

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

**\*\*REVISED\*\***

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

December 9, 2019

A Meeting of the BART Police Citizen Review Board (BPCRB) will be held on Monday, December 9, 2019 at 4:00 p.m. This meeting shall consist of a simultaneous teleconference call at the following locations:

BART Board Room Kaiser Center 20th Street Mall – Third Floor 2040 Webster Street Oakland, CA 94612	Prescott Public Library 215 E Goodwin Street Prescott, AZ 86303
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**AGENDA**

1. Call to Order.
  - a. Roll Call.
  - b. Pledge of Allegiance.
2. Approval of Minutes of the Meeting of November 18, 2019. For Discussion and Action.
3. Implementation of Standing Subcommittee on Policy. (Chair Rizk’s request.) For Discussion and Action.
4. Selection of Members for the Subcommittee on Policy. (Chair Rizk’s request.) For Discussion and Action.
5. BPCRB Off-site Station Tours, Training, and 2020 Meeting Calendar. For Discussion and Action.
6. Chief of Police’s Report. For Discussion and Action.
  - a. BART Police Department Monthly Report for October 2019.
7. Independent Police Auditor’s Report. For Discussion and Action.
  - a. Office of the Independent Police Auditor (OIPA) Monthly Report for November 2019.
  - b. Recommendation for Revisions to BPD Policy #451, Body Worn Camera.
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. (Room 303, Board Conference Room.)
  - a. To Consider Public Employee Discipline/Dismissal/Release in OIPA Case #19-11. Govt. Code §54957.
10. Adjournment.

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

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

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

Pursuant to Govt. Code §54953.5, the audio recording of 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, November 18, 2019**

A regular meeting of the BART Police Citizen Review Board (BPCRB) was held Monday, November 18, 2019, at 4:00 p.m. in the BART Board Room, 2040 Webster Street, Oakland, California. The meeting was called to order by Chairperson David Rizk; Mag Tatum, Recording Secretary.

**1. Call to Order.**

The regular meeting was convened at 4:00 p.m. by Chairperson Rizk.

Members Present: Members Erin Armstrong, Zachary Bruno, George Perezvelez, Pete Longmire, Kenneth Loo, Les Mensinger, Robert Pirone, William White and David Rizk.

Absent: Member Darren White.

Member Christina Gomez entered the meeting later.

The Pledge of Allegiance was recited.

**2. Approval of Minutes of the Meeting of October 21, 2019.**

Member Mensinger moved that the Minutes of the Meeting of October 21, 2019 be approved; Chairperson Rizk seconded the motion, which carried by unanimous voice vote. Ayes – 8: Members Armstrong, Bruno, Longmire, Mensinger, Perezvelez, Pirone, W. White and Rizk. Noes – 0. Abstain – 1: Loo. Absent – 2: Members Gomez and D. White.

**3. Lexipol Policy System Training**

Lieutenant Chris Vogan presented information regarding Lexipol Policy System Training. The item was discussed.

Member Gomez entered the meeting.

Chair Rizk requested Item No. 4 be called in the following order: Item 4a, 4c and 4b.

**4. Chief of Police's Report.**

**a. BART Police Department's Monthly Report for September 2019.**

Interim Police Chief Ed Alvarez presented the BART Police Department's Monthly Report. The report was discussed.

**c. Lexipol Manual Updates - Memo**

Interim Police Chief Ed Alvarez presented the Lexipol Manual Updates. The memo and various policy updates were discussed.

Member Perezvelez suggested a Standing Committee on Lexipol Updates. The item will be come back to a future BPCRb meeting.

**b. Use of Force / De-escalation Training Materials**

Lieutenant Neil Rafanan, Sergeant Scott Stance, and Officer Steven Dexheimer presented information regarding the Use of Force / De-escalation Training Materials. The item was discussed.

**5. Independent Police Auditor's Reports.**

**a. Office of the Independent Police Auditor (OIPA) Monthly Report for October 2019.**

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

**b. National Association for Civilian Oversight of Law Enforcement (NACOLE) Annual Conference Report-back.**

Independent Police Auditor Russell Bloom presented the National Association for Civilian Oversight of Law Enforcement (NACOLE) Annual Conference Report. The report was discussed.

**c. OIPA BART Rider Survey Findings.**

Independent Police Auditor Russell Bloom presented the BART Rider Survey Findings. The item was discussed.

**6. Public Comment.**

Chairperson Rizk called for Public Comment. No comments received.

Chairperson Rizk announced that the Board would enter closed session under Item 7-A (Public Employee Discipline/Dismissal/Release in OIPA Case #19-10) 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 5:54 p.m.

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The Meeting reconvened in Closed Session at 6:00 p.m.

**7. Closed Session.**

- a. To consider Public Employee Discipline/Dismissal/Release in OIPA Case #19-10. Govt. Code §54957.

Board Members present:

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

Board Member absent:

Member Darren White.

Member Bruno excused the meeting

The Meeting reconvened in Open Session at 6:34 p.m.

Chairperson Rizk announced that the Board had concluded its closed session, and that the Board voted on three chargers to accept the findings in OIPA Case #19-10.

Chairperson Rizk announced that the Board voted to accept the findings of Charge Number 1 in OIPA Case #19-10. Ayes – 7. Noes – 2: Members Armstrong and Rizk. Abstain – 1: Member W. White. Absent – 1: Member D. White.

Chairperson Rizk announced that the Board voted to accept the findings of Charge Number 2 in OIPA Case #19-10. Ayes – 7. Noes – 2: Members Armstrong and Rizk. Abstain – 1: Member C. Gomez. Absent – 1: Member D. White.

Chairperson Rizk announced that the Board voted unanimously to accept the findings of Charge Number 3 OIPA Case #19-10.

## **8. Adjournment.**

The Meeting was adjourned at 6:38 p.m.



# 2019 BPCRB TRAINING SCHEDULE

1/14/2019	-No Training -
2/11/2019	<b>Brown Act and Parliamentary Procedure Refresher</b> Office of the General Counsel, Byron Toma
3/11/2019	<b>Behavioral Health Care/Crisis Response</b> Police Department, Armando Sandoval
4/8/2019	<b>BART Progressive Discipline Rules/Procedures</b> Police Department, Lieutenant Kevin Franklin
5/13/2019	<b>BPD Structure and Organization</b> Police Department, Deputy Chief Lance Haight
6/10/2019	<b>Legal Decisions Impacting Police Oversight</b> Office of the Independent Police Auditor, Russell Bloom
7/8/2019	<b>Bias-Based Policing/Racial Profiling</b> Police Department, Lieutenant Jesse Sekhon
8/12/2019	-No Training-
9/9/2019	<b>Force Options "Shoot, Do Not Shoot" Simulator (Off-site)</b> Police Department, Training Staff
10/21/2019	<b>BPD Support Services and Communications Center (Off-site)</b> Police Department, Interim Chief of Police Ed Alvarez
11/18/2019	<b>Lexipol Policy System</b> Police Department, Lieutenant Chris Vogan
12/9/2019	-No Training-

## 2020 BPCRB MEETING DATES

### BART POLICE CITIZEN REVIEW BOARD

**Note: Unless otherwise stated, all meetings will be held in the BART Boardroom from 4:00 - 6:00 pm.**

<b>January 13, 2020</b>
<b>February 10, 2020</b>
<b>March 9, 2020</b>
<b>April 13, 2020</b>
<b>May 11, 2020</b>
<b>June 8, 2020</b>
<b>July 13, 2020</b>
<b>August 10, 2020</b>
<b>September 14, 2020</b>
<b>October 19, 2020</b>
<b>November 9, 2020</b>
<b>December 14, 2020</b>

*Date moved from 10/12 due to Columbus Day*

# BART POLICE DEPARTMENT



## October 2019

### MONTHLY REPORT



## BPD Monthly Reports

October 2019

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

\*Not included in Year-End or Monthly BPCRB Reports

**BART Police Department (07) Staffing Status**

**As of: 10/31/19**  
**Vacancy Factor: 0.0**

	Pos'n Code	Job Title	FY20		As of 07/01/19	On Leave			
			Adopted	Reclass		Filled	or TMD	Vacant	
NON-SWORN (Rep)	027	Community Service Officer	59		59	45	4	14	
	035	Fare Inspection Officer	20		20	11		9	
	068	Crime Analyst	1		1	-		1	
	045	Police Admin Specialist	12		12	9		3	
	048	Police Dispatcher	18		18	17		1	
	200	Administrative Analyst	1		1	1		-	
	098	Revenue Protection Guard	18		18	16	-	2	
	836	Police Sup./CAD/RMS Admin***	6		6	6	-	-	
#	778	Police Officer	90		90	82	10	8	
		In Academy = 20						-	
		Field Training = 2						-	
	SWORN	788	Senior Police Officer	98		98	82	1	16
		798	Master Police Officer	10		10	9	-	1
		838	Police Sergeant	34		34	27	2	7
		888	Police Lieutenant	13		13	13		-
		898	Police Deputy Chief	3		3	3		-
		980	Police Chief	1		1	-		1
	Non-Sworn (Non-Rep)	SF100	Dir of Security Programs	1		1	1		-
000065		Emergency Preparedness Mgr.	1		1	1	-	-	
000074		Crisis Outreach Coordinator	1		1	1		-	
000081		Police Services Administrator	1		1	1	-	-	
AF200		Executive Assistance	1		1	1		-	
<b>DEPARTMENT TOTAL</b>			<b>389</b>	<b>-</b>	<b>389</b>	<b>326</b>	<b>17</b>	<b>63</b>	

Notes:  
 FY20  
 Ofc - 19  
 FIO - 4  
 AA - 1  
 FY20 Capital 4/1/2020  
 Ofc - 3

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

> "On Leave" category does not include personnel on Admin Leave.

## BART PD DIVERSITY MONTHLY REPORT

As of 10/31/19

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<u>ETHNICITY</u>		<u>S</u>		<u>C</u>	
White	37% 122	39%	85	34%	37
Black	19% 61	19%	40	19%	21
Asian	21% 69	17%	37	29%	32
Hispanic	21% 67	23%	49	16%	18
American/ Indian	0% 0	0%	0	0%	0
Native Hawaiian/Pac Island	2% 7	2%	5	2%	2
<b>Total:</b>	<b>100% 326</b>	<b>100%</b>	<b>216</b>	<b>100%</b>	<b>110</b>
<u>DEMOGRAPHIC</u>		<u>S</u>		<u>C</u>	
Female	22% 69	9%	19	45%	50
Male	79% 257	91%	197	55%	60
<b>Total:</b>	<b>100% 326</b>	<b>100%</b>	<b>216</b>	<b>100%</b>	<b>110</b>
<u>CLASSIFICATION</u>					
Sworn	66% 216				
Civilian	34% 110				
<b>Total:</b>	<b>100% 326</b>				

**CRISIS INTERVENTION TRAINING AS OF: October 31, 2019**

Personnel Positions	Total Positions	Filled Positions	Vacant Positions	(Not in Academy or Field Training) Eligible to Attend Training	Total of Filled Positions Trained	Percentage of Total Filled Positions Trained	Percentage of Eligible Filled Positions Trained
Chief	1	0	1	0	0	#DIV/0!	#DIV/0!
Deputy Chiefs	3	3	0	3	3	100%	100%
Lieutenants	13	13	0	13	12	92%	92%
Sergeants	34	27	7	27	26	96%	96%
Officers	198	173	25	138	119	69%	86%
Dispatchers	18	17	1	14	12	71%	86%
CSOs/FEI	79	56	23	56	34	61%	61%
Crisis Outreach Coordinator	1	1	0	1	1	100%	100%
<b>Total</b>	<b>347</b>	<b>290</b>	<b>57</b>	<b>252</b>	<b>207</b>	<b>71%</b>	<b>82%</b>

Personnel Positions that are not designated to attend CIT Training

	Total	Filled	Vacant
Revenue Protection Guards	18	16	2
Police Administrative Specialists	12	9	3
Police Sup./CAD RMS Admin	6	5	1
Civilian Managers/Analyst	4	4	0
Manager Sec Prog	1	1	0
<b>Sub Total</b>	<b>41</b>	<b>35</b>	<b>6</b>
<b>TOTAL PERSONNEL</b>	<b>388</b>	<b>325</b>	<b>63</b>

**FAIR AND IMPARTIAL / BIASED BASED TRAINING AS OF October 31, 2019**

<b>Personnel Positions</b>	<b>Total Positions</b>	<b>Filled Positions</b>	<b>Vacant Positions</b>	<b>Eligible to Attend (Not in Academy or Field Training)</b>	<b>Total of Filled Positions Trained</b>	<b>Percentage of Total Filled Positions Trained</b>	<b>Percentage of Eligible Filled Positions</b>
Chief	1	0	1	0	0	#DIV/0!	#DIV/0!
Deputy Chiefs	3	3	0	3	3	100.0%	100.0%
Lieutenants	13	13	0	13	13	100.0%	100.0%
Sergeants	34	27	7	27	27	100.0%	100.0%
Officers	198	173	25	139	139	80.3%	100.0%
CSOs/FEI	79	56	23	56	54	96.4%	96.4%
<b>Total</b>	<b>328</b>	<b>272</b>	<b>56</b>	<b>238</b>	<b>236</b>	<b>86.8%</b>	<b>99.2%</b>

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

	<b>Total</b>	<b>Filled</b>	<b>Vacant</b>
Dispatchers	18	17	1
Crisis Outreach Coordinator	1	1	0
Revenue Protection Guards	18	16	2
Police Administrative Specialists	12	9	3
Police Sup./CAD RMS Admin	6	5	1
Civilian Managers/Analyst	4	4	0
Manager Sec Prog	1	1	0
<b>Sub Total</b>	<b>60</b>	<b>53</b>	<b>7</b>
<b>TOTAL PERSONNEL</b>	<b>388</b>	<b>325</b>	<b>63</b>

**POLICE ROADWAY PROTECTION TRAINING AS OF: October 31, 2019**

<b>Personnel Positions</b>	<b>Total Positions</b>	<b>Filled Positions</b>	<b>Vacant Positions</b>	<b>Eligible to Attend (Not in Academy, FTO, or IND/Leave)</b>	<b>Total of Filled Positions Trained</b>	<b>Percentage of Total Filled Positions Trained</b>	<b>Percentage of Eligible Filled Positions</b>
Chief	1	0	1	0	0	#DIV/0!	#DIV/0!
Deputy Chiefs	3	3	0	3	3	100.0%	100.0%
Lieutenants	13	13	0	13	10	76.9%	76.9%
Sergeants	34	27	7	27	27	100%	100.0%
Officers	198	173	25	139	139	80.3%	100.0%
<b>Total</b>	<b>249</b>	<b>216</b>	<b>33</b>	<b>182</b>	<b>179</b>	<b>82.9%</b>	<b>98.4%</b>

Personnel Positions that are not REQUIRED to attend Police Roadway Protection Training

	<b>Total</b>	<b>Filled</b>	<b>Vacant</b>
Dispatchers	18	17	1
Crisis Outreach Coordinator	1	1	0
Revenue Protection Guards	18	16	2
CSO/FEI	79	56	23
Police Administrative Specialists	12	9	3
Police Sup./CAD RMS Admin	6	5	1
Civilian Managers/Analyst	4	4	0
Manager Sec Prog	1	1	0
<b>Sub Total</b>	<b>139</b>	<b>109</b>	<b>30</b>
<b>TOTAL PERSONNEL</b>	<b>388</b>	<b>325</b>	<b>63</b>

## Use of Force Incidents - 2019

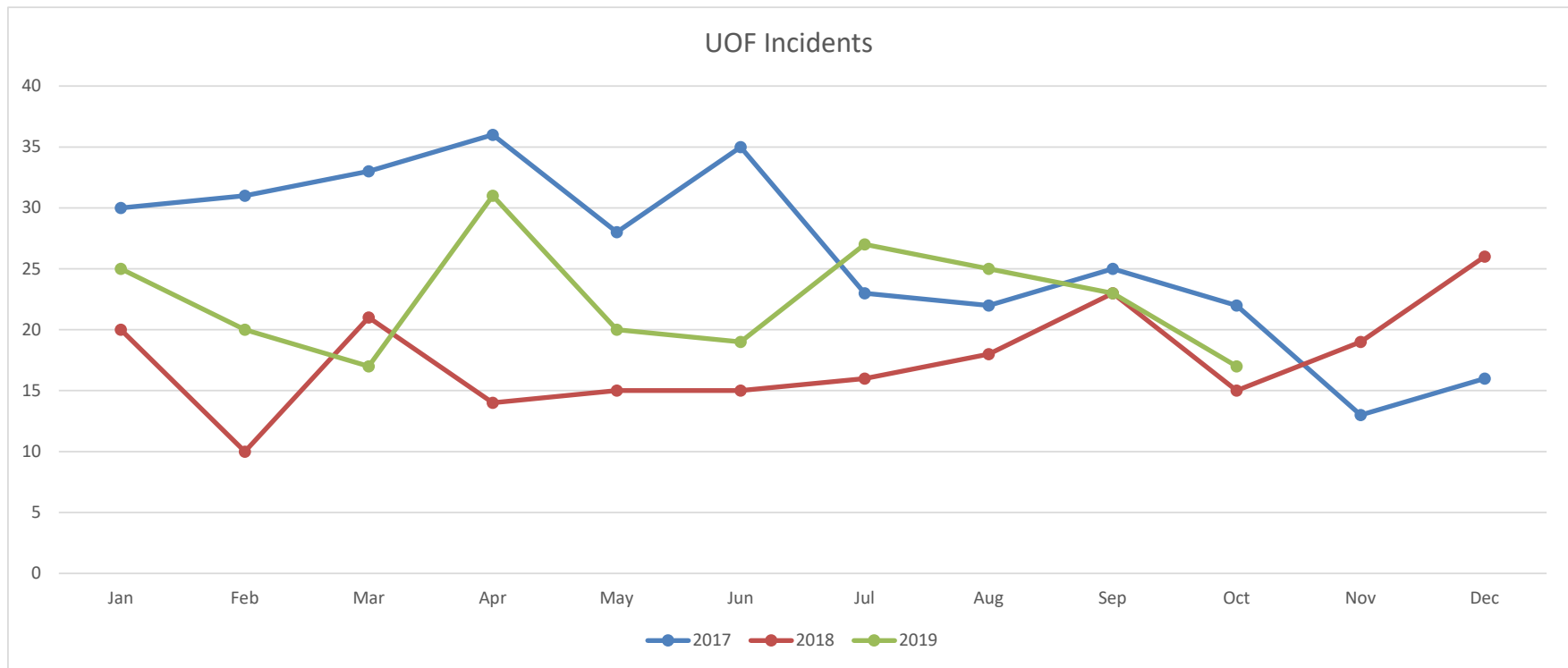
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2019	25	20	17	31	20	19	27	25	23	17			
YTD 2019	25	45	62	93	113	132	159	184	207	224			

## Use of Force Incidents - 2018

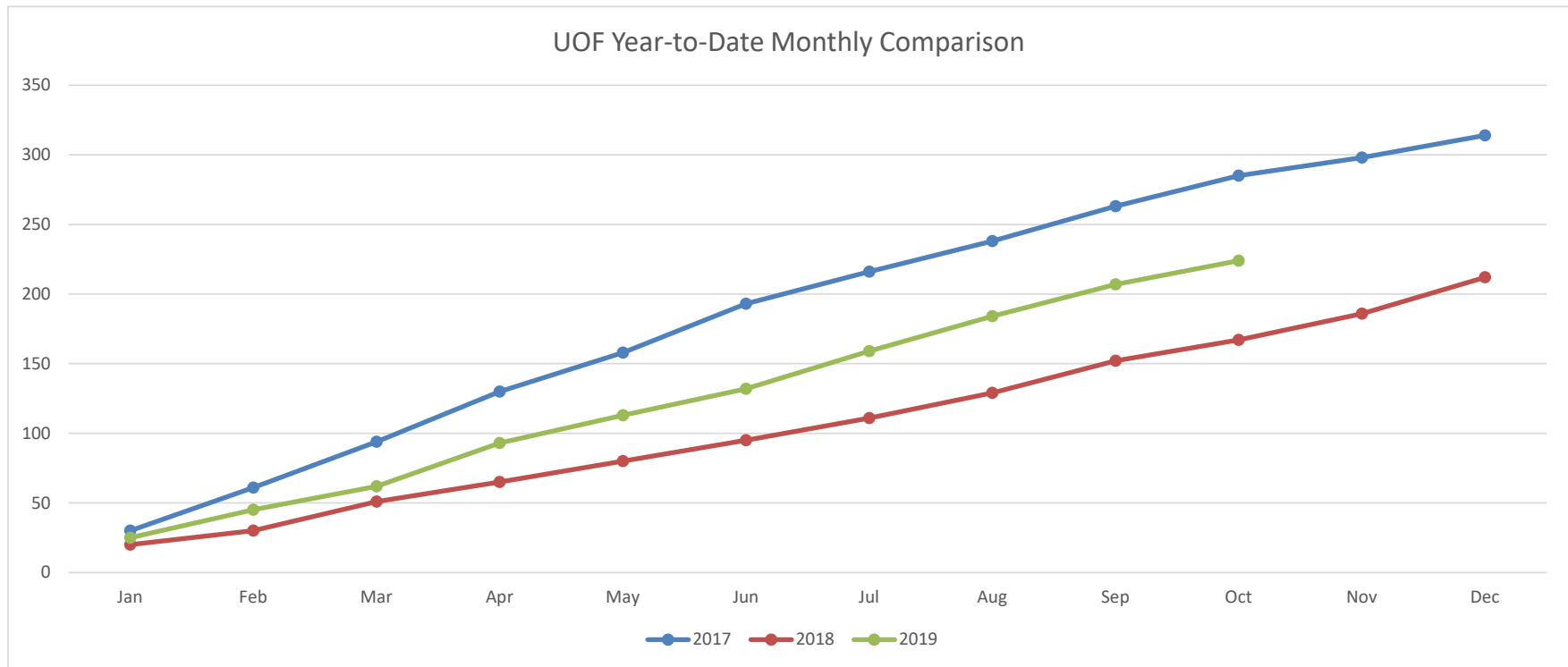
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2018	20	10	21	14	15	15	16	18	23	15	19	26	212
YTD 2018	20	30	51	65	80	95	111	129	152	167	186	212	

## Use of Force Incidents - 2017

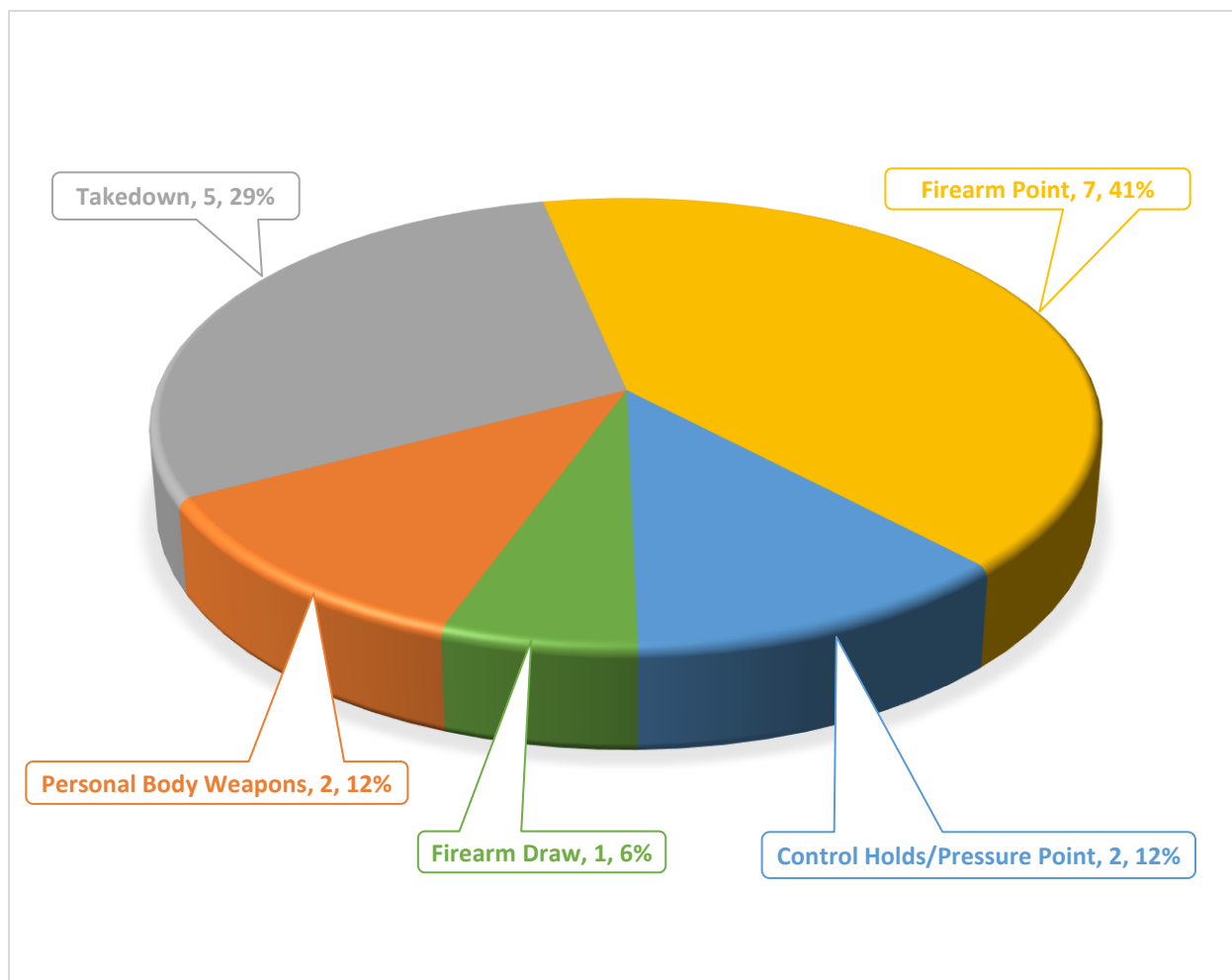
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2017	30	31	33	36	28	35	23	22	25	22	13	16	314
YTD 2017	30	61	94	130	158	193	216	238	263	285	298	314	





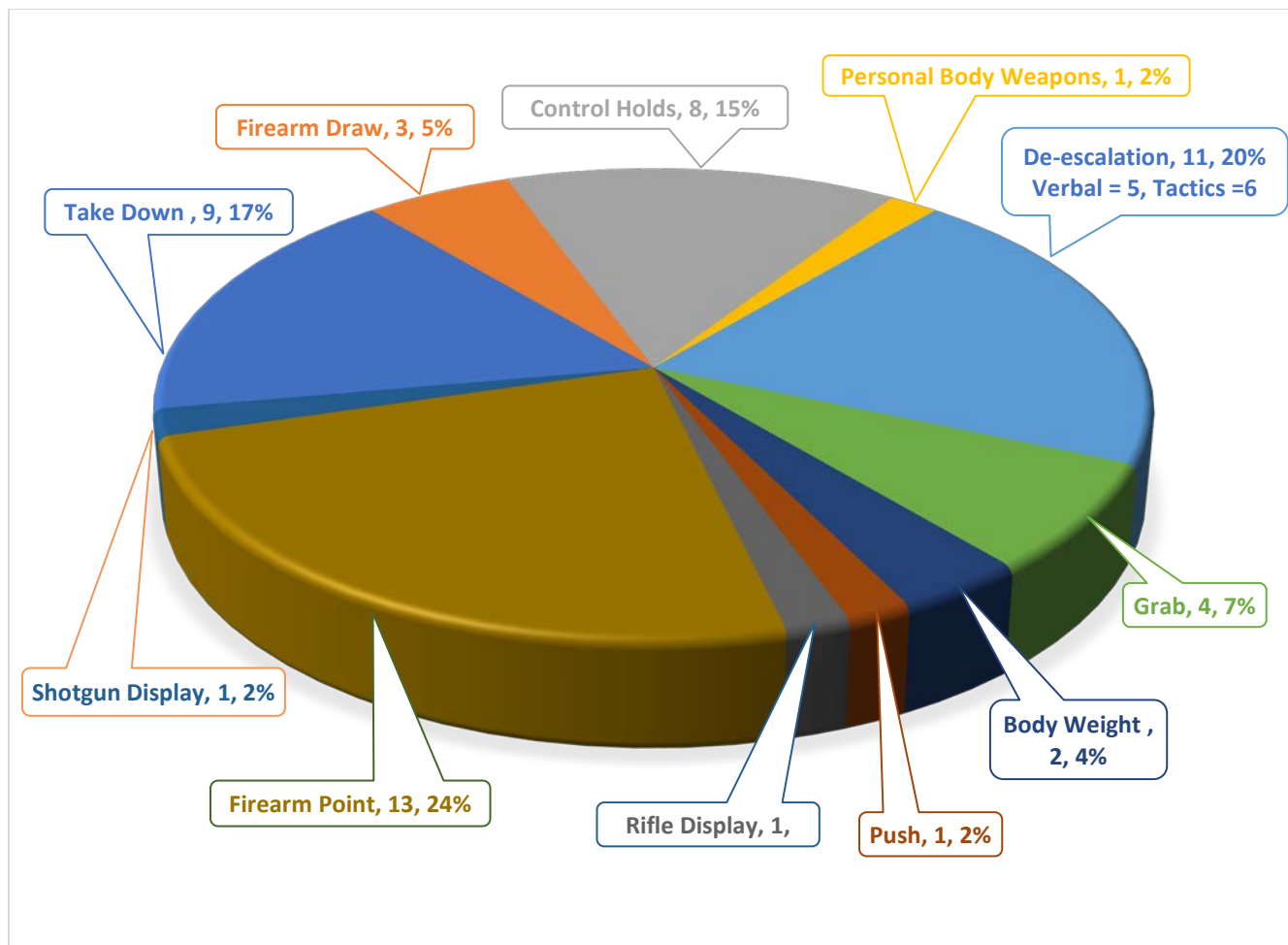


## Force Options Used (Incident Count), October 2019



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

## Types of Force Used, October 2019 (Overall Total)



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

## Citizen Complaints - 2019

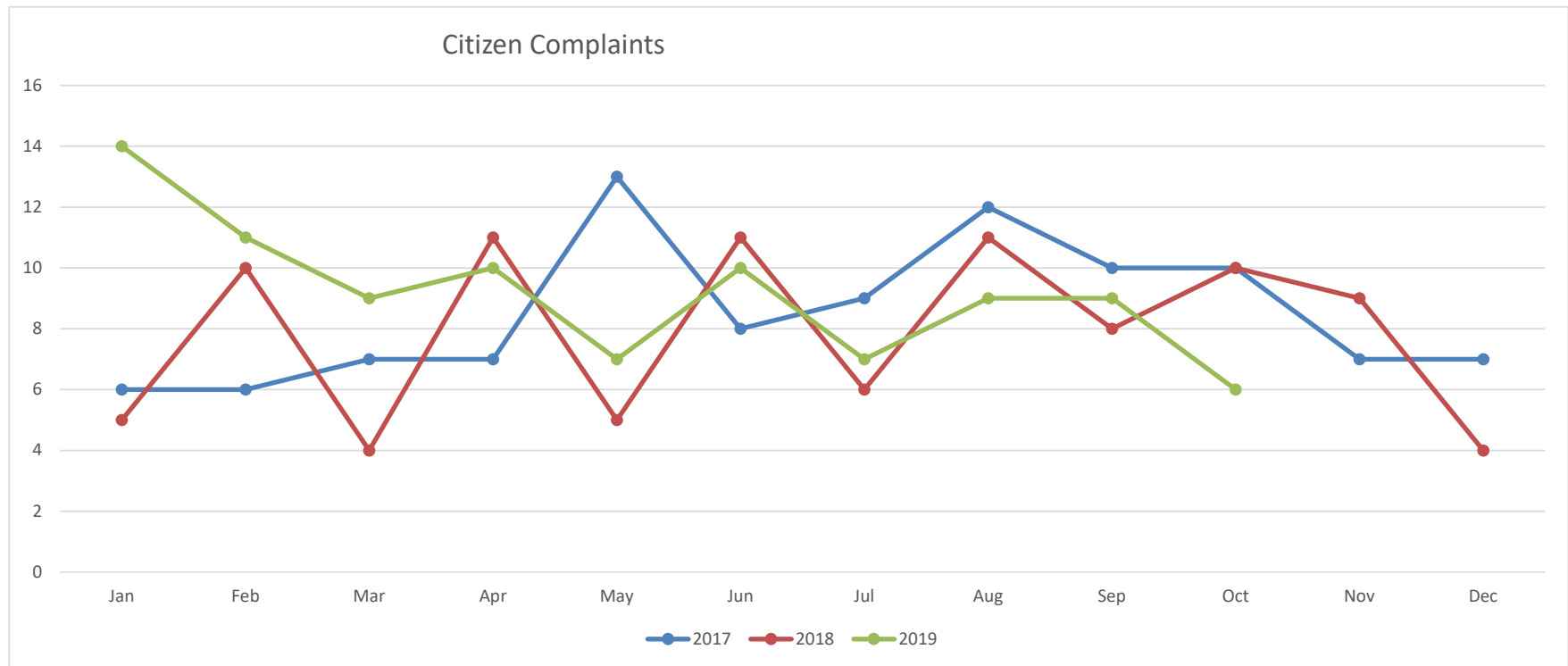
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2019	14	11	9	10	7	10	7	9	9	6			
YTD 2019	14	25	34	44	51	61	68	77	86	92			

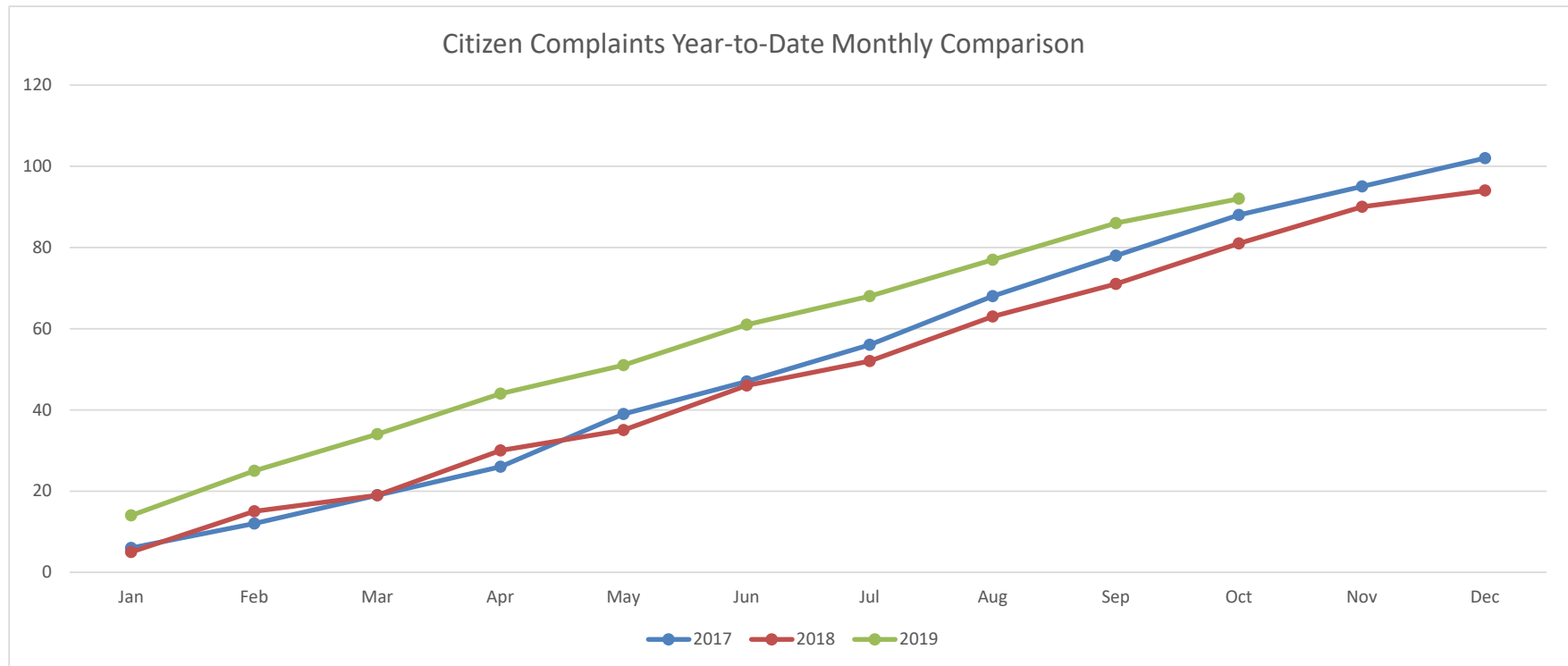
## Citizen Complaints - 2018

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2018	5	10	4	11	5	11	6	11	8	10	9	4	94
YTD 2018	5	15	19	30	35	46	52	63	71	81	90	94	

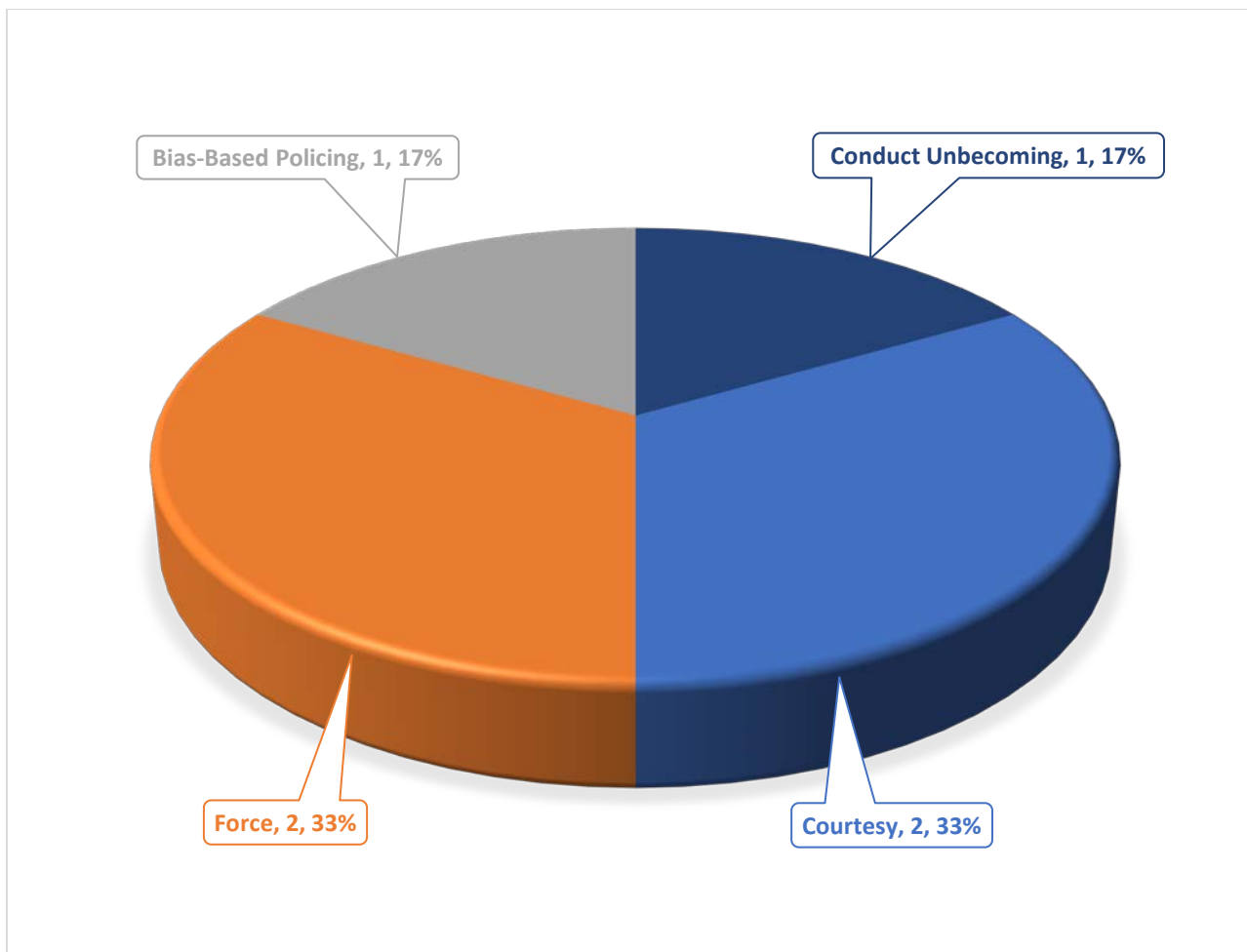
## Citizen Complaints - 2017

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





# Complaints Received (Incident Count), October 2019



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

BART Police Department - Office of Internal Affairs								
Investigation Log - October 2019								
IA	DATE							
CASE #	OCC'D	REC'D	ALLEGATION	MISC	INVESTIGATOR	STATUS	5 MONTH DATE	DUE DATE
IA2017-040	01/31/17	5/18/2017	Force		Sgt. McNack	In Progress	10/17/17	
			Force					
IA2018-001	01/03/18	1/3/2018	Force (OIS)		Sgt. T. Salas	Tolled	06/04/18	
IA2018-032	UNK	4/20/2018	BBP, POD, CUBO	Deferred to OIPA #18-16		Tolled	9/23/2018	
IA2018-043	43257	6/6/2018	Force		Sgt. McNack	Tolled	43409	
IA2018-060	43303	7/23/2018	Service Review		Lt. Franklin	Tolled	43457	
IA2019-024		2/17/2019	CUBO		Sgt. McNack	In Progress	7/19/2019	2/17/2020
IA2019-025	2/21/2019	2/25/2019	Force, CUBO		Sgt. McNack	In Progress	7/23/2019	2/25/2020
IA2019-034	3/7/2019	3/13/2019		Deferred to OIPA #19-10		OIPA Investigation	3/13/2019	3/13/2020
IA2019-036	1/27/2019	3/18/2019	Force, Arrest/Detention	Deferred to OIPA #19-11		OIPA Investigation	8/17/2019	3/18/2020
IA2019-037	3/18/2019	3/18/2019		OIPA Intake #19-12 Admin Closure	Sgt. McNack	In Progress	8/17/2019	3/18/2020
IA2019-041	3/26/2019	3/25/2019	Force, Policy/Procedure	Deferred to OIPA #19-13		OIPA Investigation	8/17/2019	3/25/2020
IA2019-042	1/27/2019	3/29/2019	POD, CUBO, Policy/Procedure		Sgt. McNack	In Progress	8/28/2019	3/29/2020
IA2019-050	4/11/2019		Per Chief, regarding how department handled a call for service	Service Review	Sgt. T. Salas	In Progress	5/12/2019	12/31/1900
IA2019-052	4/16/2019	4/16/2019	Force, CUBO		Sgt. McNack	In Progress	9/15/2019	4/16/2020
IA2019-053	4/17/2019	4/17/2019	CUBO, BBP	Admin Closure	Sgt. McNack	In Progress	9/16/2019	4/17/2020
IA2019-054	4/17/2019	4/17/2019	Force, CUBO	Deferred to OIPA #19-15		OIPA Investigation	5/12/2019	4/17/2020
IA2019-056	4/29/2019	4/30/2019	POD, CUBO	SR sent to Sgt. Lee on 05/17/19	Sgt. T. Salas	In Progress	5/30/2019	4/30/2020
IA2019-057	4/29/2019	4/29/2019	Arrest/Detention BBP, CUBO	Deferred to OIPA #19-17		OIPA Investigation	9/28/2019	4/29/2020
IA2019-060	4/8/2019	5/6/2019	Arrest/Detention Force, Axon, CUBO	Deferred to OIPA #19-19		OIPA Investigation	9/10/2019	5/6/2020
IA2019-061	5/11/2019	5/11/2019	Force		Sgt. T. Salas	In Progress	10/10/2019	5/11/2020
IA2019-062	5/16/2019	5/16/2019	Force		Sgt. T. Salas	In Progress	10/15/2019	5/16/2020
IA2019-063	5/7/2019	5/16/2019	Force		Lt. Franklin	In Progress	10/15/2019	5/16/2020
IA2019-065	5/22/2019	5/23/2019	Bias- Based Policing	Clear by video	Sgt. T. Salas	In Progress	10/22/2019	5/23/2020
IA2019-067	5/16/2019	5/16/2019	Force		Sgt. McNack	In Progress	10/15/2019	5/16/2020
IA2019-068	6/3/2019	6/3/2019	Force		Sgt. McNack	In Progress	11/2/2019	6/3/2020
IA2019-069	6/4/2019	6/4/2019	CUBO		Sgt. McNack	In Progress	11/3/2019	6/4/2020
IA2019-070	6/6/2019	6/6/2019	POD	OIPA Intake #19-21	Sgt. McNack	In Progress	10/15/2019	6/6/2020
IA2019-071	6/6/2019	6/11/2019	Bias-Based Policing CUBO		Sgt. McNack	In Progress	11/10/2019	6/11/2020
IA2019-072	6/5/2019	6/6/2019	Force		Sgt. McNack	In Progress	11/12/2019	6/6/2020
IA2019-073	6/13/2019	6/14/2019	Bias-Based Policing	OIPA Intake #19-22	Sgt. McNack	In Progress	11/13/2019	6/14/2020
IA2019-074	6/25/2019	6/25/2019	Force		Sgt. T. Salas	In Progress	11/25/2019	6/25/2020



IA	DATE		ALLEGATION	MISC	INVESTIGATOR	STATUS	5 MONTH DATE	DUE DATE
	CASE #	OCC'D						
IA2019-077	5/16/2019	5/16/2019	Axon Camera		Sgt. T. Salas	In Progress	10/15/2019	5/16/2020
IA2019-078	6/29/2019	7/2/2019	BBP, POD	Clear by video	Sgt. T. Salas	In Progress	12/1/2019	7/2/2020
IA2019-079	4/20/2019	7/2/2019	CUBO		Sgt. T. Salas	In Progress	12/1/2019	7/2/2020
IA2019-080	6/28/2019	7/1/2019	Bias-Based Policing	Admin Closure	Sgt. T. Salas	In Progress	11/30/2019	7/1/2020
IA2019-081	Unk	6/25/2019	POD	OIPA Intake #19-23 Admin Closure	Sgt. T. Salas	In Progress	11/24/2019	6/25/2020
IA2019-082	7/5/2019	7/5/2019	Force		Sgt. McNack	In Progress	12/4/2019	7/5/2020
IA2019-083	4/27/2019	6/17/2019	BBP		Sgt. McNack	In Progress	7/17/2019	6/17/2020
IA2019-087	7/30/2019	7/30/2019	POD	Clear by video	Sgt. T. Salas	In Progress	8/29/2019	7/30/2020
IA2019-088	7/30/2019	7/30/2019	Courtesy		Sgt. McNack	In Progress	12/29/2019	7/30/2020
IA2019-089	8/7/2019	8/13/2019	Force, Courtesy, Arrest or Detention	OIPA Intake #19-23 Admin Closure	Sgt. T. Salas	In Progress	1/12/2020	8/13/2020
IA2019-090	8/11/2019	8/11/2019	Policy/Procedure		Sgt. T. Salas	In Progress	1/10/2020	8/11/2020
IA2019-098	9/2/2019	9/3/2019	Policy/Procedure Force, CUBO Arrest/Detention		Sgt. McNack	In Progress	2/2/2020	9/3/2020
IA2019-099	8/29/2019	8/30/2019	Arrest/Detention Force Policy/Procedure	OIPA Intake #19-35 Clear by Video	Sgt. T. Salas	In Progress	1/29/2020	8/30/2020
IA2019-101	9/1/2019	9/1/2019	CUBO		Sgt. T. Salas	In Progress	1/28/2020	9/1/2020
IA2019-102	8/30/2019	8/30/2019	Courtesy	SR sent to R. Martinez	Lt. Franklin	In Progress	10/3/2019	8/30/2020
IA2019-105	9/6/2019	9/6/2019	Courtesy	S.R.	Sgt. T. Salas	In Progress	10/6/2019	9/6/2020
IA2019-107	9/12/2019	9/12/2019	POD	Clear by Video	Sgt. T. Salas	In Progress	10/3/2019	9/12/2020
IA2019-108	8/26/2019	9/20/2019	Force Arrest/Detention Policy/Procedure	Deferred to OIPA #19-40		OIPA Investigation	10/3/2019	9/20/2020
IA2019-109	9/18/2019	9/19/2019	POD		Sgt. McNack	In Progress	10/19/2019	9/19/2020
IA2019-111	10/1/2019	10/2/2019	Force, CUBO, Search or Seizure		Sgt. McNack	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		In Progress	3/4/2020	10/4/2020
IA2019-113	10/11/2019	10/14/2019	Bias, CUBO, Axon		Sgt. T. Salas	In Progress	3/14/2020	10/14/2020
IA2019-116	10/15/2019	10/15/2019			Sgt. McNack	In Progress	3/15/2020	10/15/2020
IA2019-117	11/04/19	11/04/19	Bias		Sgt. McNack	In Progress	43925	11/04/20
IA2019-118	11/04/19	11/04/19	CUBO		Sgt. McNack	In Progress	43803	11/04/20

PART 1 CRIMES	2014	2015	2016	2017	2018	YTD October		% change from '19
						2018	2019	
Homicide	0	1	1	0	3	3	1	-67%
Rape	2	3	4	8	3	3	4	+33%
Robbery	153	161	232	290	349	264	318	+20%
Aggravated Assault	71	73	93	125	130	108	96	-11%
Violent Crime Subtotal	226	238	330	423	485	378	419	+11%
Burglary (Not Including Auto)	7	4	12	15	18	16	14	-13%
Larceny	2,597	2,325	2,217	2,593	2,590	2,165	2,671	+23%
Auto Theft	522	480	480	420	354	309	201	-35%
Arson	0	0	1	4	4	4	3	-25%
Property Crime Subtotal	3,126	2,809	2,710	3,032	2,966	2,494	2,889	+16%
<b>TOTAL</b>	<b>3,352</b>	<b>3,047</b>	<b>3,040</b>	<b>3,455</b>	<b>3,451</b>	<b>2,872</b>	<b>3,308</b>	<b>+15%</b>



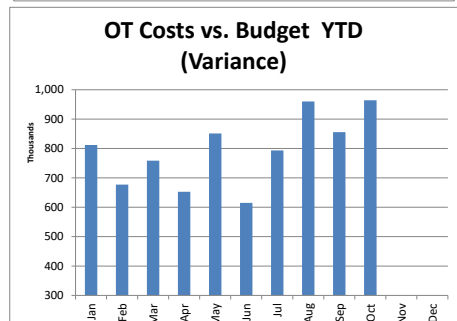
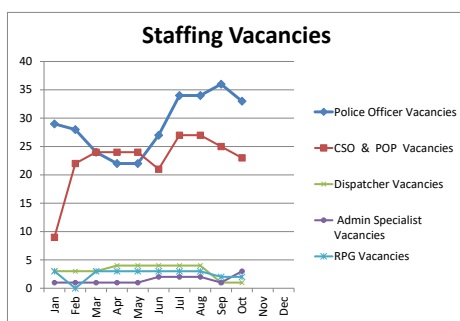
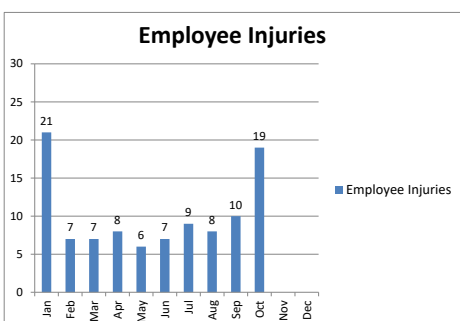
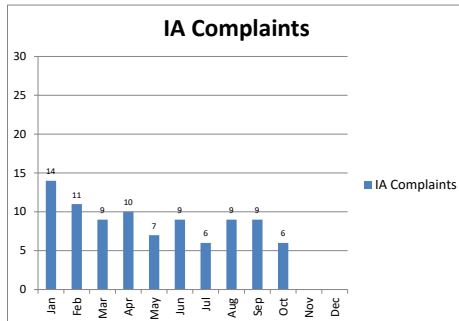
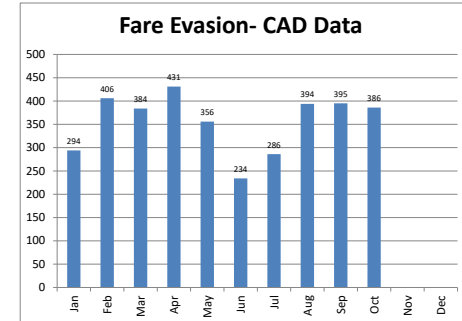
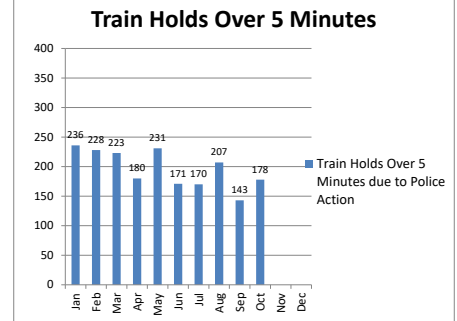
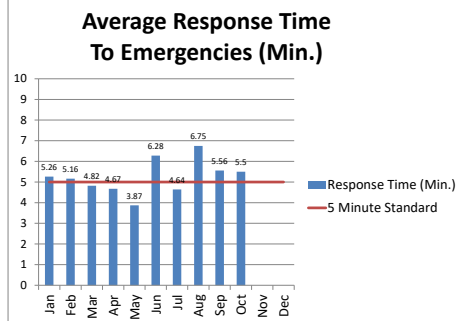
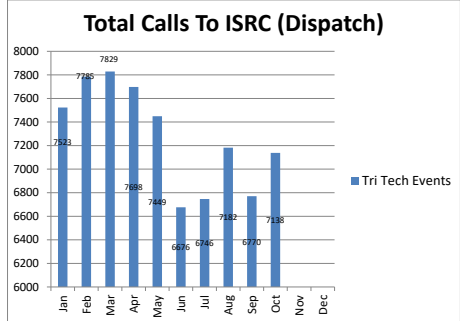
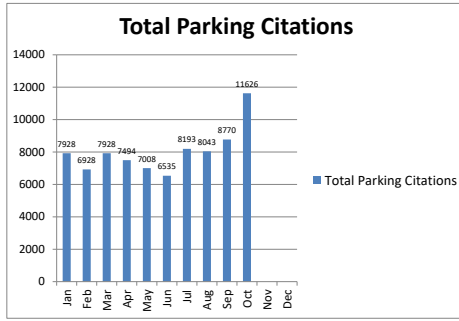
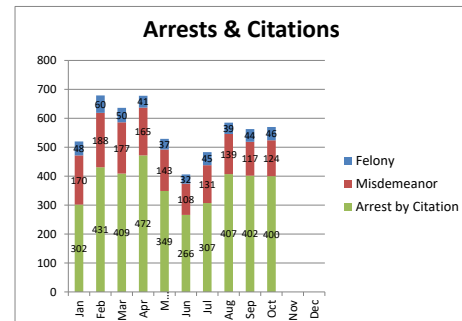
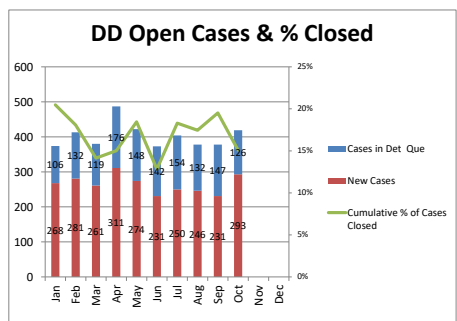
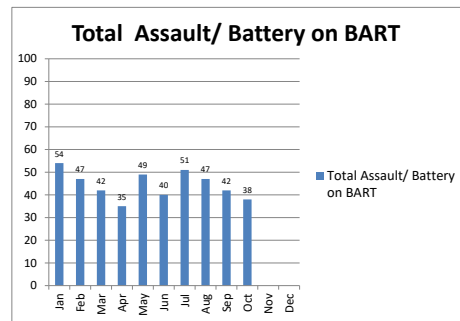
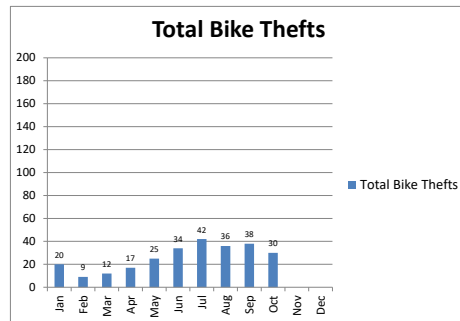
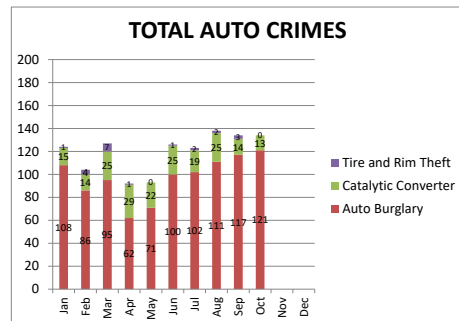
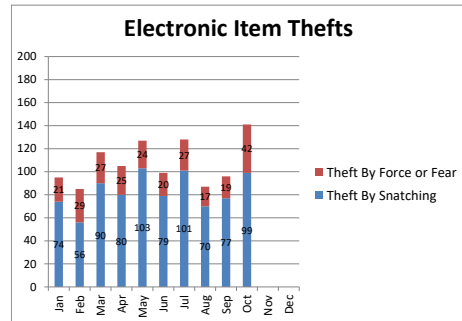
# BART Police Performance Measurements

## October 2019

**Disclaimer--\*\***The data is drawn from the BART Police Department TriTech computer database, and they are unaudited. The numbers may not match the official monthly totals reported to the FBI through the Uniform Crime Reporting (UCR) program. Late reporting, the reclassification or unounding of crimes, can affect crime statistics. **OT Budget costs** are projected numbers and actual numbers are about 4 months behind. The statistics contained in the on the Performance Measurements are **subject to change , updates, and corrections. \*\***

Top 5 Stations For Part 1 Crimes 2019 Current Month	Most Frequent all of 2018 2018 YEAR
Coliseum	Coliseum
West Oakland	West Oakland
Fruitvale	Hayward/ San Leandro
Daly City	Richmond
South Hayward	Fruitvale

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



PART 1 CRIMES	2017	2018	YTD October		% change from '18
			2018	2019	
Homicide	0	2	2	1	-50%
Rape	6	3	3	2	-33%
Robbery	191	215	152	198	+30%
Aggravated Assault	73	87	74	47	-36%
<b>Violent Crime Subtotal</b>	<b>270</b>	<b>307</b>	<b>231</b>	<b>248</b>	<b>+7%</b>
Burglary (Not Including Auto)	8	11	8	8	0%
Larceny	1471	1283	1,126	1,429	+27%
Auto Theft	266	199	172	124	-28%
Arson	2	3	2	3	+50%
<b>Property Crime Subtotal</b>	<b>1747</b>	<b>1496</b>	<b>1,308</b>	<b>1,564</b>	<b>+20%</b>
<b>TOTAL</b>	<b>2017</b>	<b>1803</b>	<b>1,539</b>	<b>1,812</b>	<b>+18%</b>

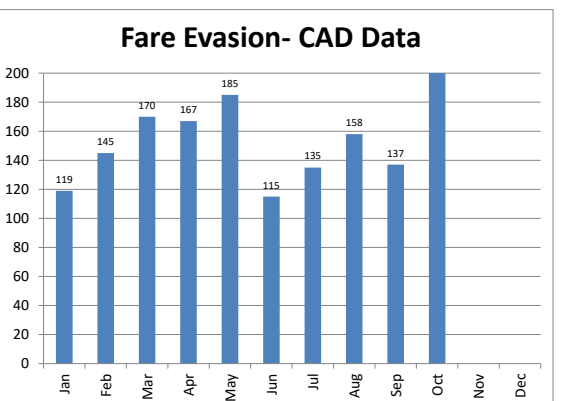
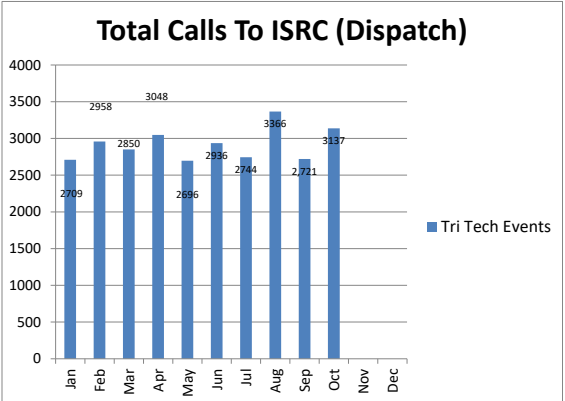
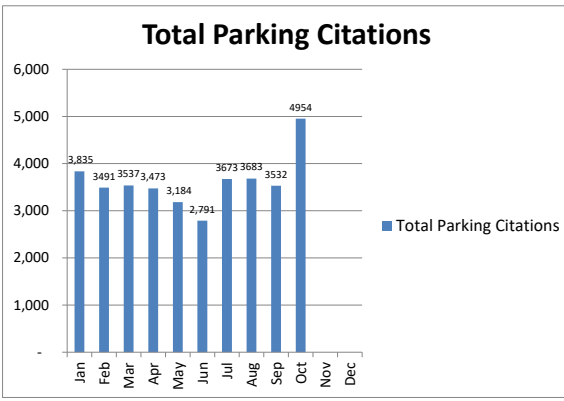
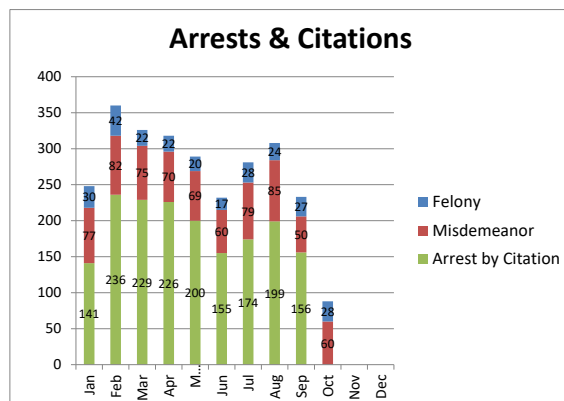
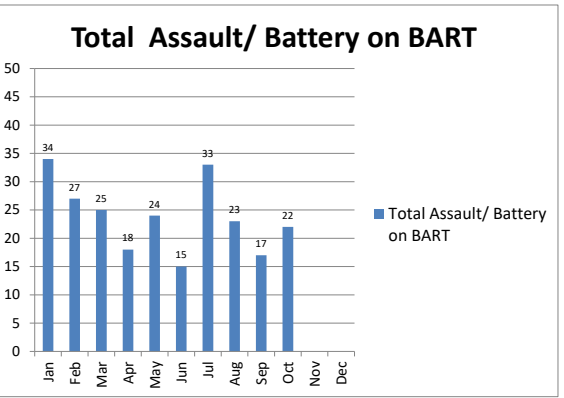
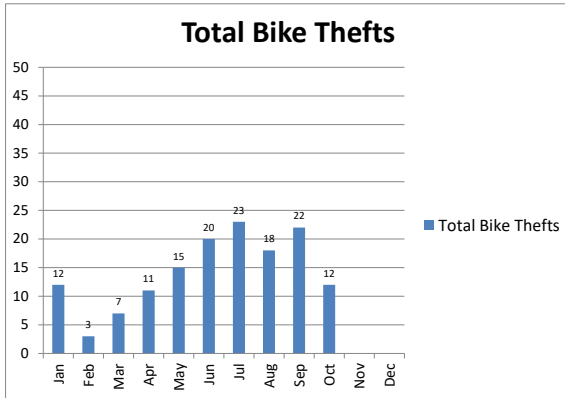
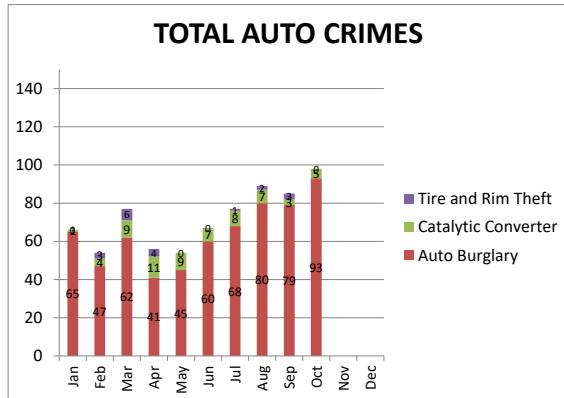
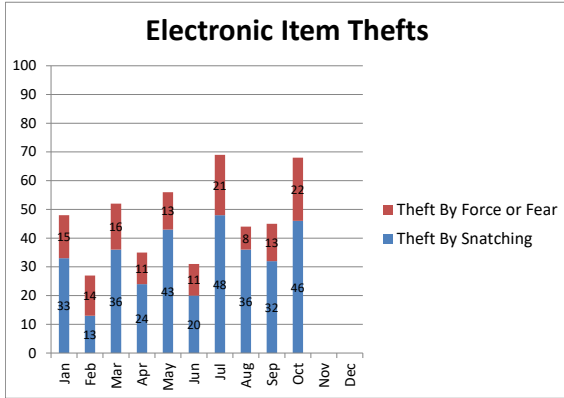


# BART Police Performance Measurements

## Alameda County Crime Statistics

### October 2019

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PART 1 CRIMES	2017	2018	YTD October		% change from '18
			2018	2019	
Homicide	0	1	1	0	-100%
Rape	1	0	0	2	-%
Robbery	35	29	26	29	+12%
Aggravated Assault	23	20	24	16	-33%
<b>Violent Crime Subtotal</b>	<b>59</b>	<b>50</b>	<b>51</b>	<b>47</b>	<b>-8%</b>
Burglary (Not Including Auto)	2	1	1	1	0%
Larceny	675	670	554	509	-8%
Auto Theft	134	135	117	67	-43%
Arson	3	1	1	0	-100%
<b>Property Crime Subtotal</b>	<b>814</b>	<b>807</b>	<b>673</b>	<b>577</b>	<b>-14%</b>
<b>TOTAL</b>	<b>873</b>	<b>857</b>	<b>724</b>	<b>624</b>	<b>-14%</b>

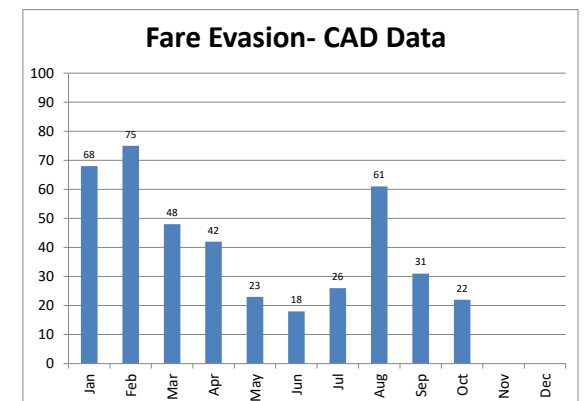
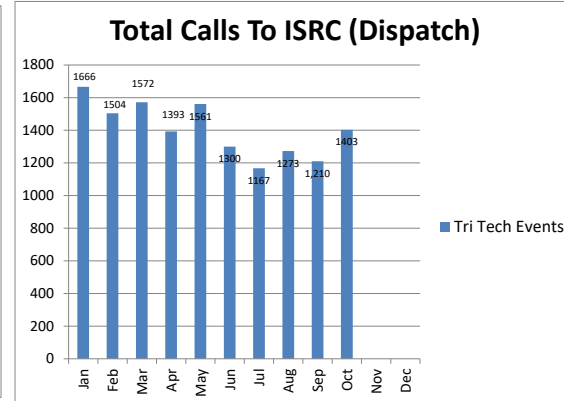
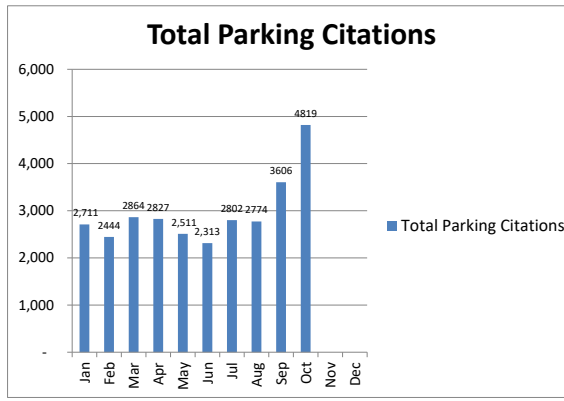
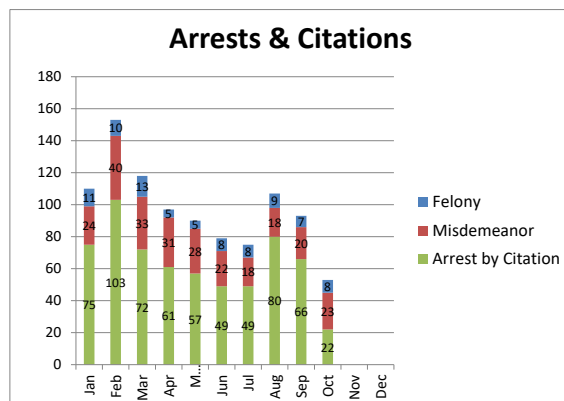
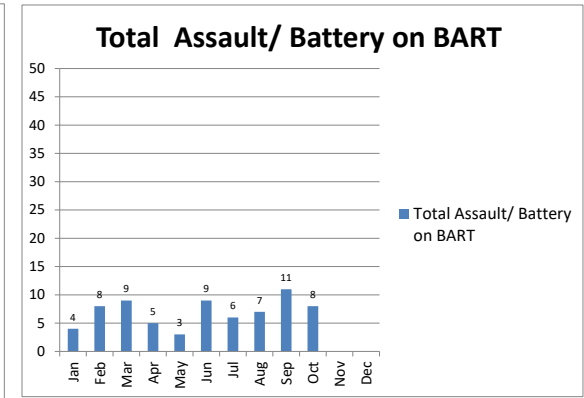
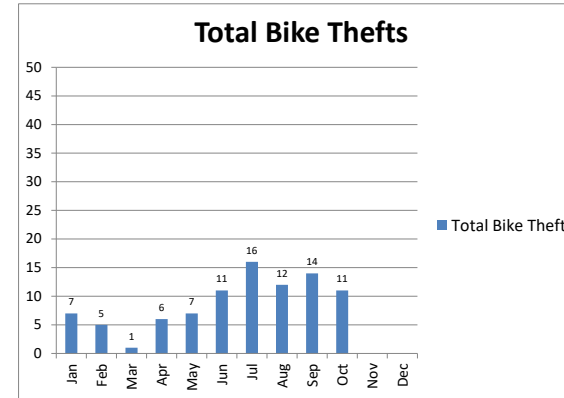
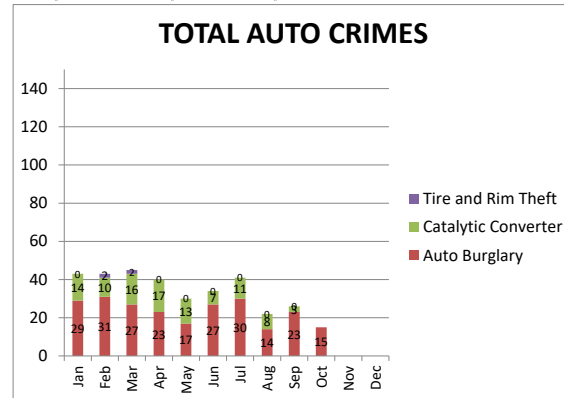
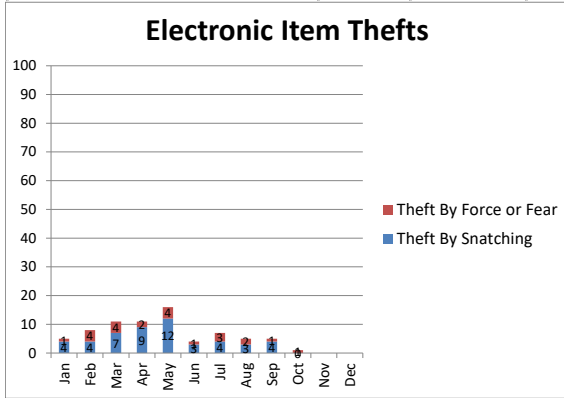


# BART Police Performance Measurements

## Contra Costa County Crime Statistics

### October 2019

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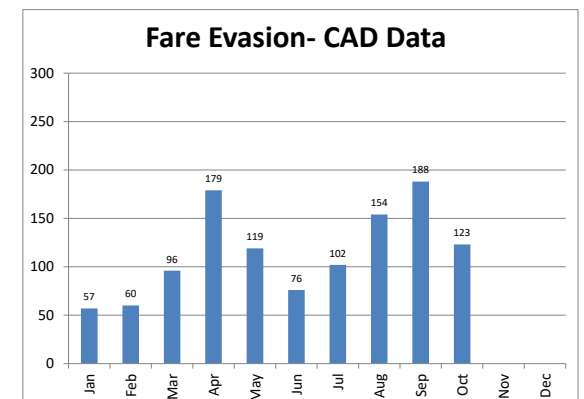
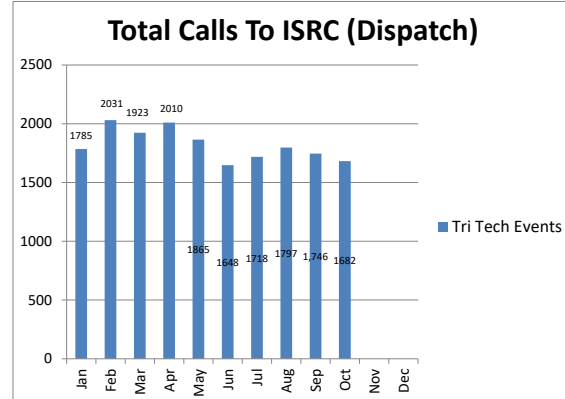
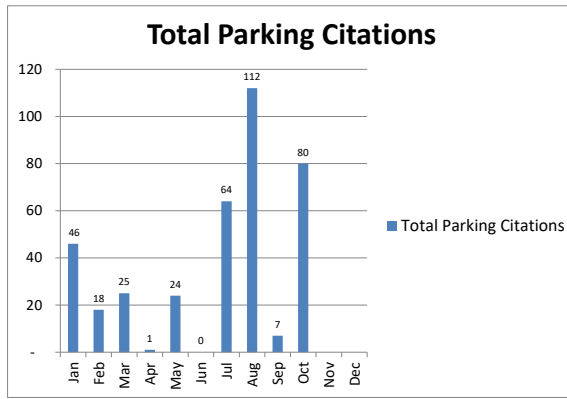
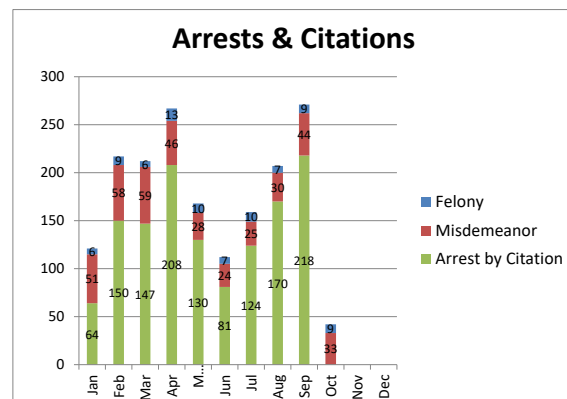
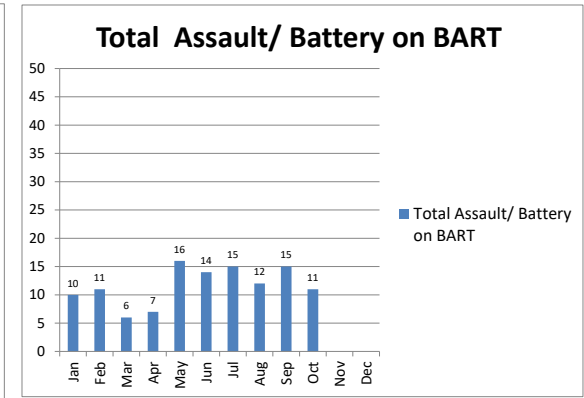
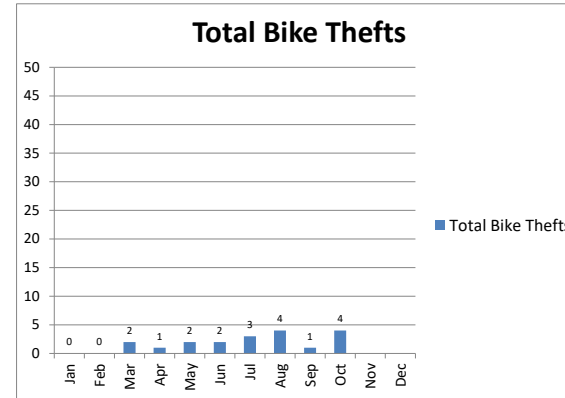
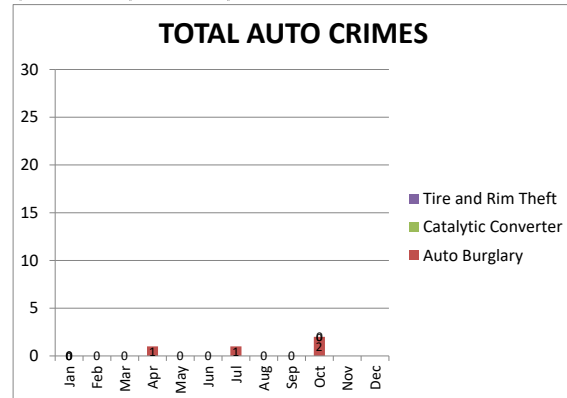
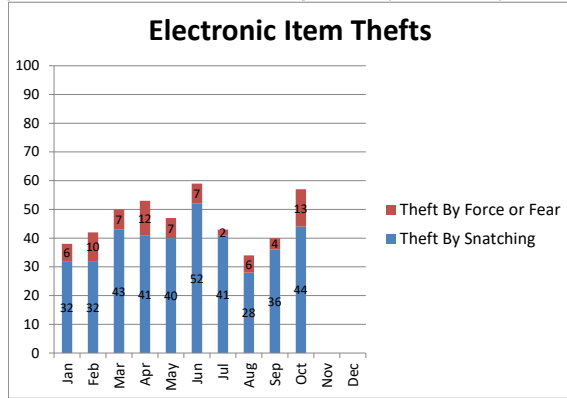


PART 1 CRIMES	2017	2018	YTD October		% change from '18
			2018	2019	
Homicide	0	0	0	0	0%
Rape	0	0	0	0	0%
Robbery	49	97	80	79	-1%
Aggravated Assault	23	18	14	28	+100%
<b>Violent Crime Subtotal</b>	<b>72</b>	<b>115</b>	<b>94</b>	<b>107</b>	<b>+14%</b>
Burglary (Not Including Auto)	5	6	5	3	-40%
Larceny	244	476	354	495	+40%
Auto Theft	2	1	0	1	0%
Arson	0	0	0	0	0%
<b>Property Crime Subtotal</b>	<b>251</b>	<b>483</b>	<b>359</b>	<b>499</b>	<b>+39%</b>
<b>TOTAL</b>	<b>323</b>	<b>598</b>	<b>453</b>	<b>606</b>	<b>+34%</b>



## BART Police Performance Measurements San Francisco County Crime Statistics October 2019

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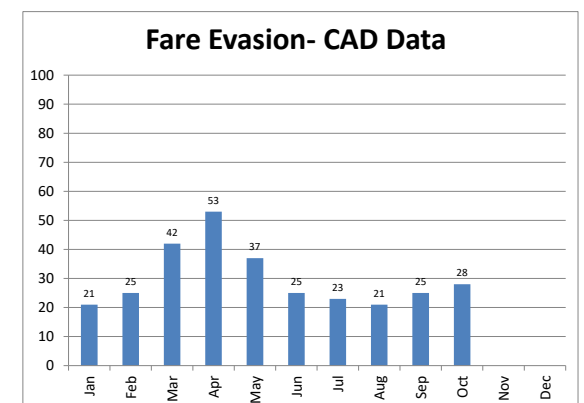
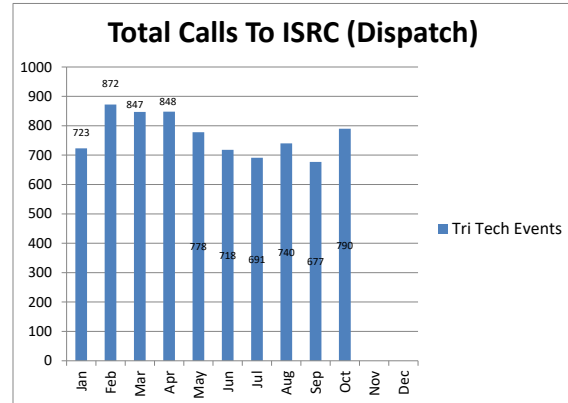
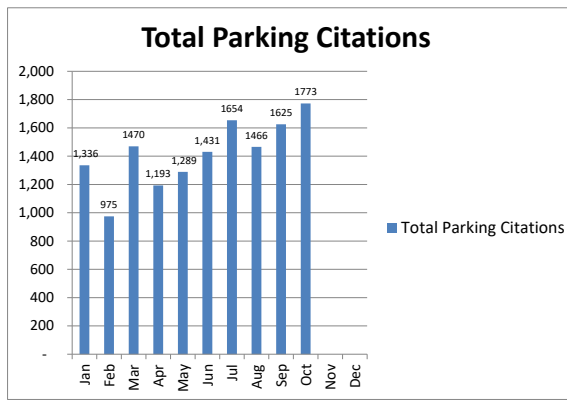
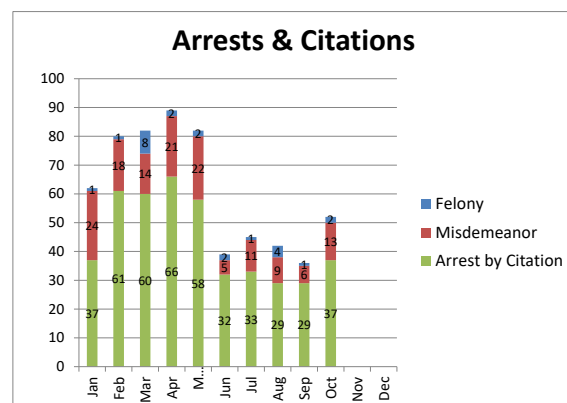
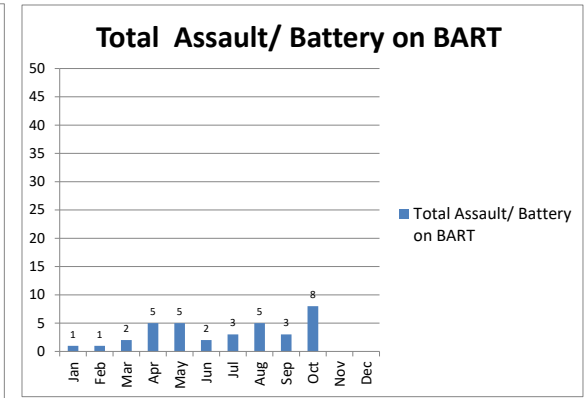
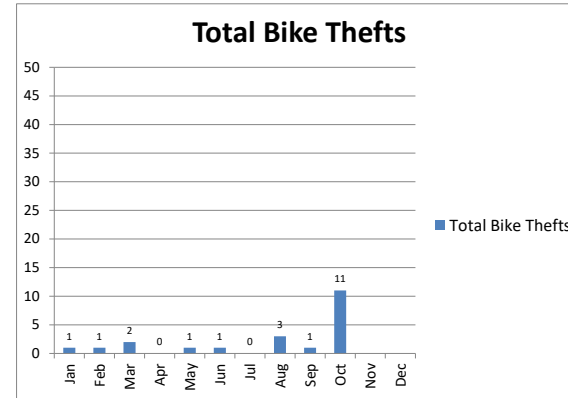
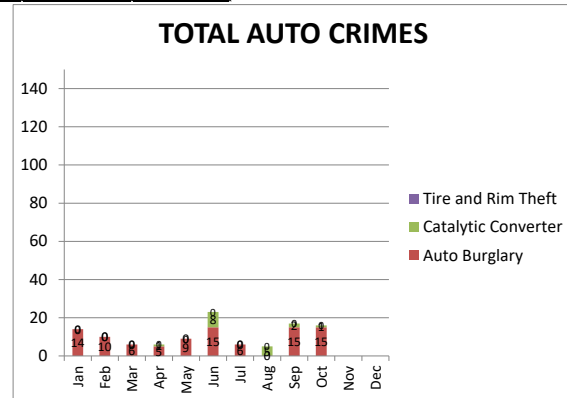
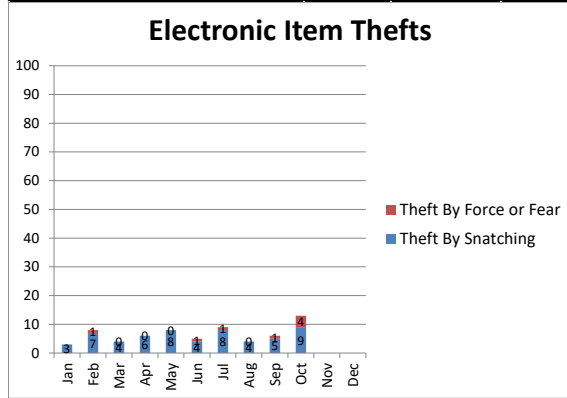


PART 1 CRIMES	2017	2018	YTD October		% change from '18
			2018	2019	
Homicide	0	0	0	0	0%
Rape	1	0	0	0	0%
Robbery	15	8	5	12	+140%
Aggravated Assault	6	5	3	5	+67%
<b>Violent Crime Subtotal</b>	<b>22</b>	<b>13</b>	<b>8</b>	<b>17</b>	<b>+113%</b>
Burglary (Not Including Auto)	0	0	0	1	+100%
Larceny	208	161	135	275	+104%
Auto Theft	18	19	20	9	-55%
Arson	0	0	0	0	0%
<b>Property Crime Subtotal</b>	<b>226</b>	<b>180</b>	<b>155</b>	<b>285</b>	<b>+84%</b>
<b>TOTAL</b>	<b>248</b>	<b>193</b>	<b>163</b>	<b>302</b>	<b>+85%</b>



## BART Police Performance Measurements San Mateo County Crime Statistics October 2019

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## Enforcement Contacts - 2019

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Felony Arrest	48	60	50	41	37	32	45	39	44	46			
YTD 2019	48	108	158	199	236	268	313	352	396	442			
Misd. Arrest	170	188	177	165	143	108	131	139	117	124			
YTD 2019	170	358	535	700	843	951	1,082	1,221	1,338	1,462			
Cite & Release	302	431	409	472	349	266	307	407	402	400			
YTD 2019	302	733	1,142	1,614	1,963	2,229	2,536	2,943	3,345	3,745			
Field Interview	822	983	858	923	751	510	596	701	686	758			
YTD 2019	822	1,805	2,663	3,586	4,337	4,847	5,443	6,144	6,830	7,588			

## Enforcement Contacts - 2018

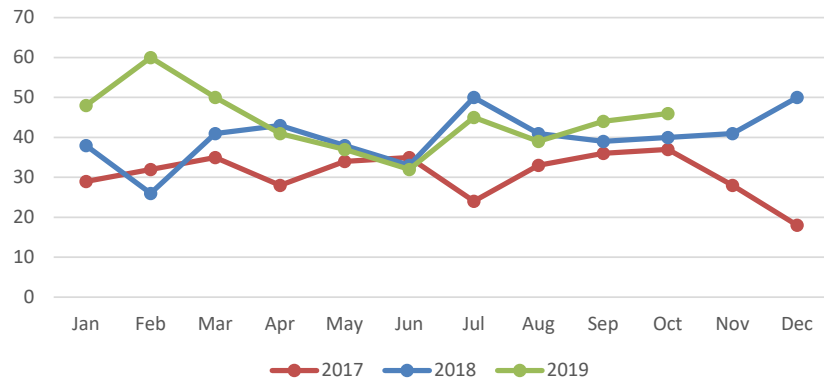
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Felony Arrest	38	26	41	43	38	33	50	41	39	40	41	50	480
YTD 2018	38	64	105	148	186	219	269	310	349	389	430	480	
Misd. Arrest	88	109	123	90	117	142	108	127	119	160	144	129	1,456
YTD 2018	88	197	320	410	527	669	777	904	1,023	1,183	1,327	1,456	
Cite & Release	396	405	457	175	280	235	199	236	151	206	144	176	3,060
YTD 2018	396	801	1,258	1,433	1,713	1,948	2,147	2,383	2,534	2,740	2,884	3,060	
Field Interview	512	581	581	476	527	513	491	605	433	570	489	463	6,241
YTD 2018	512	1,093	1,674	2,150	2,677	3,190	3,681	4,286	4,719	5,289	5,778	6,241	

# Enforcement Contacts - 2017

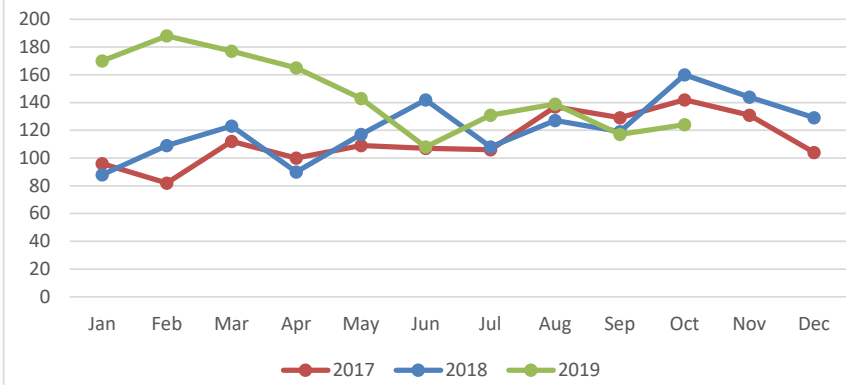
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Felony Arrest	29	32	35	28	34	35	24	33	36	37	28	18	369
YTD 2017	29	61	96	124	158	193	217	250	286	323	351	369	
Misd. Arrest	96	82	112	100	109	107	106	137	129	142	131	104	1,355
YTD 2017	96	178	290	390	499	606	712	849	978	1,120	1,251	1,355	
Cite & Release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



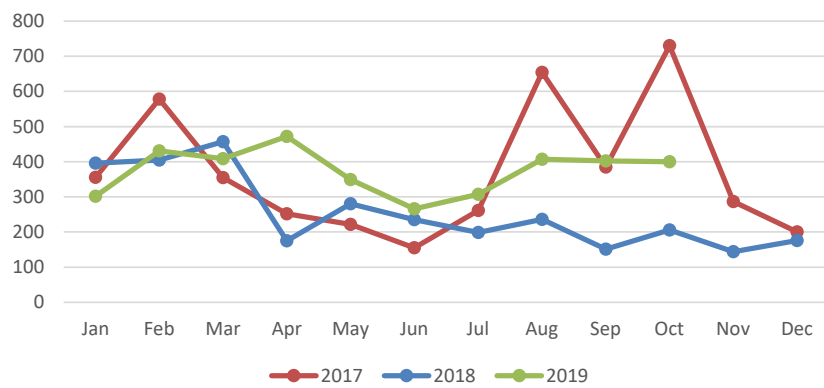
### Felony Arrests



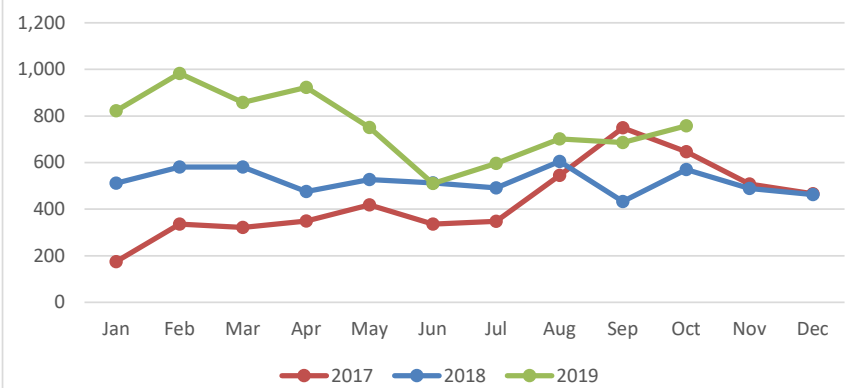
### Misdemeanor Arrests



### Cite & Release



### Field Interviews



## Parking Enforcement - 2019

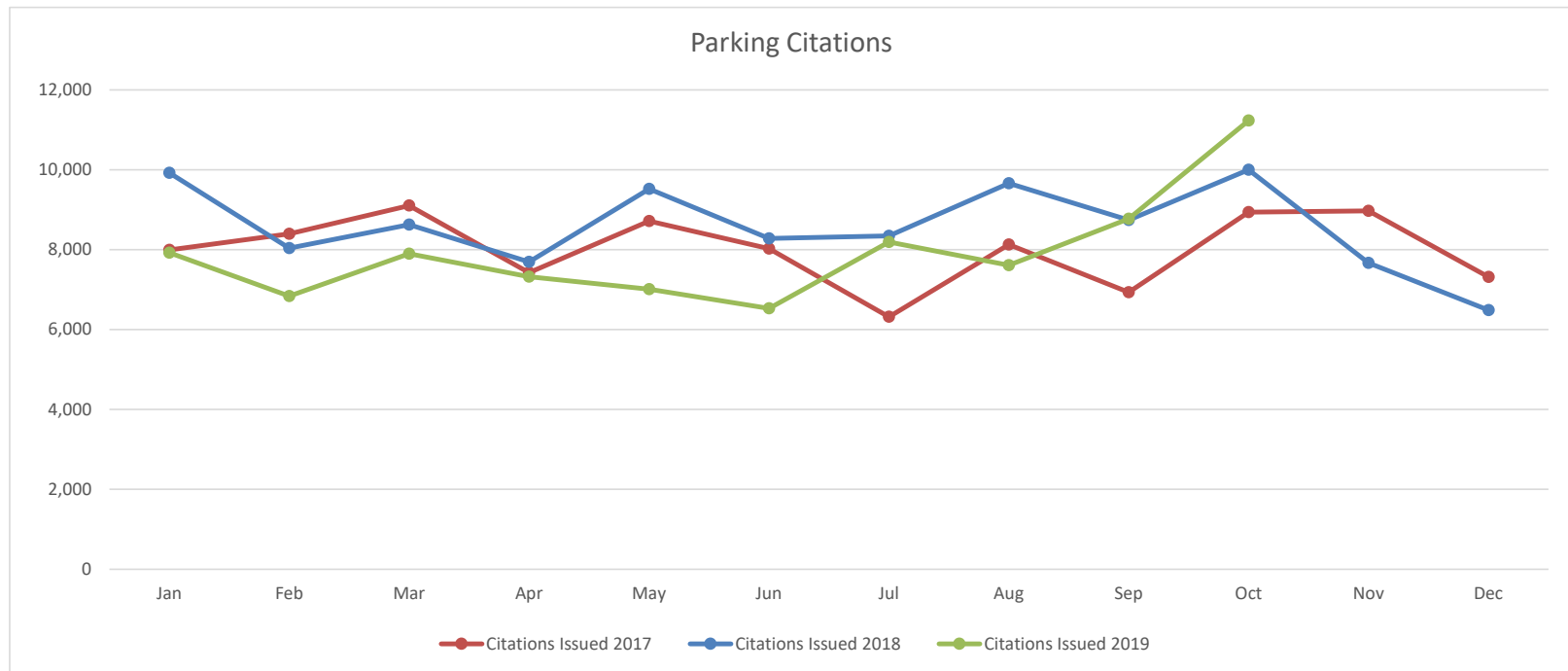
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Citations Issued	7,927	6,837	7,897	7,322	7,010	6,530	8,191	7,614	8,777	11,234			
YTD 2019	7,927	14,764	22,661	29,983	36,993	43,523	51,714	59,328	68,105	79,339			
Contested	1,654	1,605	1,838	1,386	1,803	1,447	1,808	1,682	1,789	2,307			
YTD 2019	1,654	3,259	5,097	6,483	8,286	9,733	11,541	13,223	15,012	17,319			
Dismissed	1,039	983	1,155	890	1,127	890	1,160	1,008	1,018	1,396			
YTD 2019	1,039	2,022	3,177	4,067	5,194	6,084	7,244	8,252	9,270	10,666			

## Parking Enforcement - 2018

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Citations Issued	9,925	8,042	8,629	7,697	9,520	8,281	8,344	9,661	8,744	10,001	7,671	6,488	103,003
YTD 2018	9,925	17,967	26,596	34,293	43,813	52,094	60,438	70,099	78,843	88,844	96,515	103,003	
Contested	2,121	1,808	2,152	1,782	1,827	2,053	1,958	2,211	2,060	2,314	1,925	1,667	23,878
YTD 2018	2,121	3,929	6,081	7,863	9,690	11,743	13,701	15,912	17,972	20,286	22,211	23,878	
Dismissed	1,502	1,200	1,448	1,160	1,152	1,294	1,223	1,438	1,309	1,489	1,197	1,037	15,449
YTD 2018	1,502	2,702	4,150	5,310	6,462	7,756	8,979	10,417	11,726	13,215	14,412	15,449	

## Parking Enforcement - 2017

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



# Warrant Arrests

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
<b>2019</b>												
BART Felony Warrants	3	2	1	2	0	1	0	0	0	3		
BART Misdemeanor Warrants	2	13	3	5	0	3	7	10	2	2		
O/S Felony Warrants	24	39	32	17	16	14	29	17	19	24		
O/S Misdemeanor Warrants	81	73	82	101	61	42	64	57	65	71		
<b>Monthly Total</b>	<b>110</b>	<b>127</b>	<b>118</b>	<b>125</b>	<b>77</b>	<b>60</b>	<b>100</b>	<b>84</b>	<b>86</b>	<b>100</b>		
<b>YTD Total</b>	<b>110</b>	<b>237</b>	<b>355</b>	<b>480</b>	<b>557</b>	<b>617</b>	<b>717</b>	<b>801</b>	<b>887</b>	<b>987</b>		
<b>2018</b>												
BART Felony Warrants	2	1	3	0	2	1	2	2	2	0	1	0
BART Misdemeanor Warrants	3	3	2	2	6	4	1	4	5	7	2	4
O/S Felony Warrants	12	10	16	29	29	8	16	14	10	21	17	23
O/S Misdemeanor Warrants	40	37	68	55	60	36	67	51	41	69	62	67
<b>Monthly Total</b>	<b>57</b>	<b>51</b>	<b>89</b>	<b>86</b>	<b>97</b>	<b>49</b>	<b>86</b>	<b>71</b>	<b>58</b>	<b>97</b>	<b>82</b>	<b>94</b>
<b>YTD Total</b>	<b>57</b>	<b>108</b>	<b>197</b>	<b>283</b>	<b>380</b>	<b>429</b>	<b>515</b>	<b>586</b>	<b>644</b>	<b>741</b>	<b>823</b>	<b>917</b>
<b>2017</b>												
BART Felony Warrants	1	2	1	1	2	3	1	5	1	1	1	0
BART Misdemeanor Warrants	6	4	3	5	9	2	6	17	10	3	8	3
O/S Felony Warrants	20	19	20	18	18	15	10	9	18	16	14	6
O/S Misdemeanor Warrants	39	40	53	53	54	44	52	53	48	74	60	36
<b>Monthly Total</b>	<b>66</b>	<b>65</b>	<b>77</b>	<b>77</b>	<b>83</b>	<b>64</b>	<b>69</b>	<b>84</b>	<b>77</b>	<b>94</b>	<b>83</b>	<b>45</b>
<b>YTD Total</b>	<b>66</b>	<b>131</b>	<b>208</b>	<b>285</b>	<b>368</b>	<b>432</b>	<b>501</b>	<b>585</b>	<b>662</b>	<b>756</b>	<b>839</b>	<b>884</b>



## San Francisco Bay Area Rapid Transit Police Department Criminal Investigations Division Monthly Summary Report Oct, 2019

### Detective Assignments

Total number of cases assigned to detectives during the month	Number of cases that are still being investigated by detectives	Number of cases that all current leads have been exhausted	Number of cases that were sent to the district attorney's offices for a review	Number of cases that the district attorney's offices has not made a final disposition	Number of cases that were charged/probation violation by the district attorney	Number of cases that were not charged by the district attorney's offices	Percentage of cases that the district attorney's offices filed charges	Total number of cases that are assigned to a detective as of November 6, 2019
<b>293</b>	<b>126</b>	<b>24</b>	<b>143</b>	<b>88</b>	<b>28</b>	<b>27</b>	<b>20%</b>	<b>504</b>

**Submitted By: Sgt. J. Guerra #S52**

**Date: 11/06/2019**

## San Francisco Bay Area Rapid Transit Police Department Criminal Investigations Division October 2019

### Detective Closure Rate

Total number of cases assigned to detectives previous 12 months (November 2018 - October 2019)	Number of cases that are still being investigated by detectives	Number of cases that all current leads have been exhausted	Percentage of cases that all current leads have been exhausted	Number of cases closed by arrest or identification of suspect	Percentage of cases closed by arrest or identification of suspect	Percentage of Open Cases
<b>3201</b>	<b>588</b>	<b>777</b>	<b>24%</b>	<b>1638</b>	<b>51%</b>	<b>18%</b>

Plumley	<b>D31</b>	317	82	74	<b>23%</b>	159	<b>50%</b>	<b>26%</b>
Medeiros	<b>D55</b>	323	103	92	<b>28%</b>	128	<b>40%</b>	<b>32%</b>
Krehbiel	<b>D27</b>	432	10	128	<b>30%</b>	287	<b>66%</b>	<b>2%</b>
Davis	<b>D54</b>	450	68	101	<b>22%</b>	269	<b>60%</b>	<b>15%</b>
Rosenbaum	<b>D10</b>	384	35	63	<b>16%</b>	282	<b>73%</b>	<b>9%</b>
Ulep	<b>D52</b>	514	57	40	<b>8%</b>	416	<b>81%</b>	<b>11%</b>
Robbery	<b>Robbery</b>	399	179	198	<b>50%</b>	21	<b>5%</b>	<b>45%</b>
Jones	<b>D70</b>	212	54	81	<b>38%</b>	76	<b>36%</b>	<b>25%</b>

#### CASES IN DETECTIVE QUEUE

		<i>Total</i>	<i>Past 60 days</i>
Plumley	<b>D31</b>	82	20
Medeiros	<b>D55</b>	103	38
Krehbiel	<b>D27</b>	10	0
Davis	<b>D54</b>	68	30
Rosenbaum	<b>D10</b>	35	18
Ulep	<b>D52</b>	57	32
Robbery	<b>Robbery</b>	179	179
Jones	<b>D70</b>	54	4

Submitted by: Sgt. J. Guerra #S52  
Date: November 6, 2019

## Assembly Bill 716 - 2019

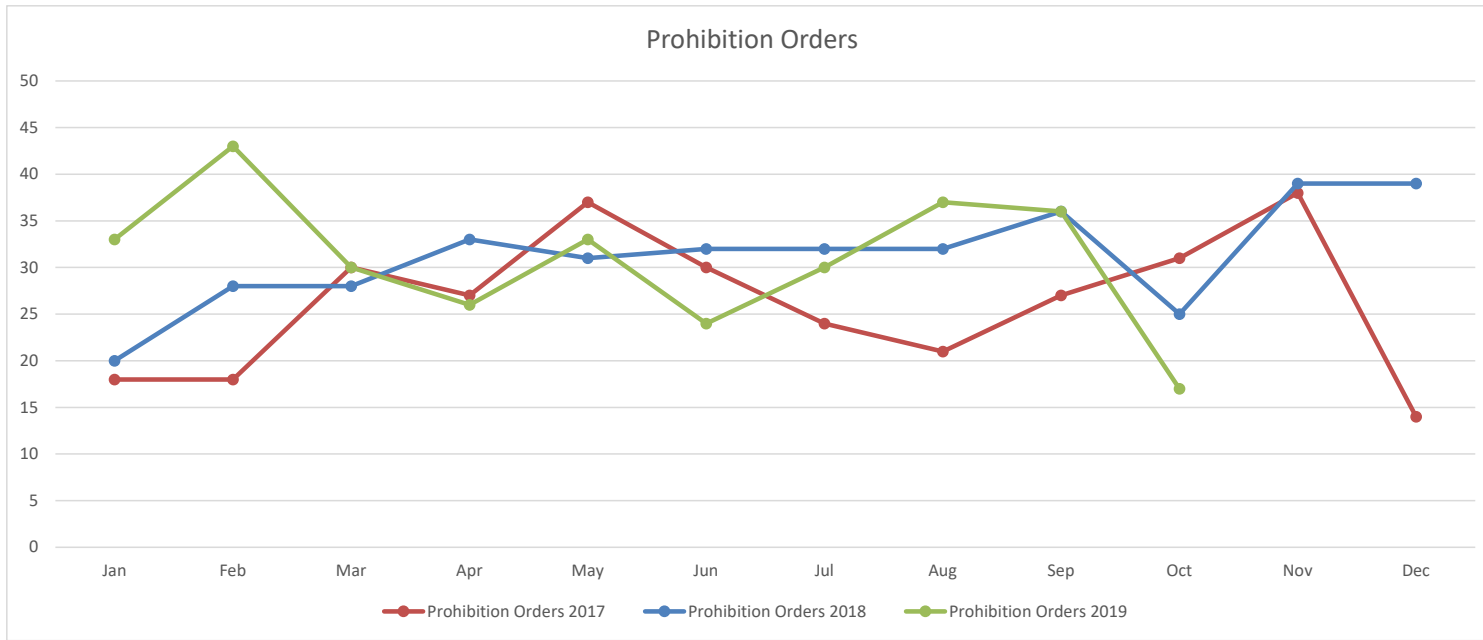
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Prohibition Orders Issued	33	43	30	26	33	24	30	37	36	17			
YTD 2019	33	76	106	132	165	189	219	256	292	309			

## Assembly Bill 716 - 2018

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Prohibition Orders Issued	20	28	28	33	31	32	32	32	36	25	39	39	375
YTD 2018	20	48	76	109	140	172	204	236	272	297	336	375	

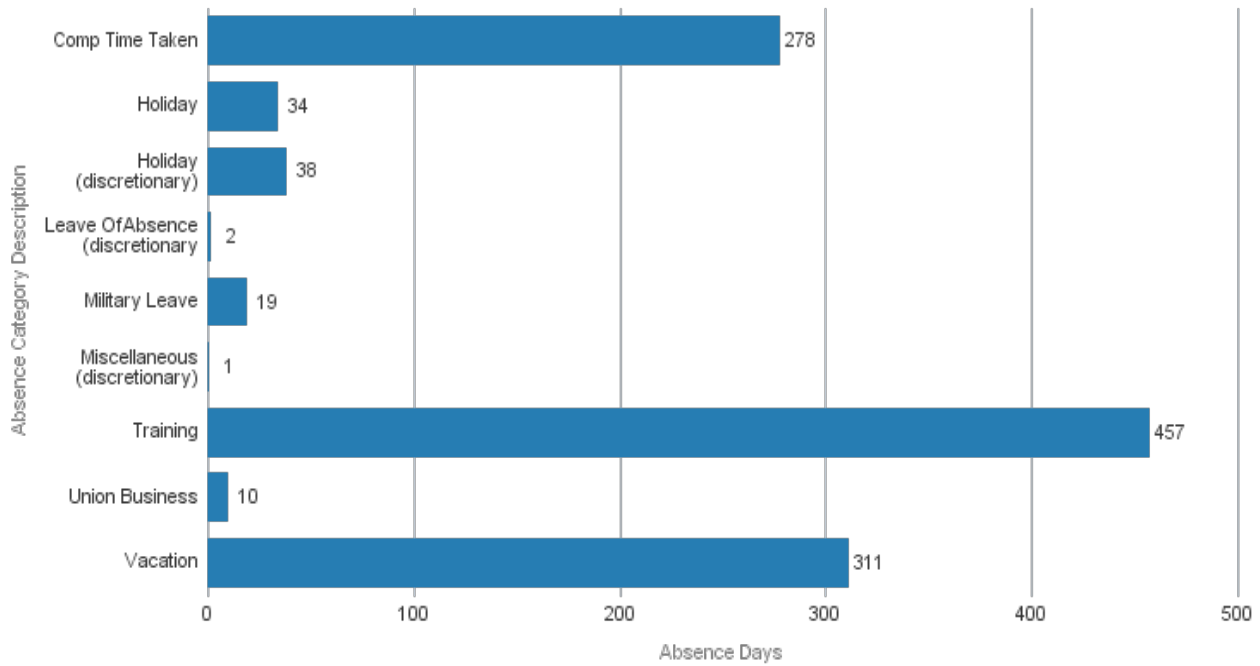
## Assembly Bill 716 - 2017

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



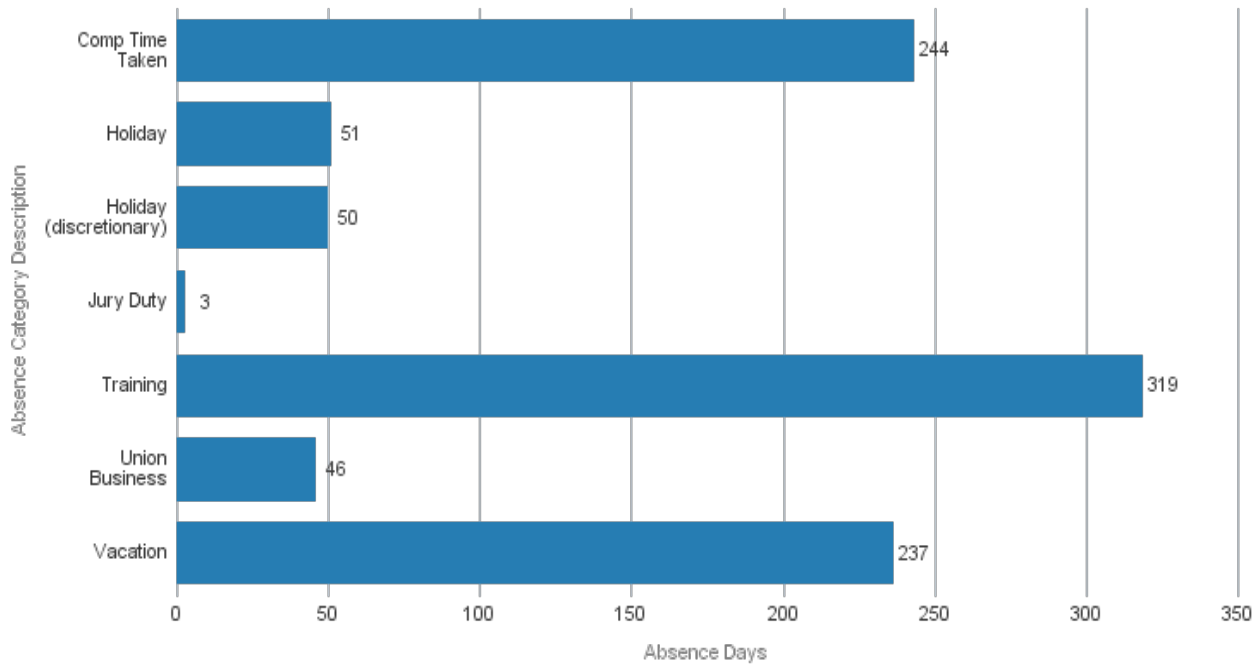


### Scheduled Absence Overview - October 2019



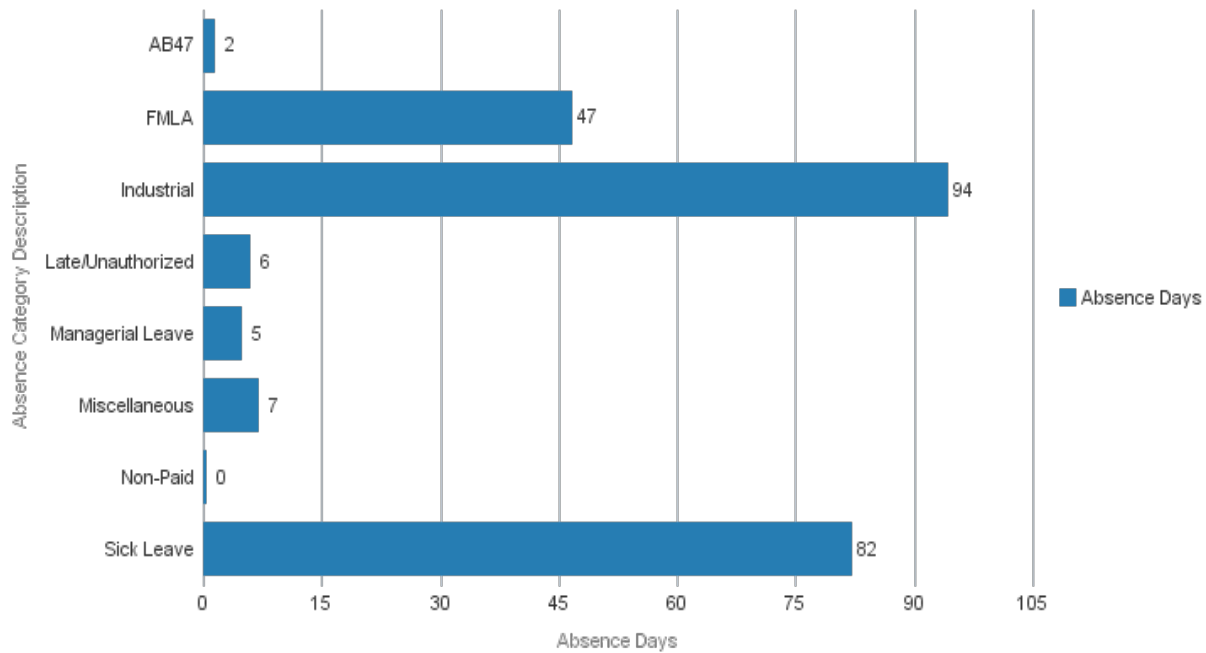
Absence Category Description	Absence Hours	Absence Days	% Total
Comp Time Taken	2,897	278	24%
Holiday	320	34	3%
Holiday (discretionary)	332	38	3%
Leave OfAbsence (discretionary)	17	2	0%
Military Leave	190	19	2%
Miscellaneous (discretionary)	8	1	0%
Training	3,827	457	40%
Union Business	118	10	1%
Vacation	3,116	311	27%
<b>Grand Total</b>	<b>10,825</b>	<b>1,151</b>	<b>100%</b>

### Scheduled Absence Overview - October 2018



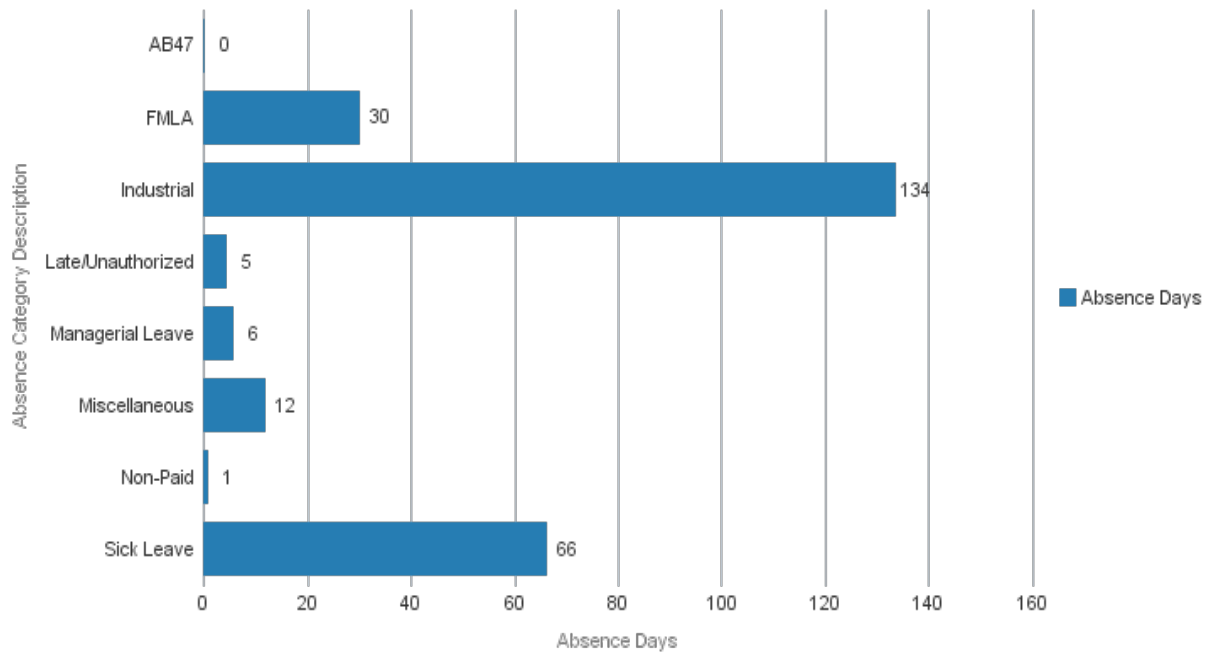
Absence Category Description	Absence Hours	Absence Days	% Total
Comp Time Taken	2,487	244	26%
Holiday	490	51	5%
Holiday (discretionary)	494	50	5%
Jury Duty	30	3	0%
Training	2,970	319	34%
Union Business	484	46	5%
Vacation	2,319	237	25%
<b>Grand Total</b>	<b>9,274</b>	<b>949</b>	<b>100%</b>

### Unscheduled Absence Overview - October 2019



Absence Category Description	Absence Hours	Absence Days	% Total
AB47	14	2	1%
FMLA	451	47	19%
Industrial	997	94	39%
Late/Unauthorized	56	6	2%
Managerial Leave	50	5	2%
Miscellaneous	62	7	3%
Non-Paid	4	0	0%
Sick Leave	811	82	34%
<b>Grand Total</b>	<b>2,444</b>	<b>243</b>	<b>100%</b>

### Unscheduled Absence Overview - October 2018



Absence Category Description	Absence Hours	Absence Days	% Total
AB47	3	0	0%
FMLA	318	30	12%
Industrial	1,330	134	53%
Late/Unauthorized	47	5	2%
Managerial Leave	60	6	2%
Miscellaneous	126	12	5%
Non-Paid	10	1	0%
Sick Leave	674	66	26%
<b>Grand Total</b>	<b>2,568</b>	<b>254</b>	<b>100%</b>

# BART PD OVERTIME MONTHLY REPORT

## October 2019

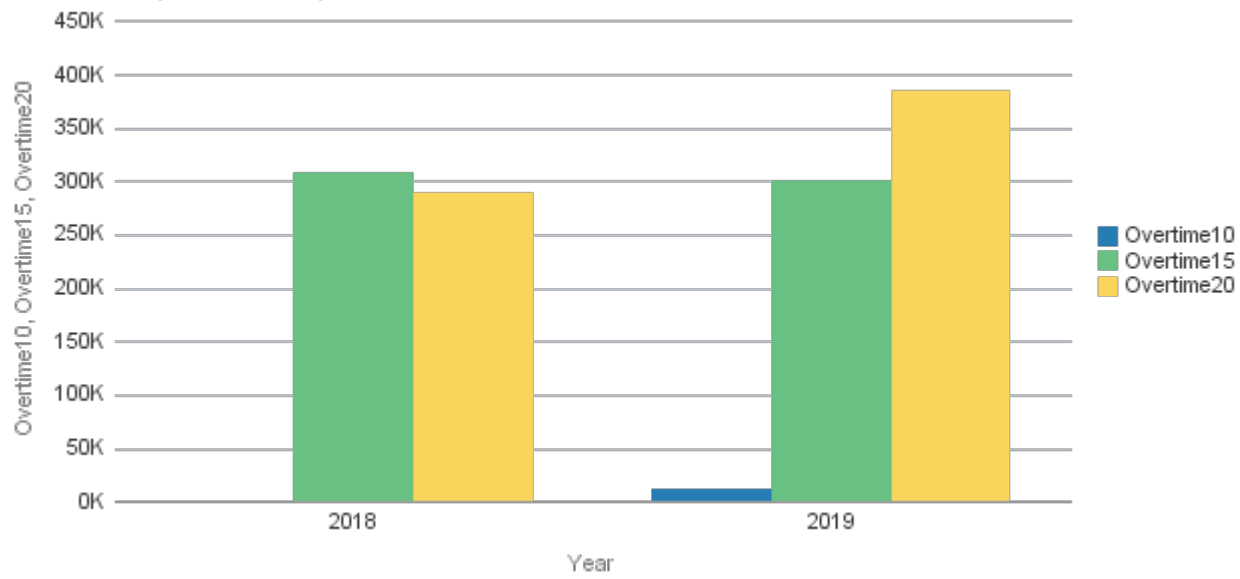
Activity Name	Activity ID	2018			2019		
		Overtime10	Overtime15	Overtime20	Overtime10	Overtime15	Overtime20
EVOC Training	EVOC	0	5,147	5,233	0	0	0
Admin	ADMIN	0	686	0	0	0	0
Admin Pool CapRR	ADMIN	0	686	0	0	0	0
AdminSuppor to be allocated	ADMIN	0	686	0	0	0	0
Administration	ADMIN	0	686	0	0	0	0
Adv Officer Training	ADVOF	0	22,138	16,163	381	18,878	12,503
Anti-Terrorism Measures	TRISM	0	0	0	0	652	0
BART Labor	BLABR	0	1,249	0	0	554	1,288
BF OT Admin Leave BPD	BFALV	0	1,250	0	0	2,673	6,295
BF OT Discr Day BPD	BFDSC	0	2,406	1,221	0	2,073	0
BF OT Industrial Leave BPD	BFILV	0	3,317	6,867	0	1,699	7,570
BF OT Minimum Rest	BFRST	0	403	1,428	0	154	1,741
BF OT Patrol TRN	BFTRN	0	894	611	0	815	7,631
BF OT Recovery Day	BFRCV	471	10,362	25,550	0	7,588	23,505
BF OT Training BPD	BFTRN	0	894	611	0	815	7,631
BF OT Vacancy BPD	BFVCN	0	28,302	29,041	2,553	60,706	119,452
BF OT Vacation BPD	BFVAC	4	36,237	37,360	1,078	45,927	71,031
BF Sick/FMLA/Brvment	BFSLV	346	13,752	16,953	0	11,677	12,875
Backfill for Negotiations	BCKFL	0	0	1,484	0	0	0
Boardroom Security	BRDRM	0	862	2,022	0	1,003	725
Bus Bridge C35	BUC35	0	0	0	0	1,558	1,883
COPPS Project/Event	COPPS	0	2,379	0	0	4,281	0
Calendar Year 2018	CY2018	0	0	0	0	0	0
Calendar Year 2019	CY2019	0	0	0	0	124	0
Capital Pool CapRR	ADMIN	0	686	0	0	0	0
Coliseum Events	CEOPS	0	9,640	13,693	0	6,584	6,231
Court Appearance	COURT	0	978	552	0	1,034	536
Def Tac Instructor TRN	DEFTR	0	0	0	0	1,447	0
Detectives Unit OT	INVST	0	752	239	0	6,054	0

EMS/OWS Pltfrm Detail	PLTFM	0	3,997	2,217	0	13,280	11,040
Evidence Collection	EVIDN	0	296	1,407	0	0	0
Explorer Advisors	EXPLR	0	1,634	0	0	520	0
Final Design	FDSGN	0	1,687	1,971	0	5,233	5,794
Fleet Week	FLEET	0	2,067	7,720	0	787	1,816
Held Over/Late Case	HLD OV	0	19,888	89	0	12,040	1,606
IA Unit Overtime	IAUNT	0	3,743	0	0	4,461	1,289
MTC SECURITY	MTCSC	0	675	1,264	0	0	0
Meeting Attendance	MTNGS	0	1,872	0	0	4,714	0
Mgr of Sec Programs	SECPR	0	623	0	0	61	0
Movie / Film Support	MOVIE	0	0	0	0	499	625
Movie permits	MOVIE	0	0	0	0	499	625
Operating	OPER	0	29,595	38,884	0	0	0
	OPRTN	128	19,895	11,750	2,924	23,113	10,670
P&T Unit Overtime	PTUNT	0	3,818	3,946	543	13,095	11,277
PG&E PublicSafety PowerShutoff	PGEPS	0	0	0	1,961	0	0
Police Admin OT	PADMN	0	17,828	2,366	429	11,014	1,045
Police Admin Training	PATRN	0	0	0	0	0	687
Police Administration Training	PATRN	0	0	0	0	0	687
Ptrl Special Enforcement	SPECL	403	32,231	28,310	1,017	21,185	31,882
Range Staff Training	RANGE	0	0	0	0	2,406	1,684
Rev Protection Unit OT	RVPRT	0	0	0	0	2,350	1,945
SF STA CLN SEC	DSFCS	0	4,900	14,336	262	3,309	8,847
SWAT Team Expenses	SWATT	0	954	0	0	0	0
SWAT Team Training	SWATT	0	954	0	0	0	0
Special Events	SPEVN	0	727	1,866	0	0	0
TSATestBed	TSATB	0	1,801	0	0	0	0
Training	TRNNG	0	1,454	0	0	0	0
Training Other	TRNOT	0	8,006	5,864	0	3,224	6,374
Union Business	UNBUS	1	4,196	6,969	0	1,648	4,505
<b>Grand Total</b>		<b>1,353</b>	<b>307,234</b>	<b>287,988</b>	<b>11,149</b>	<b>299,733</b>	<b>383,293</b>

Oct 2019

596,575

694,175

**Overtime10, Overtime15, Overtime20**

## Communications Center - 2019

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Calls for Service	7,540	7,765	7,829	7,698	7,415	6,598	6,746	7,126	6,758	7,142			
YTD 2019	7,540	15,305	23,134	30,832	38,247	44,845	51,591	58,717	65,475	72,617			
Priority 1 Calls	203	181	202	204	202	213	205	199	222	205			
YTD 2019	203	384	586	790	992	1,205	1,410	1,609	1,831	2,036			
Medical Emergencies	361	310	370	321	396	360	318	323	339	329			
YTD 2019	361	671	1,041	1,362	1,758	2,118	2,436	2,759	3,098	3,427			

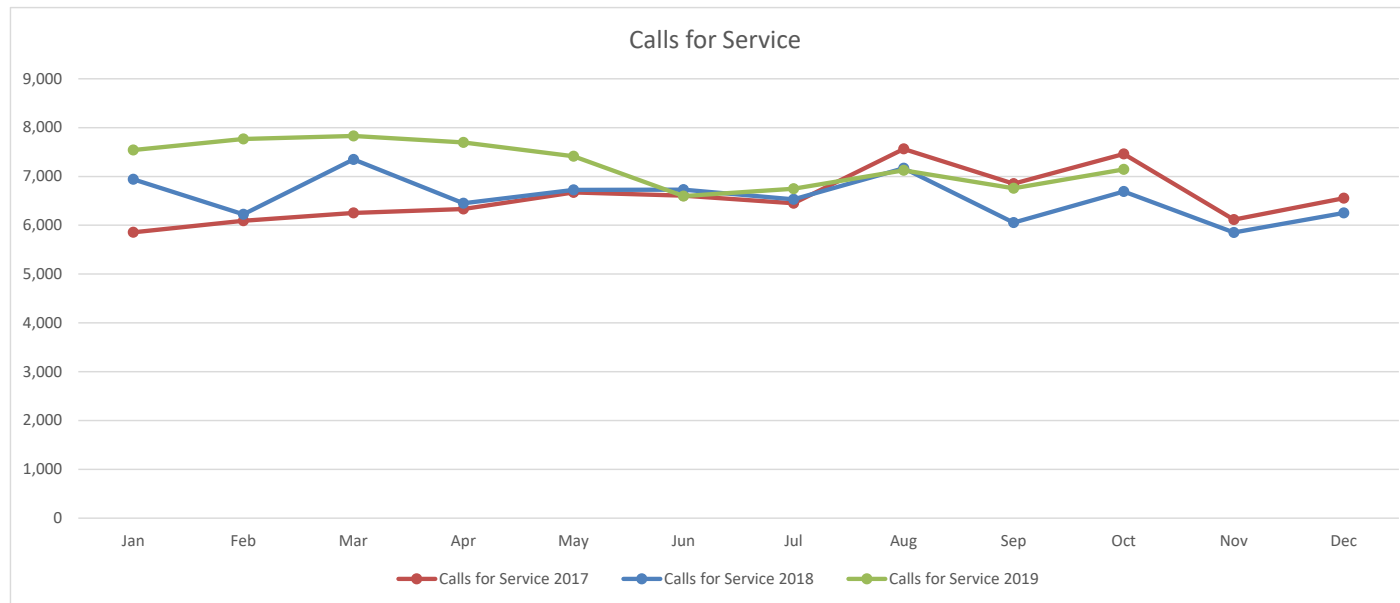
## Communications Center - 2018

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Calls for Service	6,941	6,222	7,349	6,452	6,724	6,729	6,529	7,168	6,055	6,690	5,852	6,252	78,963
YTD 2018	6,941	13,163	20,512	26,964	33,688	40,417	46,946	54,114	60,169	66,859	72,711	78,963	
Priority 1 Calls	192	180	183	214	214	216	223	202	190	209	200	199	2,422
YTD 2018	192	372	555	769	983	1,199	1,422	1,624	1,814	2,023	2,223	2,422	
Medical Emergencies	414	310	344	373	386	375	341	405	342	361	321	362	4,334
YTD 2018	414	724	1,068	1,441	1,827	2,202	2,543	2,948	3,290	3,651	3,972	4,334	

## Communications Center - 2017

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





# BART Watch - 2019

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Crime in Progress	160	124	129	119	121	139	133	89	53	74			1,141
Disruptive Behavior	1760	1539	1703	1419	1527	1377	1405	1594	597	627			13,548
Drug Use	676	636	616	505	576	623	576	599	239	243			5,289
Human Trafficking	15	5	12	5	8	1	5	1	2	1			55
Illegally Parked Vehicle	27	25	19	32	20	15	18	22	8	11			197
Aggressive Panhandling	203	178	119	124	134	116	151	114	66	69			1,274
Report a Crime Tip	31	47	47	35	22	40	26	33	27	22			330
Robbery/Theft	91	38	50	53	40	49	39	33	20	26			439
Sexual Assault/Lewd Behavior	79	44	48	62	88	51	83	33	20	27			535
Suspicious Activity	248	204	186	212	209	211	211	172	100	91			1,844
Unattended Bag or Package	48	72	73	55	66	38	66	60	32	39			549
Unsecure Door	5	11	12	17	16	22	20	20	8	15			146
Vandalism	116	109	107	78	104	103	61	114	56	69			917
Welfare Check	299	385	403	425	385	283	316	292	155	149			3,092
<b>Total</b>	<b>3758</b>	<b>3417</b>	<b>3524</b>	<b>3141</b>	<b>3316</b>	<b>3068</b>	<b>3110</b>	<b>3176</b>	<b>1383</b>	<b>1463</b>			<b>29,356</b>

Total Downloads: 81,340

## Total Reports Made

Anonymous: 40.42%

Non-Anonymous: 59.58%

## Statistics

Statistics	Six Week Average	11/25-12/01	11/18-11/24	11/11-11/17	11/04-11/10	10/28-11/03	10/21-10/27
Alerts Sent	0.50	0	0	0	0	0	3
Description	<i>The total number of alerts sent.</i>						
Incoming Reports	399.17	307	490	420	387	385	406
Description	<i>The number of reports sent from users.</i>						
Replies to Reports	563.33	408	708	588	577	567	532
Description	<i>The number of replies sent to users from ELERTS EPICenter console.</i>						

Report Type	# of Reports (all time)	
Disruptive Behavior (A)	30192	41.46%
[none selected]	8562	11.76%
Suspicious Activity (A)	5702	7.83%
Panhandling (D)	5455	7.49%
Crime in Progress (A)	3818	5.24%
Drug Use (A)	3101	4.26%
Other (D)	3082	4.23%
Vandalism (A)	2443	3.35%
Panhandling or Disruptive Behavior (D)	1967	2.70%
Welfare Check (A)	1952	2.68%
Unattended Bag or Package (A)	1688	2.32%
Report a Crime Tip (A)	1288	1.77%
Sexual Assault / Lewd Behavior (A)	1109	1.52%
Illegally Parked Vehicle (A)	1030	1.41%
Robbery / Theft (A)	856	1.18%
Unsecure Door (A)	436	0.60%
Human Trafficking (A)	85	0.12%
Aggressive Panhandling (A)	47	0.06%
Text-a-Tip (A)	13	0.02%
Total	72826	100 %
(A) Active   Disabled (D)		

Identification	Total
Anonymous	40.43 %
Description	<i>Reports sent anonymously.</i>
Non-Anonymous	59.57 %
Description	<i>Reports sent non-anonymously.</i>

App Statistics (including tests)	
Total Messages (iOS)	105904
Description	<i>Reports and replies via iOS devices.</i>
Total Messages (Android)	45334
Description	<i>Reports and replies via Android devices.</i>
Total Messages (SMS)	13
Description	<i>Reports and replies via SMS.</i>

TEST-THIS IS ONLY A TEST	# of Reports (all time)
TEST Report Total	8660

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



Office of the  
**INDEPENDENT  
POLICE AUDITOR**

BAY AREA RAPID TRANSIT DISTRICT

# MONTHLY REPORT

November 2019

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Issue date: December 9, 2019

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 **November 1, 2019 through November 30, 2019.**<sup>1</sup>

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

## QUANTITATIVE REPORT

	Cases Filed <sup>2</sup>	Open Cases <sup>3</sup>	IAB Investigations Resolved*	OIPA Investigations Concluded <sup>4</sup>	Cases Appealed to OIPA <sup>5</sup>	Cases Appealed by BPCRB <sup>6</sup>
November 2018	13	69		1	0	0
December 2018	5	62		0	0	0
January 2019	15	64		1	0	0
February 2019	12	60		1	0	0
March 2019	14	57		1	0	0
April 2019	14	57		0	0	0
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

### TYPES OF CASES FILED

Citizen Complaints (Formal)	6
Informal Complaints <sup>7</sup>	2
Administrative Investigations	0
Inquiries <sup>8</sup>	2
<b>TOTAL</b>	<b>10</b>

### CITIZEN COMPLAINTS RECEIVED PER DEPARTMENT<sup>9</sup>

OIPA	6
BART Police Department	0
<b>TOTAL</b>	<b>6</b>

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

## COMPLAINTS/INVESTIGATIONS INITIATED DURING REPORTING PERIOD

During November 2019, **4 Citizen Complaints** were received by OIPA:

Complaint # (IA Case #)	Nature of Complaint	Action Taken	Days Elapsed Since Complaint Filed
1 (OIPA #19-49) (IA2019-117)	Officers #1-2: <ul style="list-style-type: none"> <li>• Bias-Based Policing</li> <li>• Arrest or Detention</li> <li>• Conduct Unbecoming an Officer</li> </ul>	OIPA notified BPD which initiated an investigation.	35
2 (OIPA #19-50) (IA2019-119)	Officers #1-3: <ul style="list-style-type: none"> <li>• Bias-Based Policing</li> <li>• Force</li> <li>• Conduct Unbecoming an Officer</li> </ul>	OIPA initiated an investigation.	34
3 (OIPA #19-51) (IA2019-120)	Officer #1: <ul style="list-style-type: none"> <li>• Bias-Based Policing</li> <li>• Arrest or Detention</li> <li>• Force</li> <li>• Conduct Unbecoming an Officer</li> <li>• Policy/Procedure (AXON Camera)</li> </ul>	OIPA initiated an investigation.	31
4 (OIPA #19-52) (IA2019-125)	Officer #1: <ul style="list-style-type: none"> <li>• Policy/Procedure (Database Misuse)</li> <li>• Performance of Duty</li> <li>• Conduct Unbecoming an Officer</li> </ul>	OIPA initiated an investigation.	26

During November 2019, **2 Informal Complaints** were received by BPD:

Complaint # (IA Case #)	Nature of Complaint	Action Taken	Days Elapsed Since Investigation Initiated
1 (IA2019-118)	Officers #1-2: <ul style="list-style-type: none"> <li>• Conduct Unbecoming an Officer</li> </ul>	BPD initiated a Supervisor Referral. <sup>10</sup>	35
2 (IA2019-122)	Employees #1-3: <ul style="list-style-type: none"> <li>• Conduct Unbecoming an Officer</li> </ul>	BPD initiated a Supervisor Referral.	28

Also during the month of November 2019, BPD received and classified #IA2019-123 as an **Inquiry**.

## COMPLAINTS/INVESTIGATIONS INITIATED DURING A PRIOR REPORTING PERIOD

During October 2019, **2 Citizen Complaints** were received by OIPA:

Complaint # (IA Case #)	Nature of Complaint	Action Taken	Days Elapsed Since Complaint Filed
1 (OIPA #19-46) (IA2019-124)	Officers #1-3: <ul style="list-style-type: none"> <li>• Arrest or Detention</li> <li>• Conduct Unbecoming an Officer</li> </ul>	OIPA initiated an investigation.	46
2 (OIPA #19-48) (IA2019-121)	Officers #1-2: <ul style="list-style-type: none"> <li>• Conduct Unbecoming an Officer</li> </ul>	OIPA notified BPD which initiated an investigation.	39

## COMPLAINTS/INVESTIGATIONS CONCLUDED DURING REPORTING PERIOD

During November 2019, **1 Citizen Complaint** was concluded by OIPA:

Complaint # (OIPA Case #)	Nature of Complaint	Disposition	Days Elapsed Since Complaint Filed	Days Taken to Complete Investigation
1 (OIPA #19-11) (IA2019-036) <sup>†</sup>	Officer improperly detained complainant, used excessive force during the contact, improperly handled complainant's property, and failed to properly document a law enforcement contact.	Officer #1: <ul style="list-style-type: none"> <li>• Force – Exonerated</li> <li>• Arrest or Detention – Exonerated</li> <li>• Conduct Unbecoming an Officer – Sustained</li> <li>• Policy/Procedure (AXON Camera) – Exonerated</li> <li>• Policy/Procedure (Property) – Exonerated</li> </ul>	266	254

<sup>†</sup> This complaint remains on the list of open investigations in the IAB database pending presentation of the OIPA investigative report to the BART Police Citizen Review Board in closed session.

During November 2019, **2 Citizen Complaints (Formal)** were concluded by BPD:

Complaint # (IA Case #)	Nature of Complaint	Disposition	Days Elapsed Since Complaint Filed	Days Taken to Complete Investigation
1 (IA2019-061)	Officer used unnecessary or excessive force during a contact.	Officer #1: • Force – Unfounded	212	191
2 (IA2019-121)	Officers improperly inquired about subject's immigration status.	Officers #1-2: • Conduct Unbecoming an Officer – Administratively Closed <sup>11</sup>	39	22

Also during the month of November 2019, BPD received and classified #IA2019-126 as an **Inquiry** which was administratively closed after the complainant withdrew the complaint.

#### DISCIPLINE ISSUED DURING REPORTING PERIOD

During November 2019, 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 failed to properly document a law enforcement contact.	Officer #1: • Policy/Procedure (AXON Camera)	Officer #1: • Retired Prior to Issuance of Discipline
2	Officer failed to properly document a law enforcement contact.	Officers #1-2: • Policy/Procedure (AXON Camera)	Officer #1: • Letter of Discussion  Officer #2: • Oral Counseling
3	Officer failed to properly document a law enforcement contact.	Officer #1: • Policy/Procedure (AXON Camera)	Officer #1: • Letter of Discussion



## ADDITIONAL NOTES

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

Investigations Being Conducted	9
Complainant-Initiated Appeals	0
BPD-Initiated Appeals	0
Investigations Being Monitored	40
Investigations Reviewed During Current Month	12 <sup>†</sup>

<sup>†</sup>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.<sup>12</sup>

<sup>1</sup> 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.

<sup>2</sup> 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 OIPA previously completed cases that have been re-opened during the current reporting period.

<sup>3</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> 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).

<sup>6</sup> 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).

<sup>7</sup> 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)).

<sup>8</sup> 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.

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<sup>9</sup> 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.

<sup>10</sup> 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.

<sup>11</sup> 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.

<sup>12</sup> 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.

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

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**MEMORANDUM**

TO: BART Police Citizen Review Board                      DATE: December 3, 2019

FROM: Office of the Independent Police Auditor

SUBJECT: **Proposed Revisions to BPD Policy #451 – Body Worn Camera**

BART Police Department (BPD) Policy 451 – “Body Worn Camera” is intended to assist officers in the performance of their duties by providing an objective, unbiased video and audio record of a contact and/or incident. According to the language of the policy, officers are required to utilize the AXON camera in accordance with the provisions of the policy in order to maximize the effectiveness of the device, enhance transparency, and ensure the integrity of evidence.

Pursuant to the above requirements of the Model, the Office of the Independent Police Auditor (OIPA) developed recommendations for changes to Policy 451 which were presented to the BART Police Citizen Review Board (BPCRB) at its February 11, 2019 regular meeting, during which the BPCRB endorsed each of OIPA’s recommendations by a majority vote (7 yes votes, 1 abstention, 2 absences).

OIPA now revisits its review of Policy 451 and renews some of the previously submitted recommendations while adding additional recommendations that were not discussed in February 2019 and which appear appropriate in light of ongoing review of BPD activities. The information contained herein is intended to reopen discussion about outstanding aspects of OIPA’s previous recommendations.

As discussed in greater detail below, OIPA suggests:

- I. Adjustments to the requirements for labeling body-worn camera video recordings to improve accuracy and to discontinue the deletion of evidence that must be retained to facilitate criminal prosecutions and investigations, to maintain accountability and transparency, and to promote public safety and officer safety. The use of internal audits to ensure compliance with policies and performance expectations.
- II. Clarification of the body-worn camera activation requirements to include any contact during which BPD personnel require compliance with commands or instructions and where non-compliance with those commands will result in a detention or arrest.

- III. Reprogramming the AXON body-worn camera to record audio during the pre-activation buffering period in order to more consistently capture verbal commands and responses during law enforcement contacts.
- IV. Revisiting discussions with the manufacturer to resolve the ongoing problem of detaching cameras and/or issuing tactical vests to all officers.
- V. Requiring all sworn BPD personnel to wear and activate body-worn cameras during law enforcement activities regardless of rank.

### **Authority**

Chapter 1-04(K) of the Citizen Oversight Model (Model) states that OIPA shall develop recommendations concerning General Orders and Directives, procedures, practices, and training of the BPD, with the goal of improving professionalism, safety, effectiveness, and accountability. The Model further requires that OIPA consult with the Chief of Police and other stakeholders and present its recommendations to the BPCRB for review and comment.

The Model also provides that should BPD reject policy recommendations submitted by OIPA, the Independent Police Auditor (IPA) may forward the recommendations to the BART General Manager (GM) and/or the Board of Directors for further consideration. OIPA must publicly report on its involvement in the development and revision of BPD policies and must report annually regarding any outstanding recommendations and the degree to which they were endorsed by the BPCRB and accepted by BPD.

### **Prior Recommendations (February 2019)**

In February 2019, OIPA proposed the following revisions to the existing policy with specific language to be determined through discussion and collaboration between then-BPD Chief Carlos Rojas, the BART Police Officers Association (BPOA), the BART Police Managers Association (BPMA), BPD command staff, the BART Police Citizen Review Board (BPCRB) and OIPA:

- Update language to reflect equipment and technology upgrades
- Require Chief of Police's or designee's authorization to view critical incident recordings
- Specify and define a "timely activation"
- Reprogram AXON camera buffering period from 30 seconds to 60 seconds with audio
- Add language requiring AXON recording auditing by BPD personnel
- Add language regarding OIPA's review of fare inspection activities
- Require officers to notify supervisors each time a camera becomes dislodged
- Specify and define a "law enforcement contact"
- Require confirmation of equipment failures via review of required equipment tests

After review and endorsement by the BPCRB, BPD command staff conferred with representatives of the BPOA and BPMA and ultimately implemented a revised policy reflecting most of the above recommendations. Since February, some new and some continuing concerns related to the policy and related to Departmental practices have emerged and are detailed below.

## **I. Inaccurate Labeling and Evidence Deletion**

### **A. Test Videos**

Existing policy language requires that each officer shall perform an inspection and record a test video prior to going into service to ensure that his/her AXON camera is operational. OIPA recently discovered that a significant number of recordings of law enforcement contacts were improperly labeled as a “TEST,” which then queues those recordings for permanent deletion after 30 days.

Due to this inaccurate labeling, recordings which may have been of value to BPD (related to public and officer safety concerns, crime prevention, deployment decisions, internal audits, criminal prosecution, and/or misconduct investigations) and OIPA (related to audits, monitoring activities, use of force review, and/or complaint investigations), and which were intended to be maintained, were irretrievably deleted.<sup>1</sup> Recordings queued for permanent deletion in this way included the following:

- An officer responding to a call of a person with a gun during which officers drew both lethal and “less-lethal” weapons.
- The response of heavily armed officers involved in extracting a barricaded subject from a BART utility area.
- A search for a subject reported to have brandished a knife.
- A call for service in response to the battery of a BART station agent.
- The ejection of a 16-year-old subject from a train for smoking.
- The mental health commitment of a subject.
- Sweeps of trains at the end of revenue service, including ejection of individuals from the BART system.
- Enforcement of the BART Proof of Payment Ordinance by civilian Fare Inspectors.
- Fare evasion enforcement contacts by sworn officers.
- The inspection of evidence stained with a substance suspected to be blood.
- The custodial interrogation of an arrestee.

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<sup>1</sup> There is an existing protocol for the deletion of accidental recordings, which includes review by a supervisor and an administrator prior to deletion. Typically, officers do not adhere to the established protocol, and instead routinely label accidental recordings as a “TEST.”

After identifying a significant number of improperly labeled recordings, OIPA recognized that efficacious methods of preventing ongoing misuse or potential abuse of the evidence.com storage system might include performance of the required BPD supervisory audits, revisions to Policy 451 as suggested herein, re-training of officers and supervisors, and/or resetting of data entry parameters within evidence.com.<sup>2</sup>

To determine the best course of immediate remedial action, OIPA contacted Interim BPD Chief Alvarez and requested an immediate temporary adjustment to the retention period for TEST videos, so that BPD supervisors could effectively audit and identify any misuse or abuse of the evidence storage system without any further permanent loss of data.

OIPA believes that the BPD Chief is authorized to unilaterally adjust retention schedules for recordings based on language in Policy 451 that states, "...retention times can be extended at any time by a Supervisor, Internal Affairs, Evidence Specialist, BPD System Administrator for evidence.com, or by the Chief of Police or his/her designee."

In a laudable and reasonable effort to prevent BPOA and the BPMA representatives from incorrectly perceiving that BPD management and/or OIPA sought to adjust the retention period without notification to the Associations, Interim Chief Alvarez elected to communicate with the two Association representatives. Interim Chief Alvarez then reported to OIPA that the Association representatives were not amenable to a temporary 60-day extension of the retention period, nor were they willing to engage in discussions with the Interim Chief or the IPA about the apparent destruction of evidence or a plan to discontinue such destruction.

BPD currently provides 12 different categories with which officers and Fare Inspectors can tag their recordings. OIPA suggests the addition of categories such that each recording is properly and accurately labeled and such that only equipment tests are labeled as such. OIPA further suggests that the required supervisory audits are conducted in such a way as to confirm that each officer or Fare Inspector conducts only one daily test, and that no other recording, in particular any recording intended to be retained, is incorrectly labeled.

## **B. Video Titles**

OIPA has also noted and reported to BPD that titling of recordings is inconsistent and frequently unconventional, making identification and retrieval of relevant video more difficult and time-consuming. OIPA previously proposed the addition of language requiring regular periodic auditing by BPD personnel of the accuracy and consistency of video labeling, titling, and categorization

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<sup>2</sup> For example: Technologically prohibiting the use of the TEST label for videos longer than 30 seconds or technologically prohibiting officers from labeling 2 different videos as a TEST within a single shift.

pursuant to Section 451.2.1. There is no indication that these audits have been performed, and OIPA here renews the recommendation that these internal audits be regularly and thoroughly performed. Pursuant to the Model, OIPA intends to monitor any and all internal audits of body-camera recording and labeling conducted by BPD.<sup>3</sup>

Potential remedies for inaccurate titling may include reprogramming of the interface such that only properly formatted entries will be accepted and/or that supervisors are automatically notified when officers' recordings are uploaded to evidence.com with a blank title field.

### **C. Supervisory Audits**

Relatedly, the obligatory supervisory audits may be an effective tool to ensure that officers are engaging in required activities during shifts. For example, to the extent that District intends to prioritize increasing the perception of officer presence by requiring officers to walk through trains, activating the AXON unit and recording these walkthroughs may help confirm that the BART GM, BPD Command Staff and BPD supervisors' expectations are being met. OIPA also recommends the use of internal audits to review whether other expectations related to the performance of all assigned duties are being conducted.<sup>4</sup>

## **II. Activation Requirements**

### **A. Expand the Definition of a Contact Requiring Activation**

#### **1. End-of-Revenue Sweeps**

OIPA previously recommended the addition of specific language clarifying the definition of a law enforcement contact requiring activation of the AXON camera. OIPA is aware that officers do not typically activate cameras during end-of-revenue sweeps of the trains and stations. Predictably, some of these ejection activities rapidly and dynamically develop into a use of force incident, which cannot then be thoroughly analyzed in the absence of a complete video recording.

OIPA suggested the inclusion of additional language clarifying that any contact during which an officer issues a command or makes a demand for compliance therewith qualifies as a law enforcement contact. After consultation with the BPOA and BPMA representatives, BPD rejected that recommendation and implemented policy language specifying that camera activation is

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<sup>3</sup> OIPA shall have the necessary access and authority to monitor any audits conducted by the BPD regarding BPD functions that impact the quality of the Department and the services provided by the BPD to the public. (Model, Chapter 1-04 (G)(ii)).

<sup>4</sup> For example, a supervisor might choose to further review the performance of officers with relatively few or no recordings of law enforcement activities during a shift.

required prior to the ejection of a subject from a BART station or train only in instances where the subject does not immediately comply. OIPA does not agree with this construal and has not been presented with a reasonable justification for the exclusion of recordings of officers instructing people to exit trains and stations under threat of detention or arrest for non-compliance. OIPA believes that these activities must be recorded, among other reasons, to ensure that any related use of force or complaint can be properly examined.

## **2. Consensual Contacts**

The existing policy also provides that officers are “encouraged” to activate the camera during consensual contacts. OIPA believes that despite this encouragement, many BPD officers do not activate the AXON camera during consensual contacts.<sup>5</sup> The consequences of this language include repeated failures to record the issuance of initial verbal commands where the failure to comply may then be (and has been) put forth as justification for the application of physical force and/or arrest.

OIPA believes that any escalation from an educational, informational, or consensual interaction to a law enforcement contact necessarily imbues the initial verbal exchange with great importance and significant relevance to the analysis of any subsequent use of force, detention, or arrest. For this reason, these interactions should be recorded and preserved. OIPA is unaware of any persuasive argument that on-duty verbal interactions between an officer and a citizen should be excluded from the recording requirement.

## **3. Early Morning Ejections**

Recently, BART management and BPD reported that 500 unticketed passengers have been ejected from the system every week since the end of September 2019 during early morning “train sweeps” conducted at the Embarcadero Station in San Francisco by Fare Inspectors and sworn officers.<sup>6</sup> OIPA review of recordings stored in evidence.com indicates significant ongoing underactivation by the sworn officers engaged in these ejections. Because each of these ejections amounts to a law

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<sup>5</sup> OIPA notes that the consensual nature of any verbal interaction with a sworn, uniformed, armed officer may be perceived differently by the citizen than by the officer. Because of the subjective nature of such consent to interact, it stands to reason that officers should not presume to be in agreement with the subject about the nature and tenor of the contact.

<sup>6</sup> Though not the focus of this memo, OIPA is also concerned that this use of Fare Inspectors and sworn officers to perform ejections does not reflect the deployment plan that was presented to the Board of Directors when they were asked to approve the 2017 Proof of Payment Ordinance. Additionally, although BART staff and BPD sought to assure the Board of Directors that the program would be administered strictly and systematically via review of these activities by OIPA, OIPA was not informed about this revised deployment of BPD Fare Inspectors and became aware of the revision during the routine review of use of force incidents. No Operations Plan or BPD Policy exists to dictate the methods by which these ejections shall be performed or reviewed by BPD personnel.



enforcement contact including verbal commands with which a subject must comply, every sworn officer acting as cover and/or support for the Fare Inspectors must activate their camera pursuant to existing language in the policy.

OIPA recommends that BPD supervisors and command staff take action to instruct all sworn officers engaged in these operations to activate their cameras prior to ejecting or participating in the ejection of passengers who are unable to produce proof of payment.

### **III. Silent Buffering Reprogramming**

In February 2019, OIPA suggested that BPD reprogram the AXON camera buffering period from the current 30-second setting to a 1-minute buffering period including audio. Currently, reviewers can access 30 seconds of silent video recorded prior to activation of the camera. Following submission of the OIPA recommendations to BPD and endorsement of those recommendations by the BPCRB in February, the implemented version of the policy did not reflect adoption of the recommendation related to the reprogramming of the cameras.

During the course of routine review of use of force incidents, OIPA determined that more than 25% of all reviewed incidents included an arguably late or failed activation by involved officers.<sup>7</sup> Some of these policy violations were not acknowledged, memorialized, or properly addressed by BPD reviewers. Some supervisory use of force reports included language indicating that activations were timely because the silent (buffering period) video footage captured all or some portion of the actual application of physical force by the involved officer(s).

OIPA believes that a thorough review of every use of force must include analysis of officers' verbal commands and of the verbal responses to those commands. In this way, assertions of non-compliance with commands can be corroborated or debunked. The absence of audio during the buffering period weakens any conclusions that may be reached by relying solely on the officers' characterization of events.

In the 10-month period prior to the submission of the above recommendations to the Department for implementation, BPD sustained approximately 36 AXON violations. In the 10-month period following the BPCRB endorsement of the suggested revisions and submission to the Department, BPD sustained approximately 24 AXON violations. While there has been an apparent reduction in detected and memorialized AXON violations, OIPA continues to see late or failed activations deemed within policy by supervisors in connection with the use of force review process.

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<sup>7</sup> Of 131 use of force incidents reviewed to date, 36 included an arguably late or failed body-worn camera activation, 10 of which involved a subject undergoing a mental health crisis and 8 of which involved fare evasion enforcement by a sworn officer.

## **A. Non-Disciplinary Remedial Action**

In connection with this proposal and as an incentive for endorsement by BPOA and BPMA, OIPA suggested that officers who activate their cameras after the initiation of a law enforcement contact, but still capture the entirety of a use of force (both audio and video) during the pre-activation buffering period would receive a Training Point<sup>8</sup> regarding the late activation in lieu of disciplinary action. Disciplinary action includes the escalation of discipline pursuant to the Association-negotiated progressive discipline process. This recommendation was put forth as a technological solution for inevitable human error related to dynamic and rapidly evolving circumstances and was expected to reduce the disciplinary consequences of late activations while increasing the ability of the Department and OIPA to review video related to citizen complaints, administrative investigations, and criminal investigations.

## **IV. Equipment Failure**

As OIPA has already discussed with BPD, there has been a significant increase in dislodged cameras since the distribution of the AXON Body 2 camera. Any lack of supervisory awareness of this equipment issue may increase the likelihood that a critical incident would not be captured on video because such lack of awareness may delay the Department's efforts to seek a remedy from the manufacturer.

Although OIPA is confident that BPD Command Staff are aware of the problem with detaching equipment, little has been done to implement an effective remedy for the entire Department. While some officers have started using tactical vests which appear to obviate the detachment problem, many officers still use the manufacturer-issued magnets which are insufficient during many use of force incidents and allow the equipment to detach from an officer's uniform during physical interactions.

Internal BPD audits should include review of whether detached cameras were reported to supervisory personnel and BPD management should insist that AXON discuss hardware improvements to mitigate the problem. BPD should also consider issuing tactical vests to all officers.

## **V. Equipment Distribution**

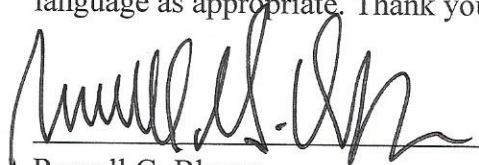
Lastly, the existing policy language requires only that BPD sergeants, officers, and Fare Inspectors will be provided with AXON equipment. OIPA is aware that Lieutenants and Deputy Chiefs may also engage in law enforcement activity, particularly as BPD works to maximize the impact of an

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<sup>8</sup> BPD Policy 302 – Use of Force Review, requires that use of force review routing notes should include training needs identified by the reviewer, if any; training assignments/referrals made by the reviewer; confirmation that assigned training has been scheduled/completed; and confirmation that any late camera activations were addressed, if any.

understaffed Department. OIPA suggests revising the policy language such that any BPD officer of any rank should be required to wear and activate a body-camera while engaged in patrol activities.

As always, I welcome the opportunity to further discuss and work together to refine policy language as appropriate. Thank you for your consideration.

A handwritten signature in black ink, appearing to read "Russell G. Bloom", written over a horizontal line.

Russell G. Bloom

Independent Police Auditor