

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

October 19, 2020
4:00 p.m.

A regular meeting of the BART Police Citizen Review Board (BPCRB) will be held on Monday, October 19, 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 429 666 988.

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 429 666 988 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. [Approval of Minutes of the Meeting of September 14, 2020. For Discussion and Action.](#)
3. Chief of Police’s Report. For Discussion and Action.
 - a. Update on the Progressive Policing and Community Engagement Bureau (continued from the September 14, 2020 meeting).
 - i. Introduction of Deputy Chief Angela Averiett, BART Police Department (BPD).
 - b. [BPD Monthly Reports for August 2020.](#)
4. [Use of Force Annual Report – 2019. For Discussion and Action.](#)
[\(continued from the September 14, 2020 meeting\)](#)
5. Update on BART Police Model Enhancements. For Discussion and Action.
(continued from the September 14, 2020 meeting)

6. Independent Police Auditor's Report. For Discussion and Action.
 - a. Office of the Independent Police Auditor (OIPA) Monthly Reports for September 2020.
7. Annual Election of BPCRB Officers. For Discussion and Action.
8. 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.)
9. Closed Session.
 - a. To Consider Public Employee Discipline/Dismissal/Release in OIPA Cases #19-50 and #19-51. Govt. Code §54957.
10. 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, September 14, 2020

A regular meeting of the BART Police Citizen Review Board (BPCRB) was held Monday, September 14, 2020, convening at 4:00 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 4:00 p.m. by Chairperson Rizk.

Members Present:

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

Absent:

Members Todd Davis, Christina Gomez, Pete Longmire, and William White.

The Pledge of Allegiance was recited.

2. Approval of Minutes of the Meetings of June 15, 2020 (Special), July 13, 2020 (Regular), and August 10, 2020 (Special).

Member Rizk moved that the Minutes of the Meetings of June 15, 2020 (Special), July 13, 2020 (Regular), and August 10, 2020 (Special) be approved; Member Mensinger seconded the motion, which carried by a unanimous roll call vote. Ayes – 7: Members Armstrong, Bruno, Loo, Mensinger, Perezvelez, D. White, and Rizk. Noes – 0. Abstain – 0. Absent – 4: Members Davis, Gomez, Longmire and W. White.

3. Chief of Police's Reports.

a. Update on the Progressive Policing and Community Engagement Bureau.

Chief of Police Ed Alvarez presented the Update on the Progressive Policing and Community Engagement Bureau. The presentation was discussed and will comeback to a future BPCRB meeting.

b. BPD Monthly Reports for June 2020 and July 2020.

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

Members Todd Davis, Pete Longmire, and William White entered the meeting.

Chairperson Rizk called for Public Comment. No Public Comment was received.

4. Use of Force Annual Report – 2019.

Deputy Chief Lance Haight presented the Use of Force Annual Report 2019. The report was discussed.

Chairperson Rizk called for Public Comment. No Public Comment was received.

5. Update on BART Police Model Enhancements.

Chairperson Rizk gave an Update on BART Police Model Enhancements. The report was discussed and will come back to a future BPCRB meeting.

Chairperson Rizk called for Public Comment. No Public Comment was received.

6. Independent Police Auditor’s Report.

a. Office of the Independent Police Auditor (OIPA) Monthly Reports for June 2020 (continued from the July 13, 2020 meeting), July 2020, and August 2020.

Independent Police Auditor Russell Bloom presented the OIPA Monthly Reports. The reports were discussed.

Chairperson Rizk called for Public Comment.

The following Board of Director gave comments:

Director John McPartland

7. Policy Standing Committee Updates.

Chairperson Rizk stated that the Policy Standing Committee Updates will come back to a future BPCRB meeting:

1. Lexipol Policy 300 – Use of Force
2. Lexipol Policy 306 – Handcuffing and Restraints
3. Lexipol Policy 310 – Officer-Involved Shootings and Deaths
4. Lexipol Policy 312 – Firearms
5. Lexipol Policy 314 – Vehicle Pursuits
6. Lexipol Policy 332 – Missing Persons
7. Lexipol Policy 334 – Public Alerts
8. Lexipol Policy 380 – Child and Dependent Adult Safety
9. Lexipol Policy 448 – Mobile Data Computer Use
10. Lexipol Policy 521 – Parking Enforcement
11. Lexipol Policy 602 – Sexual Assault Investigation (Member Perezvelez’s Request)
12. Lexipol Policy 710 – Cash Handling, Security and Management (Member Perezvelez’s Request)
13. Lexipol Policy 1010 – Employee Convictions
14. Lexipol Policy 1020 – Personnel Complaints (Member Perezvelez’s Request)
15. Lexipol Policy 1044 – Personal Appearance Standards
16. Lexipol Policy 1054 – Temporary Modified-Duty Assignments

Chairperson Rizk called for Public Comment. No Public Comment was received.

8. Public Comment.

Chairperson Rizk called for Public Comment.

The following Board of Director gave comments:

Mr. Robert Raburn

Chairperson Rizk announced that the Board would enter closed session under Item 6-A (Public Employee Discipline/Dismissal/Release in OIPA Cases #19-42 and #19-46 of the regular meeting agenda, and that the Board would reconvene in open session at the conclusion of the closed session.

The Meeting recessed at 6:14 p.m.

The Meeting reconvened in Closed Session at 6:14 p.m.

9. Closed Session.

- a. To reconsider Public Employee Discipline/Dismissal/Release in OIPA Cases #19-42 and #19-46 Govt. Code §54957.

Members Present:

Members Zachary Bruno, Todd Davis
Kenneth Loo, Pete Longmire, Les Mensinger,
George Perezvelez, Darren White, William
White, and David Rizk.

Absent:

Members Erin Armstrong and Christina Gomez.

Members Zachary Bruno, Todd Davis, and Kenneth Loo left the meeting via teleconference.

Adjournment.

The Meeting reconvened in Open Session at 7:22 p.m.

Chairperson Rizk announced that the Board voted unanimously to accept the findings in OIPA Case #19-42. OIPA Case #19-46 will come back to a future meeting

The Meeting was adjourned at 7:23 p.m.

BART POLICE DEPARTMENT



August 2020

MONTHLY REPORT



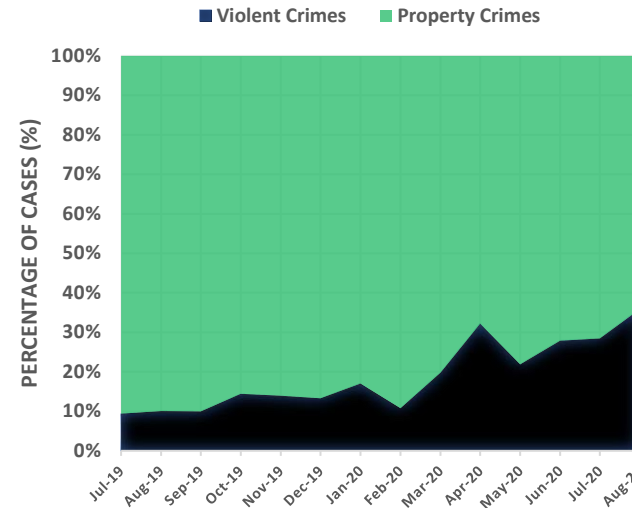
Bay Area Rapid Transit Police Department

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

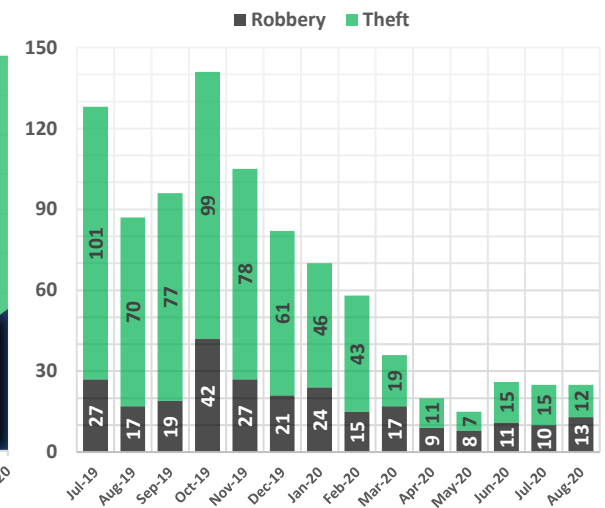
August 2020 Performance Measurement Review - **Systemwide**

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	240	169	-30%
Aggravated Assault	71	73	93	125	130	112	76	71	-7%
Violent Crime Subtotal	226	238	330	423	481	499	323	242	-25%
Burglary (Structural)	7	4	12	15	18	16	11	11	0%
Larceny & Auto Burglary	2,597	2,325	2,217	2,593	2,565	3,177	2,086	820	-61%
Auto Theft	522	480	480	420	348	247	151	86	-43%
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	2,249	921	-59%
TOTAL	3,352	3,047	3,040	3,455	3,416	3,943	2,572	1,163	-55%

PART 1 CRIME OVERALL



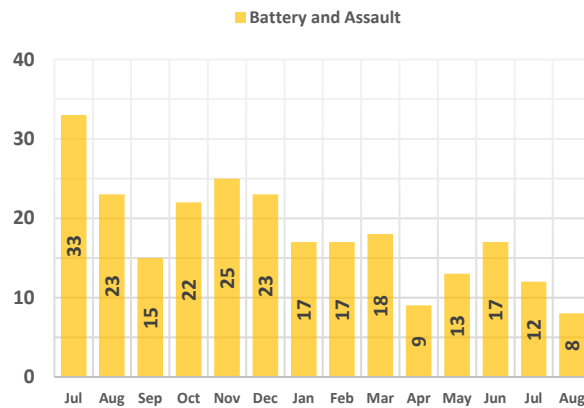
ELECTRONIC THEFT



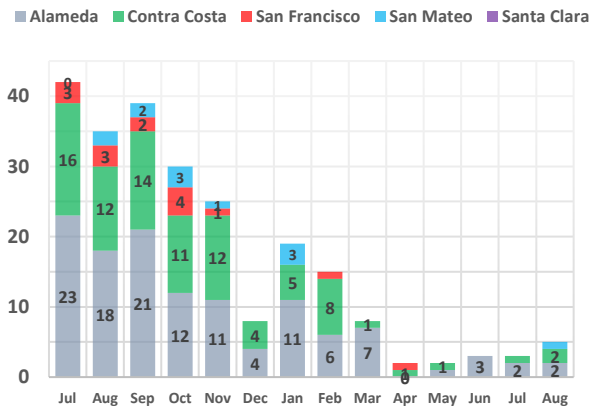
Part 1 Crimes: Top Five Stations

August 2020 M60/TFS L30/EDS A30/COS M40/CCS A20/FVS
 Full Year 2019 A30/COS A60/HAS M10/OWS A20/FVS A40/SLS

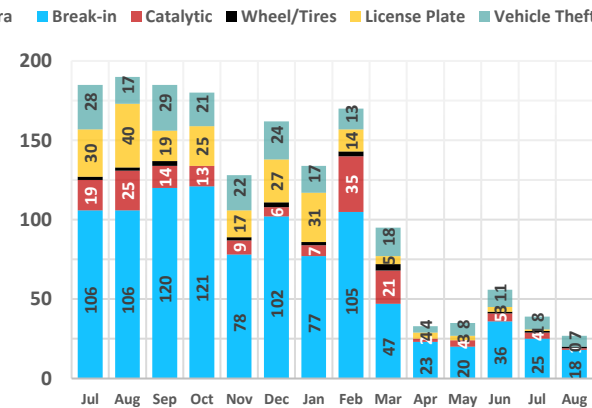
BATTERY & ASSAULT ON BART



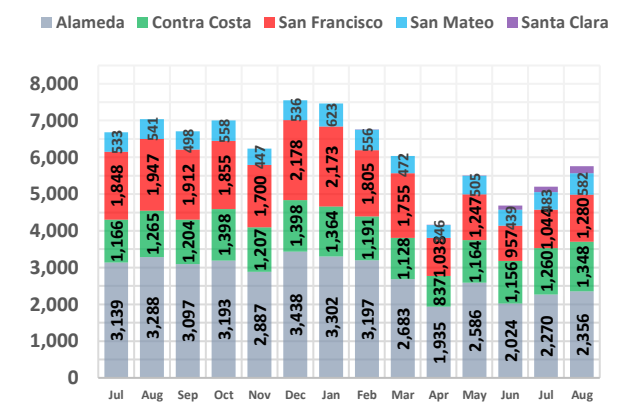
BICYCLE THEFT



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

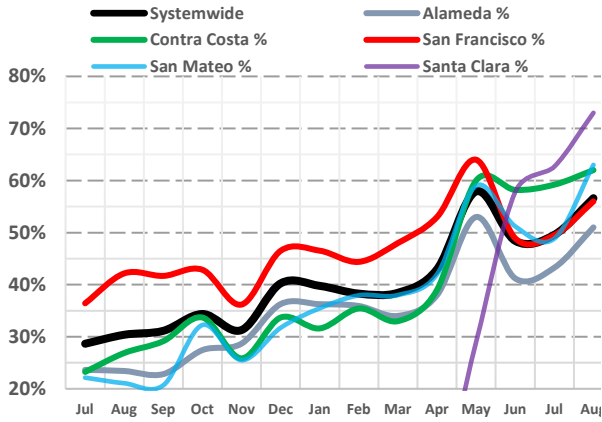


Bay Area Rapid Transit Police Department

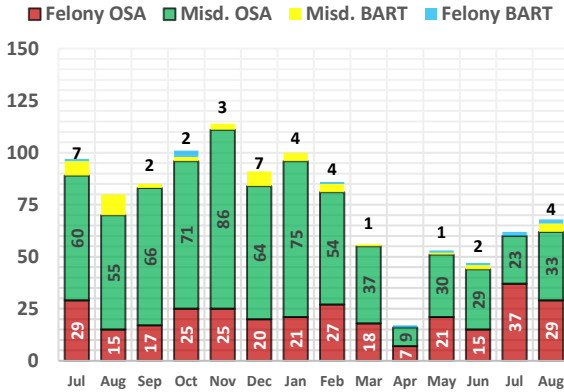
101 8th St, Oakland, CA, 94607 (510) 464-7000 www.bart.gov/police

August 2020 Performance Measurement Review - **Systemwide**

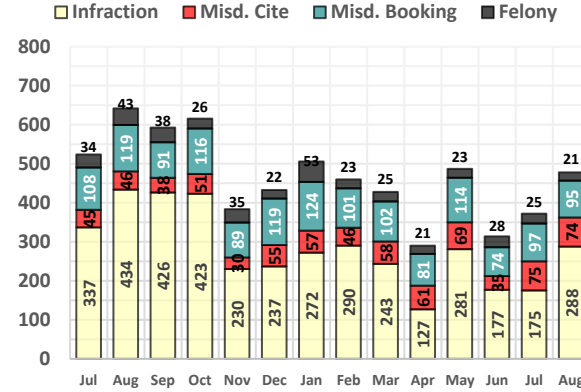
OFFICER-INITIATED INCIDENTS



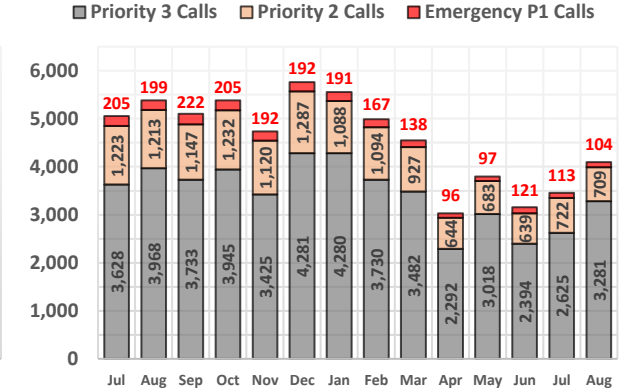
WARRANT ARRESTS



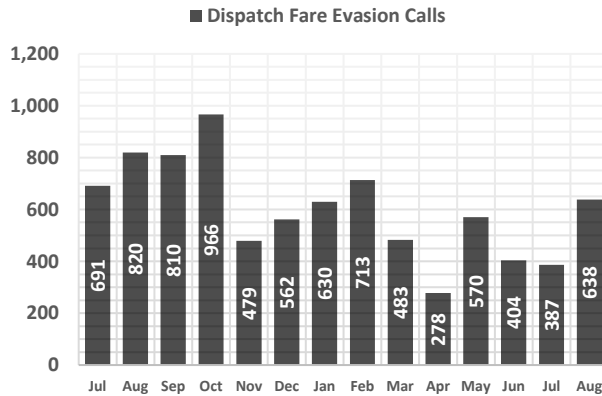
ALL BOOKINGS & ARRESTS



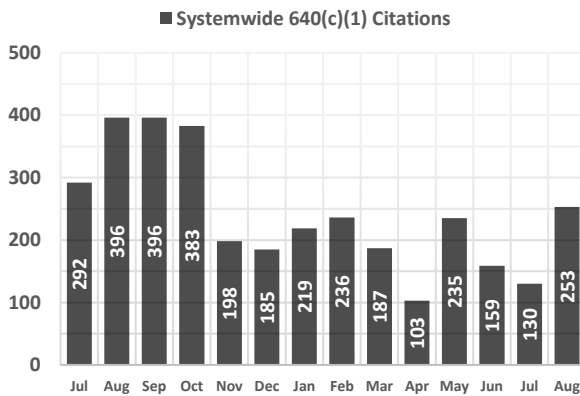
PRIORITY TYPE 1 - 3 CALLS



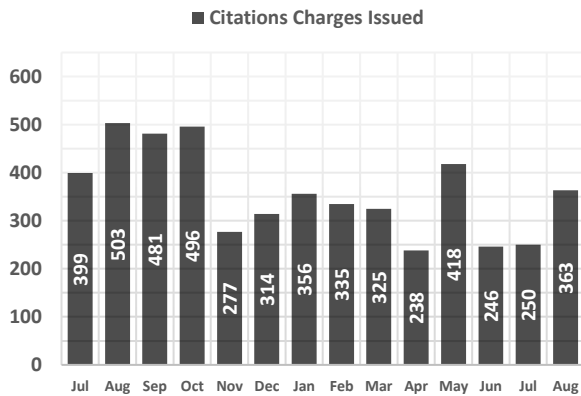
FARE EVASION CAD CALLS



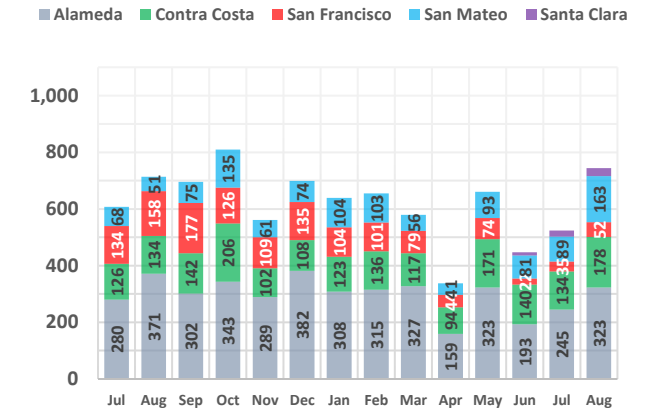
FARE EVASION CITATIONS



ALL CITATIONS



FIELD INTERVIEWS



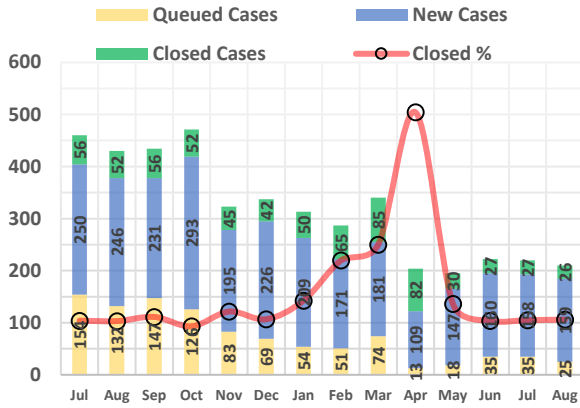


Bay Area Rapid Transit Police Department

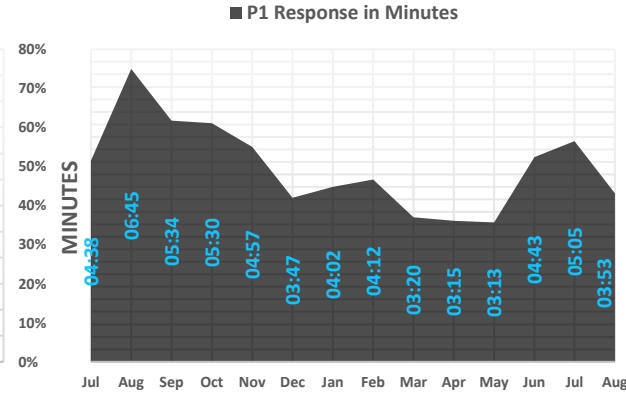
101 8th St, Oakland, CA, 94607 (510) 464-7000 www.bart.gov/police

August 2020 Performance Measurement Review - **Systemwide**

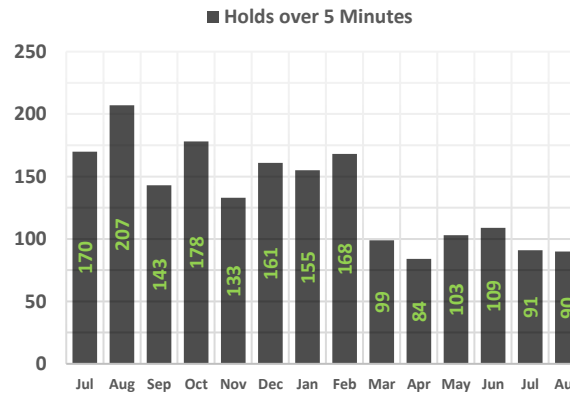
INVESTIGATIONS CASELOAD %



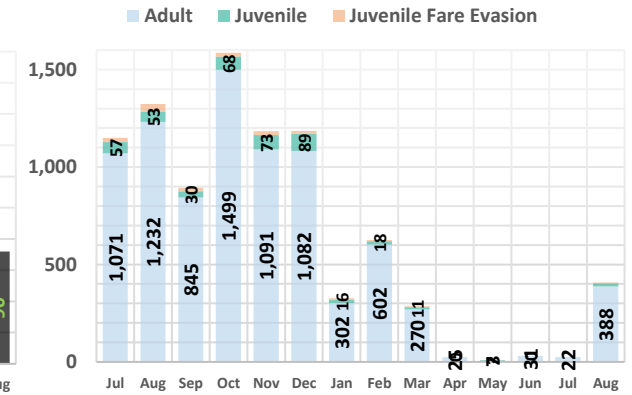
SYSTEM RESPONSE TIME (P1) AVG



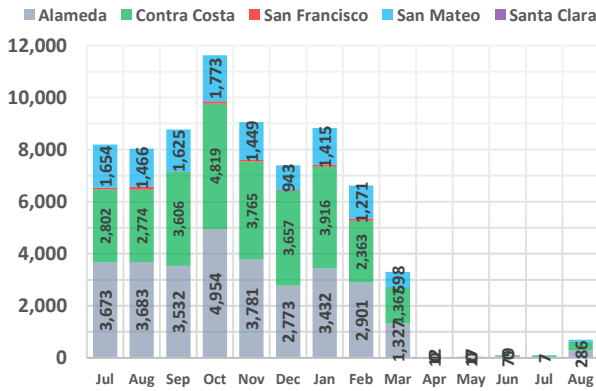
POLICE TRAIN HOLDS



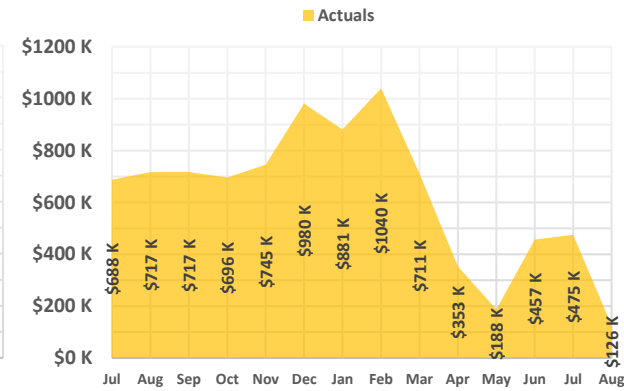
PROOF OF PAYMENT CITATIONS



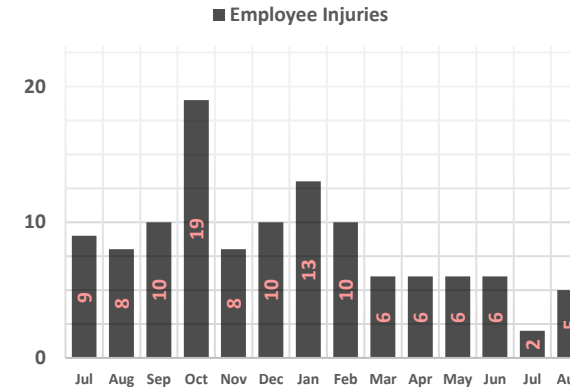
PARKING CITATIONS



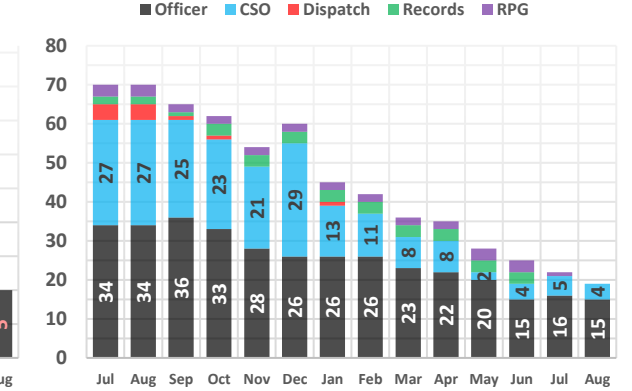
OVERTIME UTILIZATION (IN THOUSANDS)



EMPLOYEE INJURIES



VACANCIES



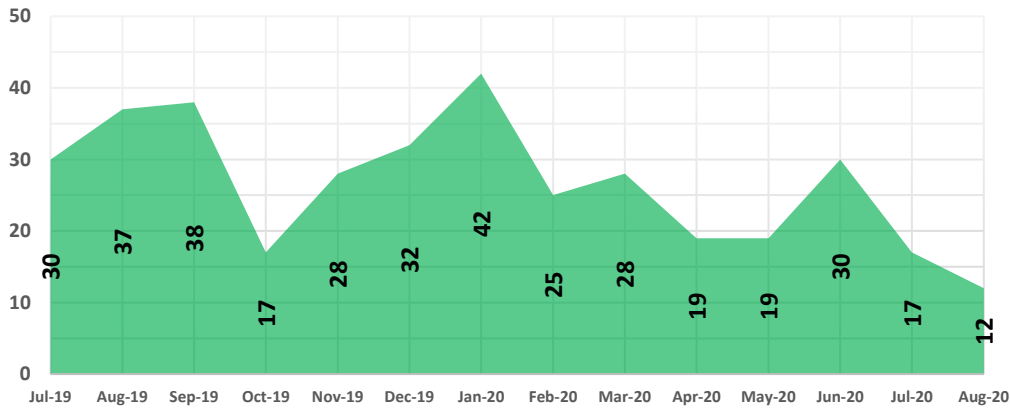


Bay Area Rapid Transit Police Department

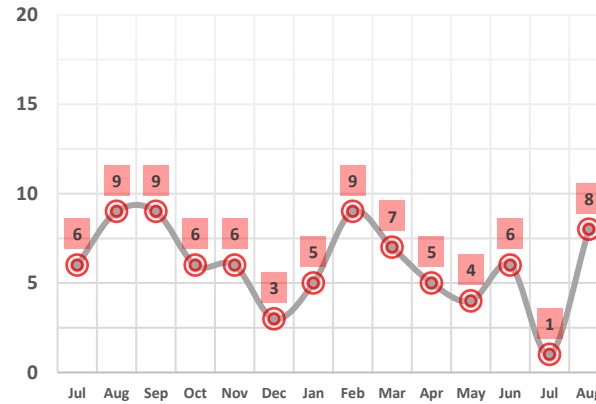
101 8th St, Oakland, CA, 94607 (510) 464-7000 www.bart.gov/police

August 2020 Performance Measurement Review - **Systemwide**

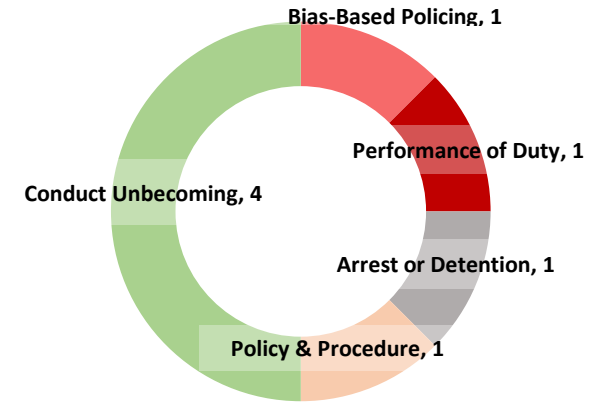
AB716 - PROHIBITION ORDERS



INTERNAL AFFAIRS COMPLAINTS

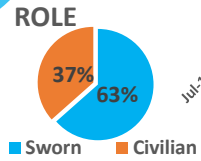
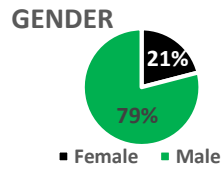
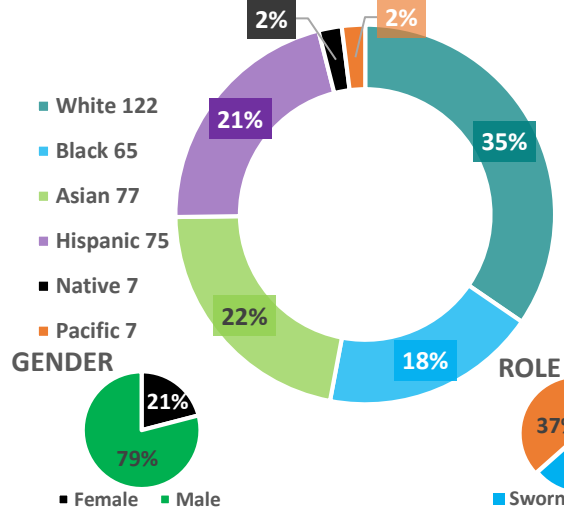


IA COMPLAINTS RECEIVED¹

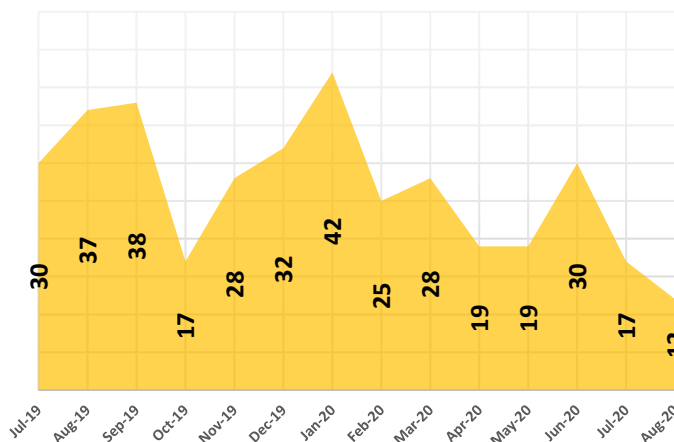


1: Each incident could contain more than one allegation. This chart reflects the most significant allegation per

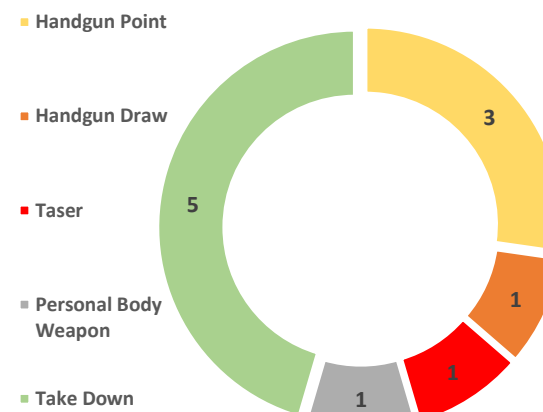
DEPARTMENT ETHNIC DIVERSITY



USE OF FORCE INCIDENTS

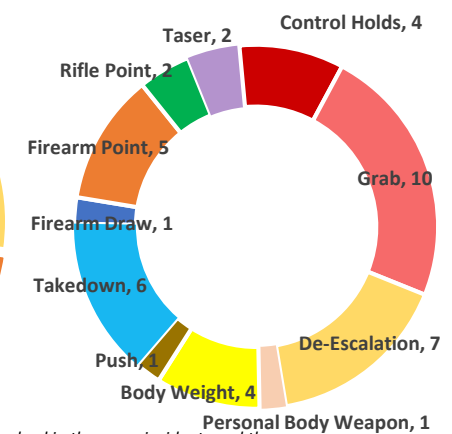


INCIDENT FORCE OPTIONS USED²



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

TYPES OF FORCE USED³



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



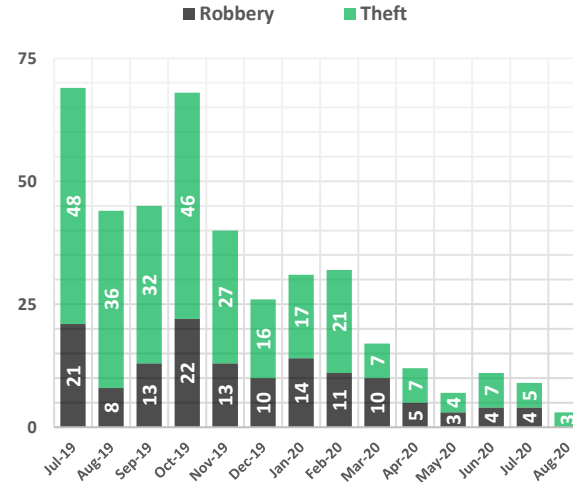
Bay Area Rapid Transit Police Department

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

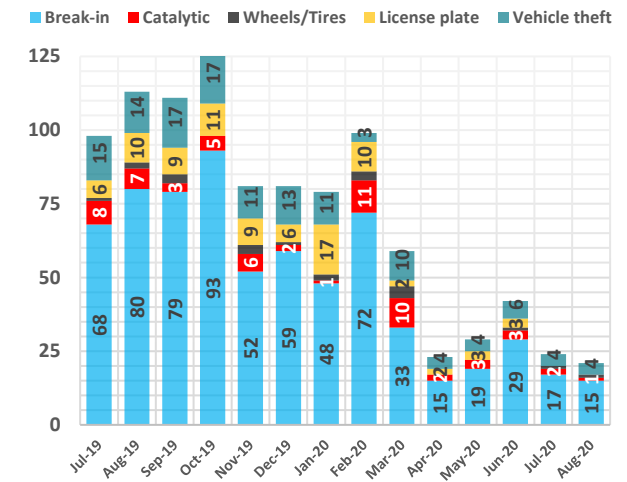
August 2020 Performance Measurement Review - **Alameda County**

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	148	89	-40%
Aggravated Assault	73	87	52	37	39	+5%
Violent Crime Subtotal	270	303	284	188	130	-31%
Burglary (Structural)	8	11	13	9	9	0%
Larceny & Auto Burglary	1,471	1,262	1,634	1,072	489	-54%
Auto Theft	266	201	149	91	46	-49%
Arson	2	3	5	2	2	0%
Property Crime Subtotal	1,747	1,477	1,801	1,174	546	-53%
TOTAL	2,017	1,780	2,085	1,362	676	-50%

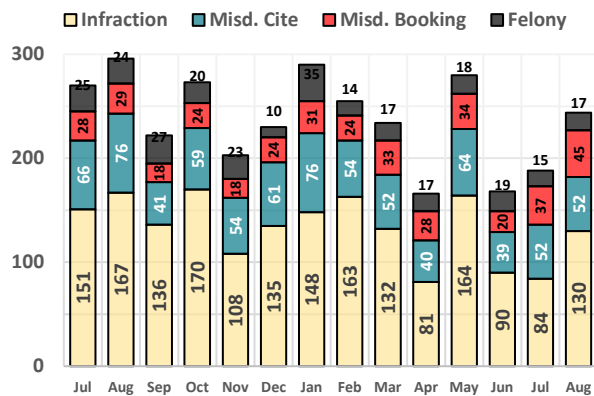
ALAMEDA ELECTRONIC THEFT



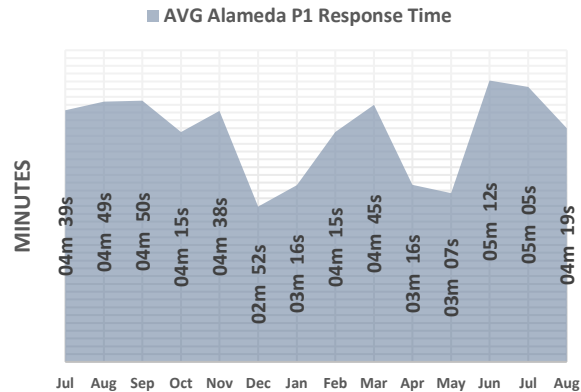
ALAMEDA VEHICLE CRIME



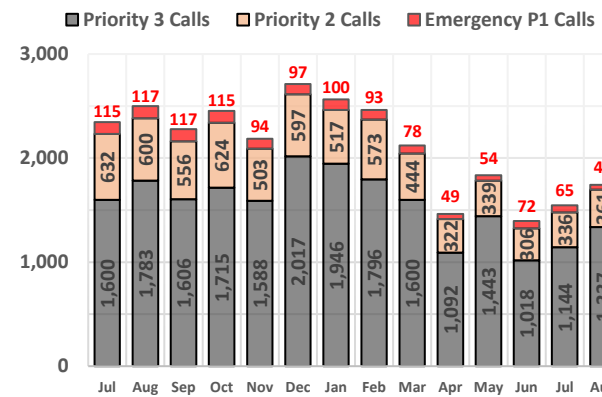
ALAMEDA ARRESTS & CITATIONS



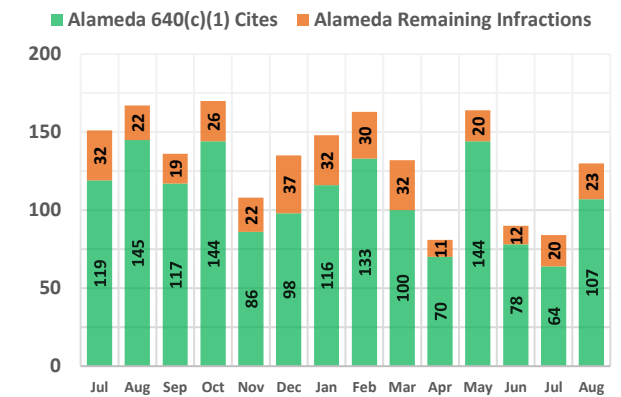
RESPONSE TIME (P1) AVG



ALAMEDA PRIORITY 1 - 3 CALLS



ALAMEDA 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 unfounding of crimes, can affect crime statistics. Overtime costs are projected numbers. Information in the on the Performance Measurements are subject to change.



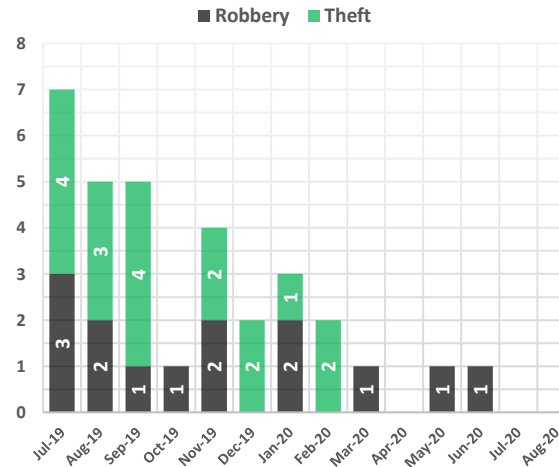
Bay Area Rapid Transit Police Department

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

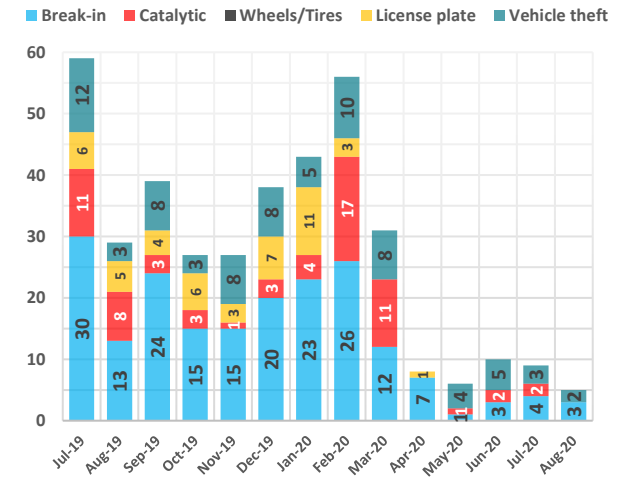
August 2020 Performance Measurement Review - Contra Costa County

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	24	15	-38%
Aggravated Assault	23	20	23	13	11	-15%
Violent Crime Subtotal	59	50	61	41	26	-37%
Burglary (Structural)	2	1	2	2	0	-100%
Larceny & Auto Burglary	675	669	592	411	155	-62%
Auto Theft	134	124	81	54	37	-31%
Arson	3	1	0	0	0	-%
Property Crime Subtotal	814	795	675	467	192	-59%
TOTAL	873	845	736	508	218	-57%

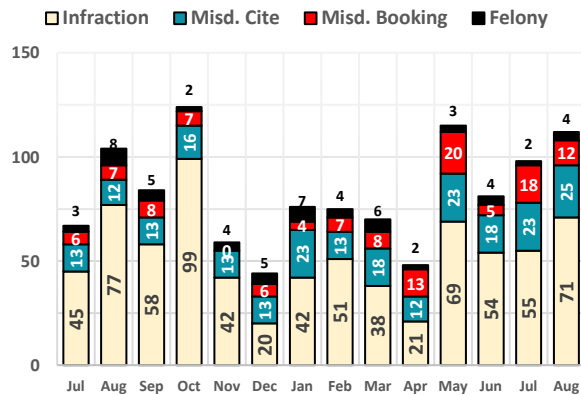
CONTRA COSTA ELECTRONIC THEFT



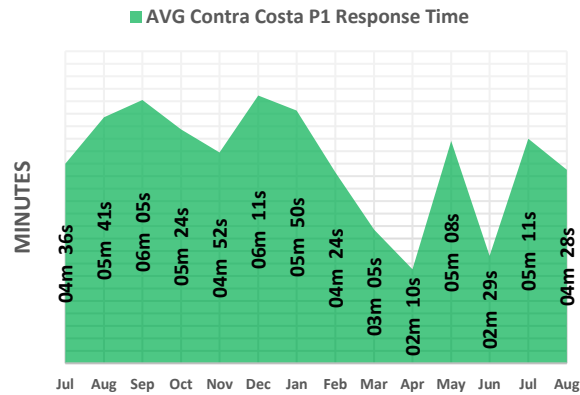
CONTRA COSTA VEHICLE CRIME



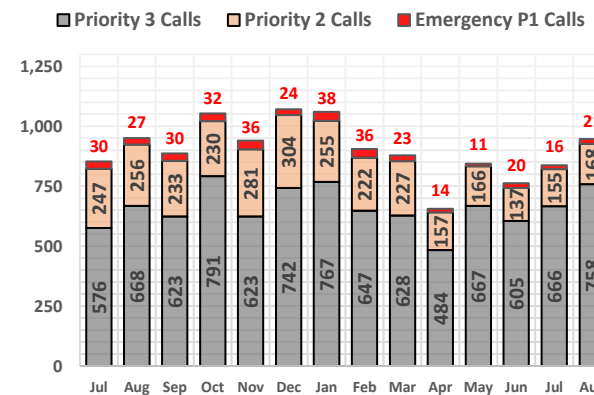
COCO ARRESTS & CITATIONS



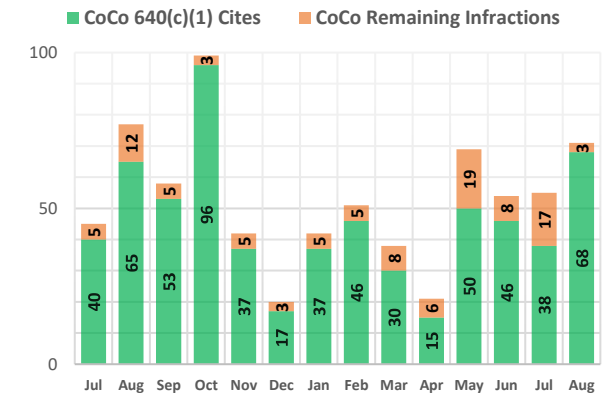
RESPONSE TIME (P1) AVG



COCO PRIORITY 1 - 3 CALLS



COCO FARE EVASION



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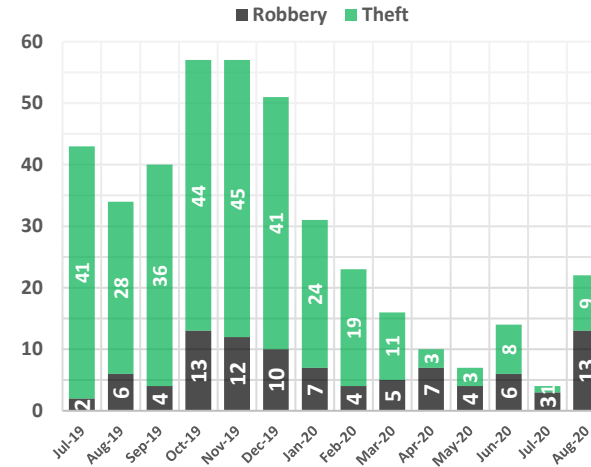
Bay Area Rapid Transit Police Department

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

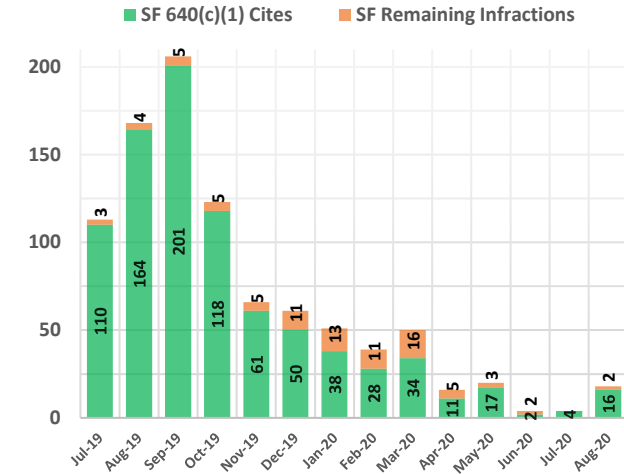
August 2020 Performance Measurement Review - San Francisco County

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	61	61	0%
Aggravated Assault	23	18	28	22	17	-23%
Violent Crime Subtotal	72	115	132	87	78	-10%
Burglary (Structural)	5	6	4	3	1	-67%
Larceny & Auto Burglary	244	473	619	411	135	-67%
Auto Theft	2	1	1	0	0	-%
Arson	0	0	0	0	1	-%
Property Crime Subtotal	251	480	624	414	137	-67%
TOTAL	323	595	756	501	215	-57%

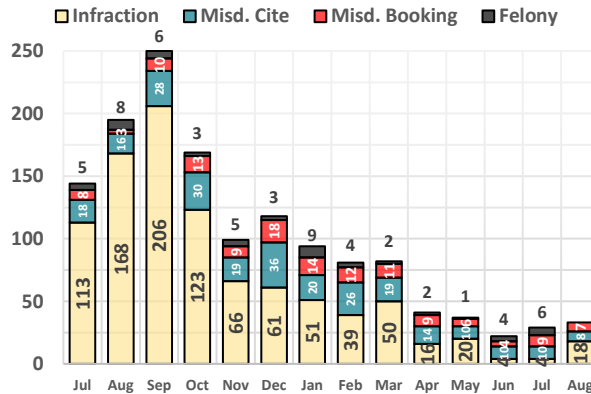
SAN FRANCISCO ELECTRONIC THEFT



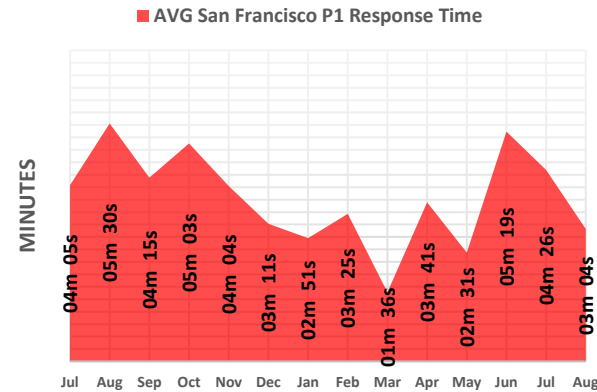
SAN FRANCISCO FARE EVASION



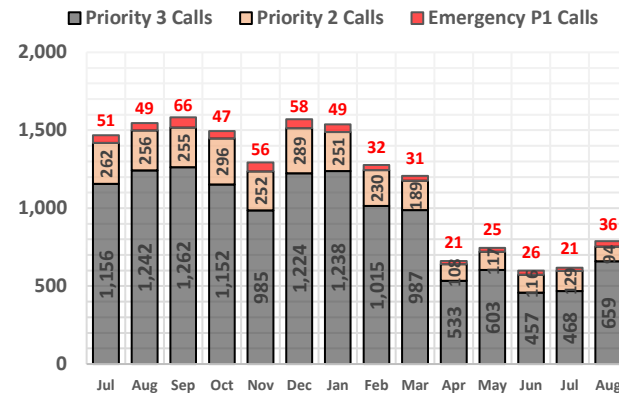
SF ARRESTS & CITATIONS



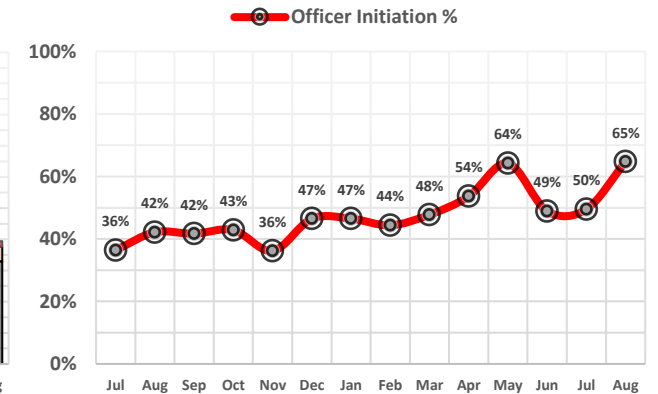
RESPONSE TIME (P1) AVG



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.



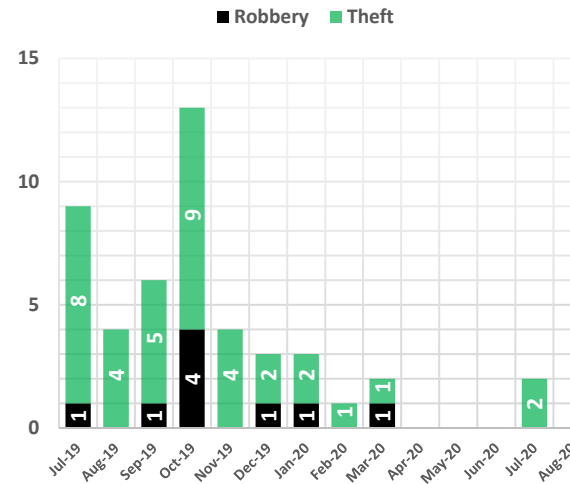
Bay Area Rapid Transit Police Department

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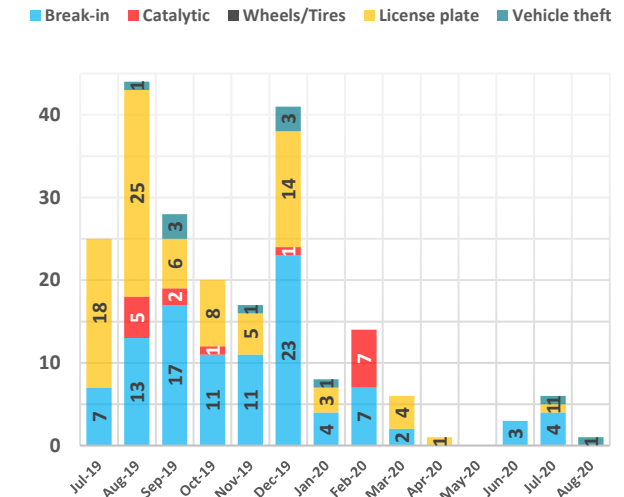
August 2020 Performance Measurement Review - **San Mateo County**

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	7	4	-43%
Aggravated Assault	6	5	8	5	3	-40%
Violent Crime Subtotal	22	13	22	12	7	-42%
Burglary (Structural)	0	0	0	0	1	-%
Larceny & Auto Burglary	208	161	332	207	57	-72%
Auto Theft	18	19	13	6	3	-50%
Arson	0	0	0	0	1	-%
Property Crime Subtotal	226	180	345	213	62	-71%
TOTAL	248	193	367	225	69	-69%

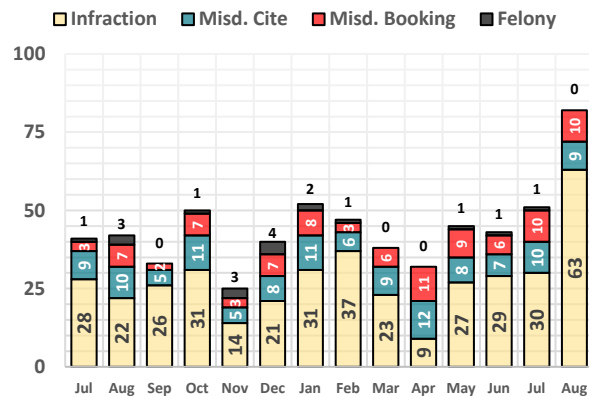
SAN MATEO ELECTRONIC THEFT



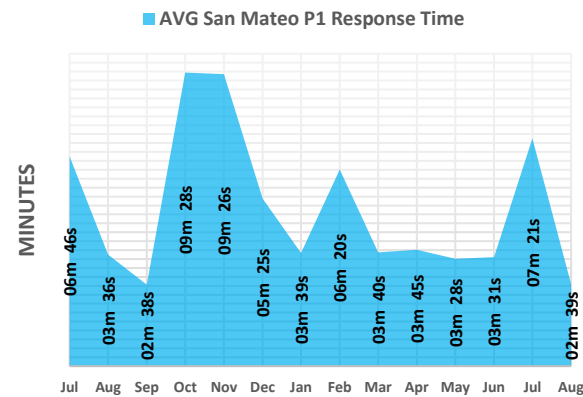
SAN MATEO VEHICLE CRIME



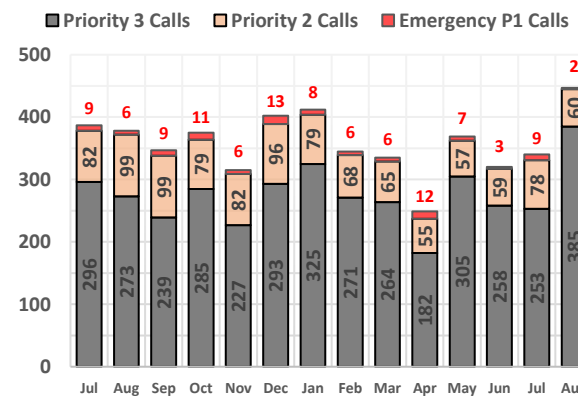
SMC ARRESTS & CITATIONS



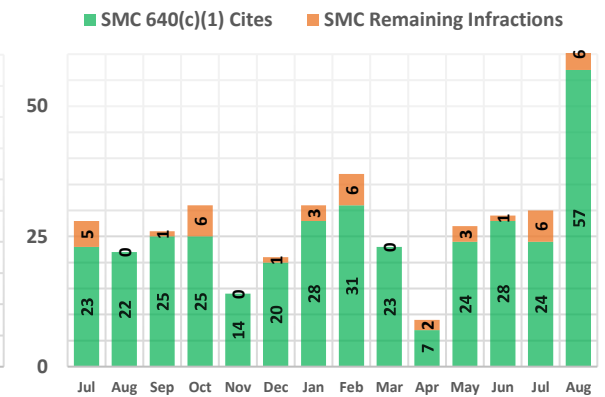
RESPONSE TIME (P1) AVG



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 unfounding of crimes, can affect crime statistics. Overtime costs are projected numbers. Information in the on the Performance Measurements are subject to change.



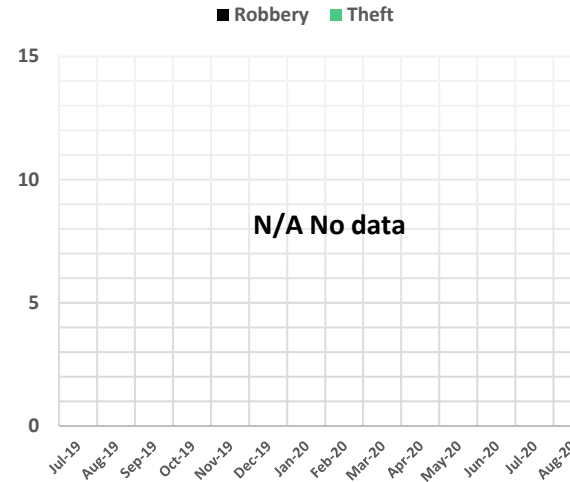
Bay Area Rapid Transit Police Department

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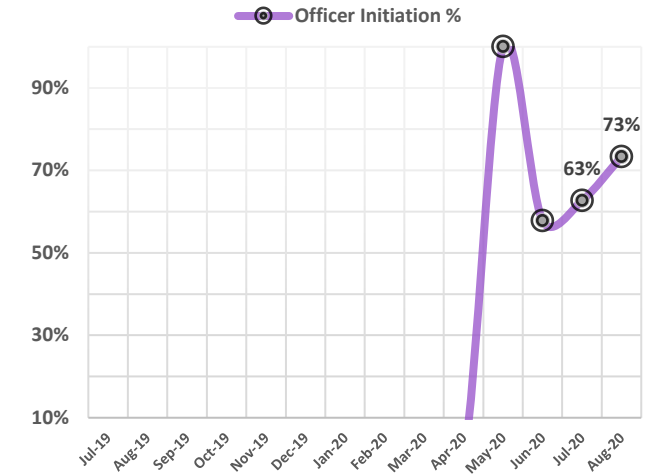
August 2020 Performance Measurement Review - Santa Clara County

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

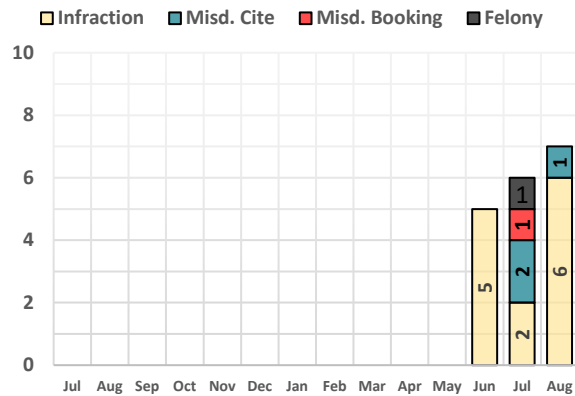
SANTA CLARA ELECTRONIC THEFT



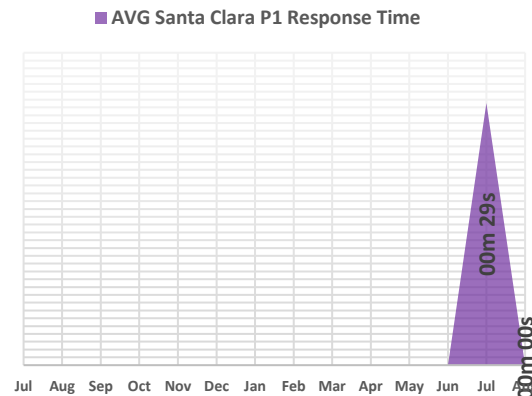
SCC OFFICER-INITIATED INCIDENTS



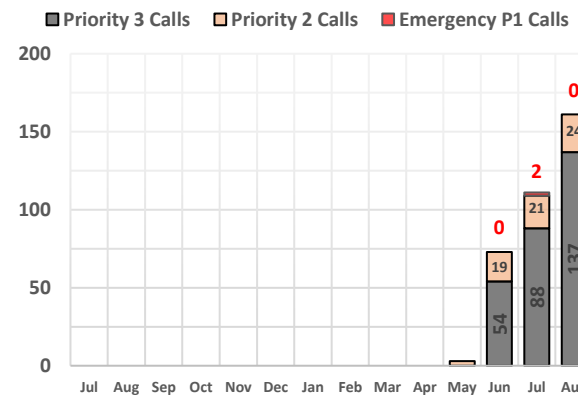
SCC ARRESTS & CITATIONS



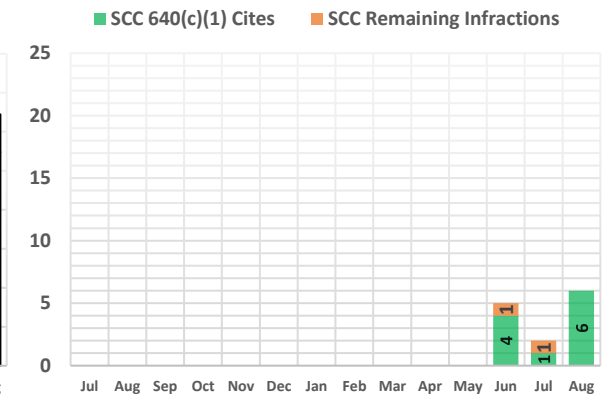
RESPONSE TIME (P1) AVG



SCC PRIORITY 1 - 3 CALLS



SCC FARE EVASION



Preface: The data is retrieved from the BART Police Database and remains unaudited until corrections. Numbers may differ from the reported data in the Uniform Crime Reporting (UCR) program. Late reporting, the reclassification or unbounding of crimes, can affect crime statistics. Overtime costs are projected numbers. Information in the on the Performance Measurements are subject to change.

**BART Police Department - Office of Internal Affairs
Investigation Log**

IA#:	DATE OCC'D	DATE REC'D	ALLEGATION	MISC	INVESTIGATOR	STATUS	5 Month Date	Due Date
IA2018-001	1/3/2018	1/3/2018	Force (OIS)		Sgt. T. Salas	Tolled	6/4/2018	
IA2018-043	6/6/2018	6/6/2018	Force		Sgt. McNack	Tolled	11/5/2018	
IA2018-060	7/22/2018	7/23/2018	Service Review		Lt. Franklin	Tolled	12/23/2018	
IA2020-017	2/15/2020	2/15/2020	Force		Sgt. McNack	Tolled	7/16/2020	2/15/2021
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
IA2019-120	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
IA2019-133	11/21/2019	12/17/2019	Force		Sgt. McNack	In Progress	6/21/2020	12/17/2020

IA2020-015	2/12/2020	2/12/2020	Force, Arrest/Detention	Deferred to OIPA #20-07	OIPA	OIPA Investigation	7/13/2020	2/12/2021
IA2020-018	2/1/2020	2/1/2020	CUBO, Policy/Procedure		Sgt. McNack	In Progress	7/2/2020	2/1/2021
IA2020-019	2/5/2020	2/5/2020	Arrest/detention, Policy/Procedure, Search/seizure	Deferred to OIPA #20-06	OIPA	OIPA Investigation	7/6/2020	2/5/2021
IA2020-020	3/6/2021	2/20/2020	Force	OIPA Intake #20-10	Sgt. 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, CUBO Arrest/Detention	OIPA Intake #20-13	Sgt. McNack	In Progress	8/6/2020	3/7/2021
IA2020-026	3/5/2020	3/9/2020	Arrest/Detention, BBP, Axon Policy/Procedure	Deferred to OIPA #20-14	OIPA	OIPA Investigation	7/30/2020	3/9/2021
IA2020-027	11/10/2019	3/12/2020	POD, Supervision		Sgt. T. Salas	In Progress	4/10/2020	3/12/2021
IA2020-028	3/12/2020	3/12/2020	Force		Sgt. T. Salas	In Progress	8/11/2020	3/12/2021
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, Axon		Sgt. T. Salas	In Progress	8/31/2020	4/1/2021
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	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, Arrest/Detention		Sgt. McNack	In Progress	10/11/2020	5/12/2021
IA2020-042	6/2/2020	6/3/2020	Arrest/Detention		Sgt. T. Salas	In Progress	11/2/2020	6/3/2021
IA2020-044	6/4/2020	6/5/2020	CUBO, Courtesy, Policy/Procedure	Deferred to OIPA #20-19	OIPA	In Progress	11/4/2020	6/5/2021
IA2020-046	6/8/2020	6/8/2020	BBP, CUBO		Sgt. T. Salas	In Progress	11/7/2020	6/8/2021
IA2020-047	6/11/2020	6/12/2020	CUBO	Clear by Video	Sgt. T. Salas	In Progress	11/11/2020	6/12/2021
IA2020-048	7/23/2020	7/23/2020	Force		Sgt. T. Salas	In Progress	12/22/2020	7/23/2021
IA2020-049	8/5/2020	8/6/2020	CUBO	S.R.	Sgt. T. Salas	In Progress	9/5/2020	8/6/2021

BART Watch - 2020

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

Total Downloads: 89,142

Total Reports Made

Anonymous: 41.10%

Non-Anonymous: 59.90%

**BART Police
Use of Force
Annual Report**

2019

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 included the following:

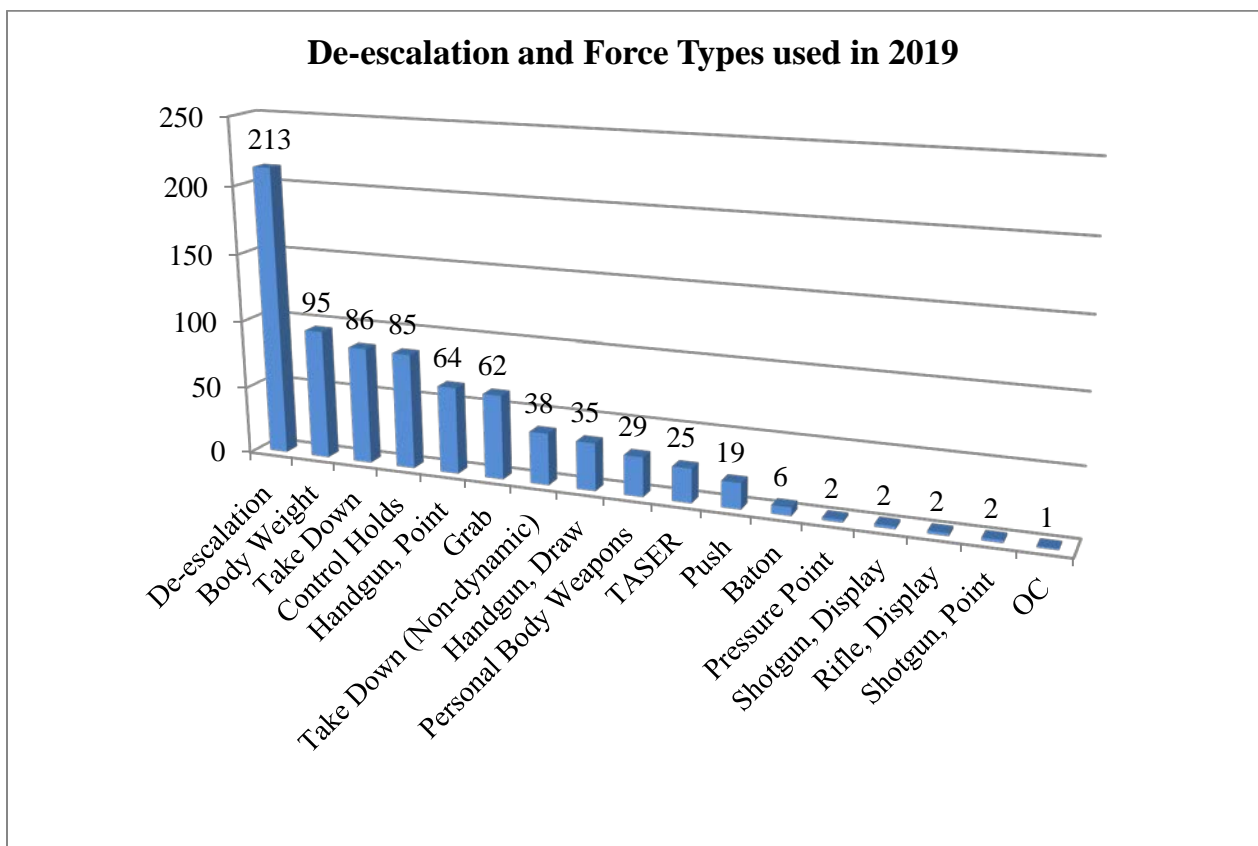
- *Officers shall use de-escalation techniques whenever feasible and appropriate: to potentially reduce or eliminate the need to use force; and to prevent injuries to the subject, the public and the officer(s). Use of de-escalation techniques must allow for the fact that officers are often forced to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

In order to document use of de-escalation techniques, the Department created a “de-escalation” category in the BlueTeam database. In all cases when a supervisor investigates a use of force incident, the supervisor is tasked with reviewing whether de-escalation was used. If de-escalation was used, the supervisor selects the de-escalation option, similar to selecting a force option. The BlueTeam database can then search and report on de-escalation. It should be noted that BlueTeam incidents are created only when force was used and investigated. There are many instances when de-escalation was employed and there was no force used by the officer. Such instances do not

generate a BlueTeam entry, therefore not all de-escalation is captured in this data. Our officers use de-escalation tactics frequently during the normal course of duty.

Documenting de-escalation in use of force incidents has been a relatively new process for supervisors in 2018 and continuing in 2019. Supervisors are becoming more consistent in documenting de-escalation in BlueTeam, however there's still room for improvement. There are still instances when the use of force review is sent through the chain of command to the Patrol Operations Deputy Chief, and de-escalation is not documented until the end of the review process.

REPORT TOPIC: TRENDS IN THE USE OF FORCE



In 2019, there were 277 incidents that involved an officer(s) use of force.

In prior years, the above chart showed the total number of times that each force option was used. For instance, if two officers both used a control hold in one incident, the number reported above would be “2.” Beginning with this year’s report, the above chart shows an incident count only. For instance, if two officers used a control hold in one incident, the number reported above is “1.” This method of reporting gives a better comparison of force types being used from incident to incident.

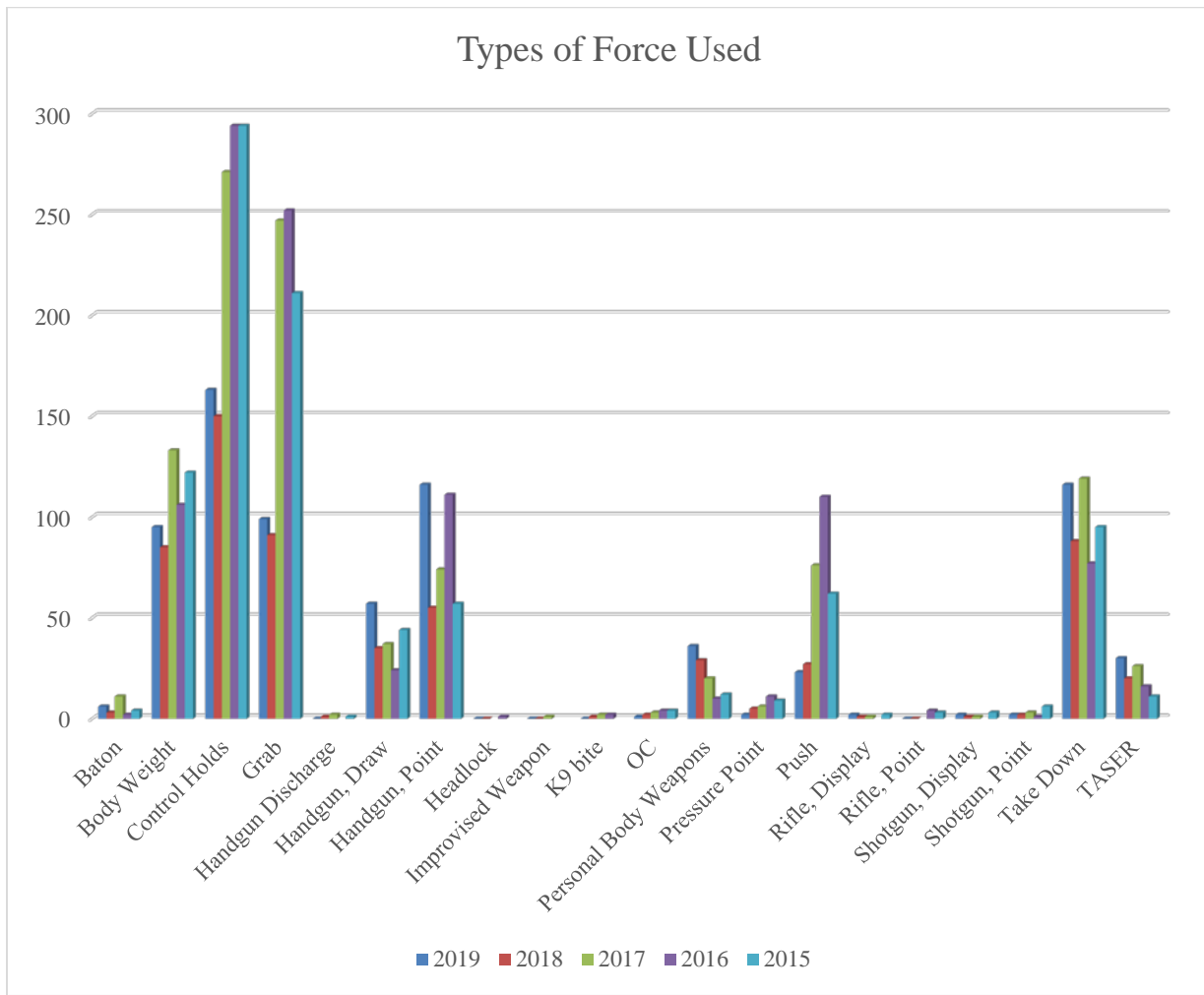
BART Police Use of Force, 2019 Annual Report

The above data shows that the most frequently used option is de-escalation. The three next most-used options are body weight, take down, and control hold. This data appears to reflect our objective of using minimal force.

De-escalation options are further divided into categories of crisis intervention techniques (CIT), verbal techniques, and tactical techniques. One incident may involve multiple de-escalation techniques. De-escalation techniques in 2019 are as follows:

2019 De-escalation	
Verbal Techniques	163
Tactical Techniques (time, distance, etc.)	90
Crisis Intervention Techniques	16
Total	269

The following data compares year to year totals of the types of force used. The data shows that the comparative proportions of force options are similar from year to year.



BART Police Use of Force, 2019 Annual Report

The following data shows an increase in the number of use of force incidents from 2018 to 2019; however there were more arrests made in 2019. There were fewer use of force incidents in 2019 than 2015, 2016, or 2017.

Use of Force Incidents - 2019

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2019	27	21	16	31	20	19	28	26	28	20	15	25	276
YTD 2019	27	48	64	95	115	134	162	188	216	236	251	276	

Use of Force Incidents - 2018

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2018	20	10	21	14	15	15	16	18	23	15	19	26	212
YTD 2018	20	30	51	65	80	95	111	129	152	167	186	212	

Use of Force Incidents - 2017

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2017	30	31	33	36	28	35	23	22	25	22	13	16	314
YTD 2017	30	61	94	130	158	193	216	238	263	285	298	314	

Use of Force Incidents - 2016

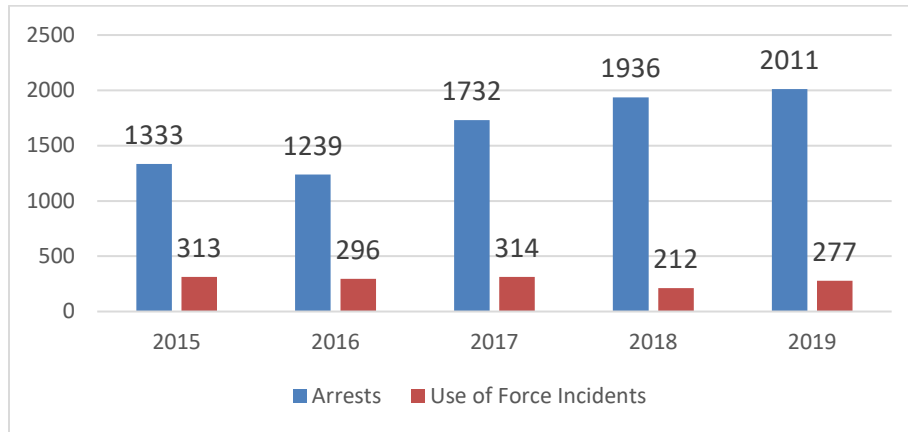
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2016	37	24	32	13	24	31	30	20	14	20	29	22	296
YTD 2016	37	61	93	106	130	161	191	211	225	245	274	296	

Use of Force Incidents - 2015

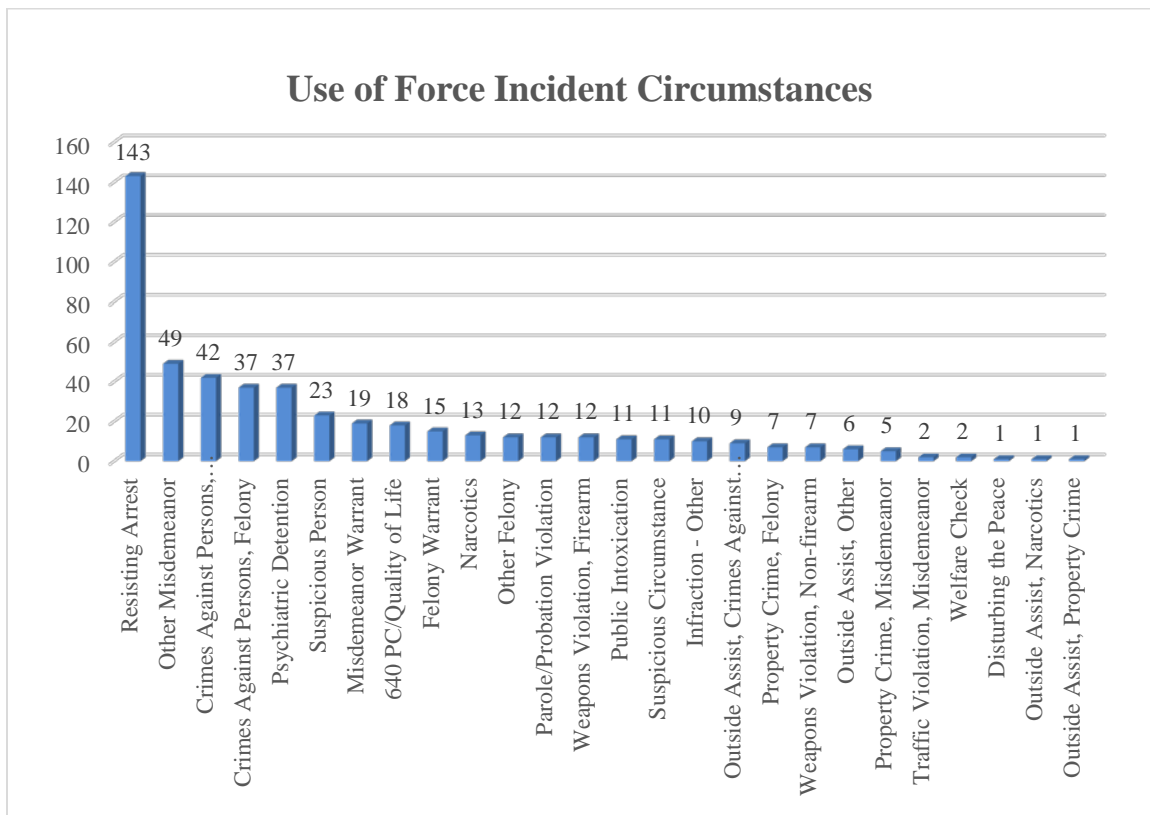
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2015	17	19	34	20	24	22	30	29	30	28	33	27	313
YTD 2015	17	36	70	90	114	136	166	195	225	253	286	313	

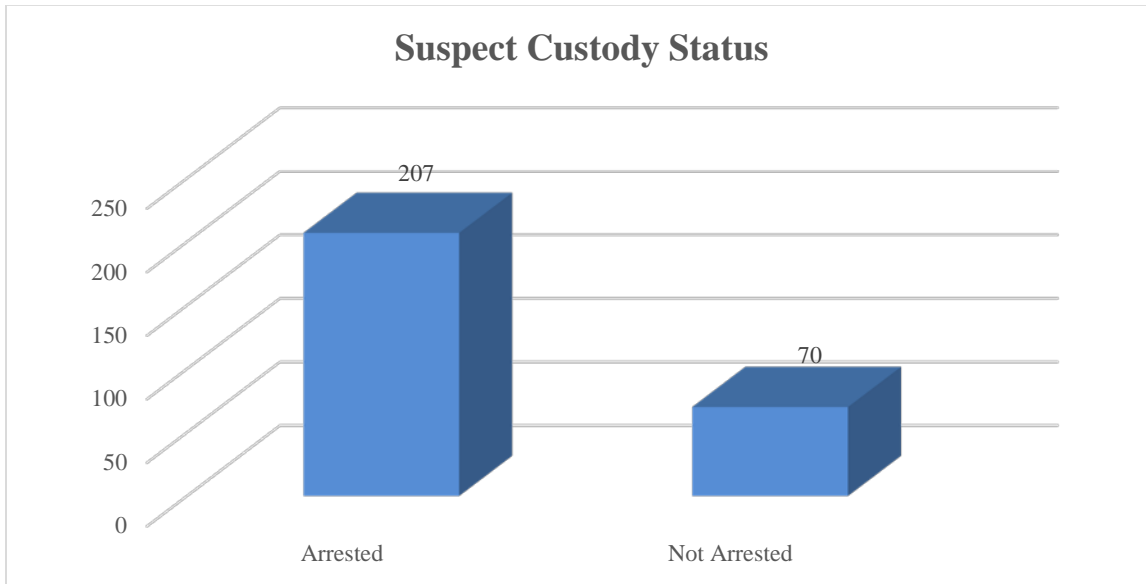
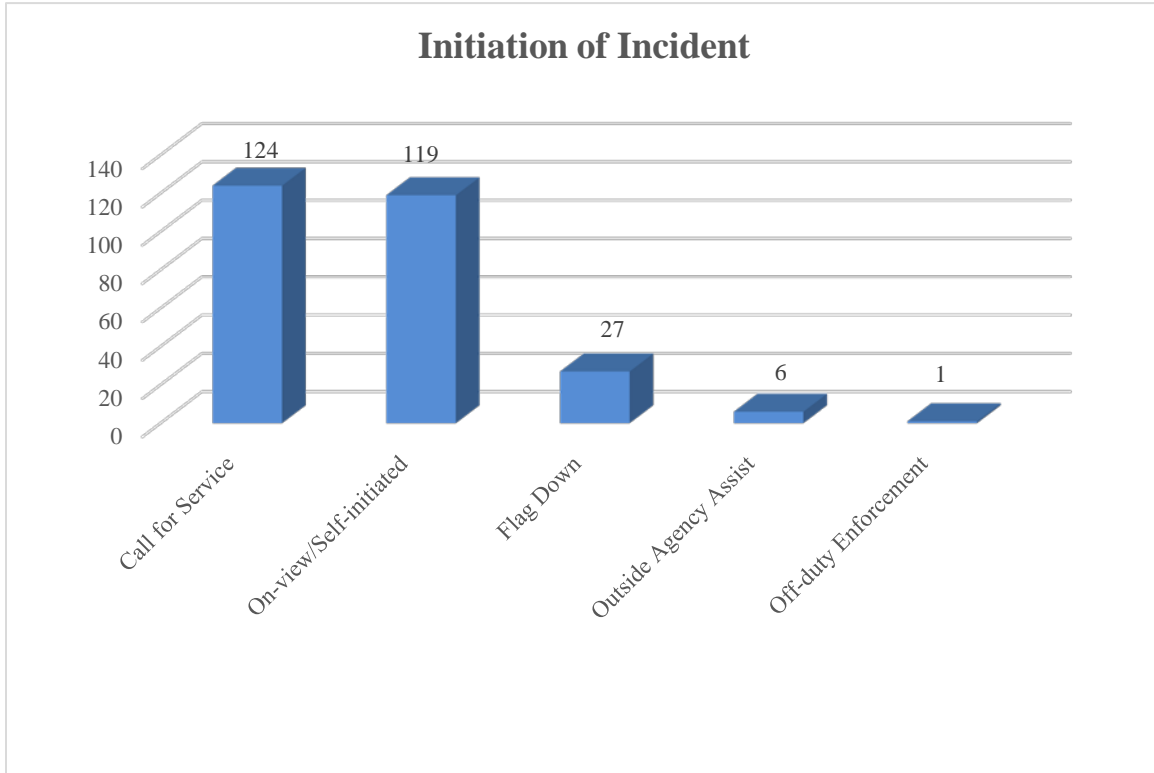
BART Police Use of Force, 2019 Annual Report

The following data shows that the number of arrests steadily increased over the last 5 years; however, use of force incidents have not increased proportionally. The reduction in use of force can be attributed to de-escalation.



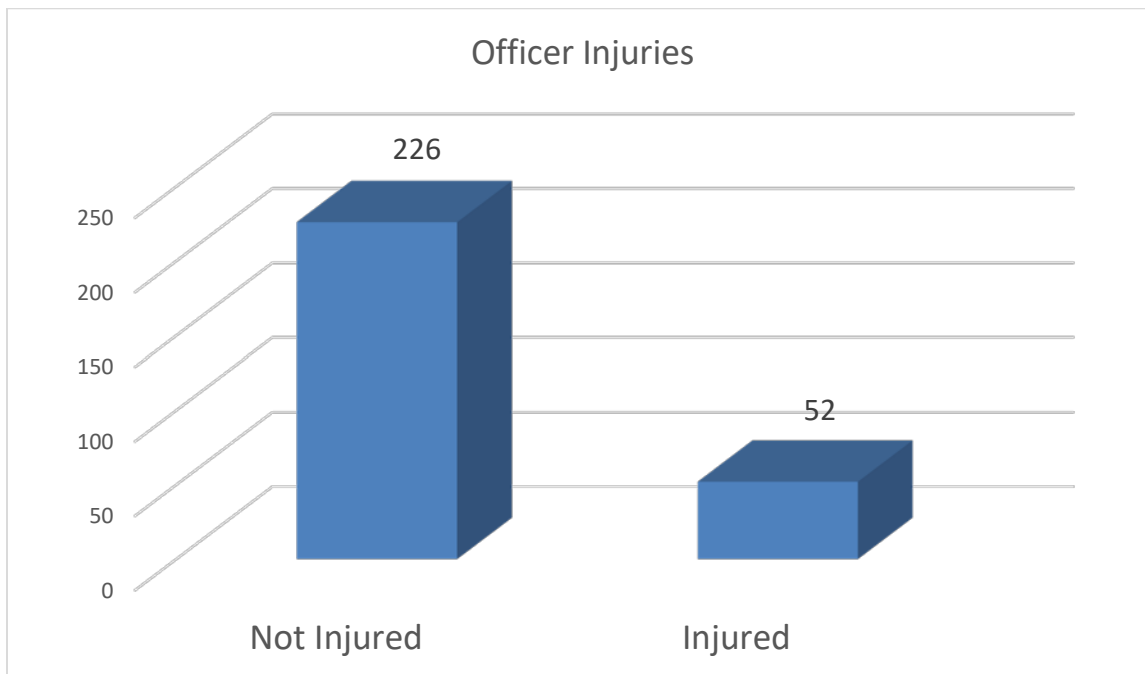
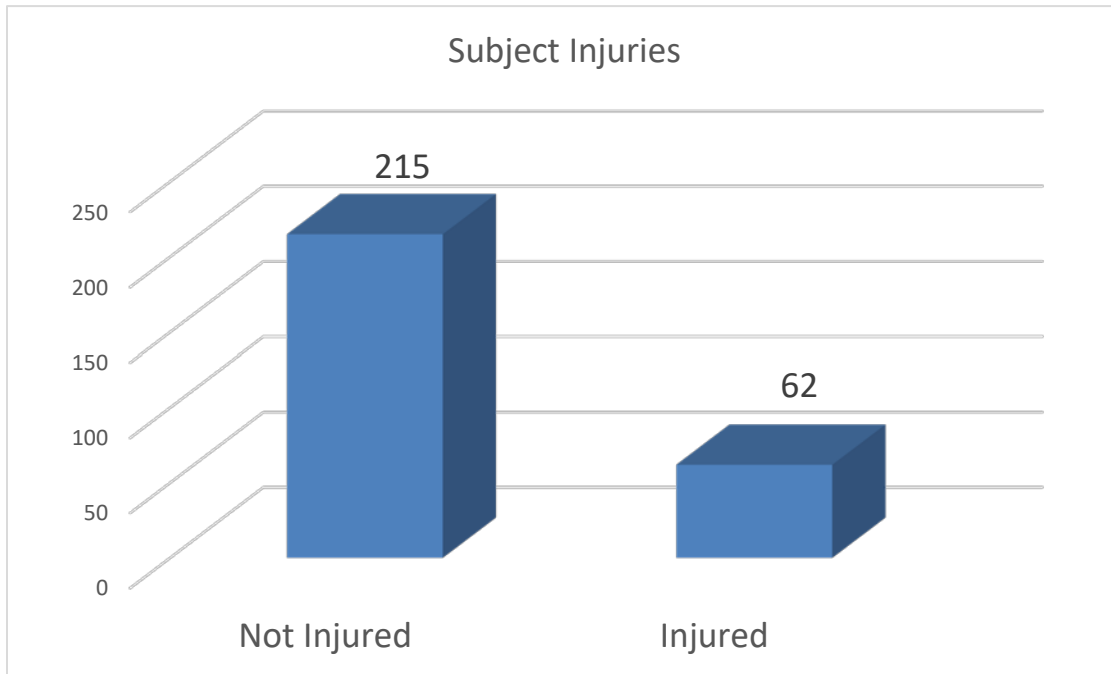
The following graph shows the circumstances involved in use of force incidents. Each incident may have multiple contributing factors. The most common element in use of force incidents is resisting arrest.





Note: this data shows that 33% of instances when force was used, the suspect was not arrested. It is noted that 37 incidents resulted in a psychiatric detention, which is not an arrest.

BART Police Use of Force, 2019 Annual Report



Note: this data indicates that suspects were not injured in 78% of use of force incidents, which is an indication that officers are using minimal force upon suspects. Officers were also not injured in 81% of incidents.

Demographics from Use of Force Incidents

Age Groups of Involved Persons	Number of Persons	Percentage
under 20	55	17.8%
20 - 29	121	39.2%
30 - 39	69	22.3%
40 - 49	40	12.9%
50 - 59	19	6.1%
60 and up	5	1.6%
Total	309	

Ethnicity/Gender of Involved Persons	Number of Persons	Percentage
Black Males	151	48.9%
Hispanic Males	45	14.6%
White Males	43	13.9%
Black Females	37	12.0%
Other Males	13	4.2%
White Females	9	2.9%
Asian Males	6	1.9%
Hispanic Females	2	0.6%
Other Females	2	0.6%
Pacific Islander Female	1	0.3%
Total	309	

* There were 277 Use of Force incidents in 2019, and IAPro returned data for 309 persons associated with the 277 incidents. Some incidents involved more than one subject upon whom force was used.

Regarding demographic analysis, the Department voluntarily requested a years long study conducted by the Center for Policy Equity (CPE). The study includes extensive data of law enforcement contacts over multiple years and a rigorous analysis of the data. The study is near completion and the Department will be releasing the report publicly in the fall of 2020. The report contains the following from CPE:

National Justice Database Analytic Framework

The NJD analytic framework aims to distinguish among five broad types of explanations for racial disparities in policing, all of which are likely to play some role in producing racial disparities in BART PD, as elsewhere:

1) Individual characteristics or behaviors: individual attributes or behaviors that may lead to interactions with law enforcement, such as mental health challenges, homelessness, or participation in criminal activity.

2) **Community characteristics:** neighborhood conditions, such as poverty or high crime rates, that may result in higher rates of interaction with law enforcement.

3) **Individual officer characteristics or behaviors:** Some officers may view members of certain communities with a higher level of suspicion, resulting in a disproportionate rate of stops or more punitive disposition after the stop for these individuals

4) **Departmental culture, law, or policy:** institutional polices, practices, or norms may increase law enforcement contact with some members of the population more than others. For example, officers may be deployed to patrol some communities more intensively than others. Moreover, police departments may be constrained by federal, state, or local laws that may contribute to disparate interactions with individuals and communities.

5) **Relationships between communities and police:** Mistrust of law enforcement can reduce community members' willingness to cooperate with police. Similarly, a sense that communities do not trust or respect police may cause officers to feel unsafe or defensive in some neighborhoods.

The Department participated in the CPE study for transparency and accountability, but also to consider the multiple factors that contribute to disparity in demographic data. The CPE report will include recommendations for our Department based on their analysis and observations; the content of which will be included in the 2020 Annual Use of Force Report.

REPORT TOPIC: TRAINING

I. Officers received the following advanced officer training in 2019:

First AID/CPR/AED	8 hours
Active Shooter Response (grant funded)	8 hours
Mandatory Firearms Range Training	8 hours
Defensive Tactics/Arrest Control Techniques	4 Hours
Mandatory TASER Update	4 hours
Vehicle Pursuit Policy Training	2 hours

II. Assembly Bill 382 was passed in 2019 and enacted in 2020. The bill made changes to Penal Code section 835a, which sets conditions for lawful use of force by peace officers. BART Police Policy 300, Use of Force, was updated to incorporate the new standards for use of force, and the policy revision was distributed to all officers. Additional training will be provided to all sworn personnel in August 2020.

III. Based on a review of use of force incidents from 2019, the following training will be provided to officers in 2020:

- a) Officers should readily notify subjects when they are being detained and the legal justification for the detention (unless there is a tactical or safety issue to deter an officer from doing so).
- b) Officers should avoid putting excessive bodyweight on a subject that would inhibit the person's ability to breathe. Officers should also strive to expedite the handcuffing process. (These principles were already in our existing Defensive Tactics curriculum but will be reiterated in Advanced Officer Training for 2020.)

REPORT TOPICS: EQUIPMENT AND POLICY

AXON body worn cameras have a buffering feature. When powered on, the AXON camera continuously maintains a buffer. When the camera is activated to record an incident, the buffering period is then included in the permanent recording. From the onset of BART officers wearing cameras, the camera was preset to have a 30 second buffer of video only, but no audio. The manufacturer then upgraded the cameras to have variable buffers.

A policy change was made in 2019, through the collaboration of the Department, the Office of the Independent Police Auditor, the BART Police Officers Association, and the BART Police Managers Association. The policy changed the buffer to a one-minute buffer with video and audio. This extended and expanded buffer will give more detail to actions that occurred prior to a camera being activated. This will also help eliminate late activations.



Office of the
**INDEPENDENT
POLICE AUDITOR**

BAY AREA RAPID TRANSIT DISTRICT

MONTHLY REPORT

September 2020

Issue date: October 19, 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 **September 1, 2020 through September 30, 2020.**¹

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

QUANTITATIVE REPORT

	Cases Filed ²	Open Cases ³	Investigations Resolved*	OIPA Investigations Concluded ⁴	Cases Appealed to OIPA ⁵	Cases Appealed by BPCRB ⁶
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
June 2020	7	44	4	0	0	0
July 2020	1	41	3	1	0	0
August 2020	9	43	5	1	0	0
September 2020	10	45	8	1	0	0

TYPES OF CASES FILED

Citizen Complaints (Formal)	5
Informal Complaints ⁷	1
Administrative Investigations	3
Inquiries ⁸	1
TOTAL	10

CITIZEN COMPLAINTS RECEIVED PER DEPARTMENT⁹

OIPA	1
BART Police Department	4
TOTAL	5

¹OIPA added a new data column to the October 2019 Monthly Report which will be populated going forward.

COMPLAINTS/INVESTIGATIONS INITIATED DURING REPORTING PERIOD

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

Complaint # (OIPA Case #) (IA Case #)	Nature of Complaint	Action Taken	Days Elapsed Since Complaint Filed
1 (OIPA #20-23) (IA2020-058)	Officers #1-3: <ul style="list-style-type: none"> • Force • Conduct Unbecoming an Officer 	OIPA initiated an investigation.	46

During September 2020, **4 Citizen Complaints (Formal)** were received by BPD:

Complaint # (IA Case #)	Nature of Complaint	Action Taken	Days Elapsed Since Complaint Filed
1 (IA2020-059)	Officer #1: <ul style="list-style-type: none"> • Performance of Duty • Policy/Procedure 	BPD initiated an investigation.	45
2 (IA2020-062)	Officer #1: <ul style="list-style-type: none"> • Bias-Based Policing • Conduct Unbecoming an Officer 	BPD initiated an investigation.	32
3 (IA2020-063)	Officer #1: <ul style="list-style-type: none"> • Arrest/Detention • Search or Seizure • Conduct Unbecoming an Officer 	BPD initiated an investigation.	31
4 (IA2020-066)	Officer #1: <ul style="list-style-type: none"> • Bias-Based Policing • Force • Policy Procedure (AXON Camera) • Performance of Duty • Conduct Unbecoming an Officer 	BPD initiated an investigation.	31

During September 2020, **3 Administrative Investigations** were initiated by BPD:

(IA Case #)	Nature of Investigation	Action Taken	Days Elapsed Since Investigation Initiated
1 (IA2020-060)	Officers #1-2: <ul style="list-style-type: none"> • Policy/Procedure (Reporting Use of Force) • Performance of Duty • Conduct Unbecoming an Officer Officer #2 <ul style="list-style-type: none"> • Force 	BPD initiated an investigation.	38
2 (IA2020-061)	Officer #1: <ul style="list-style-type: none"> • Conduct Unbecoming an Officer • Courtesy • Policy/Procedure (AXON Camera) 	BPD initiated an investigation.	32
3 (IA2020-065)	Officer #1: <ul style="list-style-type: none"> • Performance of Duty Officer #2: <ul style="list-style-type: none"> • Force • Conduct Unbecoming an Officer 	BPD initiated an investigation.	35

COMPLAINTS/INVESTIGATIONS INITIATED DURING A PRIOR REPORTING PERIOD

During August 2020, **1 Informal Complaint** was received by BPD but not previously reported:

Complaint # (IA Case #)	Nature of Complaint	Action Taken	Days Elapsed Since Complaint Filed
1 (IA2020-055)	Officer #1: <ul style="list-style-type: none"> • Policy/Procedure 	BPD initiated a Supervisor Referral. ¹⁰	54

COMPLAINTS/INVESTIGATIONS CONCLUDED DURING REPORTING PERIOD

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

Complaint # (IA Case #)	Nature of Complaint	Disposition	Days Elapsed Since Complaint Filed	Days Taken to Complete Investigation
1 (OIPA #19-42)	Officers used excessive force during an arrest, one officer threatened the arrestee, one officer failed to include the use of force in a written report, and one supervisor failed to properly review the use of force.	<p>Officers #1-2:</p> <ul style="list-style-type: none"> Force – Exonerated <p>Officer #2:</p> <ul style="list-style-type: none"> Policy/Procedure (Report Writing) – Sustained Conduct Unbecoming an Officer – Sustained <p>Officer #3:</p> <ul style="list-style-type: none"> Performance of Duty – Sustained <p>Officer #4:</p> <ul style="list-style-type: none"> Force – Sustained 	381	343

During September 2020, **3 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 (IA2019-117)	Officers harassed complainant because of his race.	<p>Officer #1:</p> <ul style="list-style-type: none"> Bias Based Policing – Unfounded Conduct Unbecoming an Officer – Unfounded 	381	315
2 (IA2020-008)†	Officer engaged in off-duty solicitation.	<p>Officer #1:</p> <ul style="list-style-type: none"> Criminal Conduct – Not Sustained Conduct Unbecoming an Officer – Sustained 	350	290
3 (IA2020-030)	Officer intimidated complainant.	<p>Unknown Officer #1:</p> <ul style="list-style-type: none"> Conduct Unbecoming an Officer – Administratively Closed¹¹ 	217	169

†This complaint was originally categorized as an Administrative Investigation by BPD and was reported as such in the OIPA Monthly Report for January 2020.

During September 2020, **2 Informal Complaints** were addressed by BPD:

Complaint # (IA Case #)	Nature of Complaint	Disposition	Days Elapsed Since Complaint Filed	Days Taken to Complete Investigation
1 (IA2020-049)	Officers damaged property with their vehicle and left the scene.	Officers #1-2: • Conduct Unbecoming an Officer – Supervisor Referral	74	34
2 (IA2020-052)	Officers intimidated complainant by shouting aggressively.	Officers #1-2: • Courtesy – Supervisor Referral	83	35

Also, during the month of September 2020, BPD received and classified the following complaint as an **Inquiry** and Administratively Closed the complaint: #IA2020-064 (after determining that no allegation of misconduct was articulated).

COMPLAINTS/INVESTIGATIONS CONCLUDED DURING PRIOR REPORTING PERIOD

During August 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 (IA2020-055)	Officer exceeded freeway speed limits in a department vehicle.	Officer #1: • Policy/Procedure – Supervisor Referral	54	5

DISCIPLINE ISSUED DURING REPORTING PERIOD

During September 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: • Oral Counseling
2	Officer verbally threatened subject and failed to properly document a use of force by another officer.	Officer #1: • Policy/Procedure (Report Writing) • Conduct Unbecoming an Officer	Officer #1: • Oral Counseling
3	One officer improperly detained complainant, failed to properly forward a complaint of misconduct, did not properly address complaints of physical discomfort and did not properly document a law enforcement contact. One officer failed to properly supervise subordinate officers and failed to ensure that a use of force was properly documented and reviewed.	Officer #1: • Arrest or Detention • Performance of Duty • Policy/Procedure (AXON Camera) Officer #2: • Performance of Duty (Supervision)	Officer #1: • Letter of Discussion Officer #2: • 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	11
Complainant-Initiated Appeals	0
BPD-Initiated Appeals	0
Investigations Being Monitored	54
Investigations Reviewed During Current Month	12†

†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.

‡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).

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.

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

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

⁴ This number includes all cases completed by OIPA during the reporting period for which OIPA’s findings are required by the BART Citizen Oversight Model to be submitted to the BART Police Citizen Review Board. It therefore includes independent investigations, as well as reviews of completed BART Police Department investigations initiated via appeal from a complainant. Unless otherwise noted, it does not include reviews of BART Police Department investigations initiated at the discretion of OIPA, which happen commonly and do not always generate a formal report; it also does not include reviews conducted by OIPA of complaint investigations where the complaint was filed with OIPA but did not fall under OIPA’s investigative jurisdiction.

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

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

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

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

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

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

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

Article IV. Officers

1. Election of officers

a. A chair and vice chair shall be elected as described below for a term ending on the election of their successors. After serving for one year, an officer shall serve in an interim capacity until they are reelected or their successor is elected. No person shall serve in the same office for more than two consecutive elected terms, or for more than one elected term immediately after assuming (by succession or special election) a predecessor's office as a result of a vacancy in the office .

b. The annual election of CRB officers shall occur during the regular meeting in the month of July. At that meeting of election, if no candidate for an office receives a majority of the Voting Members' votes on the first ballot, the candidate(s) with the fewest votes shall be eliminated and another vote taken. This process will continue until a candidate receives the support of a majority of Voting Members. The results of each round of balloting shall be publicly announced and the vote recorded in the minutes.

2. Duties of Officers

The chairperson, or in her/his absence, the vice chairperson, or in the absence of both, a Chair *pro tem* elected by a plurality of the Voting Members at each meeting, performs the following duties:

- a. Presides at all meetings of the CRB and ensures that the work of the committee is accomplished.
- b. Appoints committee members.
- c. Approves the agenda prior to distribution.
- d. Signs correspondence on behalf of the CRB.
- e. Represents the CRB before the BART Board of Directors.
- f. Approves and signs CRB reports to the BART Board of Directors.
- g. Schedule periodic meetings with BPMA & BPOA
- h. Performs other duties necessary or customary to the office.