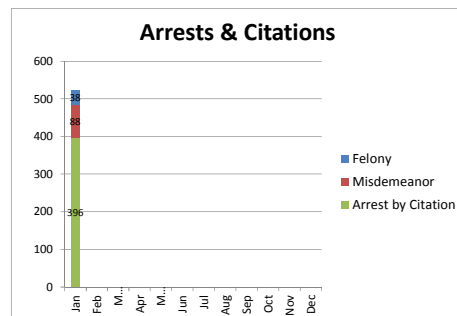
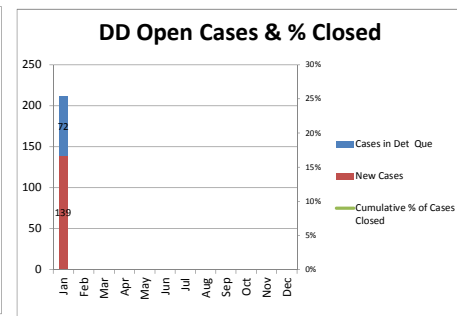
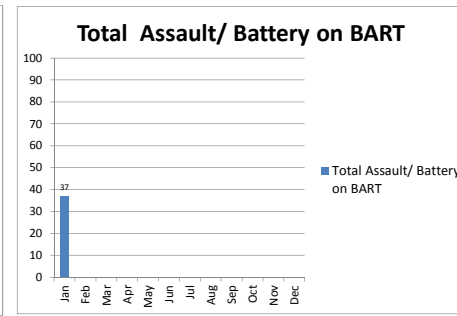
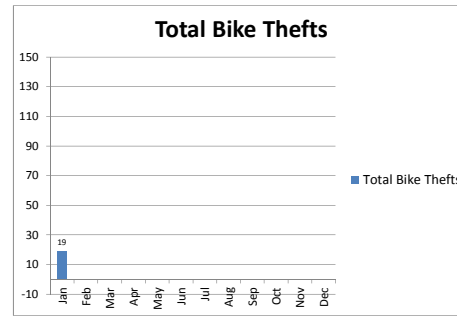
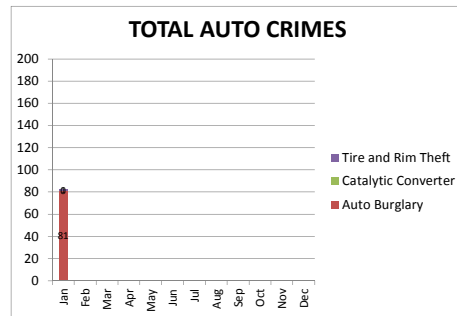
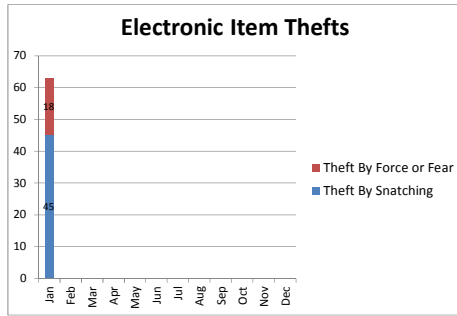
Most Frequent 2018 Current Month

- Pittsburg Bay Point
- Coliseum
- Bay Fair
- Fruitvale
- San Leandro

Most Frequent all of 2017 2017 YEAR

- Coliseum
- Bay Fair
- West Oakland
- Fruitvale
- East Dublin

This list was obtained by adding the highest totals listed in the Part 1 crimes data.



Enforcement Contacts - 2018

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Felony Arrest	38												38
YTD 2018	38												
Misd. Arrest	88												88
YTD 2018	88												
Cite & Release	396												396
YTD 2018	396												
Field Interview	512												512
YTD 2018	512												

Enforcement Contacts - 2017

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Felony Arrest	29	32	35	28	34	35	24	33	36	37	28	18	369
YTD 2017	29	61	96	124	158	193	217	250	286	323	351	369	
Misd. Arrest	96	82	112	100	109	107	106	137	129	142	131	104	1,355
YTD 2017	96	178	290	390	499	606	712	849	978	1,120	1,251	1,355	
Cite & Release	356	578	355	252	222	155	261	654	385	730	287	200	4,435
YTD 2017	356	934	1,289	1,541	1,763	1,918	2,179	2,833	3,218	3,948	4,235	4,435	
Field Interview	175	336	322	349	418	336	348	545	749	646	508	466	5,198
YTD 2017	175	511	833	1,182	1,600	1,936	2,284	2,829	3,578	4,224	4,732	5,198	

Enforcement Contacts - 2016

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Felony Arrest	23	20	37	24	31	28	22	24	21	32	31	26	319
YTD 2016	23	43	80	104	135	163	185	209	230	262	293	319	
Misd. Arrest	71	57	50	86	103	86	74	73	71	79	92	77	919
YTD 2016	71	128	178	264	367	453	527	600	671	750	842	919	
Cite & Release	424	538	443	195	591	195	314	162	239	229	229	246	3,805
YTD 2016	424	962	1,405	1,600	2,191	2,386	2,700	2,862	3,101	3,330	3,559	3,805	
Field Interview	175	501	219	469	482	422	350	490	372	425	444	355	4,704
YTD 2016	175	676	895	1,364	1,846	2,268	2,618	3,108	3,480	3,905	4,349	4,704	

Parking Enforcement - 2018

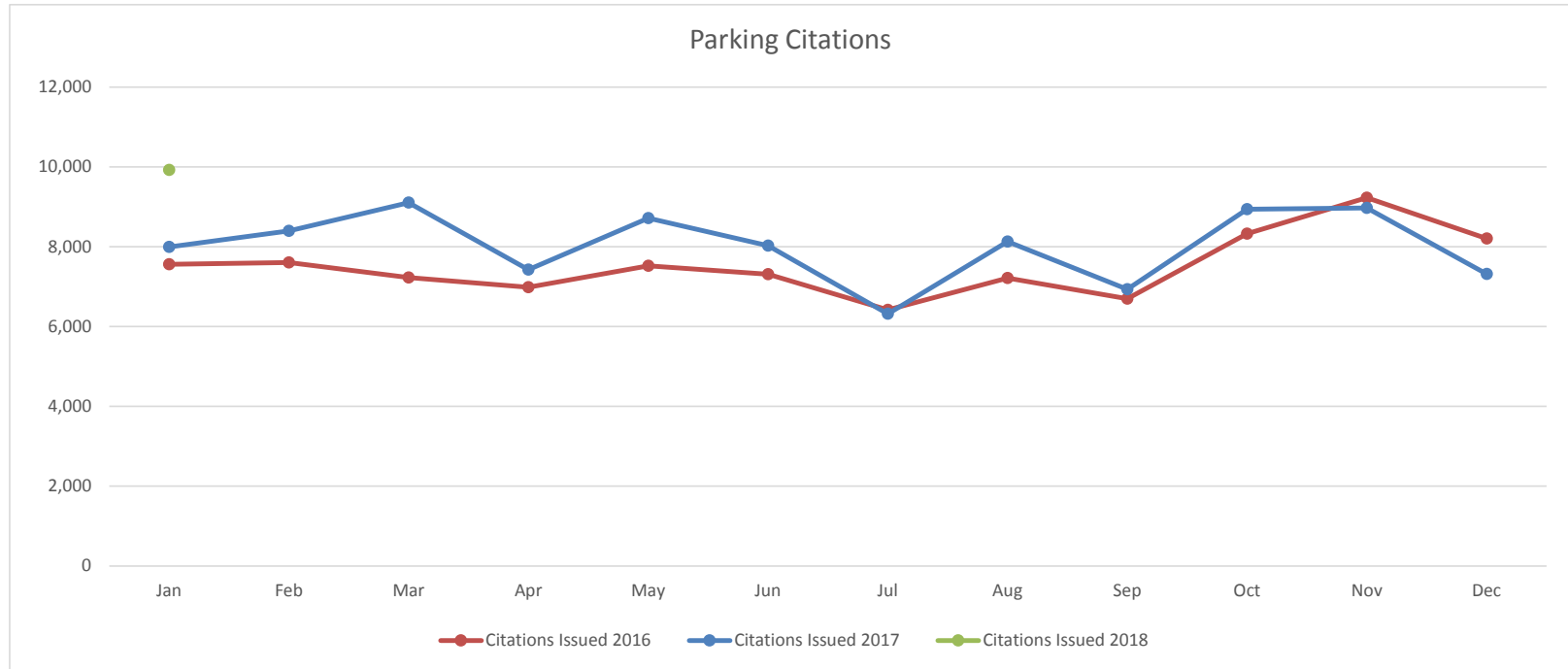
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Citations Issued	9,925												9,925
YTD 2018	9,925												
Contested	2,121												2,121
YTD 2018	2,121												
Dismissed	1,502												1,502
YTD 2018	1,502												

Parking Enforcement - 2017

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Citations Issued	7,997	8,400	9,104	7,424	8,716	8,028	6,318	8,131	6,933	8,939	8,973	7,316	96,279
YTD 2017	7,997	16,397	25,501	32,925	41,641	49,669	55,987	64,118	71,051	79,990	88,963	96,279	
Contested	1,324	1,673	1,761	1,796	1,912	1,681	1,587	1,734	1,578	1,793	1,556	2,116	20,511
YTD 2017	1,324	2,997	4,758	6,554	8,466	10,147	11,734	13,468	15,046	16,839	18,395	20,511	
Dismissed	821	1,000	1,136	1,223	1,288	1,070	998	1,115	937	1,107	940	1,375	13,010
YTD 2017	821	1,821	2,957	4,180	5,468	6,538	7,536	8,651	9,588	10,695	11,635	13,010	

Parking Enforcement - 2016

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Citations Issued	7,559	7,608	7,225	6,988	7,521	7,312	6,419	7,218	6,698	8,326	9,229	8,205	90,308
YTD 2016	7,559	15,167	22,392	29,380	36,901	44,213	50,632	57,850	64,548	72,874	82,103	90,308	
Contested	1,211	1,297	1,112	938	1,289	1,248	1,179	1,063	979	1,259	1,433	1,139	14,147
YTD 2016	1,211	2,508	3,620	4,558	5,847	7,095	8,274	9,337	10,316	11,575	13,008	14,147	
Dismissed	722	788	688	738	847	772	668	649	602	690	855	733	8,752
YTD 2016	722	1,510	2,198	2,936	3,783	4,555	5,223	5,872	6,474	7,164	8,019	8,752	



Warrant Arrests

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2018												
BART Felony Warrants	2											
BART Misdemeanor Warrants	3											
O/S Felony Warrants	12											
O/S Misdemeanor Warrants	40											
Monthly Total	57											
YTD Total	57											
2017												
BART Felony Warrants	1	2	1	1	2	3	1	5	1	1	1	0
BART Misdemeanor Warrants	6	4	3	5	9	2	6	17	10	3	8	3
O/S Felony Warrants	20	19	20	18	18	15	10	9	18	16	14	6
O/S Misdemeanor Warrants	39	40	53	53	54	44	52	53	48	74	60	36
Monthly Total	66	65	77	77	83	64	69	84	77	94	83	45
YTD Total	66	131	208	285	368	432	501	585	662	756	839	884
2016												
BART Felony Warrants	0	0	0	1	0	0	0	0	0	0	1	1
BART Misdemeanor Warrants	11	18	8	3	3	4	0	0	0	0	2	3
O/S Felony Warrants	16	28	23	12	6	9	15	12	8	20	17	11
O/S Misdemeanor Warrants	53	35	35	34	48	35	41	32	30	28	33	62
Monthly Total	80	81	66	50	57	48	56	44	38	48	53	77
YTD Total	80	161	227	277	334	382	438	482	520	568	621	698



San Francisco Bay Area Rapid Transit Police Department Criminal Investigations Section Monthly Summary Report January 2018

Detective Assignments

Total number of cases assigned to detectives during the month	Number of cases that are still being investigated by detectives	Number of cases that all current leads have been exhausted	Number of cases that were sent to the district attorney's offices for a review	Number of cases that the district attorney's offices has not made a final disposition	Number of cases that were charged by the district attorney / probation violation	Number of cases that were not charged by the district attorney's offices	Percentage of cases that the district attorney's offices filed charges	Total number of cases that are assigned to a detective as of Feb 7, 2018
139	72	10	57	22	20	14	35%	96

Submitted By: Sgt. J. Power S-49

Date: 02/07/2018

San Francisco Bay Area Rapid Transit Police Department

Criminal Investigations Section

January 2018

Detective Closure Rate

	Total number of cases assigned to detectives previous 12 months (Feb 2017 - Jan 2018)	Number of cases that are still being investigated by detectives	Number of cases that all current leads have been suspended	Number of cases that were sent to the district attorney's offices for a review (suspect identified)	Percentage of cases closed by identification of suspect	Percentage of cases suspended	Percentage of cases Open
	1880	102	421	1331	71%	22%	5%
D39	228	19	31	176	77%	14%	8%
D51	223	17	33	172	77%	15%	8%
D89	42	0	7	35	83%	17%	0%
D75	158	5	16	130	82%	10%	3%
D31	402	20	121	258	64%	30%	5%
D55	525	22	131	368	70%	25%	4%
D27	231	12	71	140	61%	31%	5%
D54	71	7	11	52	73%	15%	10%

CASES IN DETECTIVE QUEUE

	<i>Total</i>	<i>Past 60 days</i>
D39	11	0
D51	13	0
D75	7	0
D55	17	1
D31	23	2
D27	7	0
D54	11	0

Submitted by: Sgt. John J. Power #S49
Date: Feb 7, 2018

D51 currently out on industrial leave. Cases to be re-assigned and cleared.

Assembly Bill 716 - 2018

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Prohibition Orders Issued	20												20
YTD 2018	20												

Assembly Bill 716 - 2017

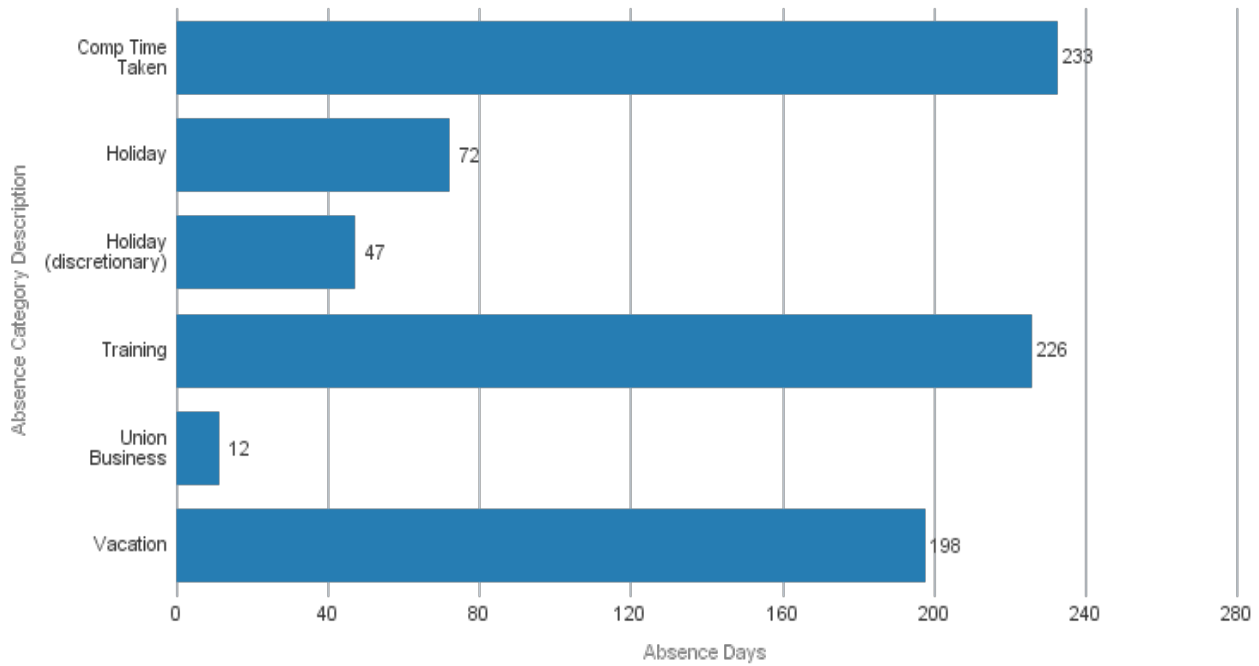
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Prohibition Orders Issued	18	18	30	27	37	30	24	21	27	31	38	14	315
YTD 2017	18	36	66	93	130	160	184	205	232	263	300	315	

Assembly Bill 716 - 2016

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Prohibition Orders Issued	21	16	22	17	39	23	20	25	19	31	24	19	276
YTD 2016	21	37	59	76	115	138	158	183	202	233	257	276	

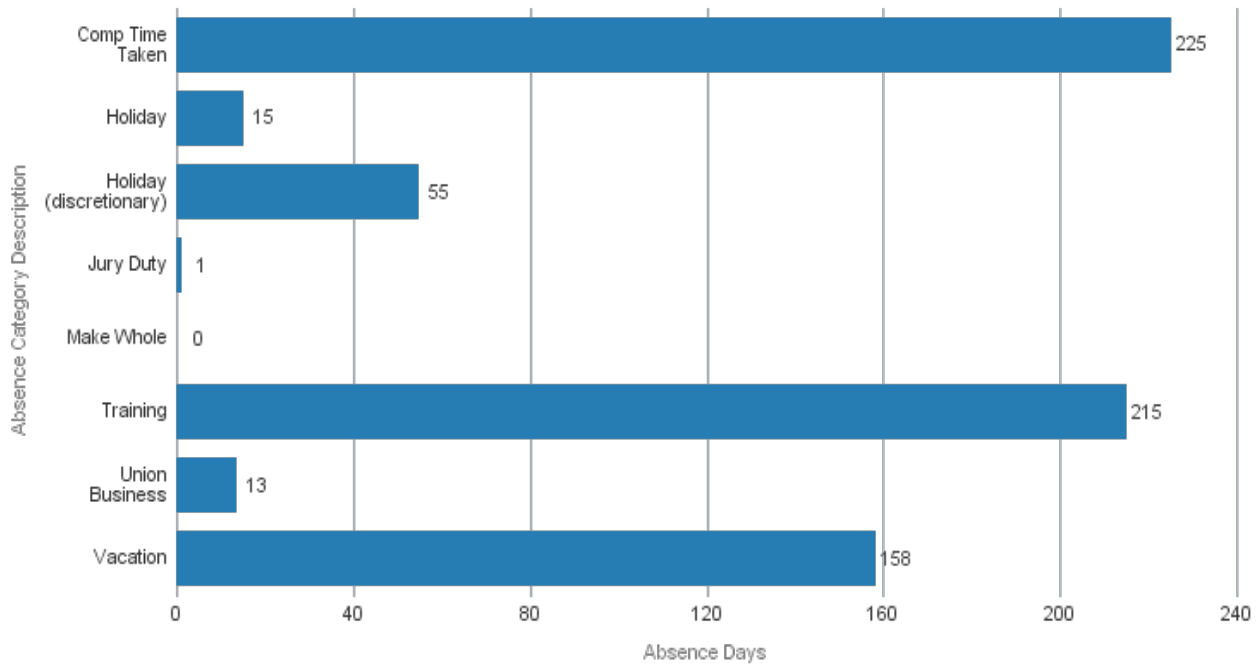


Scheduled Absence Overview - January 2018



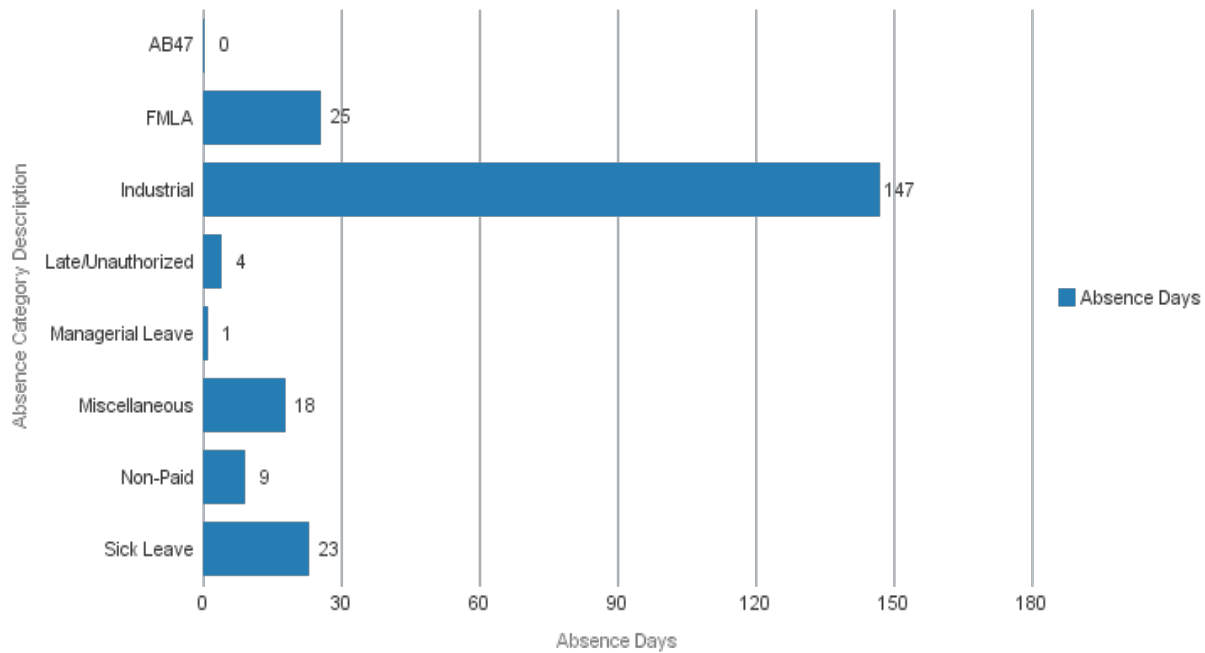
Absence Category Description	Absence Hours	Absence Days	% Total
Comp Time Taken	2,276	233	30%
Holiday	672	72	9%
Holiday (discretionary)	442	47	6%
Training	2,038	226	29%
Union Business	117	12	1%
Vacation	1,940	198	25%
Grand Total	7,485	787	100%

Scheduled Absence Overview - January 2017



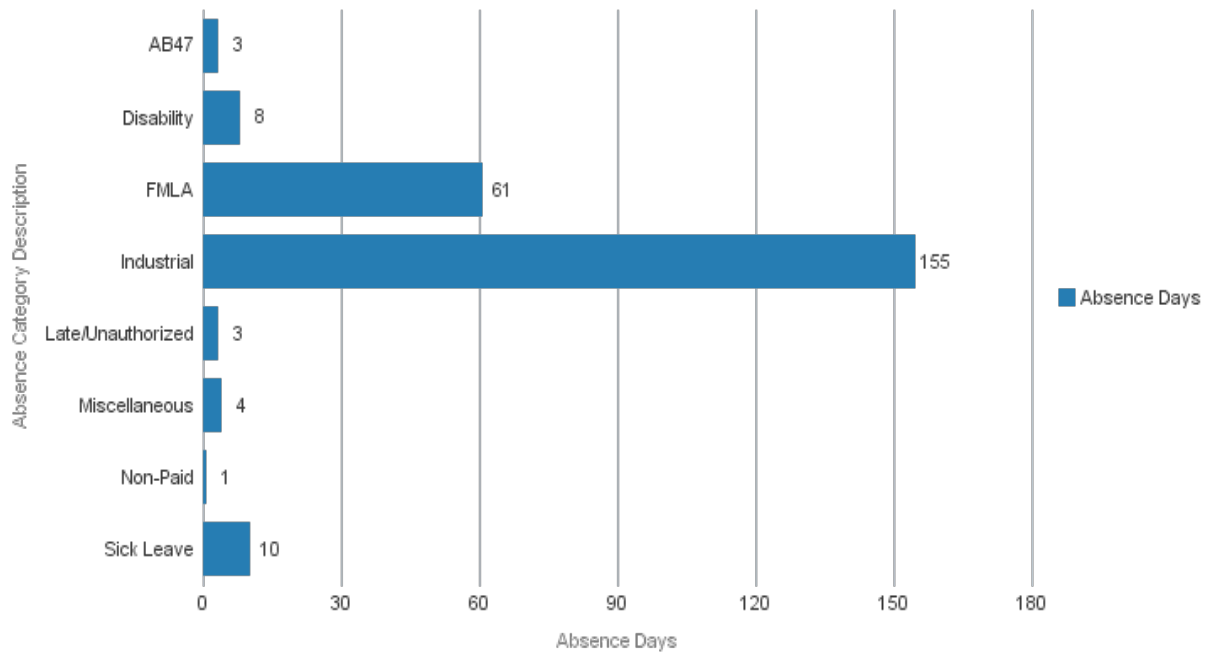
Absence Category Description	Absence Hours	Absence Days	% Total
Comp Time Taken	2,361	225	33%
Holiday	151	15	2%
Holiday (discretionary)	542	55	8%
Jury Duty	8	1	0%
Make Whole	2	0	0%
Training	2,007	215	32%
Union Business	156	13	2%
Vacation	1,584	158	23%
Grand Total	6,811	683	100%

Unscheduled Absence Overview - January 2018



Absence Category Description	Absence Hours	Absence Days	% Total
AB47	5	0	0%
FMLA	268	25	11%
Industrial	1,530	147	64%
Late/Unauthorized	41	4	2%
Managerial Leave	10	1	0%
Miscellaneous	174	18	8%
Non-Paid	75	9	4%
Sick Leave	239	23	10%
Grand Total	2,342	228	100%

Unscheduled Absence Overview - January 2017



Absence Category Description	Absence Hours	Absence Days	% Total
AB47	32	3	1%
Disability	96	8	3%
FMLA	652	61	25%
Industrial	1,718	155	63%
Late/Unauthorized	34	3	1%
Miscellaneous	40	4	2%
Non-Paid	5	1	0%
Sick Leave	108	10	4%
Grand Total	2,685	245	100%

BART PD OVERTIME MONTHLY REPORT

January 2018

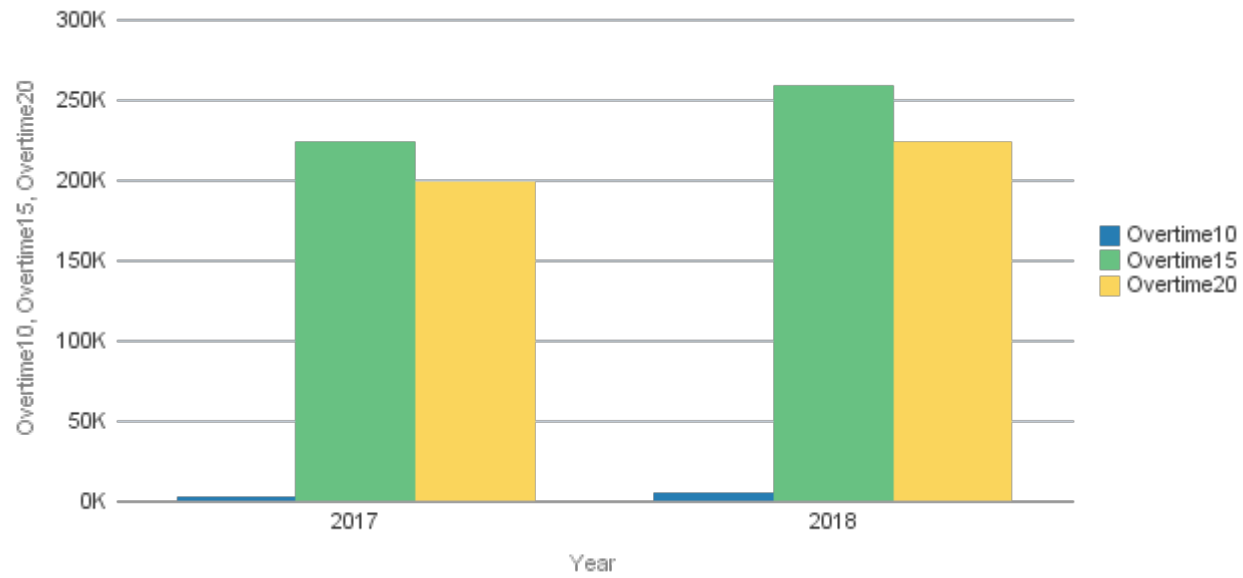
Activity Name	Activity ID	2017			2018		
		Overtime10	Overtime15	Overtime20	Overtime10	Overtime15	Overtime20
Administration	ADMIN	0	0	798	0	68	623
Adv Officer Training	ADVOF	0	14,266	11,894	0	3,615	921
BART Labor	BLABR	0	552	0	0	1,264	0
BF OT Admin Leave BPD	BFALV	0	3,353	3,559	0	868	7,306
BF OT Discr Day BPD	BFDSC	0	2,382	1,301	0	868	1,163
BF OT Industrial Leave BPD	BFILV	0	7,120	3,095	140	5,844	2,645
BF OT Minimum Rest	BFRST	0	391	0	0	383	714
BF OT Patrol TRN	BFTRN	541	3,937	3,792	0	3,058	2,237
BF OT Recovery Day	BFRCV	0	14,084	27,832	482	8,289	9,058
BF OT Training BPD	BFTRN	541	3,937	3,792	0	3,058	2,237
BF OT Vacancy BPD	BFVCN	610	19,958	23,740	478	2,515	21,698
BF OT Vacation BPD	BFVAC	0	13,434	21,325	1,508	34,850	26,762
BF Sick/FMLA/Brvment	BFSLV	0	15,470	17,859	0	9,477	12,733
Backfill for Negotiations	BCKFL	0	0	0	4	450	0
Boardroom Security	BRDRM	0	0	3,769	0	0	1,538
COPPS Project/Event	COPPS	0	2,780	3,720	0	1,200	0
Calendar Year 2017	CY2017	0	0	0	0	552	1,968
Civil Unrest	PRTST	0	1,167	0	0	0	0
Coliseum Events	CEOPS	0	5,192	3,987	0	3,575	3,927
Contra Costa County Task Force	CCCTF	0	1,592	0	0	0	0
Court Appearance	COURT	0	406	688	0	1,183	1,144
Detectives Unit OT	INVST	0	1,150	0	0	8,166	4,539
EMS/OWS Pltfrm Detail	PLTFM	0	11,921	3,490	533	12,807	8,056
Evidence Collection	EVIDN	0	426	301	0	653	0
Explorer Advisors	EXPLR	0	0	0	0	4,105	0
Final Design	FDSGN	0	668	0	0	10,372	21,179
Held Over/Late Case	HLDV	0	8,341	784	0	12,700	254
Honor Guard Detail	HONOR	0	338	0	0	0	0

IA Unit Overtime	IAUNT	0	6,693	2,546	0	3,226	2,722
K-9 Team Training	K9TTR	0	935	0	0	2,313	1,841
Marketing Advertising & Prom	MRKAP	0	0	314	0	0	0
Meeting Attendance	MTNGS	0	4,220	709	0	5,113	0
Mgr of Sec Programs	SECPR	0	294	0	0	1,868	0
New Year's Eve SVC 2	NYEVE	0	2,423	868	485	6	0
Operating	OPRTN	0	14,080	14,463	385	22,979	17,796
P&T Unit Overtime	PTUNT	0	10,252	5,110	0	13,585	4,740
Police Admin OT	PADMN	0	10,505	1,539	87	20,989	2,819
Ptrl Special Enforcement	SPECL	216	22,834	15,057	865	40,817	43,839
Raiders - Walkway	RAIDR	0	0	0	0	970	509
Raiders Game Cleanup	RAIDR	0	0	0	0	970	509
Range Staff Training	RANGE	0	527	599	0	0	0
Rev Protection Unit OT	RVPRT	0	3,324	2,166	0	1,326	0
SF STA CLN SEC	DSFCS	0	0	0	209	1,080	4,433
SWAT Team Expenses	SWATT	0	0	0	0	0	803
SWAT Team Training	SWATT	0	0	0	0	0	803
Special Events	SPEVN	439	10,556	15,980	0	0	0
Training	TRNG	0	0	0	0	382	695
Training Other	TRNOT	0	3,487	2,940	0	3,783	2,179
Trma Resp Team TRN	TRTTR	0	0	0	0	856	956
Union Business	UNBUS	0	776	0	0	1,445	0
Women's March	MARCH	0	0	0	288	6,751	8,194
Total:		2,349	223,770	198,014	5,465	258,379	223,541

January 2018

424,134

487,386

Overtime10, Overtime15, Overtime20

Communications Center - 2018

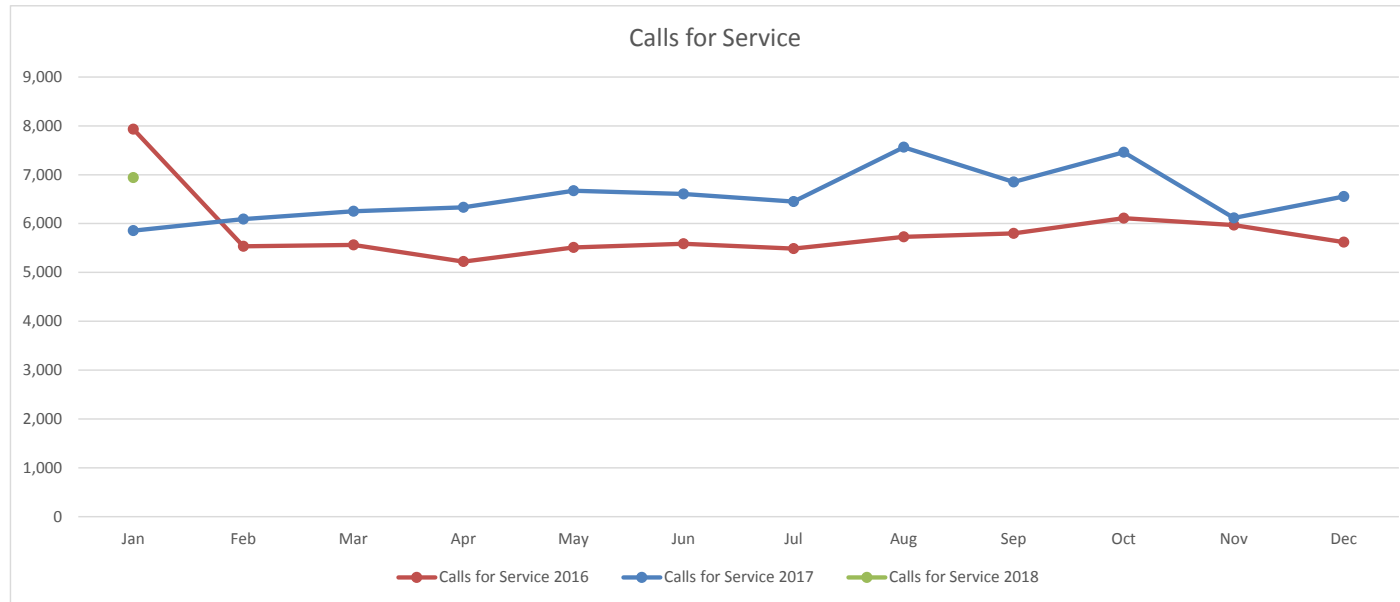
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Calls for Service	6,941												6,941
YTD 2018	6,941												
Priority 1 Calls	192												192
YTD 2018	192												
Medical Emergencies	414												414
YTD 2018	414												

Communications Center - 2017

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Calls for Service	5,855	6,093	6,250	6,331	6,670	6,605	6,448	7,562	6,850	7,460	6,117	6,553	78,794
YTD 2017	5,855	11,948	18,198	24,529	31,199	37,804	44,252	51,814	58,664	66,124	72,241	78,794	
Priority 1 Calls	214	192	194	182	209	234	210	185	174	204	154	176	2,328
YTD 2017	214	406	600	782	991	1,225	1,435	1,620	1,794	1,998	2,152	2,328	
Medical Emergencies	425	327	357	344	367	385	376	344	356	387	387	463	4,518
YTD 2017	425	752	1,109	1,453	1,820	2,205	2,581	2,925	3,281	3,668	4,055	4,518	

Communications Center - 2016

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Calls for Service	7,934	5,536	5,563	5,221	5,511	5,587	5,488	5,726	5,797	6,111	5,970	5,621	70,065
YTD 2016	7,934	13,470	19,033	24,254	29,765	35,352	40,840	46,566	52,363	58,474	64,444	70,065	
Priority 1 Calls	177	151	171	154	177	156	180	181	177	178	178	157	2,037
YTD 2016	177	328	499	653	830	986	1,166	1,347	1,524	1,702	1,880	2,037	
Medical Emergencies	305	277	334	315	305	304	281	278	334	313	307	389	3,742
YTD 2016	305	582	916	1,231	1,536	1,840	2,121	2,399	2,733	3,046	3,353	3,742	



BART Watch - 2018

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Suspicious Activity	134												134
Crime in Progress	112												112
Illegally Parked Vehicle	13												13
Vandalism	40												40
Unattended Bag or Package	31												31
Sexual Assault/Lewd Behavior	21												21
Report a Crime Tip	31												31
Robbery/Theft	15												15
Unsecure Door	13												13
Disruptive Behavior	667												667
Panhandling	116												116
Total	1193												1,193

Total Downloads: 44,684

Total Reports Made

Anonymous: 39.98%

Non-Anonymous: 60.02%

Statistics

Statistics	Six Week Average	02/19-02/25	02/12-02/18	02/05-02/11	01/29-02/04	01/22-01/28	01/15-01/21
Alerts Sent	0.00	0	0	0	0	0	0
Description	<i>The total number of alerts sent.</i>						
Incoming Reports	326.17	340	312	349	311	340	305
Description	<i>The number of reports sent from users.</i>						
Replies to Reports	318.33	345	299	333	274	380	279
Description	<i>The number of replies sent to users from ELERTS EPICenter console.</i>						

Report Type	# of Reports (all time)	
Disruptive Behavior (A)	14758	40.59%
Panhandling (A)	3564	9.80%
Suspicious Activity (A)	3151	8.67%
Other (D)	3080	8.47%
[none selected]	3078	8.47%
Crime in Progress (A)	2058	5.66%
Panhandling or Disruptive Behavior (D)	1967	5.41%
Vandalism (A)	1165	3.20%
Unattended Bag or Package (A)	960	2.64%
Report a Crime Tip (A)	710	1.95%
Illegally Parked Vehicle (A)	687	1.89%
Sexual Assault / Lewd Behavior (A)	593	1.63%
Robbery / Theft (A)	353	0.97%
Unsecure Door (A)	229	0.63%
Text a Tip (A)	7	0.02%
Total	36360	100 %
(A) Active Disabled (D)		

Identification	Total
Anonymous	39.90 %
Description	<i>Reports sent anonymously.</i>
Non-Anonymous	60.10 %
Description	<i>Reports sent non-anonymously.</i>

App Statistics (including tests)	
Total Messages (iOS)	43968
Description	<i>Reports and replies via iOS devices.</i>
Total Messages (Android)	22881
Description	<i>Reports and replies via Android devices.</i>
Total Messages (SMS)	2
Description	<i>Reports and replies via SMS.</i>

TEST-THIS IS ONLY A TEST	# of Reports (all time)
TEST Report Total	5408

Top SMS Users	
Phone Number	Number of Reports
5103685574	1
5108215151	1

**BART Police
Use of Force
Annual Report**

2017

This report contains data and analysis of use of force incidents,
compiled by the Patrol Operations Bureau.

Report Content

Use of Force Policy 300.9 requires the following:

At least annually, the Patrol Division Commander should prepare an analysis report on Use of Force incidents. The report should be submitted to the Chief of Police, the Office of the Independent Police Auditor, and the BART Police Citizen Review Board. The report should not contain the names of officers, suspects or case numbers, and should include:

- (a) The identification of any trends in the Use of Force by members.*
- (b) Training needs recommendations.*
- (c) Equipment needs recommendations.*
- (d) Policy revision recommendations.*

This report will also incorporate the following statistics as they relate to the above topics:

1. Types of force used
2. Cause for use of force
3. Service being rendered at time of use of force
4. Suspect custody status
5. Suspect injuries
6. Officer injuries

Year in Review

A significant revision was made to the Use of Force Policy in 2017, through the collaborative efforts of the Department, the BART Police Citizen Review Board, The Office of the Independent Police Auditor, and the BART Police Officers and Managers Associations.

The policy revision was initiated by the Department following a Police Executive Research Forum (PERF) publication, *Guiding Principles on Use of Force*. The Department reviewed recommendations made by PERF, compared the recommendations to current Department policy, and considered potential changes to existing policy.

A tiered documentation system for use of force incidents was introduced into the policy, for efficiency. An essential element for this tiered reporting system to be viable is that officers consistently record incidents on officer worn body cameras. The consideration to modify the policy was reviewed by OIPA, recommended for approval by the BPCRB, and approved by the Chief of Police.

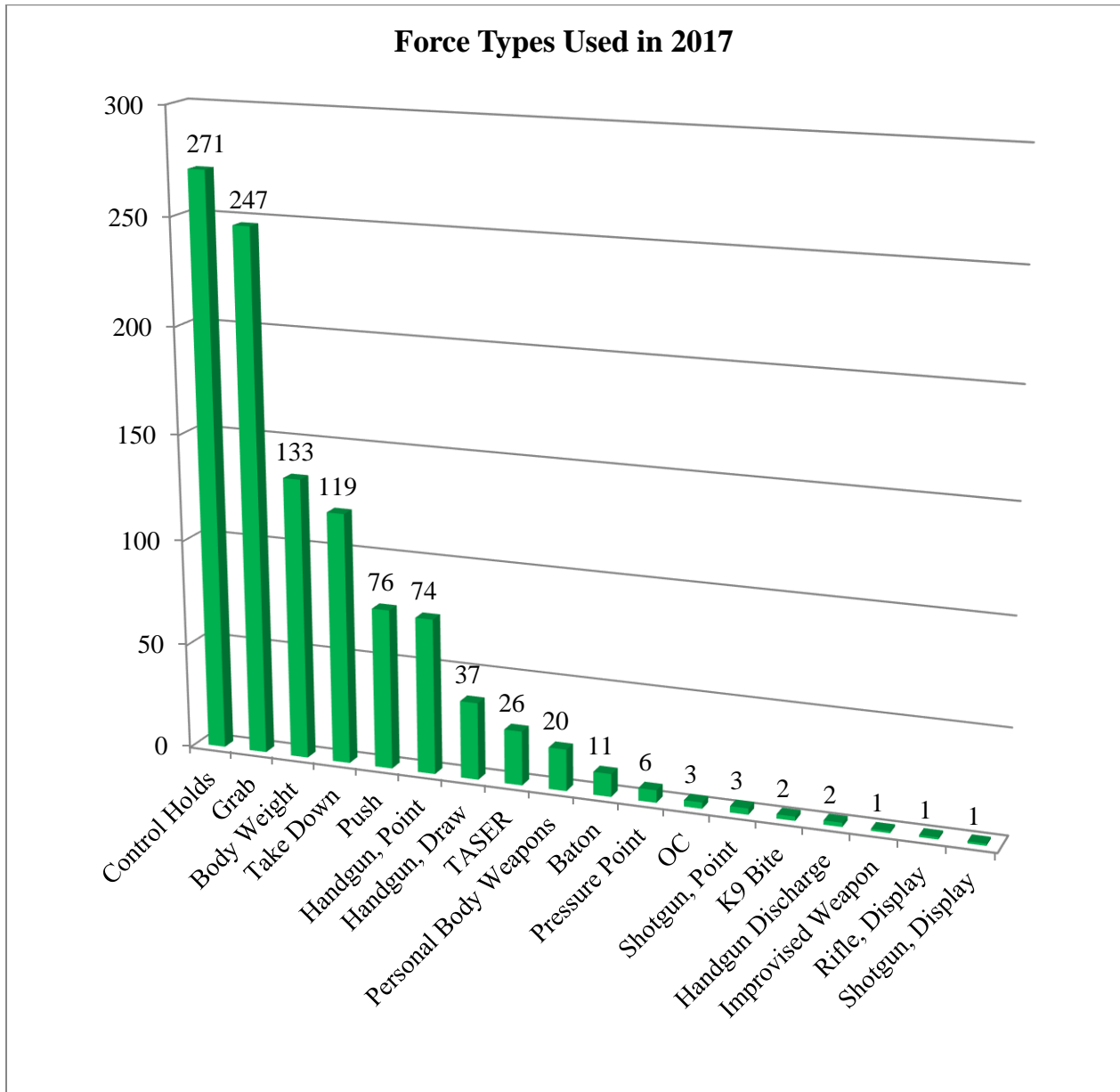
The collaborative effort resulted in a revised Use of Force policy which was reviewed by OIPA, recommended for approval by the BPCRB, and approved by the Chief of Police. The policy revision was adopted in July 2017. The policy revision includes the following:

- *The BART Police Department's highest priority is safeguarding the life, dignity, and liberty of all persons. Officers shall demonstrate this principle in their daily interactions with the community they are sworn to protect and serve. The Department is committed to accomplishing this mission with respect and minimal reliance on the use of force by using rapport-building communication, crisis intervention, and de-escalation tactics before resorting to force, whenever feasible. This Department policy builds upon the Supreme Court's broad principles in Graham v. Connor (1989) 490 U.S. 386 and is more restrictive than the constitutional standard and state law.*
- *Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose. Officers must strive to use the minimal amount of force necessary.*
- *Minimal amount of force necessary - The lowest level of force within the range of objectively reasonable force that is necessary to effect an arrest or achieve a lawful objective without increasing the risk to others.*
- *The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.*

BART Police Use of Force, 2017 Annual Report

- *Officers shall use de-escalation techniques whenever feasible and appropriate: to potentially reduce or eliminate the need to use force; and to prevent injuries to the subject, the public and the officer(s). Use of de-escalation techniques must allow for the fact that officers are often forced to make split-second decisions, with limited information, and in circumstances that are tense, uncertain and rapidly evolving.*
- *A tiered documentation system for use of force incidents.*

REPORT TOPIC: TRENDS IN THE USE OF FORCE

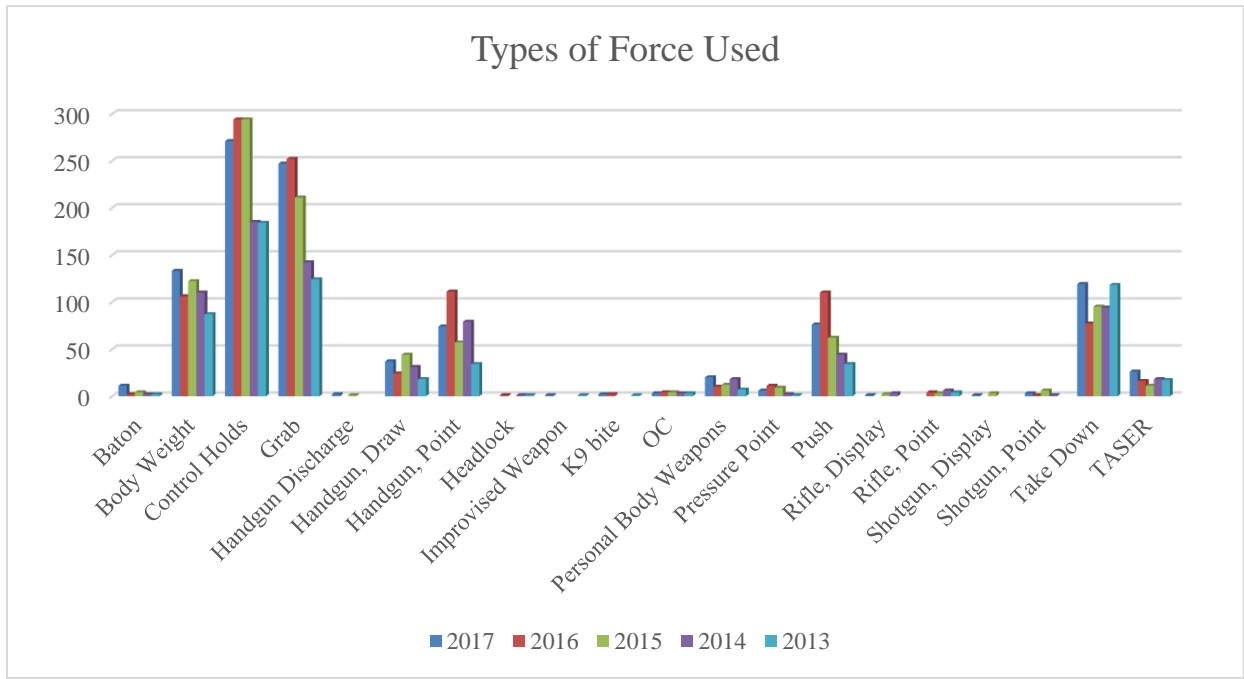


*There were 306 incidents where force was used; however, some incidents involved the use of multiple force types, and/or the same force type used by multiple officers.

This data shows that the most frequently used force options are the low-level options such as control holds and grabs. Officers appear to be using the minimal amount of force necessary in most situations.

The following data compares year to year totals of the types of force used. The data appears to show that the type of force used has not significantly varied from year to year.

BART Police Use of Force, 2017 Annual Report



The following data indicates that there was no significant increase or decrease in the number of use of force incidents, compared to the prior two years. There was a 3% increase in comparison to 2016, but a 2.6% decrease in comparison to 2015.

Use of Force Incidents - 2017

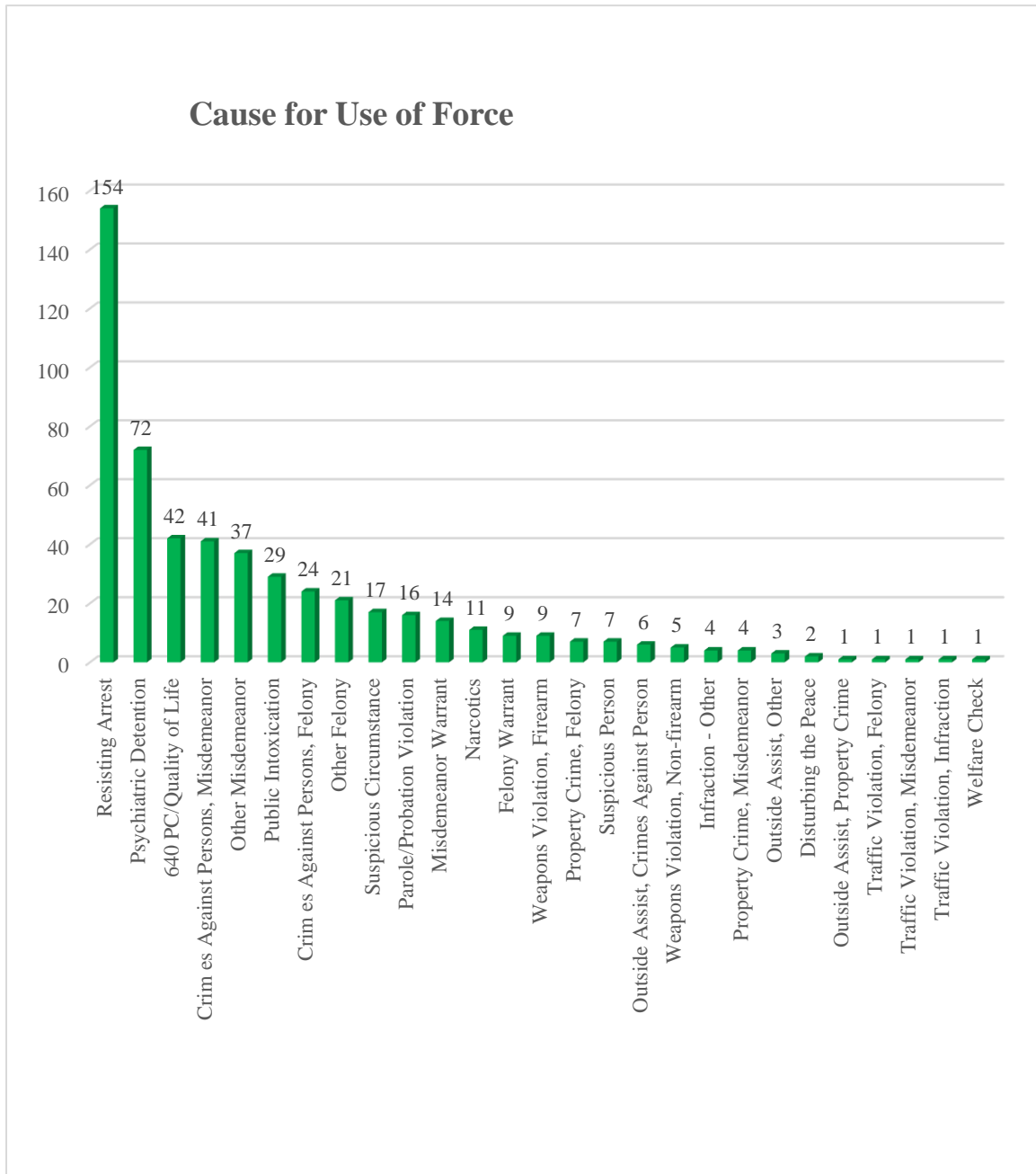
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2017	29	32	30	35	27	35	24	20	27	20	11	15	305
YTD 2017	29	61	91	126	153	188	212	232	259	279	290	305	

Use of Force Incidents - 2016

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2016	37	24	32	13	24	31	30	20	14	20	29	22	296
YTD 2016	37	61	93	106	130	161	191	211	225	245	274	296	

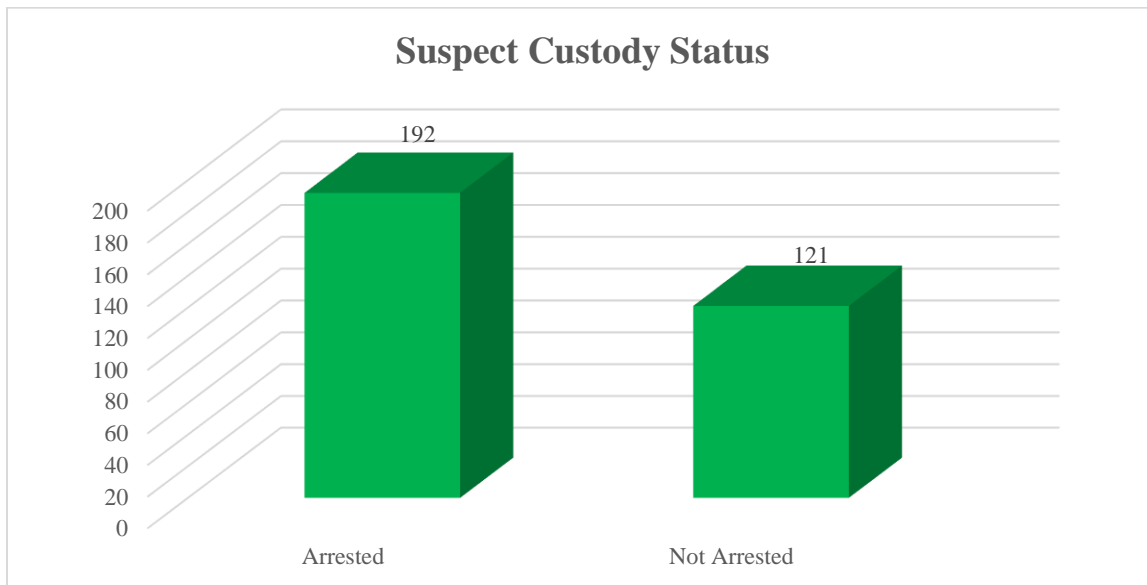
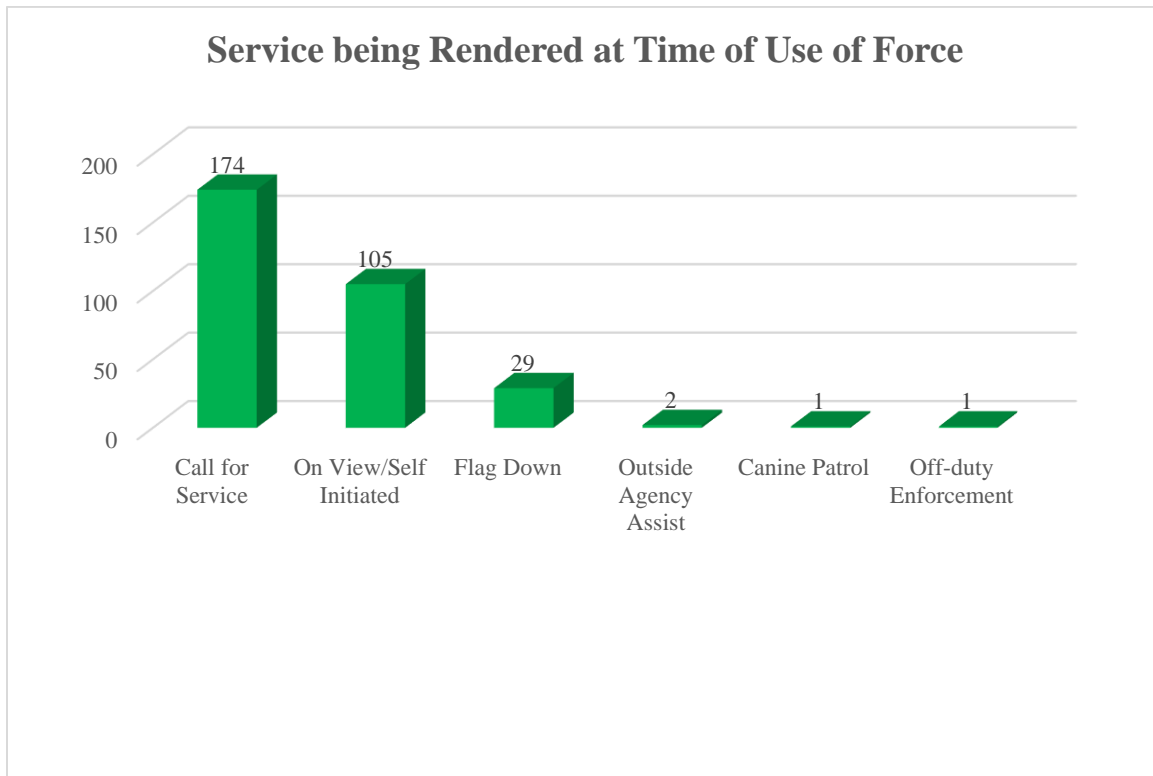
Use of Force Incidents - 2015

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2015	17	19	34	20	24	22	30	29	30	28	33	27	313
YTD 2015	17	36	70	90	114	136	166	195	225	253	286	313	



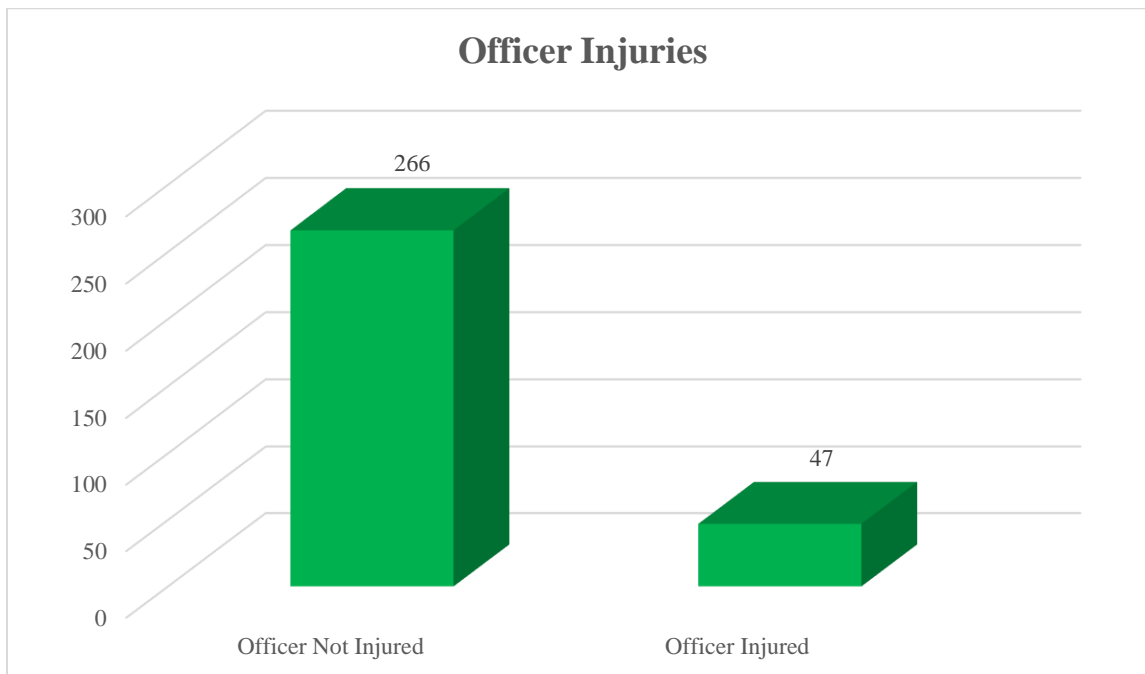
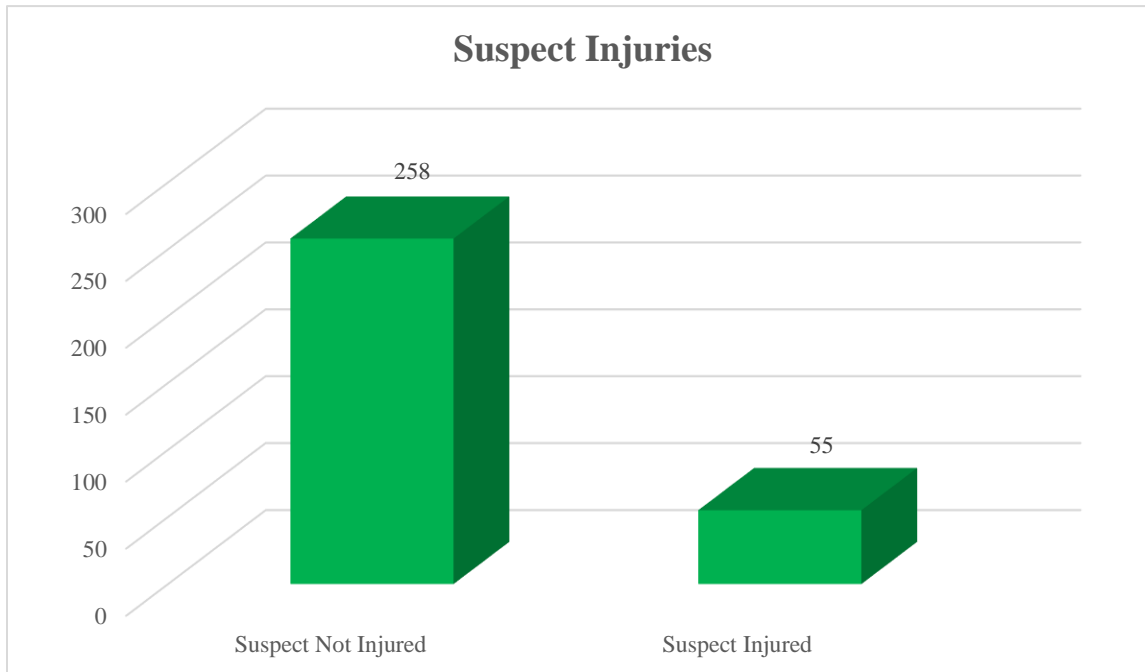
Annual Officer Training in 2018 will re-emphasize the importance for officers to tactically control initial contacts with persons in effort to avoid having to use force. When officers use verbal skills, correct body positioning, and sound tactics to exert control, persons are less able and less likely to attempt to flee or physically resist an officer.

Annual Officer Training in 2018 will also include a review of Crisis Intervention Training, which includes de-escalation tactics and skills to potentially reduce use of force when interacting with persons in crisis and/or persons with mental health issues.



Note: this data shows that 38% of instances when force was used, the suspect was not arrested. The Department would like OIPA to consider reviewing these instances to possibly identify any patterns or trends related to the level of force used upon suspects who were ultimately released from custody.

BART Police Use of Force, 2017 Annual Report



Note: this data indicates that suspects were not injured in 83% of use of force incidents and officers were not injured in 85% of incidents. This is an indication that officers are using minimal force upon suspects.

REPORT TOPIC: TRAINING

Supervisors received training on the Use of Force policy update (July 2017) in Staff Meetings and the Patrol Managers Meeting.

All officers received training on the policy as well. Training was conducted by supervisors, and verification of training completion was confirmed with a signature log for each Zone. Officers were also required to acknowledge receipt of the new policy in our on-line Lexipol policy manual update.

Deputy Chief Haight participated in Zone meetings with Chief Rojas to answer questions about the policy.

With the adoption of the policy update, the Department created a mechanism to track the use of de-escalation techniques by officers in the BlueTeam software database. Supervisors were instructed to select the de-escalation force option whenever an officer used de-escalation techniques. The BlueTeam software prompts the supervisor to designate whether the force option was effective or not. Unfortunately, supervisors have not been indicating in BlueTeam when de-escalation has been used. This will be rectified for all incidents going forward in 2018. Additional training will be provided, and use of the de-escalation force option will be monitored throughout the year.

The following training will be reviewed with supervisors and officers in 2018:

- Review of policy related to de-escalation
- Review of BlueTeam software functionality (for supervisors)
- Command Staff training on Use of Force investigation and review

REPORT TOPIC: EQUIPMENT

A significant equipment issue related to Use of Force incidents was identified and resolved in 2017. The issue was with AXON Flex body worn cameras. Frequently, during a physical altercation, the wire connecting the camera to the battery would become disconnected, resulting in the camera powering off, and in some cases the video footage prior to the disconnection would also be lost. To resolve this issue, the Department replaced all AXON Flex body cameras with the AXON 2 body camera, which has the camera and battery integrated in a single unit with no connection wire. The Department purchased 220 new AXON 2 cameras and issued the cameras to all sergeants and officers prior to January 1, 2018.

REPORT TOPIC: POLICY RECOMMENDATIONS

After the July 2017 policy update, there was a request for clarification on the threshold when officers need to notify a supervisor that they have used force. Clarification language has been drafted and is in final review.

Independent Police Auditor Russell Bloom also recommended that the force level and associated documentation requirement should be determined by a supervisor instead of the involved officer. To that end, the following amendment language has been drafted, adoption pending:

300.5.1 NOTIFICATION TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following any application of force.

300.5.2 USE OF FORCE INVESTIGATION, DOCUMENTATION, AND REVIEW

Upon receiving notification of a use of force, a supervisor who was not involved in the use of force incident, will determine the level of investigation and documentation.



Office of the
**INDEPENDENT
POLICE AUDITOR**

BAY AREA RAPID TRANSIT DISTRICT

MONTHLY REPORT

February 2018

Issue date: March 12, 2018

This report is filed pursuant to the BART Citizen Oversight Model, Chapter 1-05 (A), 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 **February 1, 2018 through February 28, 2018**.¹

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

QUANTITATIVE REPORT

	Cases Filed ²	Open Cases ³	OIPA Investigations Concluded ⁴	Cases Appealed to OIPA ⁵	Cases Appealed by BPCRB ⁶
February 2017	7	41	0	0	0
March 2017	9	43	0	0	0
April 2017	8	42	1	0	0
May 2017	13	47	1	0	0
June 2017	11	44	1	0	0
July 2017	13	48	0	0	0
August 2017	12	35	0	0	0
September 2017	12	31	1	0	0
October 2017	11	33	0	0	0
November 2017	11	32	0	1	0
December 2017	9	34	1	0	0
January 2018	7	32	0	0	0
February 2018	10	34	0	1	0

TYPES OF CASES FILED

Citizen Complaints (Formal)	8
Informal Complaints ⁷	1
Administrative Investigations	1
TOTAL	10

CITIZEN COMPLAINTS RECEIVED PER DEPARTMENT⁸

OIPA	1
BART Police Department	7
TOTAL	8

COMPLAINTS/INVESTIGATIONS INITIATED DURING REPORTING PERIOD

During February 2018, **1 Citizen Complaint (Formal)** was received by OIPA:

Complaint # (OIPA Case #) (IA Case #)	Nature of Complaint	Action Taken	Days Elapsed Since Complaint Filed
1 (OIPA #18-03) (IA2018-011)	Officer #1: <ul style="list-style-type: none"> • Force • Bias-Based Policing • Arrest or Detention • Conduct Unbecoming an Officer 	OIPA notified BPD, which initiated an investigation.	27

During February 2018, **7 Citizen Complaints (Formal)** were received by BPD:

Complaint # (IA Case #)	Nature of Complaint	Action Taken	Days Elapsed Since Complaint Filed
1 (IA2018-009)	Unknown Officers #1-3: <ul style="list-style-type: none"> • Bias-Based Policing 	BPD initiated an investigation.	32
2 (IA2018-010)	Officers #1-2: <ul style="list-style-type: none"> • Conduct Unbecoming an Officer 	BPD initiated an investigation.	28
3 (IA2018-012)	Officer #2: <ul style="list-style-type: none"> • Performance of Duty 	BPD initiated an investigation.	26
4 (IA2018-014)	Officers #1-3: <ul style="list-style-type: none"> • Arrest or Detention • Performance of Duty 	BPD initiated an investigation.	20
5 (IA2018-015)	Officer #1: <ul style="list-style-type: none"> • Policy/Procedure • Performance of Duty 	BPD initiated an investigation.	20
6 (IA2018-016)	Unknown Officer #1: <ul style="list-style-type: none"> • Performance of Duty 	BPD initiated an investigation.	14
7 (IA2018-017)	Unknown Officer #2: <ul style="list-style-type: none"> • Conduct Unbecoming an Officer 	BPD initiated an investigation.	18

During February 2018, **1 Administrative Investigation** was initiated by BPD:

Investigation # (IA Case #)	Nature of Investigation	Action Taken	Days Elapsed Since Investigation Initiated
1 (IA2018-013)	Officer #1: <ul style="list-style-type: none"> • Force • Policy/Procedure Officer #2 <ul style="list-style-type: none"> • Performance of Duty 	BPD initiated an investigation.	30

During February 2017, **1 Informal Complaint** was received by BPD:

Complaint # (IA Case #)	Nature of Allegations	Action Taken	Days Elapsed Since Investigation Initiated
1 (IA2017-065)	Employee #1: <ul style="list-style-type: none"> • Policy/Procedure 	BPD initiated an investigation.	33

COMPLAINTS/INVESTIGATIONS CONCLUDED DURING REPORTING PERIOD

During February 2018, **5 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 (IA2017-079)	Employee did not appropriately respond to a request for law enforcement assistance.	Employee #1: <ul style="list-style-type: none"> • Conduct Unbecoming – Sustained 	185	160
2 (IA2017-083)	Officer was rude and unprofessional during contact with subject.	Unknown Officer #1: <ul style="list-style-type: none"> • Conduct Unbecoming an Officer – Not Sustained 	180	161
3 (IA2017-103)	Officer improperly contacted and harassed complainant and did not properly document the contact.	Officer #1: <ul style="list-style-type: none"> • Policy/Procedure – Not Sustained • Arrest or Detention – Not Sustained • Conduct Unbecoming an Officer – Not Sustained 	125	100
4 (IA2017-112)	Officer did not take appropriate law enforcement action in response to a call for service.	Officer #1: <ul style="list-style-type: none"> • Performance of Duty – Supervisor Referral⁹ 	97	78

5 (IA2018-004)	Officers made rude and unprofessional comments to complainant.	Officers #1-4: • Conduct Unbecoming an Officer – Supervisor Referral	59	44
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During February 2018, **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 (IA2018-008)	Employee parked BPD vehicle blocking an accessibility ramp.	Employee #1: • Policy/Procedure – Supervisor Referral	33	20

During February 2018, **2 Administrative Investigations** were concluded by BPD:

Investigation # (IA Case #)	Nature of Allegations	Disposition	Days Elapsed Since Complaint Filed	Days Taken to Address Complaint
1 (IA2017-074)	Officer kicked subject's property and did not properly record a law enforcement contact.	Officer #1: • Conduct Unbecoming an Officer – Sustained • Policy/Procedure – Sustained	202	168
2 (IA2018-006)	Officer spoke discourteously to Employee and Employee hung up on Officer.	Employee #1: • Conduct Unbecoming – Supervisor Referral Officer #1: • Conduct Unbecoming an Officer – Supervisor Referral	200	180

DISCIPLINE ISSUED DURING REPORTING PERIOD

No discipline was issued during the month of February 2018.

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	2
Complainant-Initiated Appeals	1
BPD-Initiated Appeals	0
Investigations Being Monitored	16
Investigations Reviewed During Current Month	24†

† 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 handled by BPD. The OIPA Monthly Report will reflect information regarding monitored cases with detail not to exceed that which is allowable under state law. The investigations reviewed by OIPA during the period did not generate any notable recommendations for revisions or additional investigation.¹⁰

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 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.

⁹ A Supervisory 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 IA.

¹⁰ OIPA may submit recommendations to IA 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.