

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

July 13, 2020
4:00 p.m.

A regular meeting of the BART Police Citizen Review Board (BPCRB) will be held on Monday, July 13, 2020 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 via BART’s website at <https://www.bart.gov/about/bod/advisory/crb>

You may listen to the Meeting by calling 1-833-827-2778 and entering access code 219 377 075.

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 3:00 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 219 377 075 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. Introduction of New BPCRB Member, Todd Davis, and Oath of Office.
3. Approval of Minutes of the Meeting of June 8, 2020. For Discussion and Action.
4. Chief of Police’s Report. For Discussion and Action.
 - a. BART Police Department (BPD) Monthly Reports for May 2020.
5. Status Update on Station Reopening, Ridership, and Safety Measures – COVID-19 (continued from the June 8, 2020 meeting). For Discussion.
6. Status Update on the Discussion at the BART Board of Directors' Meeting Regarding Reforms to the BART Police Department. For Discussion.
7. Proposed Outreach Recommendations Regarding Potential Options to Make BPCRB Meetings More Accessible to the Public, Given COVID-19 Restrictions. For Discussion.

8. Independent Police Auditor's Report. For Discussion and Action.
 - a. Office of the Independent Police Auditor (OIPA) Monthly Reports for May 2020 (continued from the June 8, 2020 meeting) and June 2020.
9. BPCRB Participation in the 2020 Annual National Association for Civilian Oversight of Law Enforcement (NACOLE) Conference. For Discussion and Action.
10. 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.)
11. Closed Session.
 - a. To Consider Public Employee Discipline/Dismissal/Release in OIPA Case #19-41.
12. 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.

BPCRB Meeting Agenda materials are available to the public by downloading 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 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, June 8, 2020

A regular meeting of the BART Police Citizen Review Board (BPCRB) was held Monday, June 8, 2020, convening at 4:02 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 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 4:02 p.m. by Chairperson Rizk.

Members Present:

Members Erin Armstrong, Zachary Bruno, Christina Gomez, Pete Longmire, Kenneth Loo, Les Mensinger, George Perezvelez, Darren White, and David Rizk.

Absent:

Members Robert Pirone, and William White.

The Pledge of Allegiance was recited.

2. Approval of Minutes of the Meeting of May 11, 2020.

Member Armstrong moved that the Minutes of the Meeting of May 11, 2020 be approved; Member Mensinger seconded the motion, which carried by a unanimous roll call vote. Ayes – 9: Members Armstrong, Bruno, Gomez, Longmire, Loo, Mensinger, Perezvelez, W. White, and Rizk. Noes – 0. Abstain – 0. Absent – 2: Members Pirone, and D. White.

3. Chief of Police's Reports.

a. BART Police Department's Monthly Reports for April 2020.

Chief of Police Ed Alvarez presented the BART Police Department's Monthly Reports. The reports were discussed.

Member William White entered the Meeting.

4. Status Update on Station Reopening, Ridership, and Safety Measures – COVID19.

Chief of Police Ed Alvarez presented the Status Update on Station Reopening, Ridership, and Safety Measures. The report was discussed.

5. Independent Police Auditor's Report.

a. Office of the Independent Police Auditor (OIPA) Monthly Reports for April 2020 (continued from the May 11, 2020 meeting) and May 2020.

Independent Police Auditor Russell Bloom presented the OIPA Monthly Report for

April 2020. The April 2020 report was discussed. The May 2020 report will come back to a future meeting.

6. Public Comment.

Chairperson Rizk called for Public Comment.

Mr. Robert Raburn addressed the Board

Adjournment.

The Meeting was adjourned at 5:49 p.m. in honor of George Floyd and Sergeant Damon Gutzwiller, Santa Cruz County Sheriff's Office, California.

DRAFT

BART POLICE DEPARTMENT



May 2020

MONTHLY REPORT



Bay Area Rapid Transit Police Department

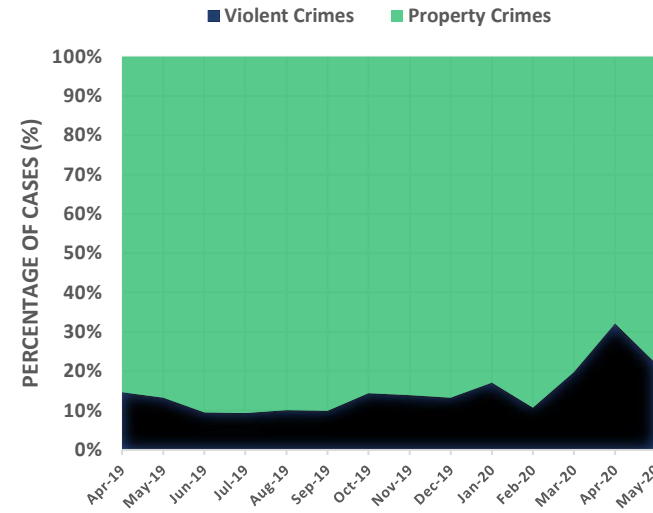
101 8th St, Oakland, CA, 94607 (510) 464-7000 www.bart.gov/police

May 2020

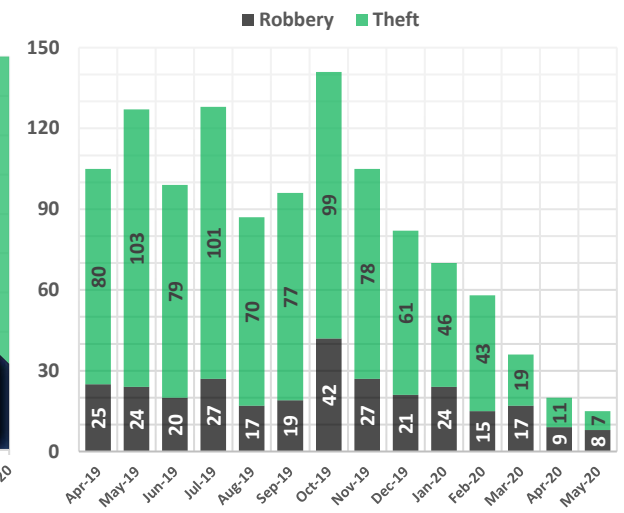
Performance Measurement Review - **Systemwide**

PART 1 UCR Crime	2014	2015	2016	2017	2018	2019	YTD 2019	YTD 2020	PCT %
Homicide	0	1	1	0	3	2	1	0	-100%
Rape	2	3	4	8	3	7	6	2	-67%
Robbery	153	161	232	290	345	378	161	111	-31%
Aggravated Assault	71	73	93	125	130	112	55	37	-33%
Violent Crime Subtotal	226	238	330	423	481	499	223	150	-33%
Burglary (Structural)	7	4	12	15	18	16	4	7	+75%
Larceny & Auto Burglary	2,597	2,325	2,217	2,593	2,565	3,177	1,222	640	-48%
Auto Theft	522	480	480	420	348	247	87	60	-31%
Arson	0	0	1	4	4	4	1	4	+300%
Property Crime Subtotal	3,126	2,809	2,710	3,032	2,935	3,444	1,314	711	-46%
TOTAL	3,352	3,047	3,040	3,455	3,416	3,943	1,537	861	-44%

PART 1 CRIME OVERALL



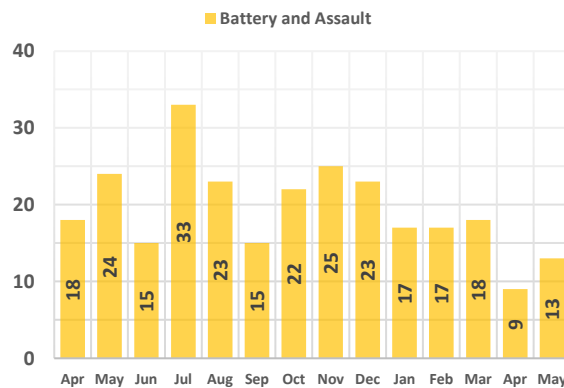
ELECTRONIC THEFT



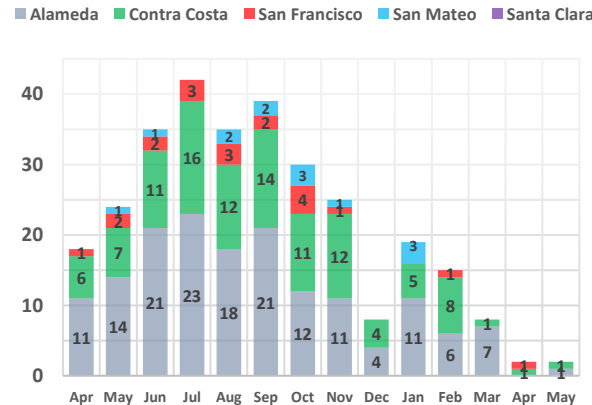
Part 1 Crimes: Top Five Stations

May 2020: A60/HAS A10/LMS A30/COS A70/SHS A20/FVS
 Full Year 2019: A30/COS A60/HAS M10/OWS A20/FVS A40/SLS

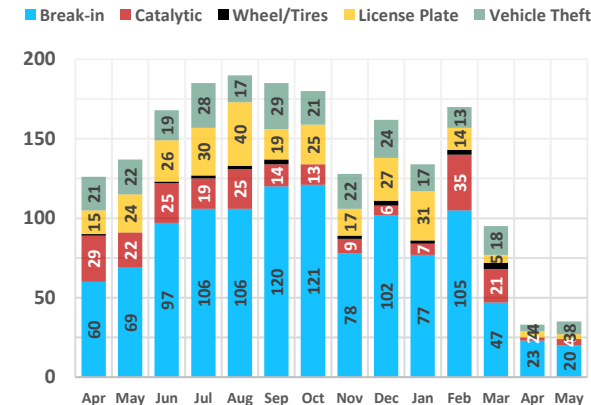
BATTERY & ASSAULT ON BART



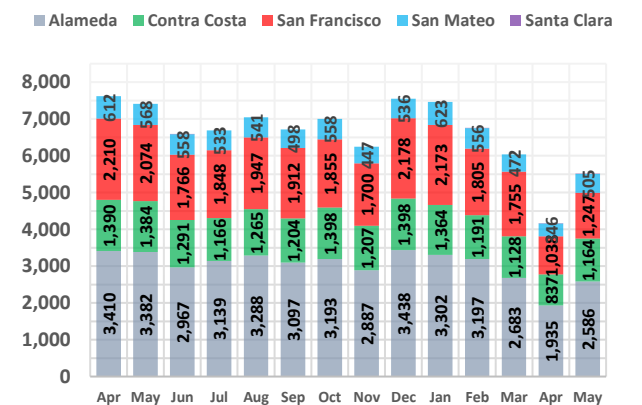
BICYCLE THEFT



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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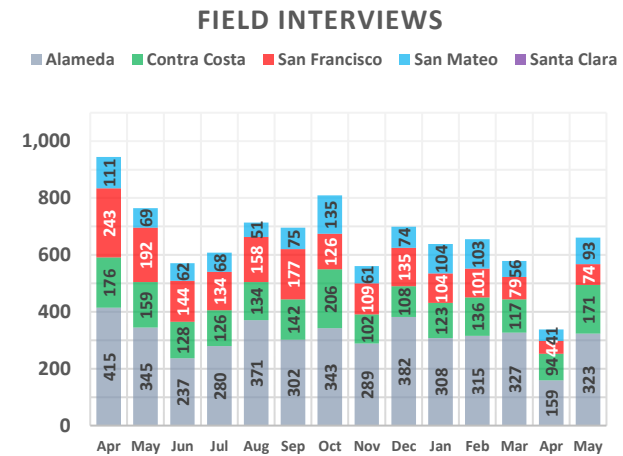
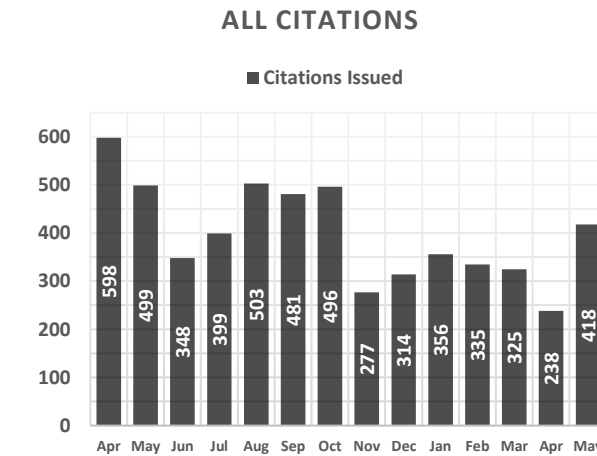
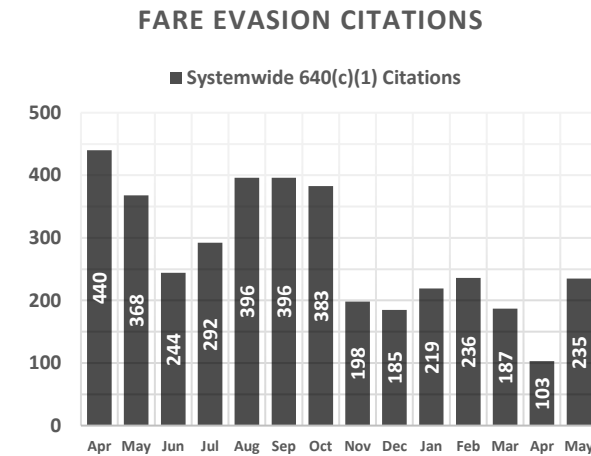
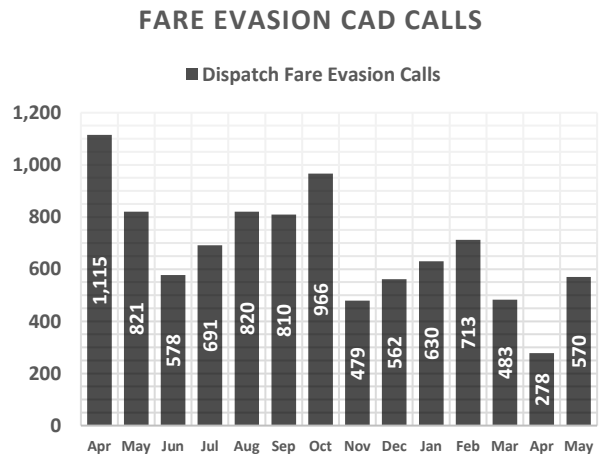
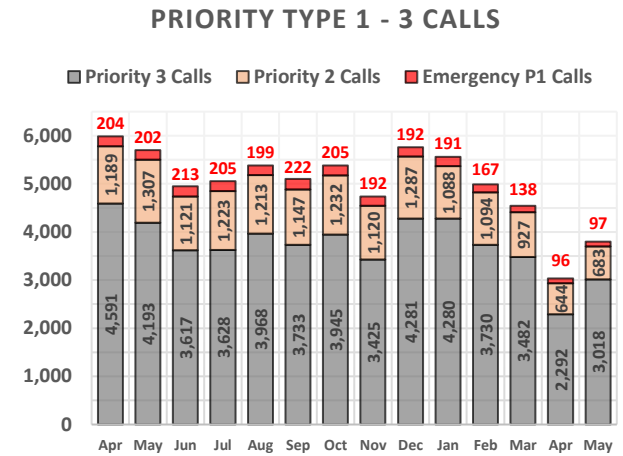
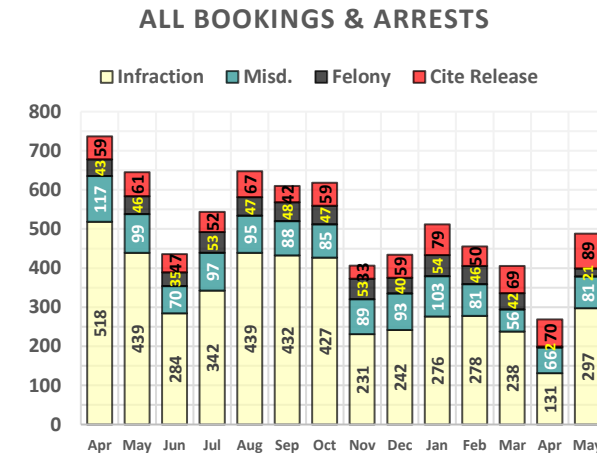
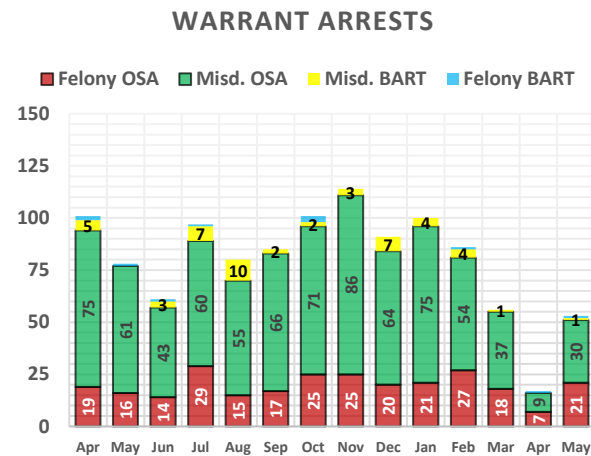
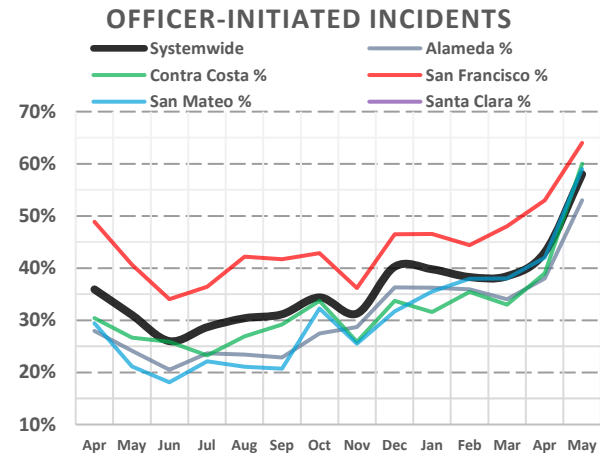


Bay Area Rapid Transit Police Department

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May 2020

Performance Measurement Review - **Systemwide**





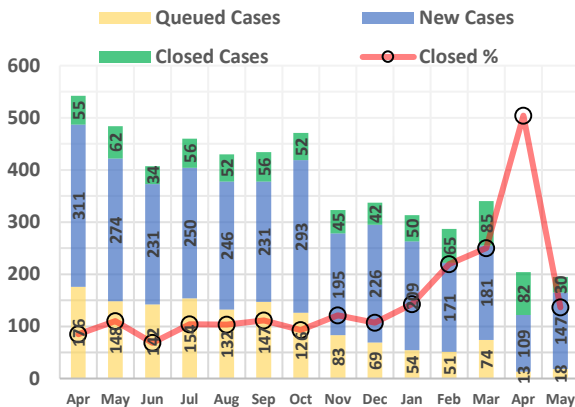
Bay Area Rapid Transit Police Department

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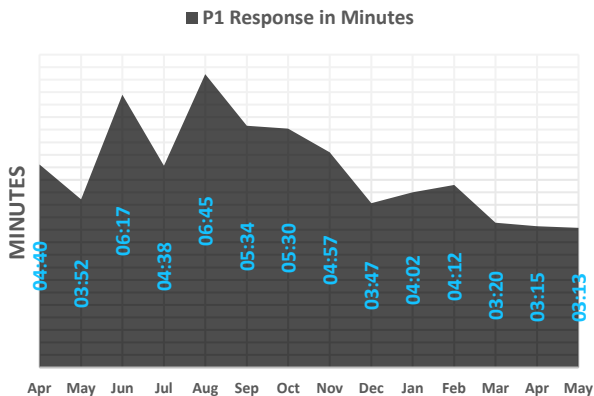
May 2020

Performance Measurement Review - **Systemwide**

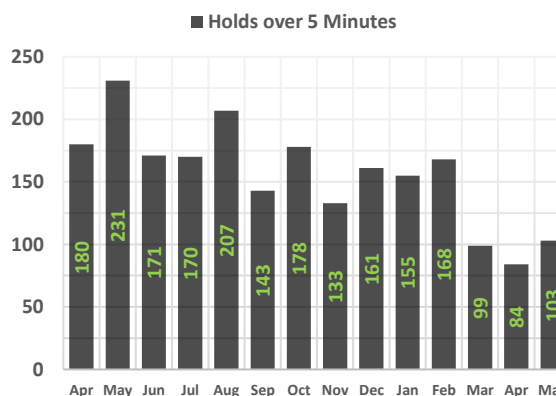
INVESTIGATIONS CASELOAD %



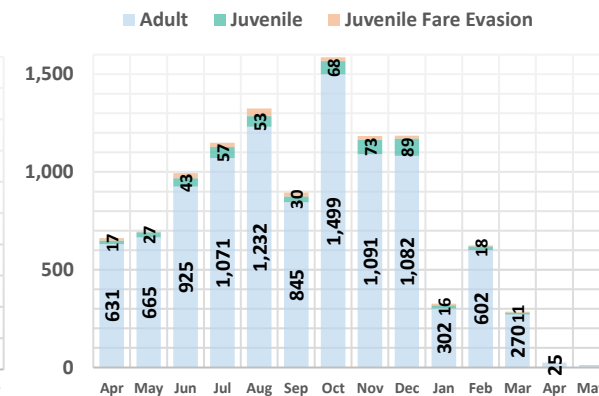
SYSTEM RESPONSE TIME (P1) AVG



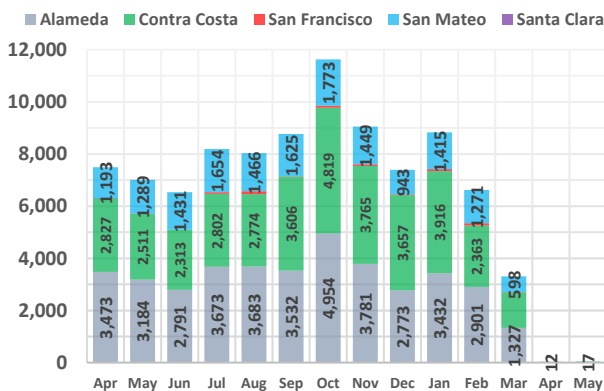
POLICE TRAIN HOLDS



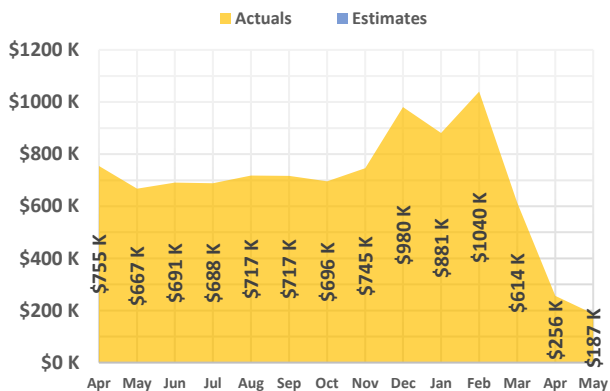
PROOF OF PAYMENT CITATIONS



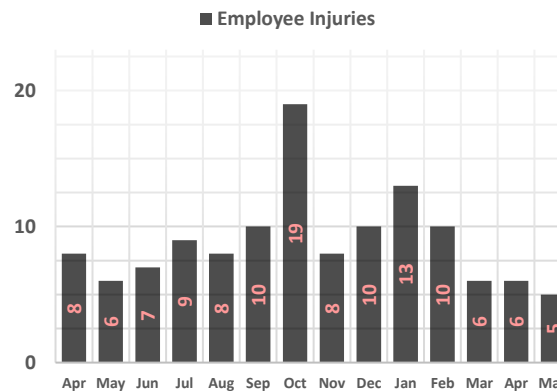
PARKING CITATIONS



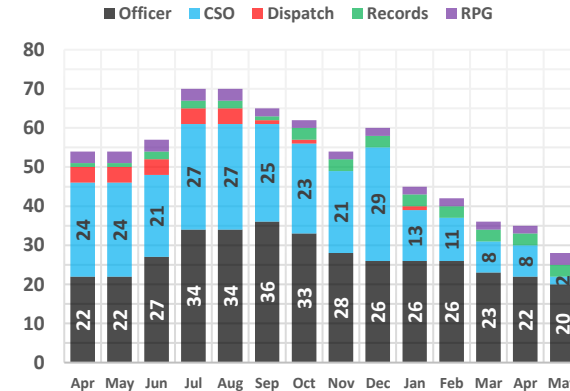
OVERTIME UTILIZATION (IN THOUSANDS)



EMPLOYEE INJURIES



VACANCIES





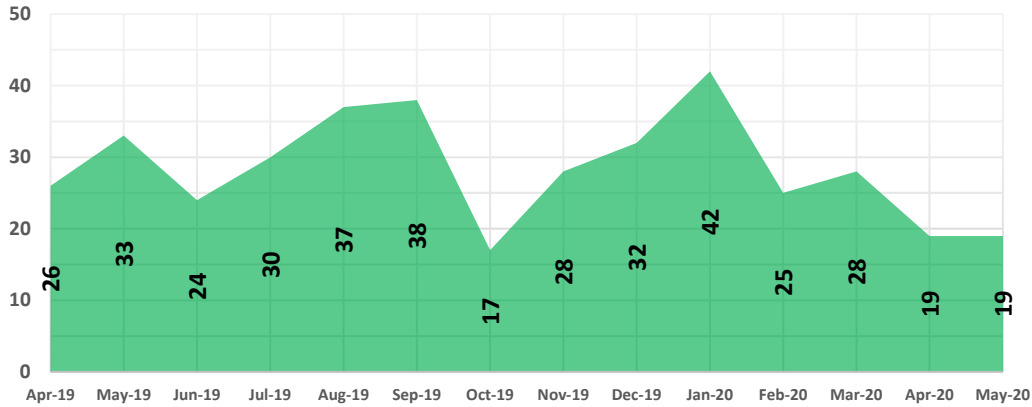
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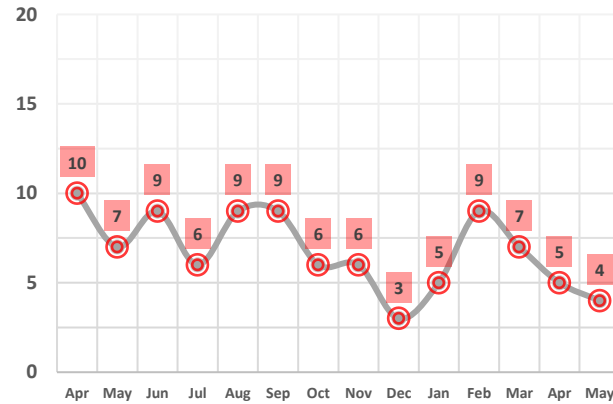
May 2020

Performance Measurement Review - **Systemwide**

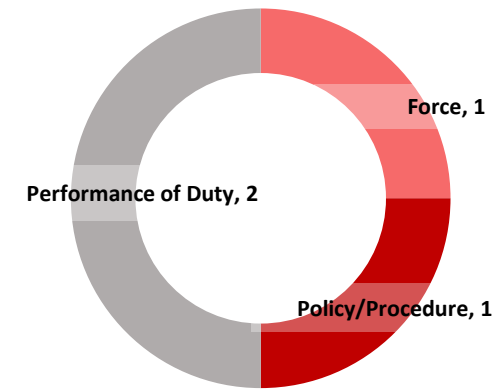
AB716 - PROHIBITION ORDERS



INTERNAL AFFAIRS COMPLAINTS

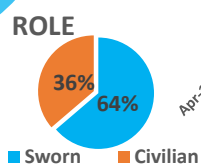
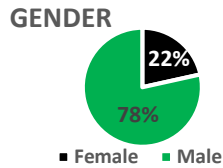
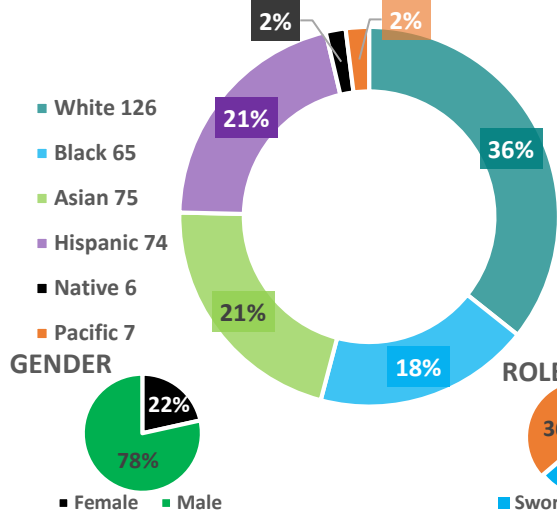


IA COMPLAINTS RECEIVED¹

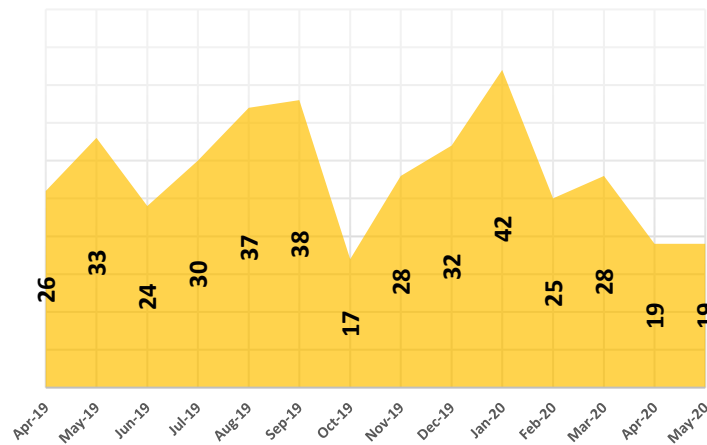


1: Each incident could contain more than one allegation. This chart reflects the most significant allegation per

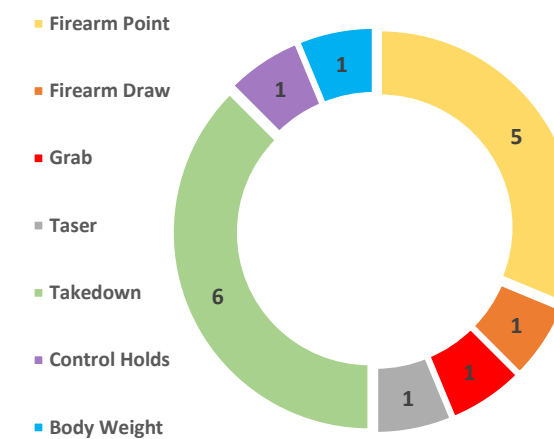
DEPARTMENT ETHNIC DIVERSITY



USE OF FORCE INCIDENTS

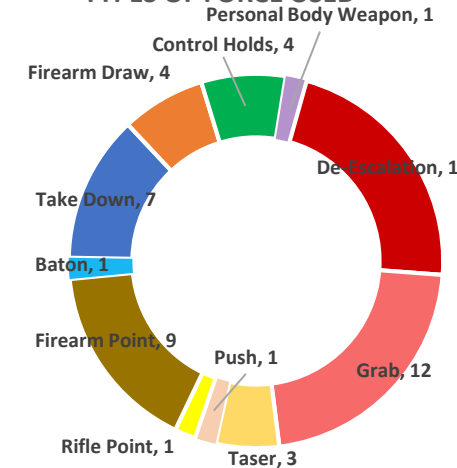


INCIDENT FORCE OPTIONS USED²



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,

TYPES OF FORCE USED³



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



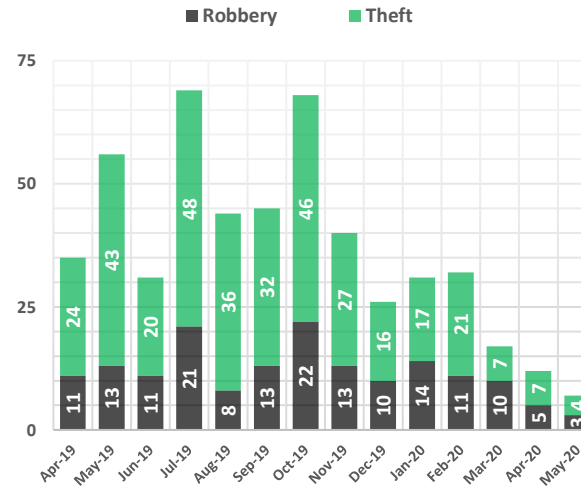
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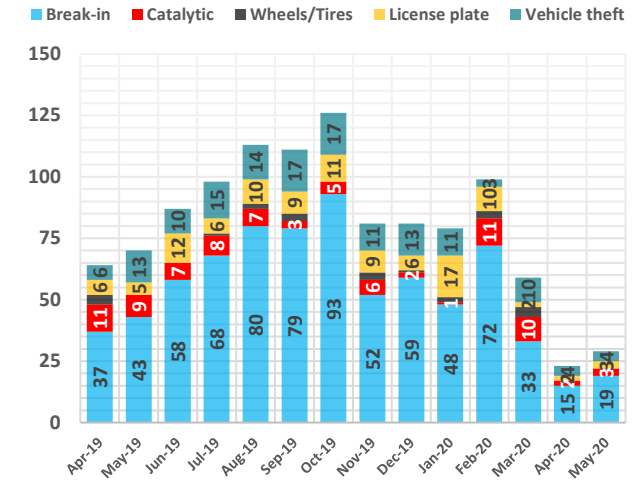
May 2020 Performance Measurement Review - Alameda County

PART 1 UCR Crime	2017	2018	2019	YTD 2019	YTD 2020	PCT %
Homicide	0	2	1	1	0	-100%
Rape	6	3	2	2	2	0%
Robbery	191	211	229	96	66	-31%
Aggravated Assault	73	87	52	24	19	-21%
Violent Crime Subtotal	270	303	284	123	87	-29%
Burglary (Structural)	8	11	13	2	6	+200%
Larceny & Auto Burglary	1,471	1,262	1,634	609	381	-37%
Auto Theft	266	201	149	52	32	-38%
Arson	2	3	5	2	2	0%
Property Crime Subtotal	1,747	1,477	1,801	665	421	-37%
TOTAL	2,017	1,780	2,085	788	508	-36%

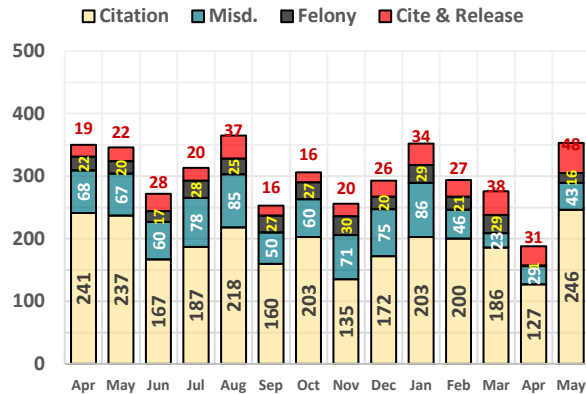
ALAMEDA ELECTRONIC THEFT



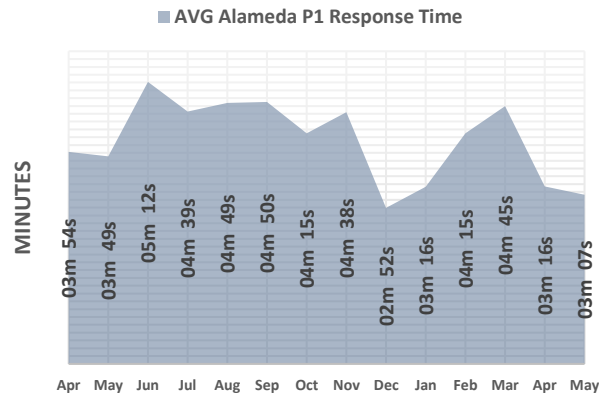
ALAMEDA VEHICLE CRIME



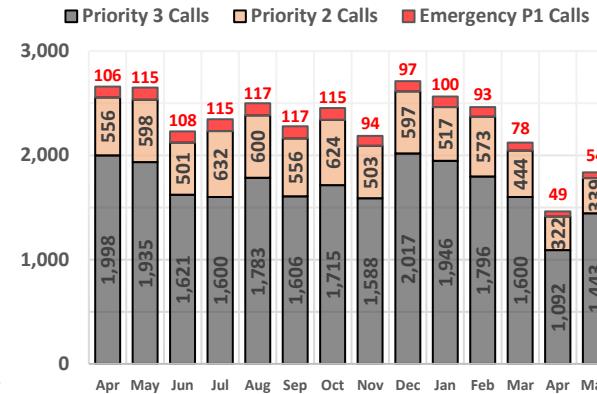
ALAMEDA ARRESTS & CITATIONS



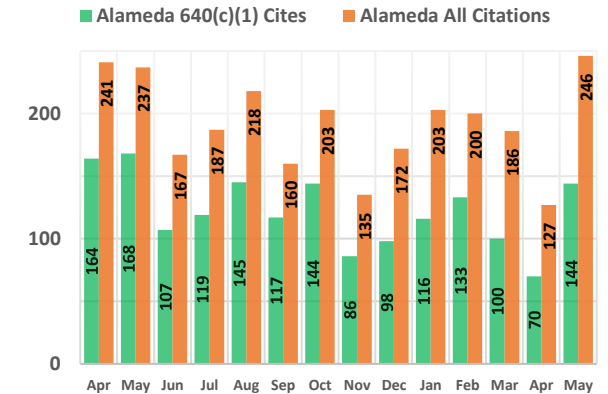
RESPONSE TIME (P1) AVG



ALAMEDA PRIORITY 1 - 3 CALLS



ALAMEDA FARE EVASION



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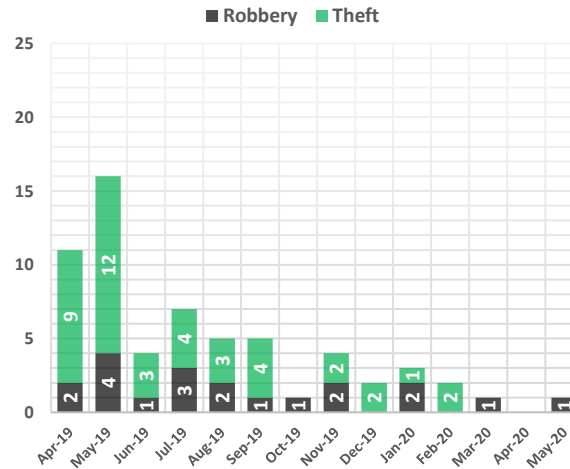
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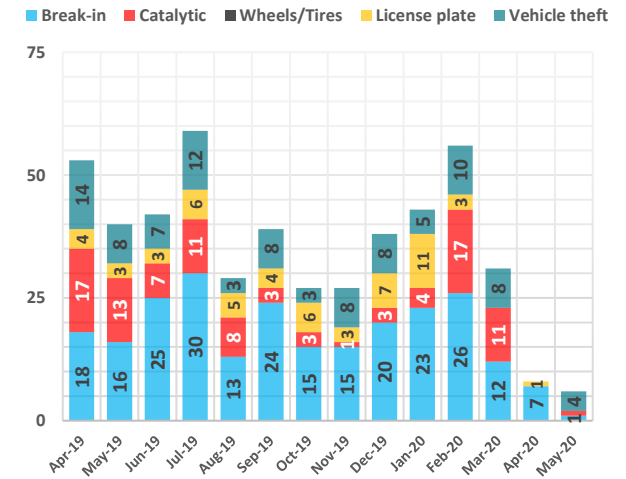
May 2020 Performance Measurement Review - **Contra Costa County**

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	17	9	-47%
Aggravated Assault	23	20	23	9	8	-11%
Violent Crime Subtotal	59	50	61	30	17	-43%
Burglary (Structural)	2	1	2	1	0	-100%
Larceny & Auto Burglary	675	669	592	254	132	-48%
Auto Theft	134	124	81	32	27	-16%
Arson	3	1	0	0	0	-%
Property Crime Subtotal	814	795	675	287	159	-45%
TOTAL	873	845	736	317	176	-44%

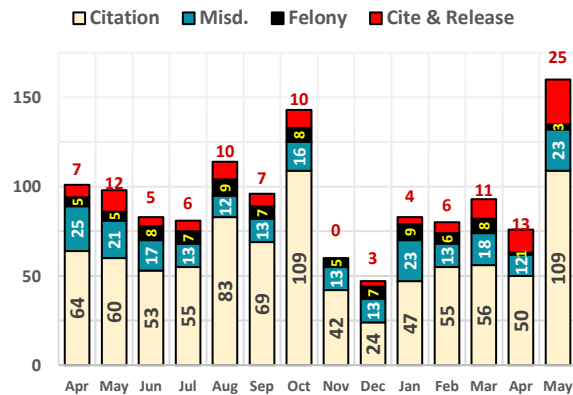
CONTRA COSTA ELECTRONIC THEFT



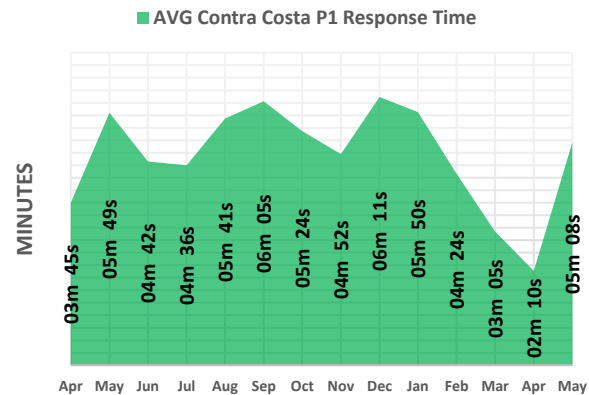
CONTRA COSTA VEHICLE CRIME



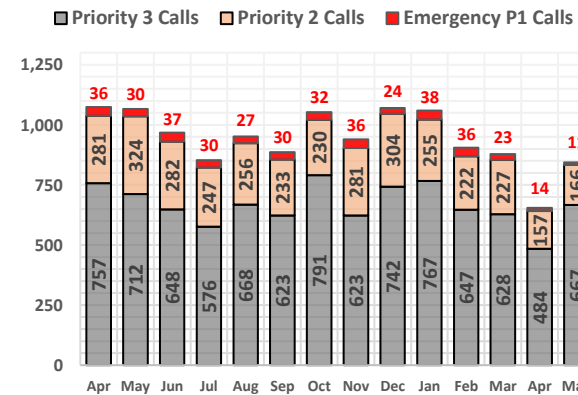
COCO ARRESTS & CITATIONS



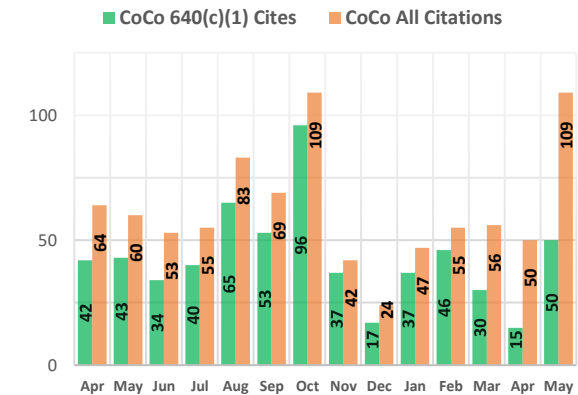
RESPONSE TIME (P1) AVG



COCO PRIORITY 1 - 3 CALLS



COCO FARE EVASION



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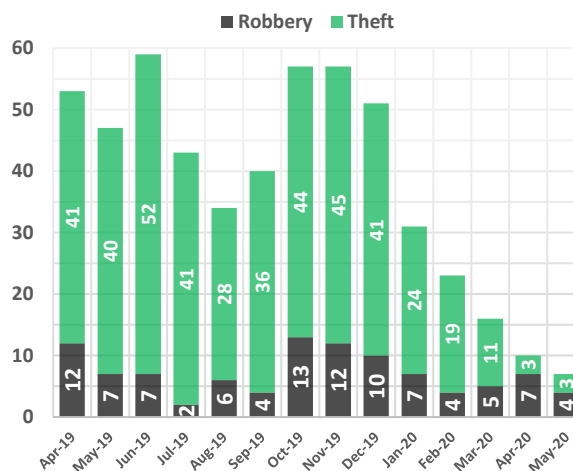
Bay Area Rapid Transit Police Department

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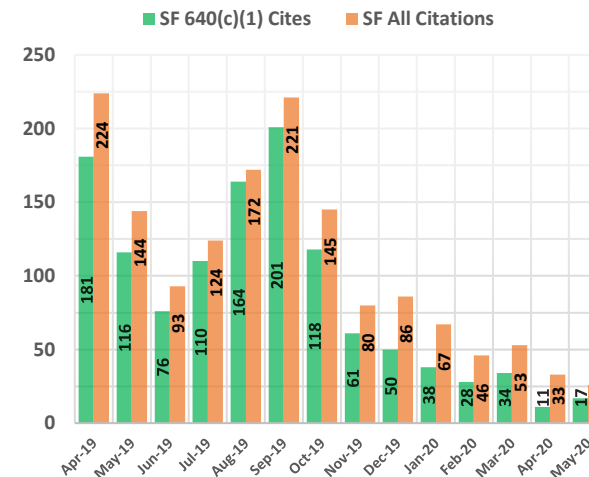
May 2020 Performance Measurement Review - **San Francisco County**

PART 1 UCR Crime	2017	2018	2019	YTD 2019	YTD 2020	PCT %
Homicide	0	0	0	0	0	-%
Rape	0	0	0	4	0	-100%
Robbery	49	97	104	44	32	-27%
Aggravated Assault	23	18	28	16	7	-56%
Violent Crime Subtotal	72	115	132	64	39	-39%
Burglary (Structural)	5	6	4	1	1	0%
Larceny & Auto Burglary	244	473	619	254	103	-59%
Auto Theft	2	1	1	0	0	-%
Arson	0	0	0	0	1	-%
Property Crime Subtotal	251	480	624	255	105	-59%
TOTAL	323	595	756	319	144	-55%

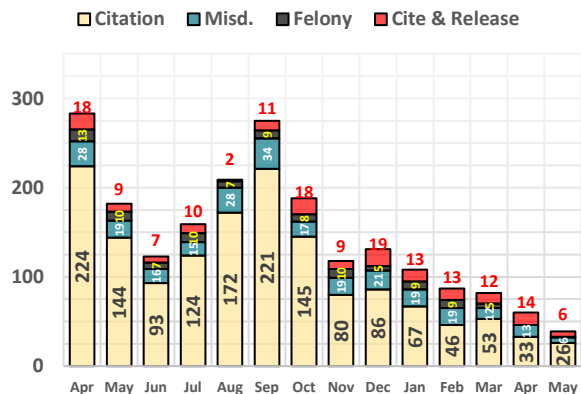
SAN FRANCISCO ELECTRONIC THEFT



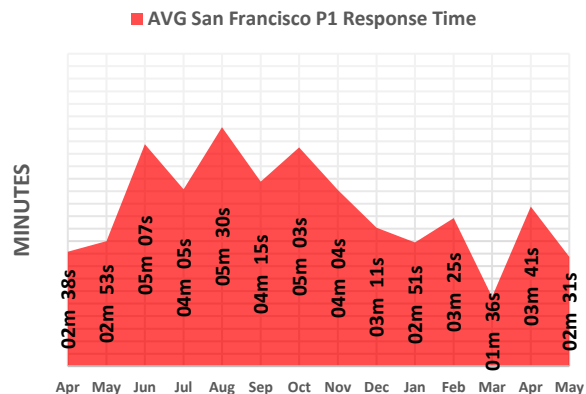
SAN FRANCISCO FARE EVASION



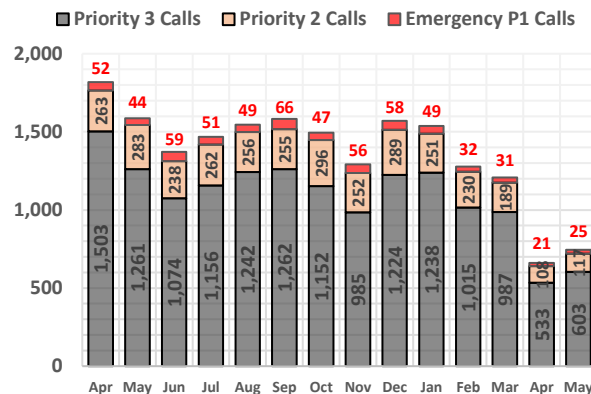
SF ARRESTS & CITATIONS



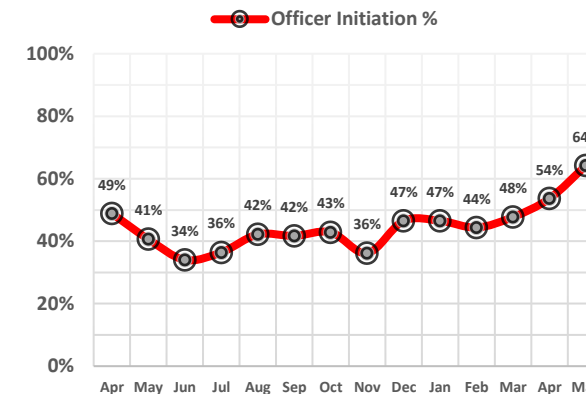
RESPONSE TIME (P1) AVG



SF PRIORITY 1 - 3 CALLS



SF OFFICER-INITIATED INCIDENTS



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.



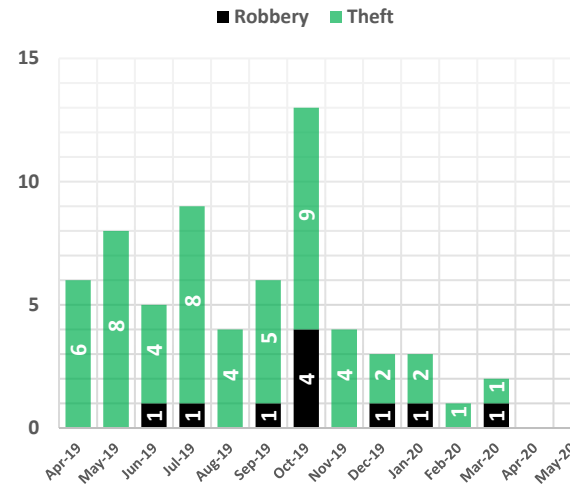
Bay Area Rapid Transit Police Department

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

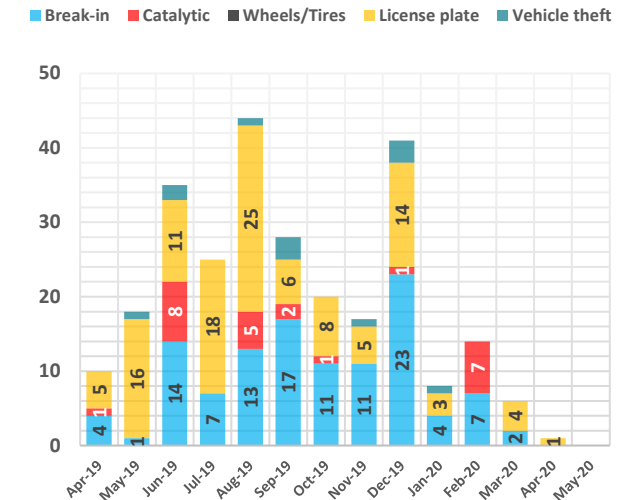
May 2020 Performance Measurement Review - **San Mateo County**

PART 1 UCR Crime	2017	2018	2019	YTD 2019	YTD 2020	PCT %
Homicide	0	0	0	0	0	-%
Rape	1	0	1	0	0	-%
Robbery	15	8	13	4	4	0%
Aggravated Assault	6	5	8	2	2	0%
Violent Crime Subtotal	22	13	22	6	6	0%
Burglary (Structural)	0	0	0	0	0	-%
Larceny & Auto Burglary	208	161	332	111	40	-64%
Auto Theft	18	19	13	3	1	-67%
Arson	0	0	0	0	1	-%
Property Crime Subtotal	226	180	345	114	42	-63%
TOTAL	248	193	367	120	48	-60%

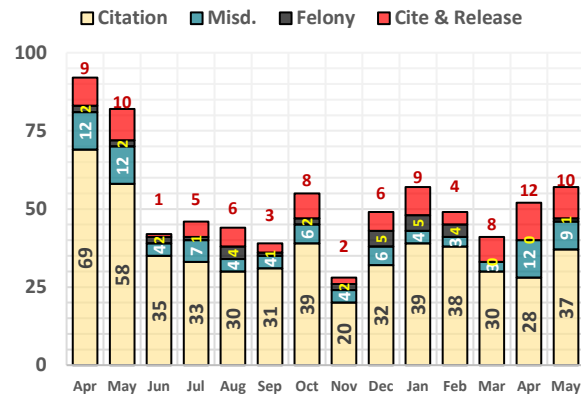
SAN MATEO ELECTRONIC THEFT



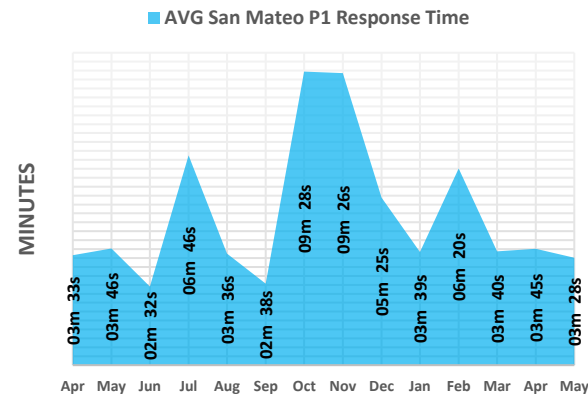
SAN MATEO VEHICLE CRIME



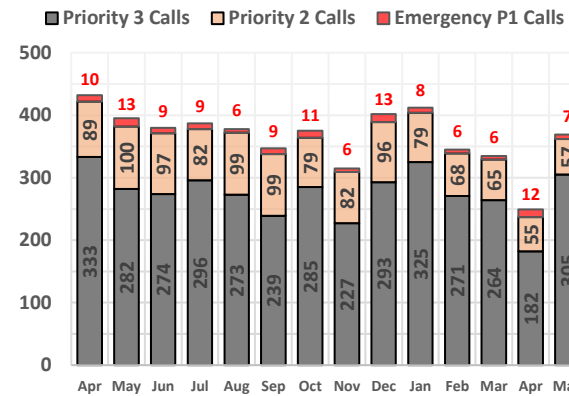
SMC ARRESTS & CITATIONS



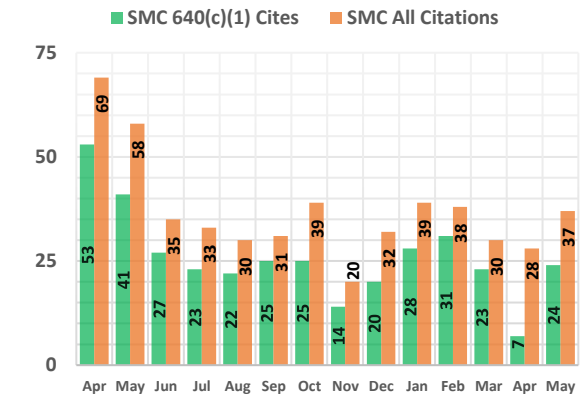
RESPONSE TIME (P1) AVG



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.

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. McNack	Tolled	11/5/2018	
IA2018-060	7/22/2018	7/23/2018	Service Review		Lt. Franklin	Tolled	12/23/2018	
IA2019-070	6/6/2019	6/6/2019	POD	OIPA Intake #19-21	Sgt. McNack	Awaiting training recommendation	10/15/2019	6/6/2020
IA2019-082	7/5/2019	7/5/2019	Force		Sgt. McNack	In Progress	12/4/2019	7/5/2020
IA2019-098	9/2/2019	9/3/2019	Policy/Procedure Force, CUBO Arrest/Detention		Sgt. McNack	In Progress	2/2/2020	9/3/2020
IA2019-111	10/1/2019	10/2/2019	Force, CUBO, Search or Seizure	Deferred to OIPA #19-41	OIPA	In Progress	3/2/2020	10/2/2020
IA2019-112	9/20/2019	10/4/2019	Force, CUBO, POD, Supervision, Policy/Procedure	Deferred to OIPA #19-42	OIPA	OIPA Investigation	3/4/2020	10/4/2020
IA2019-117	11/4/2019	11/4/2019	Bias Based Policing	OIPA Intake #19-49	Sgt. McNack	In Progress	4/4/2020	11/4/2020
IA2019-119	11/5/2020	11/5/2020	BBP, Force, CUBO	Deferred to OIPA #19-50	OIPA	In Progress	4/5/2020	11/5/2021

IA2019-120	11/8/2019	11/4/2020	BBP, Arrest/Detention, Force, CUBO, Axon	Deferred to OIPA #19-51	OIPA	OIPA Investigation	4/8/2020	11/4/2021
IA2019-124	10/24/2019	10/24/2019		Deferred to OIPA #19-46	OIPA	OIPA Investigation	3/24/2020	10/24/2020
IA2019-125	11/13/2019	11/13/2019	CUBO, POD, Policy/ Procedure	Deferred to OIPA #19-52	OIPA	OIPA Investigation	12/11/2019	11/13/2020
IA2019-129	12/11/2019	12/13/2019	Policy/Procedure		Sgt. McNack	In Progress	5/13/2020	12/13/2020
IA2020-004	11/21/2019	12/17/2019	Force		Sgt. McNack	In Progress	6/21/2020	12/17/2020
IA2020-006	1/18/2020	1/27/2020	Force		Sgt. T. Salas	In Progress	6/27/2020	1/27/2021
IA2020-008	1/18/2020	1/27/2020		OIPA Intake #20-01	Sgt. T. Salas	In Progress	6/29/2020	1/27/2021
IA2020-009	1/30/2020	1/31/2020	POD	OIPA Intake #20-04	Sgt. T. Salas	In Progress	7/1/2020	1/31/2021
Admin Closure								
IA2020-013	2/2/2020	2/12/2020	CUBO, Courtesy		Sgt. T. Salas	In Progress	7/13/2020	2/12/2021
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
IA2020-016	2/12/2020	2/13/2020	CUBO	S.R., Awaiting Outley to return from leave	Sgt. T. Salas	In Progress	3/14/2020	2/13/2021
IA2020-017	2/15/2020	2/15/2020	Force		Sgt. McNack	Tolled	7/16/2020	2/15/2021
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. McNack	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		Sgt. McNack	In Progress	7/30/2020	3/1/2021
IA2020-024	2/15/2020	3/7/2020	Force, Arrest/Detention	OIPA Intake #20-13	Sgt. McNack	In Progress	8/6/2020	3/7/2021
IA2020-025	2/28/2020	2/29/2020	BPD providing private taxi services	Inquiry	Sgt. McNack	In Progress	3/30/2020	3/1/2021
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		Sgt. T. Salas	In Progress	4/10/2020	3/12/2021
IA2020-028	3/12/2020	3/12/2020	Force		Sgt. T. Salas	In Progress	8/11/2020	3/12/2021
IA2020-030	2/16/2020	3/16/2020	CUBO	Admin Closure	Sgt. T. Salas	In Progress	8/15/2020	3/16/2021
IA2020-031	3/11/2020	3/14/2020	CUBO		Sgt. McNack	In Progress	8/13/2020	3/14/2021
IA2020-033	4/1/2020	4/1/2020	Force		Sgt. T. Salas	In Progress	8/31/2020	4/1/2021

IA2020-034	4/22/2020	4/22/2020	CUBO	Admin Closure	Sgt. McNack	In Progress	5/22/2020	4/22/2021
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	Sgt. McNack	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	Possible 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
IA2020-040	5/12/2020	5/12/2020	Force		Sgt. McNack	In Progress	10/11/2020	5/12/2021
IA2020-041	5/16/2020	5/19/2020	Unk		Sgt. McNack	In Progress	6/21/2020	5/19/2021
IA2020-042	6/2/2020	6/3/2020	Arrest/Detention		Sgt. T. Salas	In Progress	11/2/2020	6/3/2021

BART Watch - 2020

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Crime in Progress	53	60	32	17	9								
Disruptive Behavior	589	593	352	78	86								
Drug Use	294	222	155	38	52								
Human Trafficking	2	0	0	3	1								
Illegally Parked Vehicle	16	22	1	1	2								
Aggressive Panhandling	40	42	15	3	5								
Report a Crime Tip	22	28	10	4	13								
Robbery/Theft	18	13	10	5	6								
Sexual Assault/Lewd Behavior	20	17	35	246	137								
Suspicious Activity	82	71	58	28	17								
Unattended Bag or Package	28	25	9	2	5								
Unsecure Door	11	2	4	4	3								
Vandalism	64	55	21	18	6								
Welfare Check	144	121	91	27	29								
Total	1383	1271	793	474	371								

Total Downloads: 88,284

Total Reports Made

Anonymous: 41.05%

Non-Anonymous: 58.95%

Statistics

Statistics	Six Week Average	06/29-07/05	06/22-06/28	06/15-06/21	06/08-06/14	06/01-06/07	05/25-05/31
Alerts Sent	0.00	0	0	0	0	0	0
Description	<i>The total number of alerts sent.</i>						
Incoming Reports	138.17	77	66	214	273	118	81
Description	<i>The number of reports sent from users.</i>						
Replies to Reports	164.50	201	153	163	208	125	137
Description	<i>The number of replies sent to users from ELERTS EPICenter console.</i>						

Report Type	# of Reports (all time)	
Disruptive Behavior (A)	32591	40.76%
[none selected]	9387	11.74%
Suspicious Activity (A)	6070	7.59%
Panhandling (D)	5456	6.82%
Drug Use (A)	4196	5.25%
Crime in Progress (A)	4052	5.07%
Other (D)	3082	3.85%
Vandalism (A)	2693	3.37%
Welfare Check (A)	2563	3.21%
Panhandling or Disruptive Behavior (D)	1967	2.46%
Sexual Assault / Lewd Behavior (A)	1910	2.39%
Unattended Bag or Package (A)	1788	2.24%
Report a Crime Tip (A)	1417	1.77%
Illegally Parked Vehicle (A)	1083	1.35%
Robbery / Theft (A)	943	1.18%
Unsecure Door (A)	465	0.58%
Aggressive Panhandling (A)	191	0.24%
Human Trafficking (A)	94	0.12%
Text-a-Tip (A)	15	0.02%
Total	79963	100 %
(A) Active Disabled (D)		

Identification	Total
Anonymous	41.05 %
Description	<i>Reports sent anonymously.</i>
Non-Anonymous	58.95 %
Description	<i>Reports sent non-anonymously.</i>

App Statistics (including tests)	
Total Messages (iOS)	116085
Description	<i>Reports and replies via iOS devices.</i>
Total Messages (Android)	50289
Description	<i>Reports and replies via Android devices.</i>
Total Messages (SMS)	15
Description	<i>Reports and replies via SMS.</i>

TEST-THIS IS ONLY A TEST	# of Reports (all time)
TEST Report Total	8891

Top SMS Users	
Phone Number	Number of Reports
7817383461	6
5103685574	3
7029071486	1
4849860547	1
5104185812	1
6312137467	1
5109789702	1
5108215151	1
9178090953	1



Office of the
**INDEPENDENT
POLICE AUDITOR**

BAY AREA RAPID TRANSIT DISTRICT

MONTHLY REPORT

May 2020

Issue date: June 8, 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 **May 1, 2020 through May 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	IAB Investigations Resolved*	OIPA Investigations Concluded ⁴	Cases Appealed to OIPA ⁵	Cases Appealed by BPCRB ⁶
May 2019	10	56		2	0	0
June 2019	9	61		1	0	0
July 2019	11	61		0	0	0
August 2019	9	62		1	0	0
September 2019	13	53		1	0	0
October 2019	6	53	6	1	0	0
November 2019	10	59	2	1	0	0
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

TYPES OF CASES FILED

Citizen Complaints (Formal)	3
Informal Complaints ⁷	1
Administrative Investigations	0
Inquiries ⁸	0
TOTAL	4

CITIZEN COMPLAINTS RECEIVED PER DEPARTMENT⁹

OIPA	0
BART Police Department	2
TOTAL	4

*OIPA added a new data column to the October 2019 Monthly Report which will be populated going forward.

† This number reflects the removal of #IA2019-060/OIPA #19-19, which was completed in April but remained on the BPD list of open cases pending presentation to the BPCRB.

COMPLAINTS/INVESTIGATIONS INITIATED DURING REPORTING PERIOD

During May 2020, **3 Citizen Complaints (Formal)** were received by BPD:

Complaint # (IA Case #)	Nature of Complaint	Action Taken	Days Elapsed Since Complaint Filed
1 (IA2020-038)	Officer #1: • Performance of Duty	BPD initiated an investigation.	26
2 (IA2020-039)	Employee #1: • Performance of Duty	BPD initiated an investigation.	25
3 (IA2020-040)	Officers #1-2: • Performance of Duty • Arrest or Detention Officer #2: • Force • Policy/Procedure (AXON Camera)	BPD initiated an investigation.	24

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

Complaint # (IA Case #)	Nature of Complaint	Action Taken	Days Elapsed Since Investigation Initiated
1 (IA2020-041)	Officer #1: • Policy/Procedure	BPD initiated a Supervisor Referral. ¹⁰	20

COMPLAINTS/INVESTIGATIONS CONCLUDED DURING REPORTING PERIOD

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

Complaint # (OIPA Case #) (IA Case #)	Nature of Complaint	Disposition	Days Elapsed Since Complaint Filed	Days Taken to Complete Investigation
1 (OIPA #19-40) (IA2019-108)	Officer used excessive force during an improper detention and one officer was discourteous and did not properly review the use of force.	Officer #1: • Force – Exonerated • Arrest or Detention – Exonerated Officer #2: • Policy/Procedure – Sustained • Courtesy – Exonerated	262	227

During May 2020, **4 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 (IA2019-068)	Officer improperly detained subject based on subject's race and used excessive force during the contact.	Officer #1: <ul style="list-style-type: none"> • Bias-Based Policing – Unfounded • Force – Exonerated 	371	345
2 (IA2019-072)	Officers used excessive force during an arrest, one officer made disparaging comments, and a supervisor failed to properly review the use of force.	Officers #1-2: <ul style="list-style-type: none"> • Force – Exonerated Officer #2: <ul style="list-style-type: none"> • Courtesy – Unfounded Officer #3: <ul style="list-style-type: none"> • Performance of Duty – Exonerated 	368	342
3 (IA2019-073)	Officer improperly detained complainant based on complainant's race and officer did not properly document a law enforcement contact.	Officer #1: <ul style="list-style-type: none"> • Bias-Based Policing – Unfounded • Arrest or Detention – Not Sustained • Policy/Procedure (AXON Camera) – Not Sustained 	360	342
4 (IA2020-002)	Officer contacted complainant based on complainant's race.	Officer #1: <ul style="list-style-type: none"> • Force – Administratively Closed¹¹ 	150	116

COMPLAINTS/INVESTIGATIONS CONCLUDED DURING PREVIOUS REPORTING PERIODS

During April 2020, **1 Informal Complaint** was concluded by BPD:

Investigation # (IA Case #)	Nature of Allegations	Disposition	Days Elapsed Since Investigation Initiated	Days Taken to Address Allegation
1 (IA2020-010)	Officers did not properly respond to a report of criminal activity.	Officers #1-3: <ul style="list-style-type: none"> • Performance of Duty – Supervisor Referral 	132	98

DISCIPLINE ISSUED DURING REPORTING PERIOD

During May 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	Officer did not properly document a law enforcement contact.	Officer #1: • Policy/Procedure (AXON Camera)	Officer #1: • Letter of Discussion
2	Officer did not properly review a use of force.	Officer #1: • Policy/Procedure	Officer #1: • Non-Documented

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	1
BPD-Initiated Appeals	0
Investigations Being Monitored	49
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 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.¹²

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.

‡ 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 officer in violation of the applicable CA Penal Code section (832.7).

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 IA.

¹¹ Administrative Closure is defined as follows in the BPD Policy Manual: Allegations that are received and documented; however, the Chief of Police or his/her designee determines, based on a preliminary investigation, that further investigation is not warranted. Under these circumstances, the complaint will be Administratively Closed and documented in a summary memorandum to the case file. Employees will be documented as witnesses only, not as subjects to the complaint. Internal Affairs will send a letter to the complainant notifying them that the case was closed following a preliminary investigation.

¹² 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.


2020 Annual NACOLE Conference

Mon, Jul 20, 2020 3:00 PM - Tue, Sep 22, 2020 4:30 PM EDT

Tickets

Full Conference Package

\$275.00 +\$11.22 Fee


 

Sales end on Sep 30, 2020

Registrants who purchase the full package will have access to all 32 webinars and the recordings.

Session 1 - The Scence of Community Engagement

\$15.00 +\$2.12 Fee

Sales end on Sep 30, 2020

This session will engage participants by sharing definitions and the framework for the importance of engaging communities with a trauma informed lens. Community Engagement professionals and a Licensed Independent Clinical Social Worker (LICSW

[See more](#)

National Association for Civilian Oversight of Law Enforcement

Building Public Trust Through Law Enforcement Accountability and Transparency



Oversight in Uncertain Times: The Path Ahead

POSTED BY CAMERON MCELLHINEY 6SC ON JUNE 09, 2020

NACOLE believes that policing should be fair and consistent and that independent civilian oversight leads to more effective policing and safer communities. Despite the progress law enforcement oversight agencies across the country have made, much work remains if we hope to achieve lasting and meaningful law enforcement and criminal justice reform. One way in which we can be prepared for the path ahead is to engage in training, learn effective practices, and become acquainted with the innovative work that is happening around the country and the world.

NACOLE is committed to providing you the content and resources it has delivered for over 25 years. However, the health and well-being of our members, supporters, and communities is of utmost importance to us. Therefore, due to the lingering issues associated with the COVID-19 crisis, we will be holding the 2020 Annual NACOLE Conference virtually. This year's conference will be presented in the form of 32 webinars between July 20 - September 22, 2020. Up to four webinars will be presented each week and will fall under one the four tracks presented this year:




Innovations and Work Impacting Civilian Oversight - Civilian oversight of law enforcement constantly seeks to improve its methods and to seek out techniques used elsewhere. The


Innovations and Work Impacting Civilian Oversight Track will provide information to attendees and the expanding base of effective practices and new techniques to take back to their agencies.



Jail and Prison Oversight - The Jail and Prison Oversight Track will present attendees with a range of topics specific to both the culture

of correctional institutions and the oversight of jails, prisons, and lock-ups. Current oversight practitioners and those who are working to create correctional oversight will gain insight into best practices and emerging trends in this expanding field.

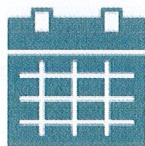
 **Oversight and the Broader Community** - At the heart of professional civilian oversight is the premise that community trust in law enforcement is essential to public safety in our communities. This track will explore how oversight professionals can understand and engage the community in order to help law enforcement departments establish trust within the communities they serve.

 **Training** - The Training Track provides attendees opportunities to understand the various principles and components of civilian oversight and to hone the technical skills used every day by those in oversight. Each session will present information that will be useful to those new to oversight and more experienced practitioners.

Attendees will have the opportunity to register for all 32 sessions as a package or to register for sessions individually. **Please note that each viewer must register separately.** All sessions will be recorded. Those who register for the full package will have access to all 32 recordings. Those who register for individual sessions will have access to those specific sessions. Registration information and a full conference schedule can be found through the links below.



[Registration](#)



[Schedule](#)

There are a limited number of seats available for this event. **Please note that each viewer MUST register separately.** All registrants will receive a link directly from our webinar platform provider, GoToWebinar, that will allow them to connect on the days of the event. If you are a participant in our Certified Practitioner of Oversight program, please note that all webinars will be worth 1.5

credit hours. In order for this year's virtual conference to count towards the conference attendance requirement, participants will have to attend a minimum of 18 sessions. Attendance will be verified through webinar backend reports. **Participants who are not on our registration list and on the backend webinar attendance reports will not receive CPO credit.** If you register for a conference session and are unable to attend, a recording of the webinar will be provided. Participants must still appear on our registration list and will be asked to certify that they have watched the video in its entirety before receiving CPO credit for the session.

Because recordings of the session will be available to registrants, **no refund requests will be honored for this event.**

WHEN

July 20, 2020 at 3pm - September 24, 2020

CONTACT

Cameron McElhiney · info@nacole.org · (317)721-8133

 Webinar Training conference

National Association for Civilian
Oversight of Law Enforcement
P.O. Box 87227
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1-317-721-8133

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National Association for Civilian Oversight of Law Enforcement

Building Public Trust Through Law Enforcement Accountability and Transparency



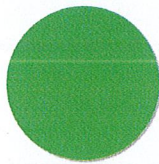
2020 Conference Schedule



Oversight in Uncertain Times: The Path Ahead

2020 Virtual Annual Conference – Session Schedule

The 2020 Annual NACOLE Conference will be provided in a digital format. NACOLE has converted its conference schedule into over 30 webinars that will be presented over the course of 10 weeks beginning on July 20, 2020. Individual session information can be found below both by track and chronologically. Please click on the session title to learn more about the content and speakers.



Innovations and Work Impacting Civilian Oversight

Civilian oversight of law enforcement constantly seeks to improve its methods and to seek out techniques used elsewhere to enhance operations. The Innovations and Work Impacting Civilian Oversight Track will provide information to attendees and the expanding base of effective practices and new techniques to take back to their agencies.

Session Date Title

3 7/22/2020 Early Intervention Systems: Do They Really Work?

- 8 7/30/2020 Evidence of Effect: Metrics for Law Enforcement Operations and the Impact of Oversight
- 15 8/13/2020 School Police: Concerns, Strategies, and the Role of Oversight
- 16 8/17/2020 The Path to Creating Oversight in Mexico
- 23 9/1/2020 Innovations in Police Education
- 26 9/8/2020 Partnerships in Civilian Oversight of University Police
- 28 9/14/2020 Innovative Approaches to Seeking Racial Equity in Law Enforcement Oversight
- 32 9/22/2020 The Thirteen Principles of Civilian Oversight and the Path to Creating Effective Practices and Standards



Jail and Prison Oversight

The Jail and Prison Oversight Track will present attendees with a range of topics specific to both the culture of correctional institutions and the oversight of jails, prisons, and lock-ups. Current oversight practitioners and those who are working to create correctional oversight will gain insight into best practices and emerging trends in this expanding field.

Session	Date	Title
4	7/23/2020	Oversight, Reform, and Abolition
9	8/3/2020	Oversight of Deaths in Custody

- 13 8/11/2020 Voices From Inside: The Importance of Lived Experience in Jail and Prison Oversight
- 18 8/19/2020 The Future of Jail and Prison Oversight
- 21 8/27/2020 Inclusion of Oversight in Settlement Agreements
- 22 8/31/2020 Care in Custody: Oversight of Correctional Health and Mental Health Care



Oversight and the Broader Community

At the heart of professional civilian oversight is the premise that community trust in law enforcement is essential to public safety in our communities. This track will explore how oversight professionals can understand and engage the community in order to help law enforcement departments build and rebuild trust with the communities they serve.

Session	Date	Title
1	7/20/2020	Community Engagement: Leading With A Trauma-Informed Lens
6	7/28/2020	Community and Stakeholder Engagement Intensive Part I
7	7/29/2020	Community and Stakeholder Engagement Intensive Part II
10	8/4/2020	Police, Police Oversight, and Our Youth: Giving Young People A Voice in Police Oversight

- 17 8/18/2020 Oversight and Our Youth: Programs Positively Addressing the School to Prison Pipeline
- 19 8/24/2020 Why Engaging with the Sex Worker Community is Important
- 29 9/15/2020 From Protest to Policy to Sustainable Reform
- 30 9/16/2020 Community Perspective: Does Oversight Even Work?
- 31 9/21/2020 Staying Effective in the Fight: Vulnerabilities, Trauma, Resilience, and Self-Care for Those in Oversight



Training













The Training Track provides attendees opportunities to understand the various principles and components of civilian oversight and to hone the technical skills used every day. by those in oversight. Each session will present information that will be useful to those new to oversight and ore experienced practitioners.

Session	Date	Title
2	7/21/2020	Legal Updates
5	7/27/2020	Implementing Procedural Justice: Strategies for Analyzing Police Stops
11	8/5/2020	Media: Does their camera report the truth, the whole truth, and nothing but the truth?

- 12 8/10/2020 What Went Wrong: Deficiencies in the Investigation of an Officer-Involved Shooting
- 14 8/12/2020 Calming a Crisis: Strategies to Reduce of Force
- 20 8/25/2020 How to Listen For, Recognize, and Break Down Assumptions and Conclusory Language
- 24 9/2/2020 Conducting Effective Interviews
- 25 9/3/2020 Are you Ready to Work with Complainants with Disabilities or Those Who Do Not Speak English? The ADA and Title VI for Oversight Entities
- 27 9/9/2020 An Examination of Police-Initiated Neck Restraints

2020 Virtual Annual Conference – Full Conference Schedule

Track	Session	Date	Title
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32

9/22/2020

The Thirteen Principles of Civilian Oversight and the Path to Creating Effective Practices and Standards

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