

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

**NOTICE OF MEETING AND AGENDA**  
**BART POLICE CITIZEN REVIEW BOARD**  
January 14, 2019

A regular meeting of the BART Police Citizen Review Board (BPCRB) will be held at 4:00 p.m. on Monday, January 14, 2019. 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	121 N. Broadway Tarrytown, NY 10591	Franklin Terrace B&B 159 Harrison Avenue Franklin, NC 28734
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**AGENDA**

1. Call to Order.
  - a. Roll Call.
  - b. Pledge of Allegiance.
  - c. Introduction of Special Guests.
2. Approval of Minutes of the Meeting of December 10, 2018. For Discussion and Action.
3. Chief of Police's Report. For Discussion and Action.
  - a. BART Police Department (BPD) Monthly Report for November 2018.
  - b. Internal Affairs Case Tracking Updates.
  - c. Crowd Control Policy #459 Presentation.
4. Update on Ad Hoc Subcommittee to Review BPD Policy #310, Officer Involved Shootings and Deaths. For Discussion and Action.
5. 2019 BPCRB Training Schedule. For Discussion and Action.
6. Independent Police Auditor's Report. For Discussion and Action.
  - a. Office of the Independent Police Auditor (OIPA) Monthly Report for December 2018.
7. 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.)
8. Closed Session. (Room 303, Board Conference Room).
  - a. To Consider Public Employee Discipline/Dismissal/Release in OIPA Cases #18-17 and #18-37. Govt. Code §54957.
9. Open Session.

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, December 10, 2018**

A regular meeting of the BART Police Citizen Review Board (BPCRB) was held December 10, 2018, convening at 4:01 p.m. in the BART Board Room, 2040 Webster Street, Oakland, California. The meeting was called to order by Chairperson George Perezvelez; May Cooper, Recording Secretary.

Members Present: Members George Perezvelez, Darren White, David Rizk, Richard Knowles, Les Mensinger and Erin Armstrong.

Absent: Christina Gomez, Kenneth Loo and Pete Longmire. William White entered the meeting later.

**1. Call to Order.**

The regular meeting was called to order at 4:01 p.m. by Chairperson Perezvelez.

Chairperson Perezvelez, Darren White, David Rizk, Richard Knowles, Les Mensinger and Erin Armstrong were present, amounting to a quorum.

The Pledge of Allegiance was recited.

William White joined the meeting at 4:03 pm.

**2. Approval of Minutes of the Meetings of October 15, 2018 and November 19, 2018.**

Mr. Rizk called for a motion to approve Minutes of the Meetings of October 15, 2018 and November 19, 2018; Mr. Knowles seconded the motion.

The motion passed with Ayes – 5: Members Perezvelez, W. White, D. White, Rizk and Knowles. Abstain – 2: Members Mensinger and Armstrong.  
Noes: 0. Absent - 3: Members Gomez, Loo and Longmire.

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

a. BART Police Department (BPD) Monthly Report.

Chief Carlos Rojas presented the BPD Monthly Report for October 2018. The report was discussed.

b. Diversity Report.

Chief Rojas presented the Diversity Report. The report was discussed.

c. Proof of Payment.

Police Sergeant II Jaswant Sekhon gave a presentation on the Proof of Payment Program. The item was discussed.

**4. Creation of a Subcommittee for Review of BPD Policy# 310, Officer Involved Shootings and Deaths.**

Mr. W. White called for a motion to create a subcommittee for review of BPD Policy #310; Mr. Mensinger seconded the motion, which carried by unanimous Roll Call vote. Ayes - 7: Members Perezvelez, W. White, D. White, Rizk, Knowles, Mensinger and Armstrong. Noes: 0. Absent - 3: Members Gomez, Loo and Longmire.

Mr. Rizk, Ms. Armstrong and Mr. W. White volunteered to serve on the subcommittee and Mr. Mensinger volunteered to serve as an alternate member.

**5. National Association for Civilian Oversight of Law Enforcement (NACOLE) Regional Training.**

Chairperson Perezvelez provided a brief overview about the regional training.

**6. 2019 BPCRB Training Schedule.**

Chairperson Perezvelez brought the matter of establishing a BPCRB training schedule for 2019. The item was discussed and continued to a future meeting.

**7. Independent Police Auditor's Report.**

- a. Office of the Independent Police Auditor (OIPA) Monthly Report for November 2018. Independent Police Auditor Russell Bloom presented the OIPA Monthly Report for November 2018. The report was discussed.

**8. Public Comment.**

No comments were received.

A motion to adjourn the Meeting was made by Mr. W. White and seconded by Mr. D. White. The motion passed unanimously.

The Meeting was adjourned at 5:33 p.m.

# BART POLICE DEPARTMENT



## November 2018

### MONTHLY REPORT

## BPD Monthly Reports

November 2018

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. Power
13 – Detectives Closure Rate	SSD – J. Power
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: 11/30/18  
 Vacancy Factor: 0.0

	Pos'n Code	Job Title	FY19 Adopted	Reclass	As of 07/01/18	Filled	On Leave or TMD	Vacant
NON-SWORN (Rep)	027	Community Service Officer	75		75	47	5	28
	045	Police Admin Specialist	12		12	10	-	2
	048	Police Dispatcher	18		18	16	1	2
	098	Revenue Protection Guard	19		19	17	1	2
	836	Police Sup./CAD/RMS Admin**	6		6	5	-	1
#	778	Police Officer	68		68	61	6	7
		In Academy = 9						-
		Field Training = 2						-
	788	Senior Police Officer	95		95	78	5	17
	798	Master Police Officer	13		13	11	-	2
	838	Police Sergeant	34		34	25	4	9
	888	Police Lieutenant	13		13	11	1	2
	898	Police Deputy Chief	3		3	3		-
	980	Police Chief	1		1	1		-
	Non-Sworn (Non-Rep)	SF100	Mgr of Security Programs**	1		1	1	
000065		Emergency Preparedness Mgr.	1		1	-	-	1
000074		Crisis Outreach Coordinator	1		1	1		-
000081		Accreditation Manager	1		1	1	-	-
AF200		Sr. Administrative Analyst	1		1	1		-
<b>DEPARTMENT TOTAL</b>			<b>362</b>	<b>-</b>	<b>362</b>	<b>289</b>	<b>23</b>	<b>73</b>

Notes

Notes:  
 FY19  
 parking cso - 2  
 fare evasion - 2 on hold pending rpt made that as 2 dispt 11/2018 8 CSO added to the FET

Ofc - 5 frozen

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

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

## BART PD DIVERSITY MONTHLY REPORT

As of 11/30/18

+

<u>ETHNICITY</u>		<u>S</u>		<u>C</u>	
White	36% 105	39%	74	31%	31
Black	21% 60	19%	36	24%	24
Asian	21% 60	17%	33	27%	27
Hispanic	20% 59	23%	44	15%	15
American/ Indian	0% 0	0%	0	0%	0
Native Hawaiian/Pac Island	2% 5	2%	3	2%	2
<b>Total:</b>	<b>100% 289</b>	<b>100%</b>	<b>190</b>	<b>100%</b>	<b>99</b>
<u>DEMOGRAPHIC</u>		<u>S</u>		<u>C</u>	
Female	22% 63	9%	18	45%	45
Male	78% 226	91%	172	55%	54
<b>Total:</b>	<b>100% 289</b>	<b>100%</b>	<b>190</b>	<b>100%</b>	<b>99</b>
<u>CLASSIFICATION</u>					
Sworn	66% 190				
Civilian	34% 99				
<b>Total:</b>	<b>100% 289</b>				



**CRISIS INTERVENTION TRAINING AS OF: November 30, 2018**

<b>Personnel Positions</b>	<b>Total Positions</b>	<b>Filled Positions</b>	<b>Vacant Positions</b>	<b>(Not in Academy or Field Training) Eligible to Attend Training</b>	<b>Total of Filled Positions Trained</b>	<b>Percentage of Total Filled Positions Trained</b>	<b>Percentage of Eligible Filled Positions Trained</b>
Chief	1	1	0	1	0	0%	0%
Deputy Chiefs	3	3	0	3	3	100%	100%
Lieutenants	13	11	2	11	11	100%	100%
Sergeants	34	25	9	25	24	96%	96%
Officers	176	151	25	142	137	91%	96%
Dispatchers	18	16	2	12	10	63%	83%
Dispatch Supervisors	2	1	1	1	1	100%	100%
CSOs	67	48	19	47	42	88%	89%
Crisis Outreach Coordinator	1	1	0	1	1	100%	100%
<b>Total</b>	<b>315</b>	<b>257</b>	<b>58</b>	<b>243</b>	<b>229</b>	<b>89%</b>	<b>94%</b>

**Personnel Positions that are not designated to attend CIT Training**

	<b>Total</b>	<b>Filled</b>	<b>Vacant</b>
Revenue Protection Guards	19	17	2
Police Administrative Specialists	12	10	2
Police Sup./CAD RMS Admin	6	6	0
Civilian Managers/Analyst	3	3	0
Manager Sec Prog	1	1	0
<b>Sub Total</b>	<b>41</b>	<b>37</b>	<b>4</b>
<b>TOTAL PERSONNEL</b>	<b>356</b>	<b>291</b>	<b>63</b>

**FAIR AND IMPARTIAL / BIASED BASED TRAINING AS OF November 30, 2018**

<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	1	0	1	0	0.0%	0.0%
Deputy Chiefs	3	3	0	3	3	100.0%	100.0%
Lieutenants	13	11	2	7	7	63.6%	100.0%
Sergeants	34	25	9	25	25	100.0%	100.0%
Officers	176	151	25	144	144	95.4%	100.0%
CSOs	67	48	19	46	46	95.8%	100.0%
<b>Total</b>	<b>294</b>	<b>239</b>	<b>55</b>	<b>226</b>	<b>225</b>	<b>94.1%</b>	<b>99.6%</b>

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

	<b>Total</b>	<b>Filled</b>	<b>Vacant</b>
Dispatchers	18	16	2
Dispatch Supervisors	2	1	1
Crisis Outreach Coordinator	1	1	0
Revenue Protection Guards	19	17	2
Police Administrative Specialists	12	10	2
Police Sup./CAD RMS Admin	6	6	0
Civilian Managers/Analyst	3	3	0
Manager Sec Prog	1	1	0
<b>Sub Total</b>	<b>62</b>	<b>55</b>	<b>7</b>
<b>TOTAL PERSONNEL</b>	<b>356</b>	<b>291</b>	<b>63</b>

**POLICE ROADWAY PROTECTION TRAINING AS OF: November 30, 2018**

<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	1	0	1	0	0.0%	0.0%
Deputy Chiefs	3	3	0	3	3	100.0%	100.0%
Lieutenants	13	11	2	7	7	63.6%	100.0%
Sergeants	34	25	9	25	25	100%	100.0%
Officers	176	151	25	144	144	95.4%	100.0%
CSOs-Not Required	67	48	19	46	46	95.8%	100.0%
<b>Total</b>	<b>294</b>	<b>239</b>	<b>55</b>	<b>226</b>	<b>225</b>	<b>94.1%</b>	<b>99.6%</b>

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

	<b>Total</b>	<b>Filled</b>	<b>Vacant</b>
Dispatchers	18	16	2
Dispatch Supervisors	2	1	1
Crisis Outreach Coordinator	1	1	0
Revenue Protection Guards	19	17	2
Police Administrative Specialists	12	10	2
Police Sup./CAD RMS Admin	6	6	0
Civilian Managers/Analyst	3	3	0
Manager Sec Prog	1	1	0
<b>Sub Total</b>	<b>62</b>	<b>55</b>	<b>7</b>
<b>TOTAL PERSONNEL</b>	<b>356</b>	<b>291</b>	<b>63</b>

## Use of Force Incidents - 2018

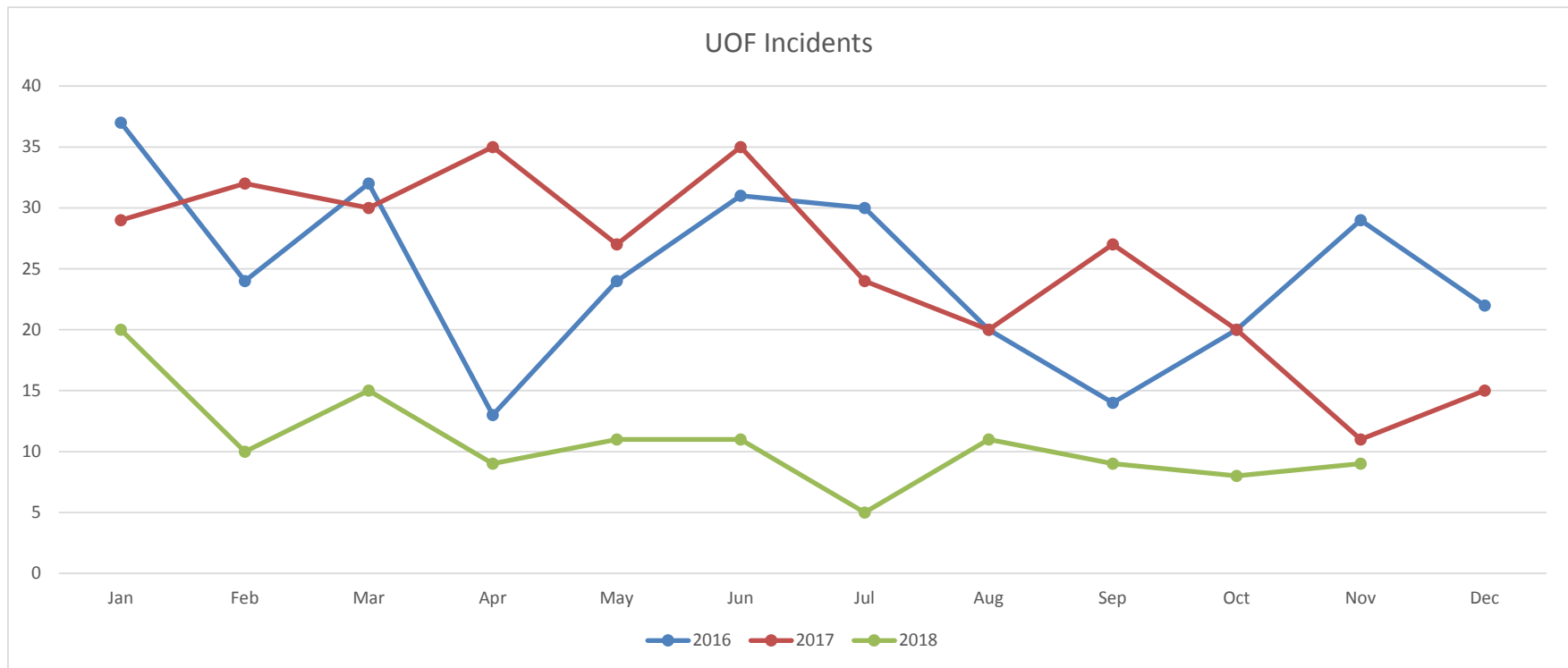
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2018	20	10	15	9	11	11	5	11	9	8	9		118
YTD 2018	20	30	45	54	65	76	81	92	101	109	118		

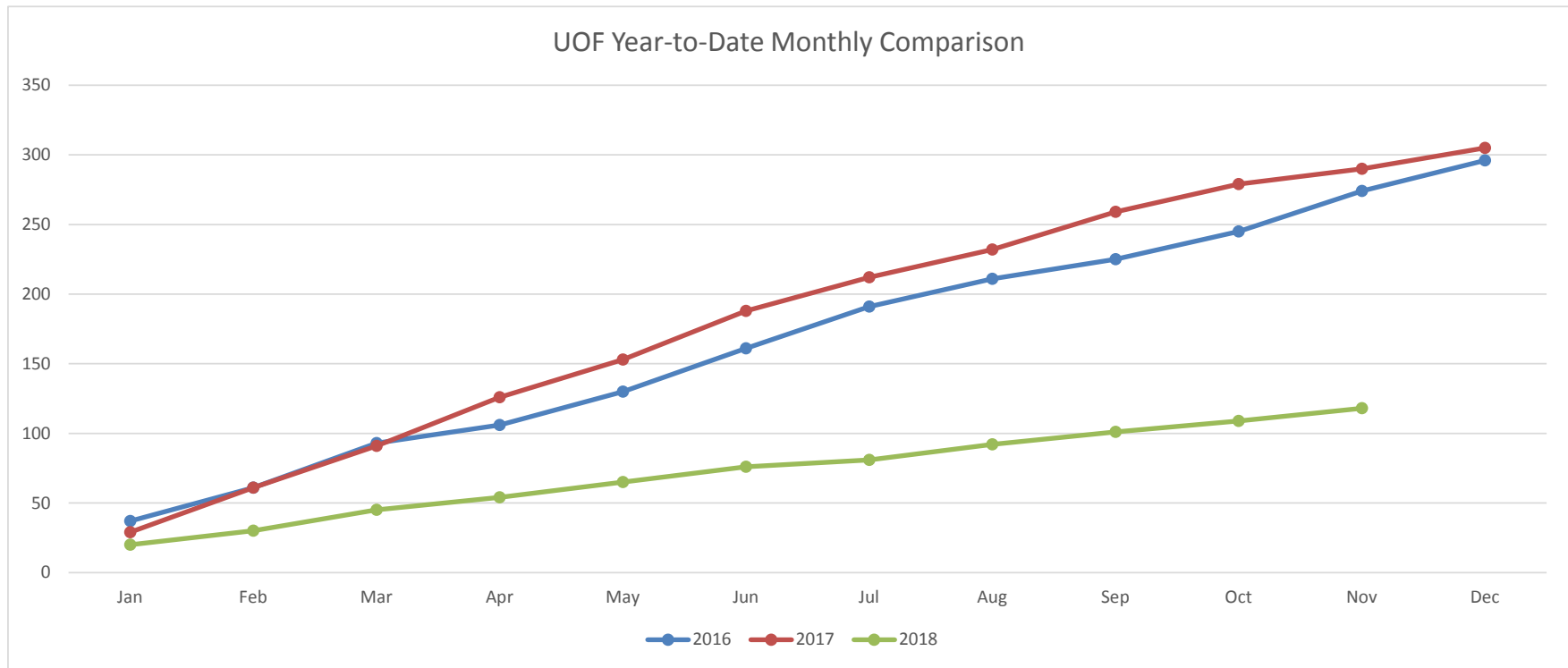
## Use of Force Incidents - 2017

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

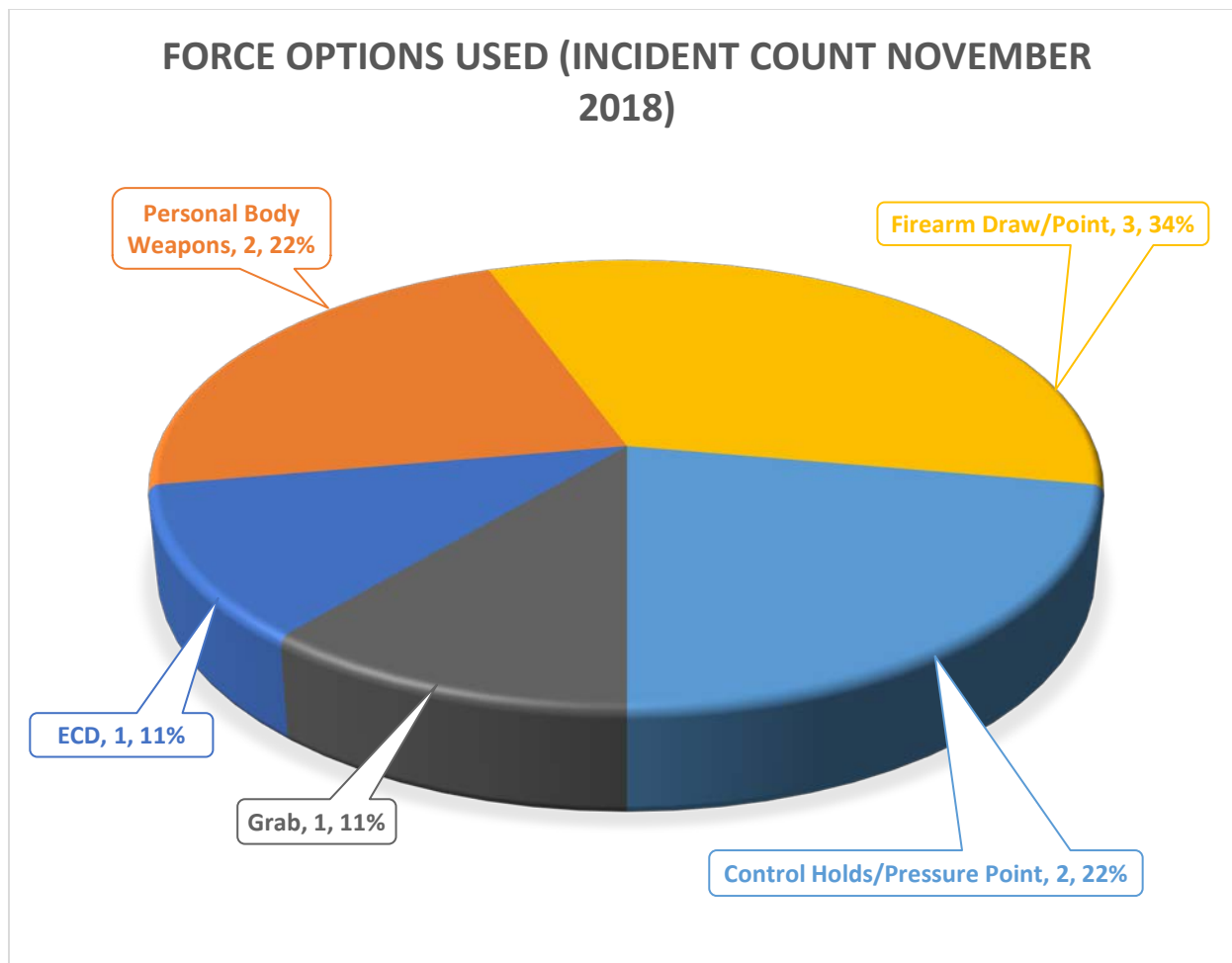
## Use of Force Incidents - 2016

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



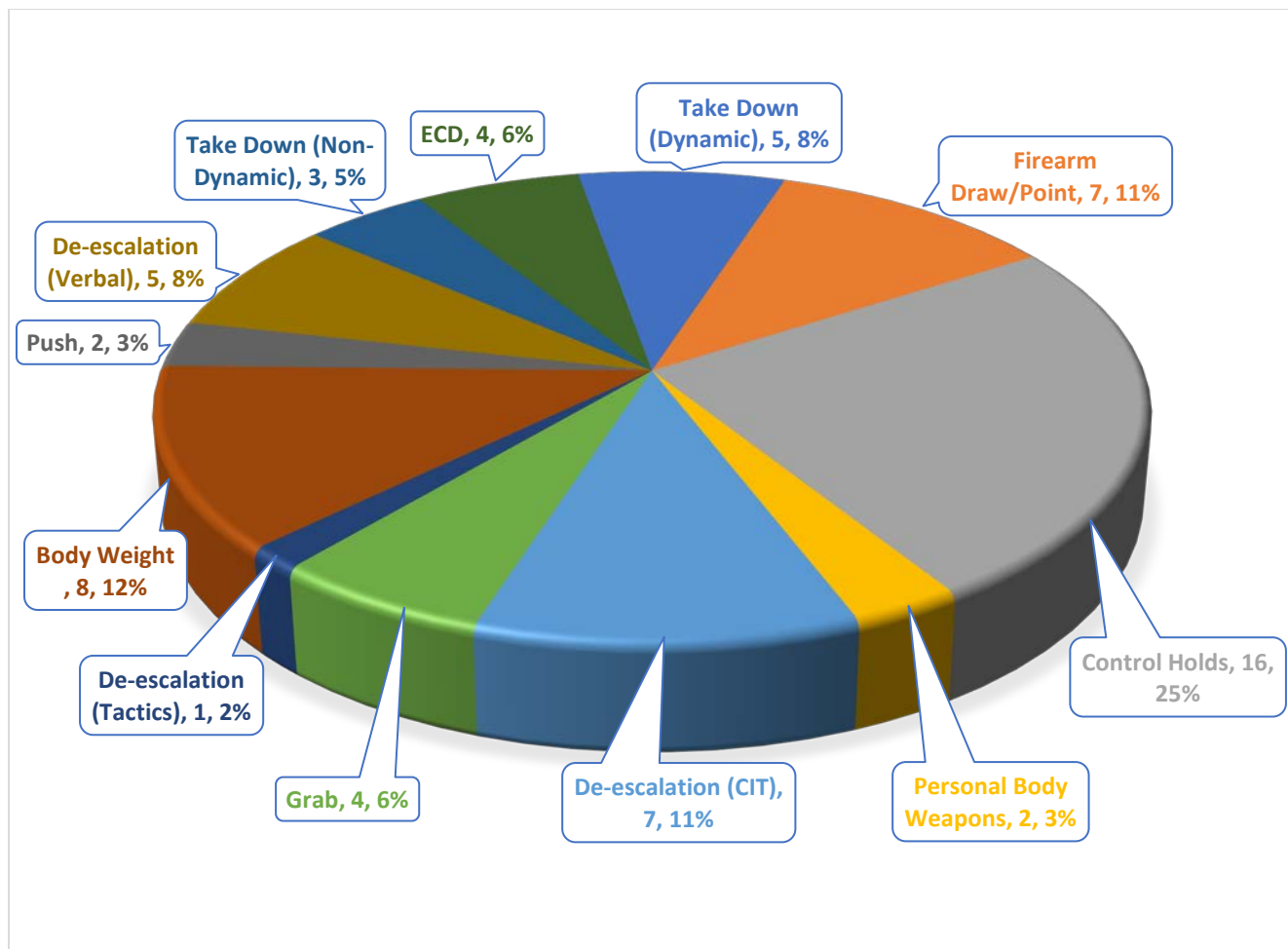


### Force Options Used (Incident Count), November 2018



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

## Types of Force Used, November 2018 (Overall Total)



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



## Citizen Complaints - 2018

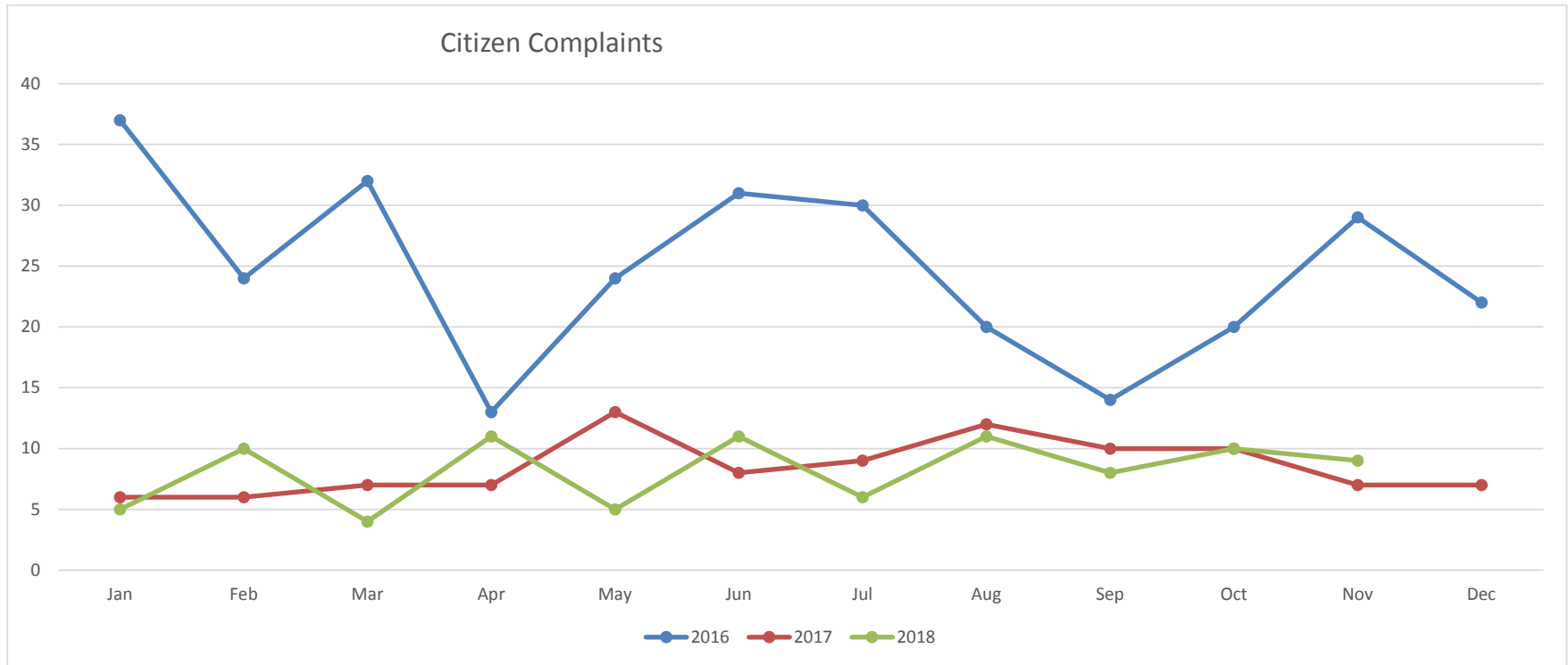
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2018	5	10	4	11	5	11	6	11	8	10	9		90
YTD 2018	5	15	19	30	35	46	52	63	71	81	90		

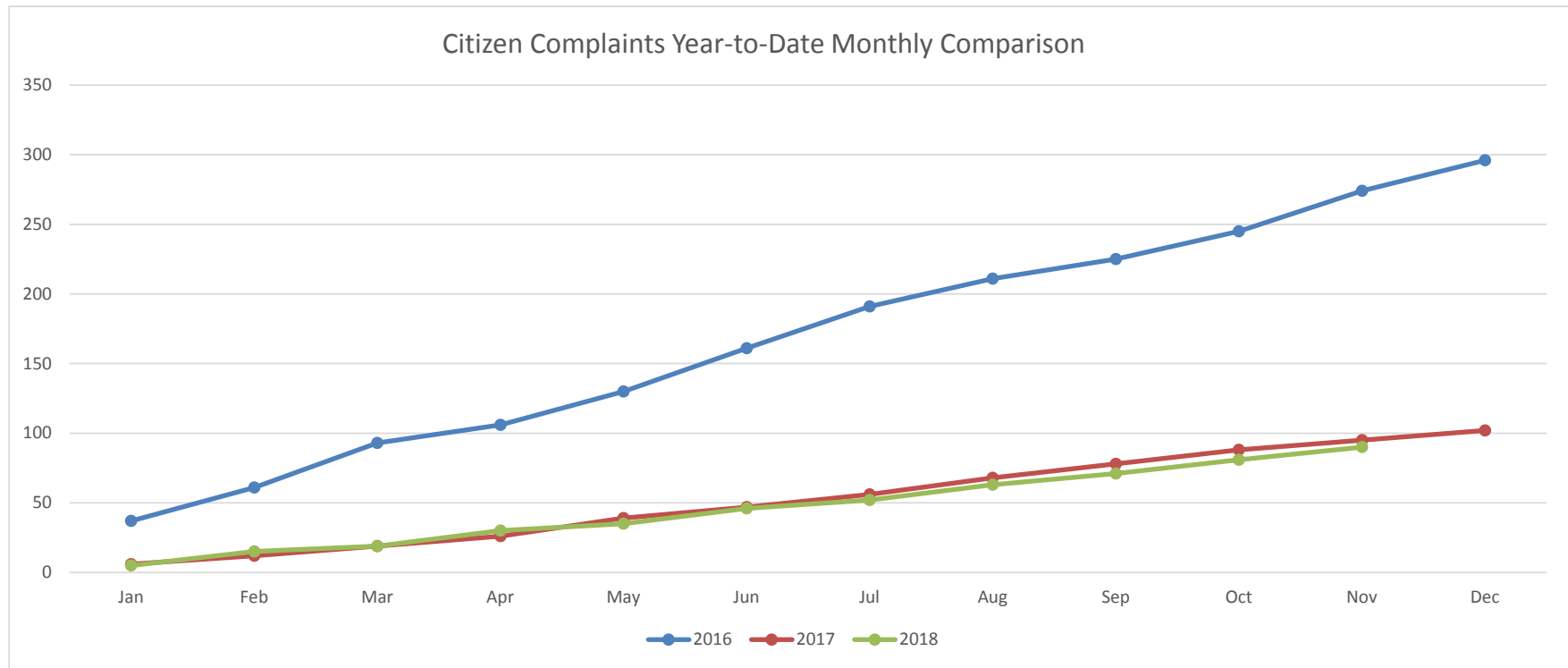
## Citizen Complaints - 2017

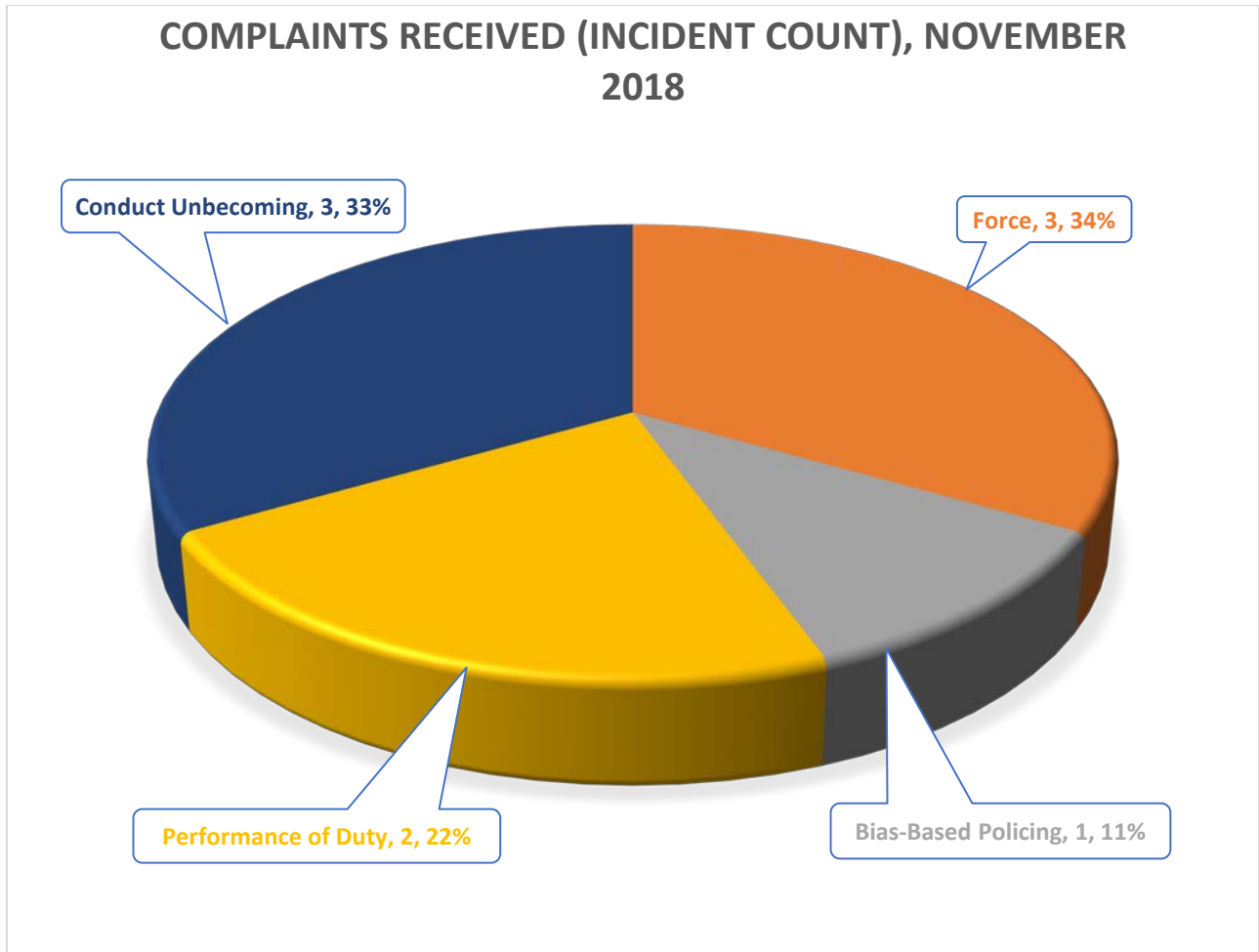
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2017	6	6	7	7	13	8	9	12	10	10	7	7	102
YTD 2017	6	12	19	26	39	47	56	68	78	88	95	102	

## Citizen Complaints - 2016

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







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 - November 2018							
IA	DATE						
CASE #	OCC'D	REC'D	ALLEGATION	FINDING	INVESTIGATOR	STATUS	DUE DATE
IA2016-071	07/29/16	7/29/2016	Force, Bias, Arrest		Sgt. McNack	In Progress	12/28/16
			Force, Bias, Arrest				01/27/17
			Force, Bias, Arrest				
			Force, Bias, Arrest				
IA2017-040	1/31/2017	5/18/2017	Force		Sgt. McNack	Tolled	10/17/2017
			Force				
IA2018-001	1/3/2018	1/3/2018	Force (OIS)		Sgt. T. Salas	Tolled	6/4/2018
IA2018-010	2/1 2/2 2018	2/12/2018	CUBO		Sgt. Togonon	Pending Approval	7/14/2018
			CUBO				
IA2018-016	2/25/2018	2/26/2018	Policy/Procedure, POD	Service Review	Sgt. T. Salas	In Progress	10/25/2018
IA2018-022	1/20/2018	3/2/2018	CUBO, Policy/Procedure	L11	Sgt. T. Salas	Pending Approval	10/31/2018
IA2018-024	4/11/2018	4/13/2018	CUBO		Sgt. T. Salas	In Progress	9/12/2018
IA2018-025	4/11/2018	4/11/2018	Force	L11	Sgt. T. Salas	Pending Approval	10/31/2018
IA2018-027	4/20/2018	4/11/2018	Bias Based Policing		Sgt. T. Salas	In Progress	9/19/2018
IA2018-028	2/3/2018	4/20/2018	Force, Courtesy	Deferred to OIPA #18-15		OIPA Investigation	9/19/2018
IA2018-032	UNK	4/20/2018	BBP, POD, CUBO	Deferred to OIPA #18-16		OIPA Investigation	9/23/2018
IA2018-033	3/15/2018	4/23/2018	Force	Deferred to OIPA #18-17		OIPA Investigation	9/23/2018
IA2018-035	1/30/2018	4/30/2018	Force, BBP		Sgt. T. Salas	In Progress	10/31/2018
IA2018-037	4/30/2018	5/1/2018	CUBO	Sgt. Szopinski	Sgt. T. Salas	To Patrol	10/2/2018
IA2018-038	5/3/2018	5/8/2018	Policy/Procedure	OIPA Intake #18-20	Sgt. McNack	In Progress	10/7/2018
IA2018-039	5/15/2018	5/15/2018	CUBO		Sgt. T. Salas	In Progress	1/7/2019
IA2018-041	5/20/2018	5/20/2018	Courtesy	Q. Ruffin 11/28/18	Sgt. McNack	To Patrol	10/19/2018
IA2018-042	5/31/2018	6/1/2018	Force, POD	Sekhon	Sgt. McNack	To Patrol	10/31/2018
IA2018-043	6/6/2018	6/6/2018	Force		Sgt. McNack	Tolled	11/5/2018
IA2018-044	6/5/2018	6/8/2018	CUBO	IND	Sgt. T. Salas	Tolled	11/7/2018
IA2018-046	6/9/2018	6/9/2018	Bias Based Policing Bias Based Policing		Sgt. McNack	In Progress	11/10/2018
IA2018-049	6/18/2018	6/18/2018	CUBO, Policy/Procedure	Sgt. Spears	Sgt. T. Salas	To Patrol	11/17/2018
IA2018-050	6/12/2018	6/15/2018	CUBO	Sgt. Castaneda	Sgt. T. Salas	To Patrol	7/15/2018
IA2018-051	6/28/2018	6/28/2018	Service Review/ S.R.	Hesson	Sgt. McNack		11/27/2018
IA2018-052	7/1/2018	7/2/2018	Courtesy	Lt. Scott 11/27/18	Sgt. T. Salas	To Patrol	11/15/2018
IA2018-053	6/12/2018	6/12/2018	Courtesy	S.R.	Sgt. Salas	In Progress	7/12/2018
IA2018-054	7/8/2018	7/8/2018	CUBO		Sgt. McNack	In Progress	12/9/2018
IA2018-060	7/22/2018	7/23/2018	Service Review		Lt. Franklin	Tolled	12/23/2018

IA	DATE		ALLEGATION	FINDING	INVESTIGATOR	STATUS	DUE DATE
	CASE #	OCC'D					
IA2018-061	7/25/2018	7/26/2018	CUBO	OIPA Intake #18-30	Sgt. McNack	In Progress	12/25/2018
IA2018-063	8/8/2018	8/9/2018	Bias, CUBO		Sgt. T. Salas	In Progress	1/8/2019
IA2018-064	8/10/2018	8/10/2018	Force, Axon		Sgt. T. Salas	In Progress	1/9/2019
IA2018-065	8/7/2018	8/7/2018	Bias, CUBO		Sgt. T. Salas	In Progress	1/6/2019
IA2018-066	8/10/2018	8/10/2018	Bias Based Policing	OIPA Intake #18-32	Sgt. T. Salas	In Progress	1/9/2019
IA2018-067	8/10/2018	8/10/2018	CUBO	Clear by video	Sgt. T. Salas	In Progress	9/15/2018
IA2018-070	8/5/2018	8/21/2018	CUBO, Policy/Procedure, Supervision		Sgt. T. Salas	In Progress	1/20/2019
IA2018-071	8/8/2018	8/18/2018	POD	OIPA Intake #18-33, Inquiry	Sgt. T. Salas	In Progress	
IA2018-072	Unk	8/23/2018	POD	OIPA Intake #18-35	Sgt. T. Salas	In Progress	1/22/2019
IA2018-073	8/23/2018	8/23/2018	CUBO	S.R. 10/24/18	Sgt. T. Salas	To Patrol	9/22/2018

PART 1 CRIMES	2013	2014	2015	2016	2017	YTD November		% change from '17
						2017	2018	
Homicide	1	0	1	1	0	0	3	300%
Rape	0	2	3	4	8	7	3	-57%
Robbery	209	153	161	232	290	265	296	12%
Aggravated Assault	57	71	73	93	121	103	121	17%
<b>Violent Crime Subtotal</b>	<b>267</b>	<b>226</b>	<b>238</b>	<b>330</b>	<b>419</b>	<b>375</b>	<b>423</b>	<b>13%</b>
Burglary (Not Including Auto)	25	7	4	12	15	13	17	31%
Larceny	2524	2597	2325	2217	2593	2356	2348	0%
Auto Theft	483	522	480	480	420	384	328	-15%
Arson	0	0	0	1	4	5	4	-20%
<b>Property Crime Subtotal</b>	<b>3032</b>	<b>3126</b>	<b>2809</b>	<b>2710</b>	<b>3032</b>	<b>2758</b>	<b>2697</b>	<b>-2%</b>
<b>TOTAL</b>	<b>3299</b>	<b>3352</b>	<b>3047</b>	<b>3040</b>	<b>3451</b>	<b>3133</b>	<b>3120</b>	<b>0%</b>



# BART Police Performance Measurements

## November 2018

**Disclaimer--\*\***The data is drawn from the BART Police Department TriTech computer database, and they are unaudited. The numbers may not match the official monthly totals reported to the FBI through the Uniform Crime Reporting (UCR) program. Late reporting, the reclassification or unbounding of crimes, can affect crime statistics. **OT Budget costs** are projected numbers and actual numbers are about 3 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

#### 2018 Current Month

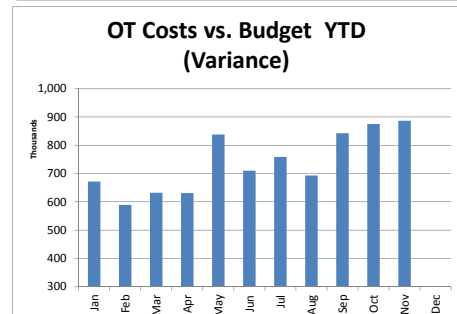
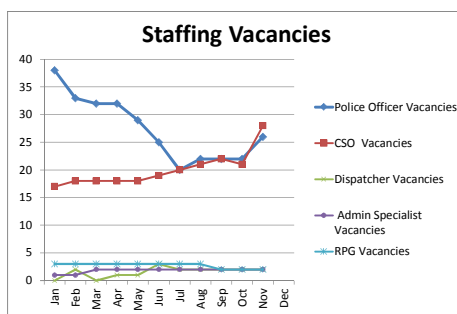
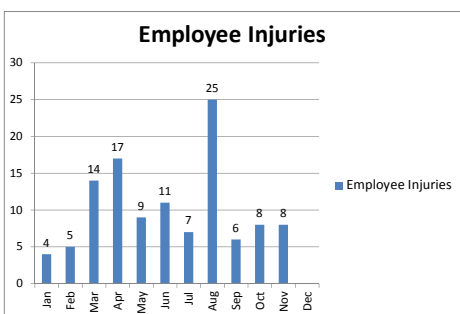
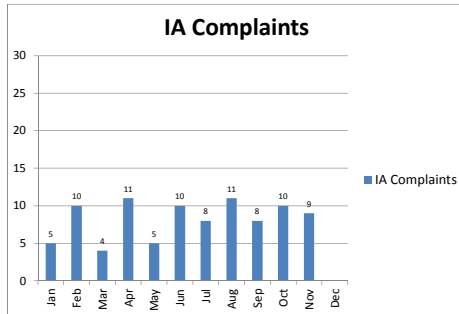
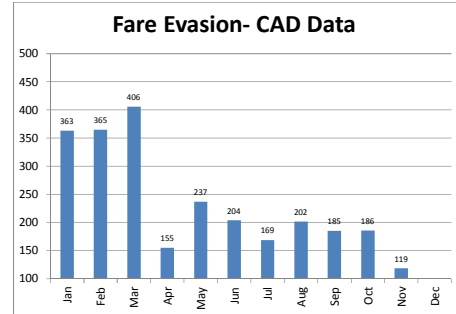
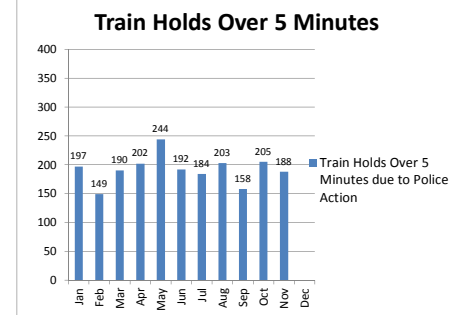
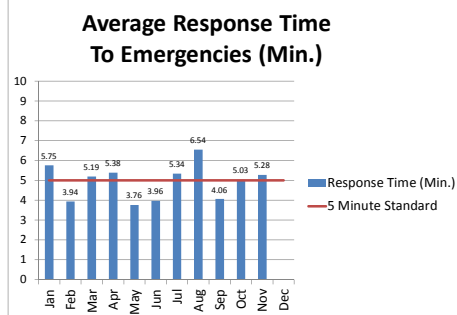
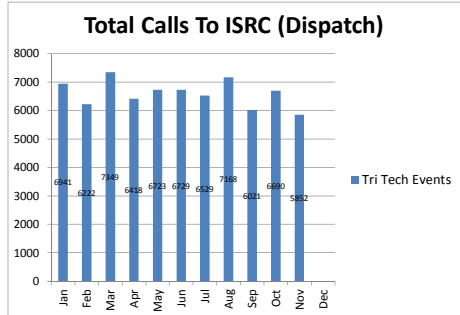
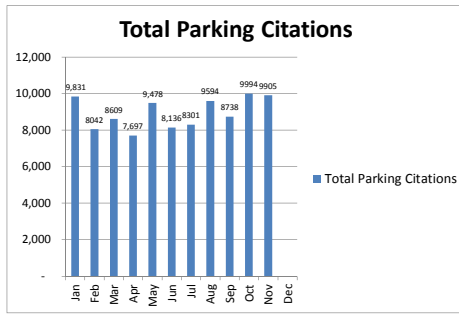
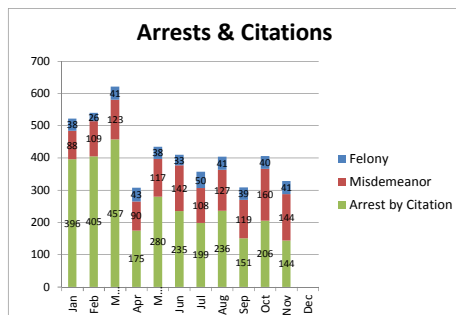
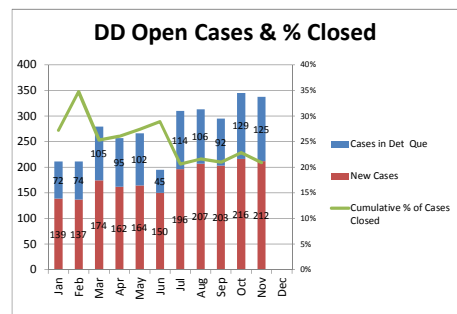
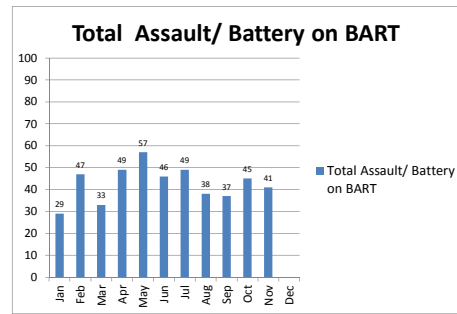
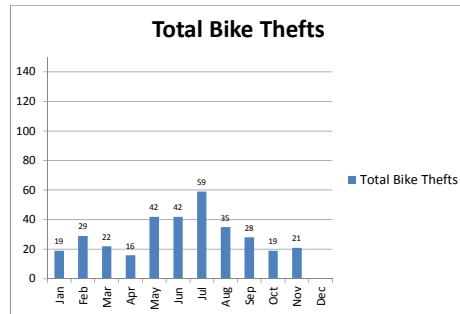
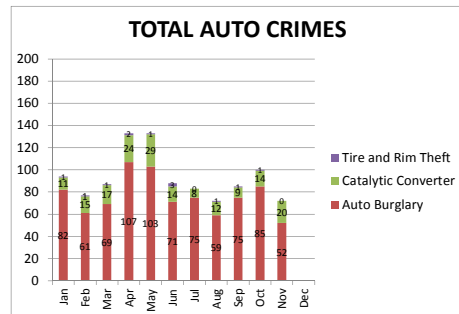
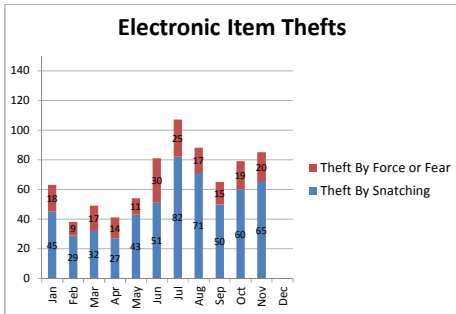
Coliseum  
Civic Center  
Fruitvale  
Powell St  
San Leandro

### Most Frequent all of 2017

#### 2017 YEAR

Coliseum  
Bay Fair  
West Oakland  
Fruitvale  
East Dublin

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



PART 1 CRIMES	2017	YTD November		% change from '17
		2017	2018	
Homicide	0	0	2	200%
Rape	6	5	3	-40%
Robbery	191	177	172	-3%
Aggravated Assault	68	63	103	63%
<b>Violent Crime Subtotal</b>	<b>265</b>	<b>245</b>	<b>280</b>	<b>14%</b>
Burglary (Not Including Auto)	8	7	10	43%
Larceny	1471	1344	1171	-13%
Auto Theft	266	241	182	-24%
Arson	2	2	3	50%
<b>Property Crime Subtotal</b>	<b>1747</b>	<b>1594</b>	<b>1366</b>	<b>-14%</b>
<b>TOTAL</b>	<b>2012</b>	<b>1839</b>	<b>1646</b>	<b>-10%</b>

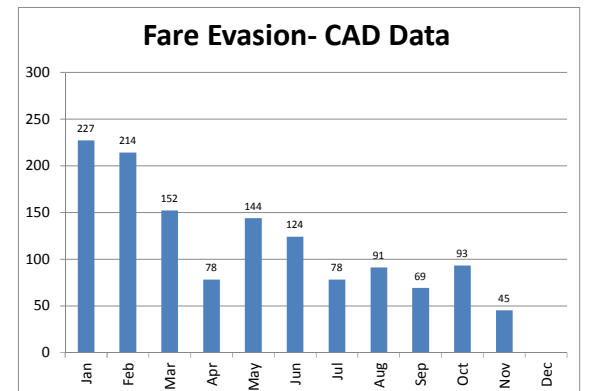
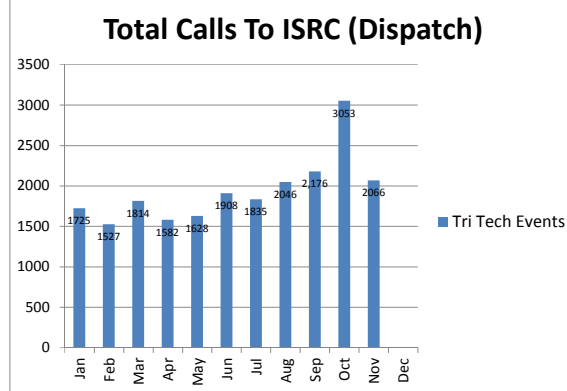
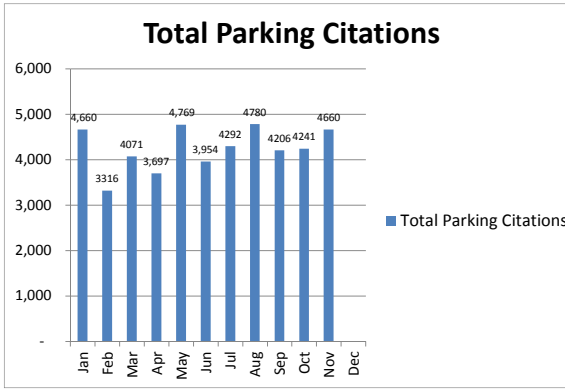
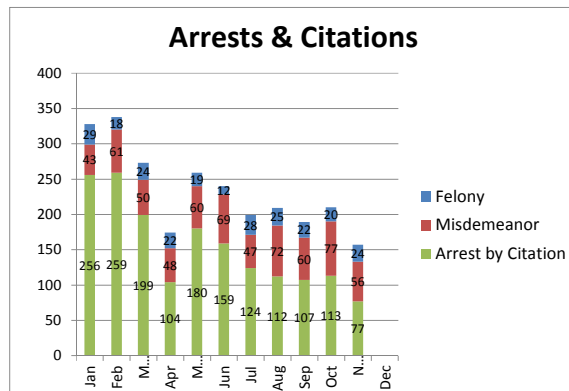
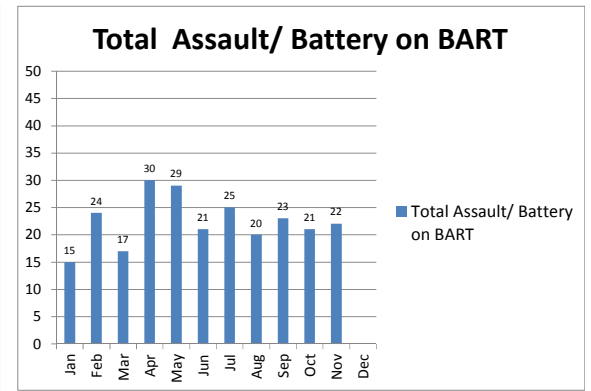
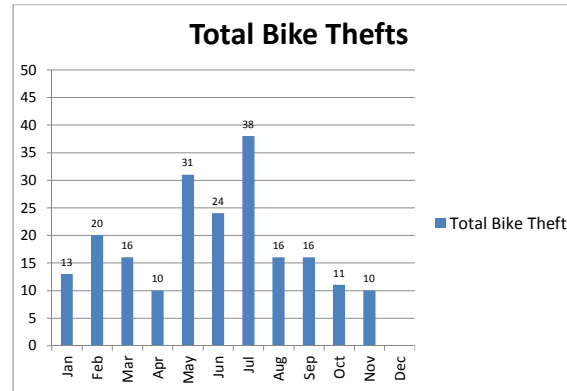
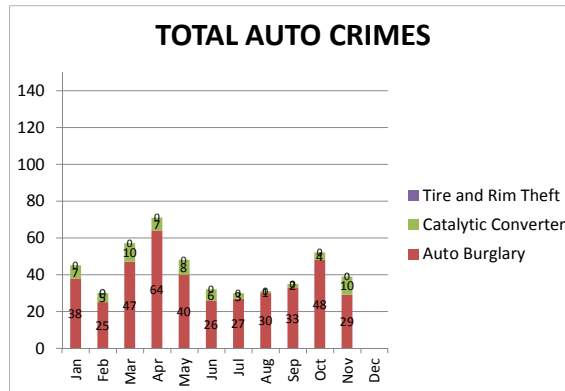
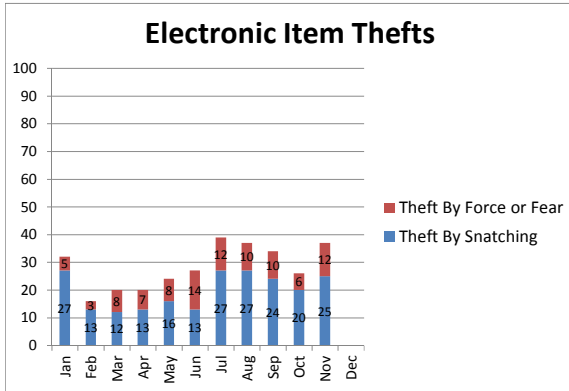


# BART Police Performance Measurements

## Alameda County Crime Statistics

### November 2018

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





PART 1 CRIMES	2017	YTD November		% change from '17
		2017	2018	
Homicide	0	0	1	100%
Rape	1	1	0	-100%
Robbery	35	32	27	-16%
Aggravated Assault	23	18	26	44%
<b>Violent Crime Subtotal</b>	<b>59</b>	<b>51</b>	<b>54</b>	<b>6%</b>
Burglary (Not Including Auto)	2	1	1	0%
Larceny	675	618	605	-2%
Auto Theft	134	125	125	0%
Arson	3	3	1	-67%
<b>Property Crime Subtotal</b>	<b>814</b>	<b>747</b>	<b>732</b>	<b>-2%</b>
<b>TOTAL</b>	<b>873</b>	<b>798</b>	<b>786</b>	<b>-2%</b>

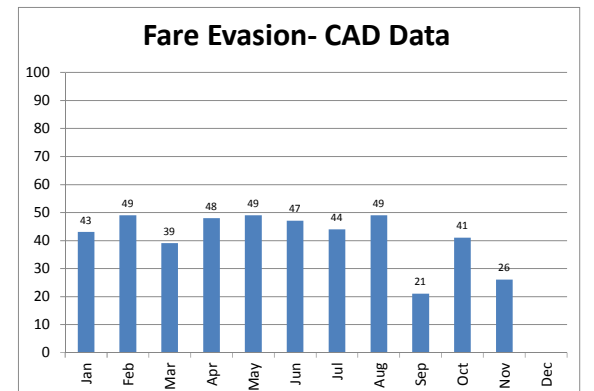
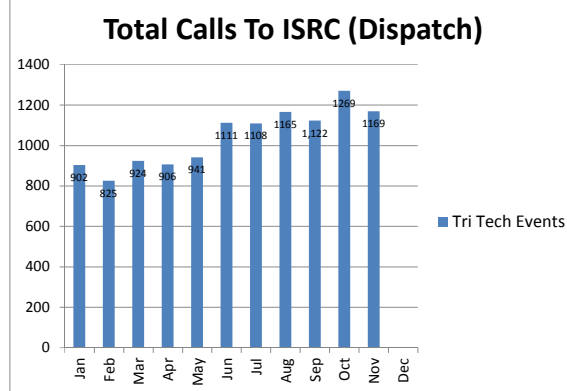
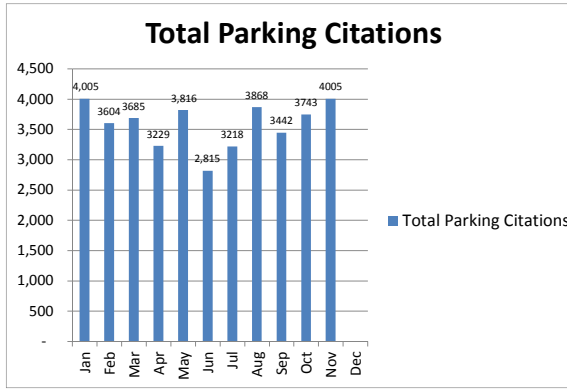
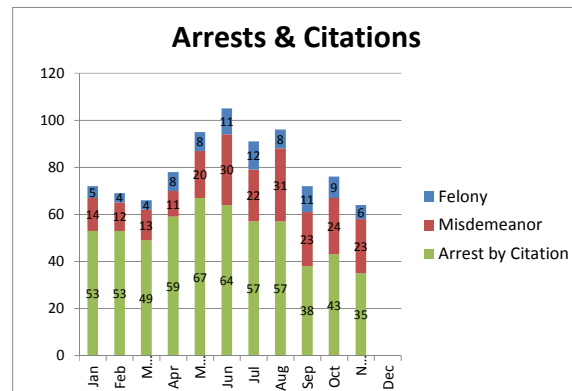
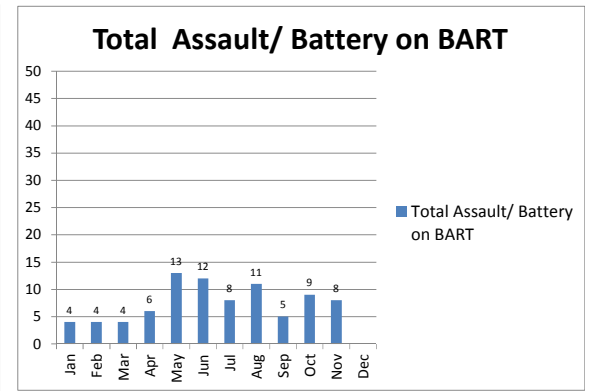
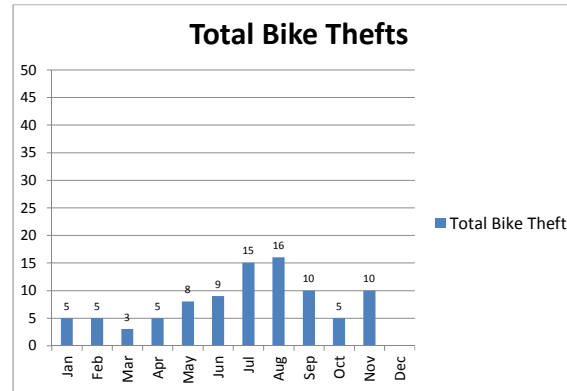
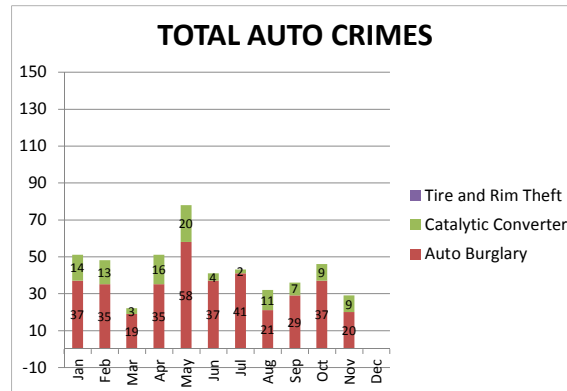
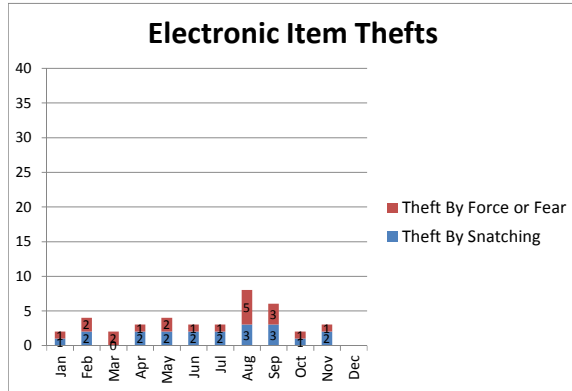


# BART Police Performance Measurements

## Contra Costa County Crime Statistics

### November 2018

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PART 1 CRIMES	2017	YTD November		% change from '17
		2017	2018	
Homicide	0	0	0	0%
Rape	0	0	0	0%
Robbery	49	44	90	105%
Aggravated Assault	22	18	16	-11%
<b>Violent Crime Subtotal</b>	<b>71</b>	<b>62</b>	<b>106</b>	<b>71%</b>
Burglary (Not Including Auto)	5	5	5	0%
Larceny	244	217	420	94%
Auto Theft	2	2	1	-50%
Arson	0	0	0	0%
<b>Property Crime Subtotal</b>	<b>251</b>	<b>224</b>	<b>426</b>	<b>90%</b>
<b>TOTAL</b>	<b>322</b>	<b>286</b>	<b>532</b>	<b>86%</b>

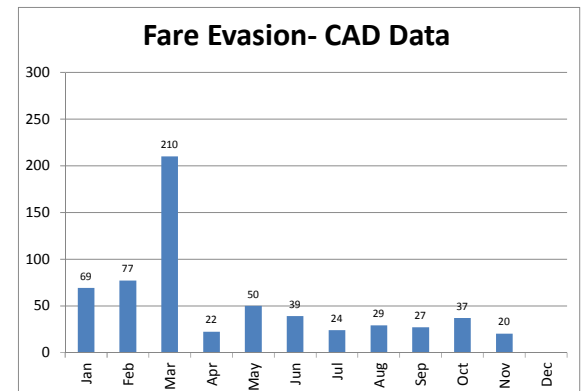
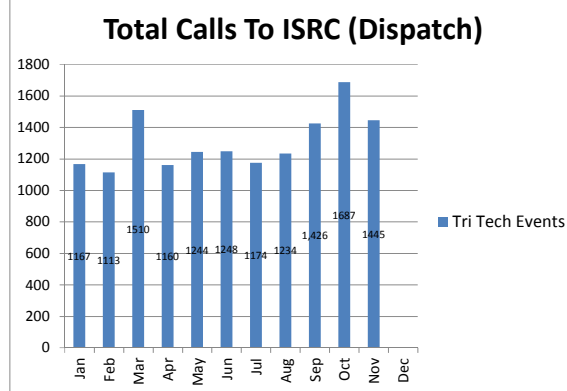
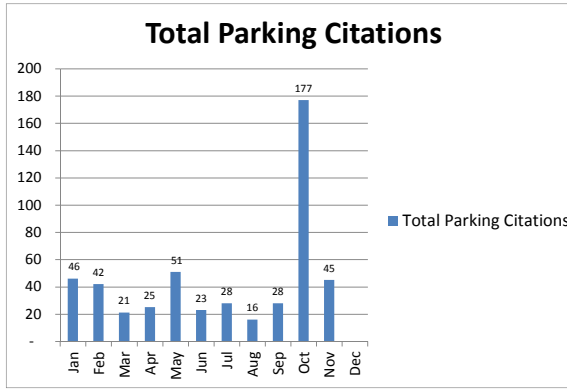
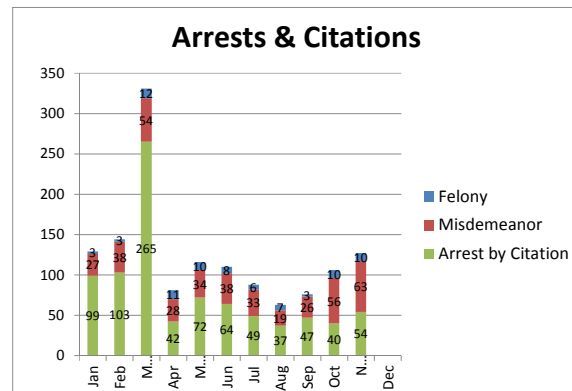
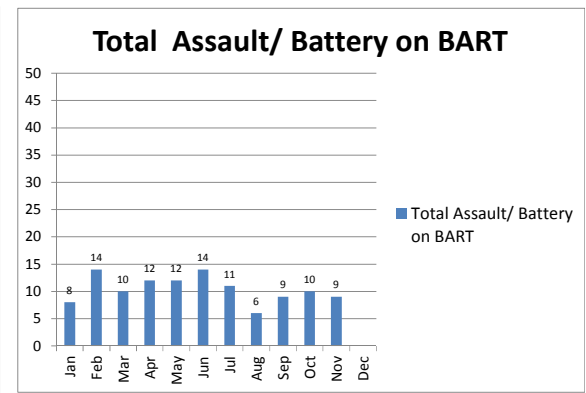
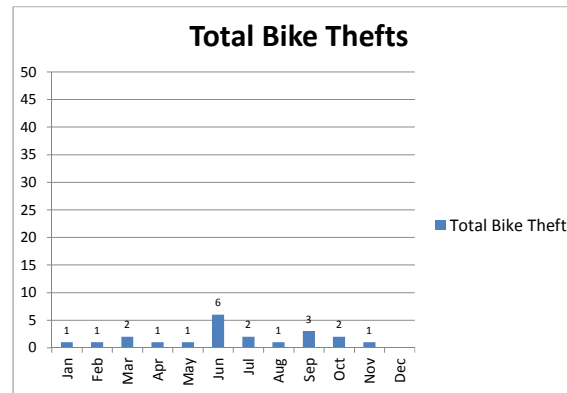
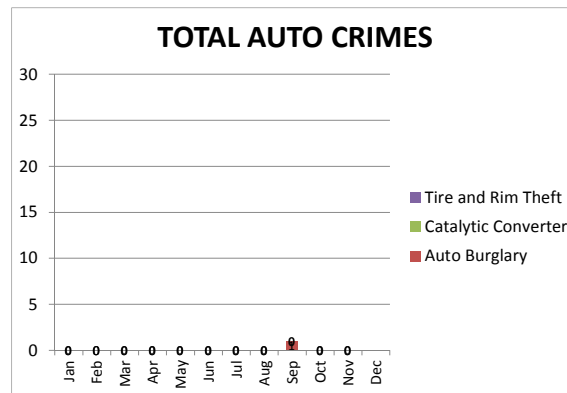
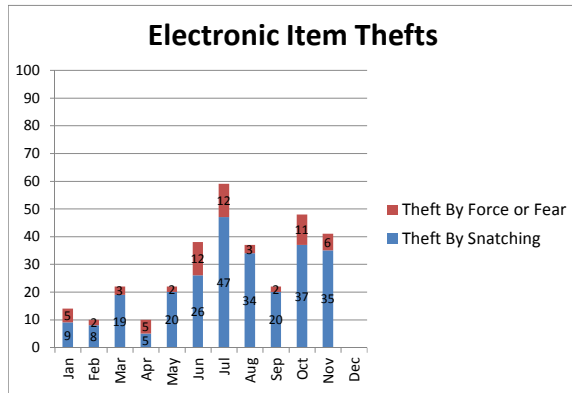


# BART Police Performance Measurements

## San Francisco County Crime Statistics

### November 2018

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PART 1 CRIMES	2017	YTD November		% change from '17
		2017	2018	
Homicide	0	0	0	0%
Rape	1	1	0	-100%
Robbery	15	14	7	-50%
Aggravated Assault	6	6	3	-50%
<b>Violent Crime Subtotal</b>	<b>22</b>	<b>21</b>	<b>10</b>	<b>-52%</b>
Burglary (Not Including Auto)	0	0	0	0%
Larceny	208	182	135	-26%
Auto Theft	18	16	21	31%
Arson	0	0	0	0%
<b>Property Crime Subtotal</b>	<b>226</b>	<b>198</b>	<b>156</b>	<b>-21%</b>
<b>TOTAL</b>	<b>248</b>	<b>219</b>	<b>166</b>	<b>-24%</b>

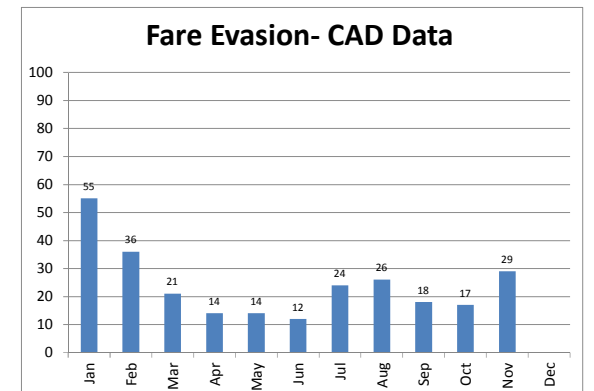
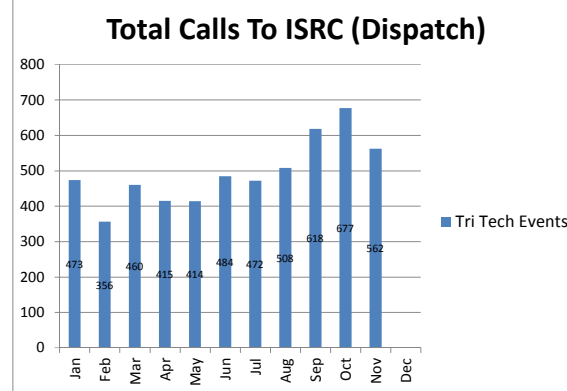
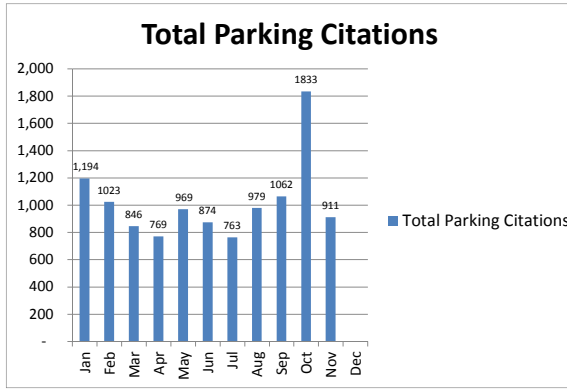
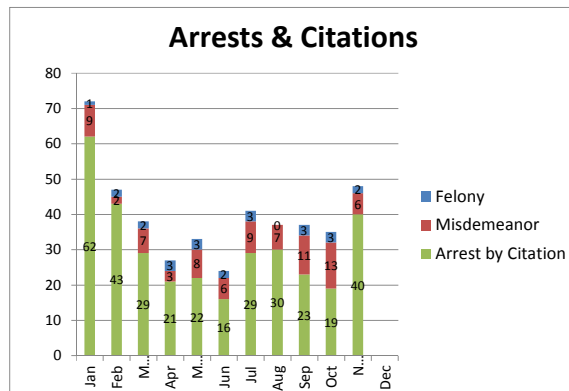
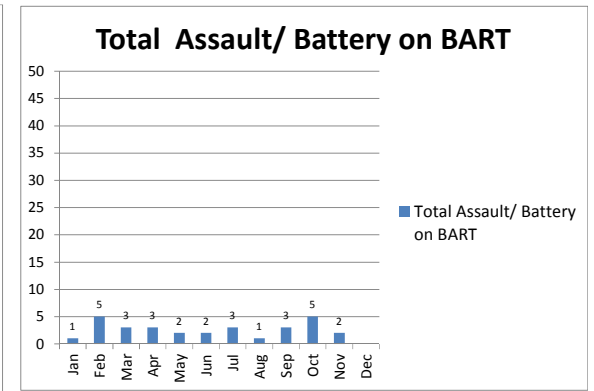
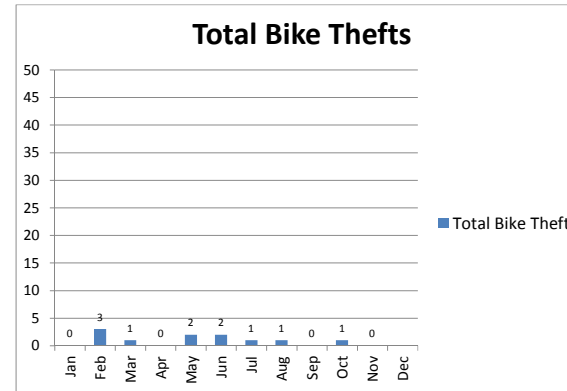
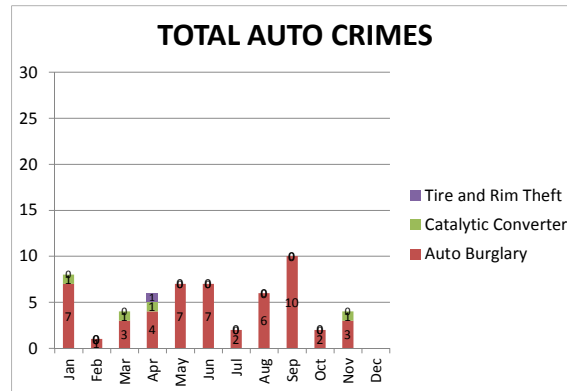
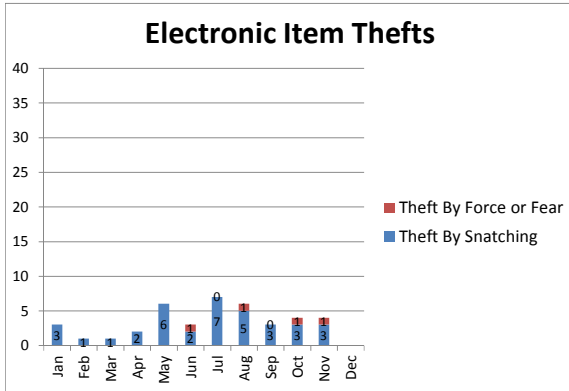


# BART Police Performance Measurements

## San Mateo County Crime Statistics

### November 2018

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## Enforcement Contacts - 2018

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

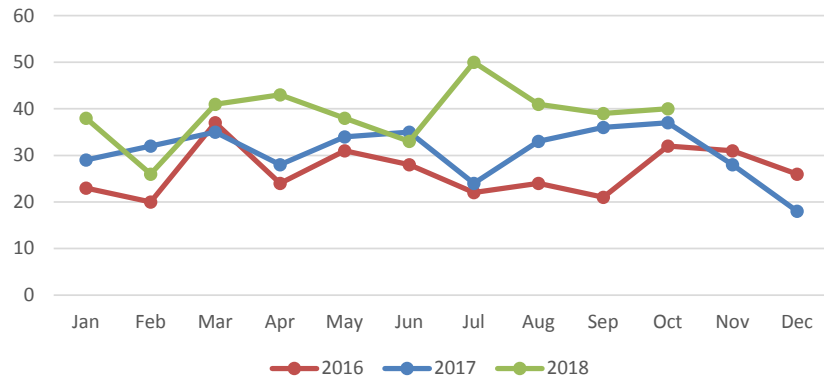
## Enforcement Contacts - 2017

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

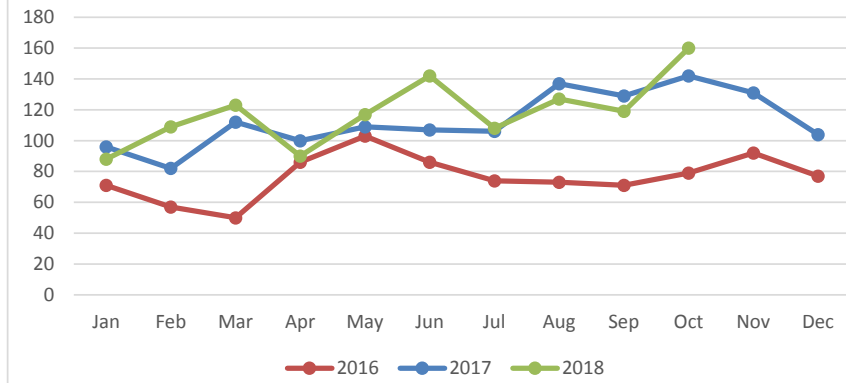
# Enforcement Contacts - 2016

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

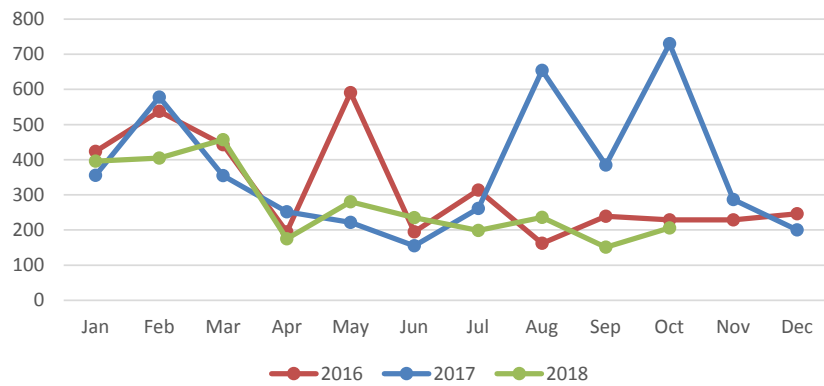
Felony Arrests



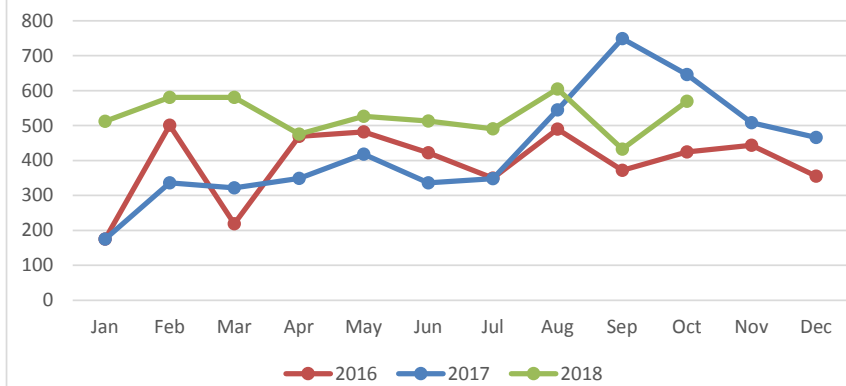
Misdemeanor Arrests



Cite & Release



Field Interviews



# Parking Enforcement - 2018

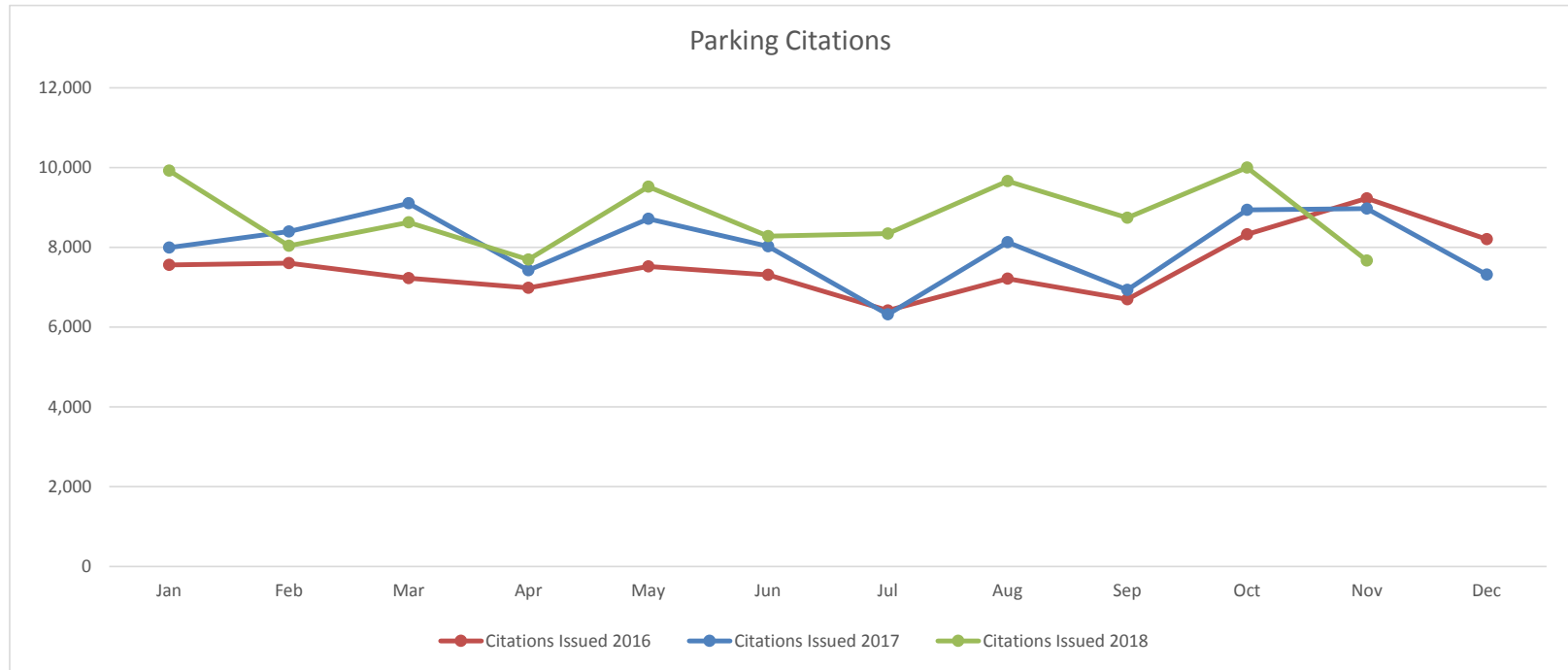
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Citations Issued	9,925	8,042	8,629	7,697	9,520	8,281	8,344	9,661	8,744	10,001	7,671		96,515
YTD 2018	9,925	17,967	26,596	34,293	43,813	52,094	60,438	70,099	78,843	88,844	96,515		
Contested	2,121	1,808	2,152	1,782	1,827	2,053	1,958	2,211	2,060	2,314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

# Parking Enforcement - 2017

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

# Parking Enforcement - 2016

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





# Warrant Arrests

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
<b>2018</b>												
BART Felony Warrants	2	1	3	0	2	1	2	2	2	0	1	
BART Misdemeanor Warrants	3	3	2	2	6	4	1	4	5	7	2	
O/S Felony Warrants	12	10	16	29	29	8	16	14	10	21	17	
O/S Misdemeanor Warrants	40	37	68	55	60	36	67	51	41	69	62	
<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>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>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>
<b>2016</b>												
BART Felony Warrants	0	0	0	1	0	0	0	0	0	0	1	1
BART Misdemeanor Warrants	11	18	8	3	3	4	0	0	0	0	2	3
O/S Felony Warrants	16	28	23	12	6	9	15	12	8	20	17	11
O/S Misdemeanor Warrants	53	35	35	34	48	35	41	32	30	28	33	62
<b>Monthly Total</b>	<b>80</b>	<b>81</b>	<b>66</b>	<b>50</b>	<b>57</b>	<b>48</b>	<b>56</b>	<b>44</b>	<b>38</b>	<b>48</b>	<b>53</b>	<b>77</b>
<b>YTD Total</b>	<b>80</b>	<b>161</b>	<b>227</b>	<b>277</b>	<b>334</b>	<b>382</b>	<b>438</b>	<b>482</b>	<b>520</b>	<b>568</b>	<b>621</b>	<b>698</b>



## San Francisco Bay Area Rapid Transit Police Department Criminal Investigations Division Monthly Summary Report November, 2018

### Detective Assignments

Total number of cases assigned to detectives during the month	Number of cases that are still being investigated by detectives	Number of cases that all current leads have been exhausted	Number of cases that were sent to the district attorney's offices for a review	Number of cases that the district attorney's offices has not made a final disposition	Number of cases that were charged/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 Dec. 6, 2018
<b>212</b>	<b>125</b>	<b>10</b>	<b>76</b>	<b>26</b>	<b>20</b>	<b>30</b>	<b>26%</b>	<b>140</b>

**Submitted By: Sgt. J. Power S-49**

**Date: 12/06/2018**

# San Francisco Bay Area Rapid Transit Police Department

## Criminal Investigations Division

### November, 2018

#### Detective Closure Rate

	Total number of cases assigned to detectives previous 12 months (Dec 2017 - Nov 2018)	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>2196</b>	<b>193</b>	<b>632</b>	<b>29%</b>	<b>1339</b>	<b>61%</b>	<b>9%</b>
D39	170	0	52	<b>31%</b>	117	<b>69%</b>	<b>0%</b>
D51	363	26	92	<b>25%</b>	241	<b>66%</b>	<b>7%</b>
D75	128	0	21	<b>16%</b>	103	<b>80%</b>	<b>0%</b>
D31	381	11	92	<b>24%</b>	275	<b>72%</b>	<b>3%</b>
D55	562	61	231	<b>41%</b>	264	<b>47%</b>	<b>11%</b>
D27	239	8	88	<b>37%</b>	132	<b>55%</b>	<b>3%</b>
D54	220	7	44	<b>20%</b>	167	<b>76%</b>	<b>3%</b>
D10	56	9	8	<b>14%</b>	38	<b>68%</b>	<b>16%</b>
D52	30	28	0	<b>0%</b>	2	<b>7%</b>	<b>93%</b>
Robbery	47	43	4	<b>9%</b>	0	<b>0%</b>	<b>91%</b>

#### CASES IN DETECTIVE QUEUE

	Total	Past 60 days
D51	25	9
D55	11	
D31	10	
D27	6	
D54	8	
D10	12	

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

Submitted by: Sgt. John J. Power #S49  
Date: Dec 6, 2018

## Assembly Bill 716 - 2018

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

## Assembly Bill 716 - 2017

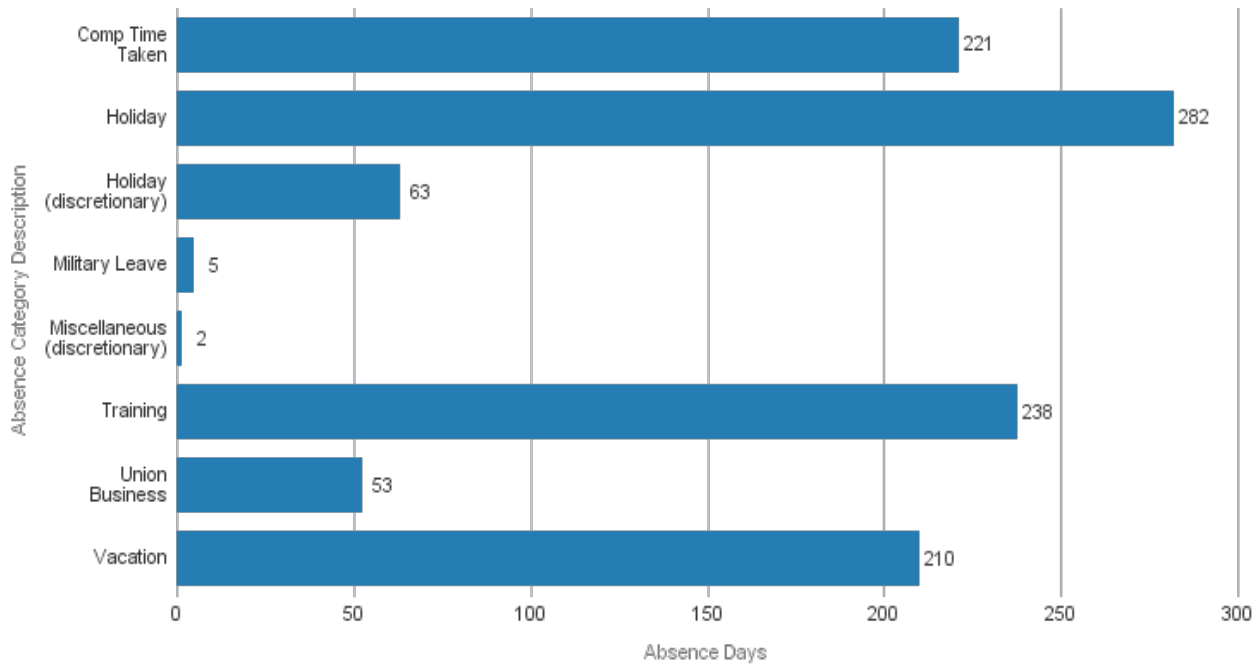
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Prohibition Orders Issued	18	18	30	27	37	30	24	21	27	31	38	14	315
YTD 2017	18	36	66	93	130	160	184	205	232	263	300	315	

## Assembly Bill 716 - 2016

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

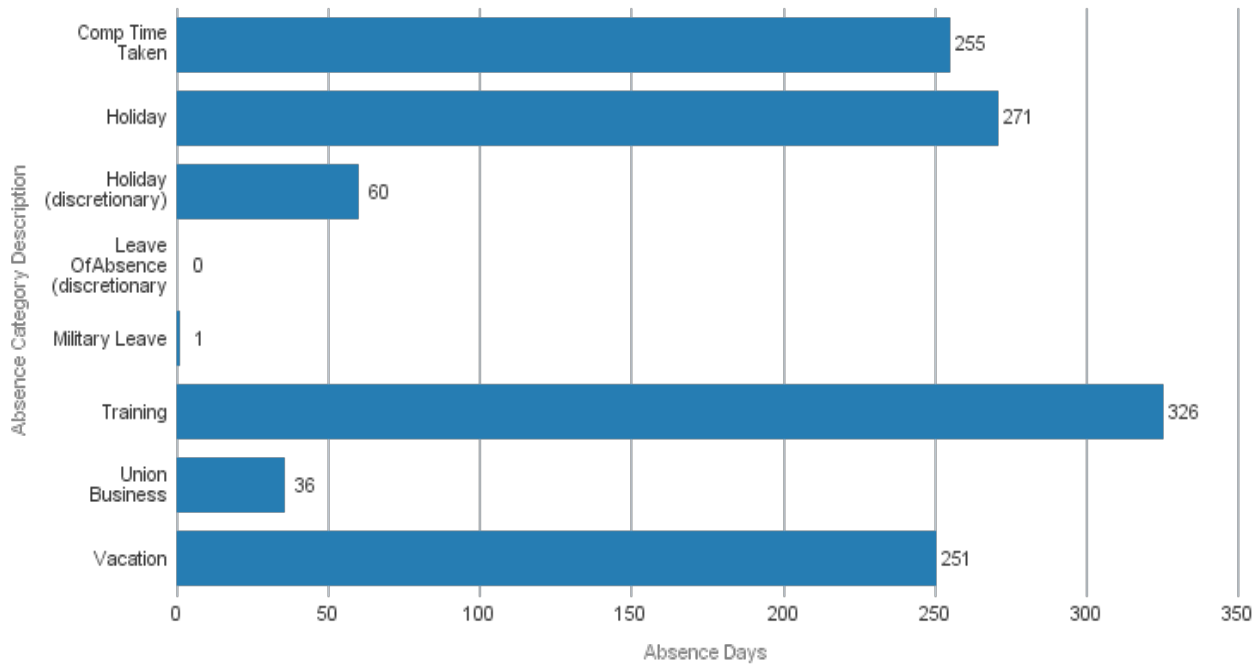


### Scheduled Absence Overview - November 2018



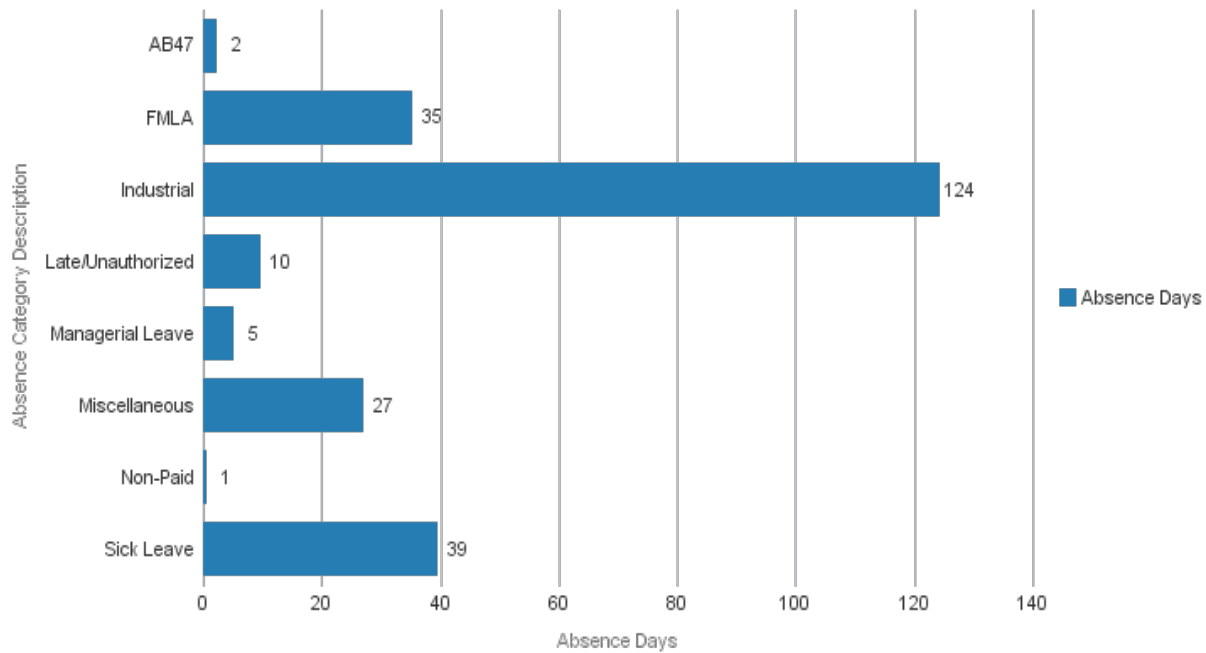
Absence Category Description	Absence Hours	Absence Days	% Total
Comp Time Taken	2,242	221	21%
Holiday	2,666	282	26%
Holiday (discretionary)	630	63	6%
Military Leave	58	5	0%
Miscellaneous (discretionary)	16	2	0%
Training	2,170	238	22%
Union Business	558	53	5%
Vacation	2,086	210	20%
<b>Grand Total</b>	<b>10,426</b>	<b>1,073</b>	<b>100%</b>

### Scheduled Absence Overview - November 2017



Absence Category Description	Absence Hours	Absence Days	% Total
Comp Time Taken	2,480	255	21%
Holiday	2,558	271	23%
Holiday (discretionary)	602	60	5%
Leave OfAbsence (discretionary)	5	0	0%
Military Leave	10	1	0%
Training	3,019	326	27%
Union Business	357	36	3%
Vacation	2,469	251	21%
<b>Grand Total</b>	<b>11,500</b>	<b>1,200</b>	<b>100%</b>

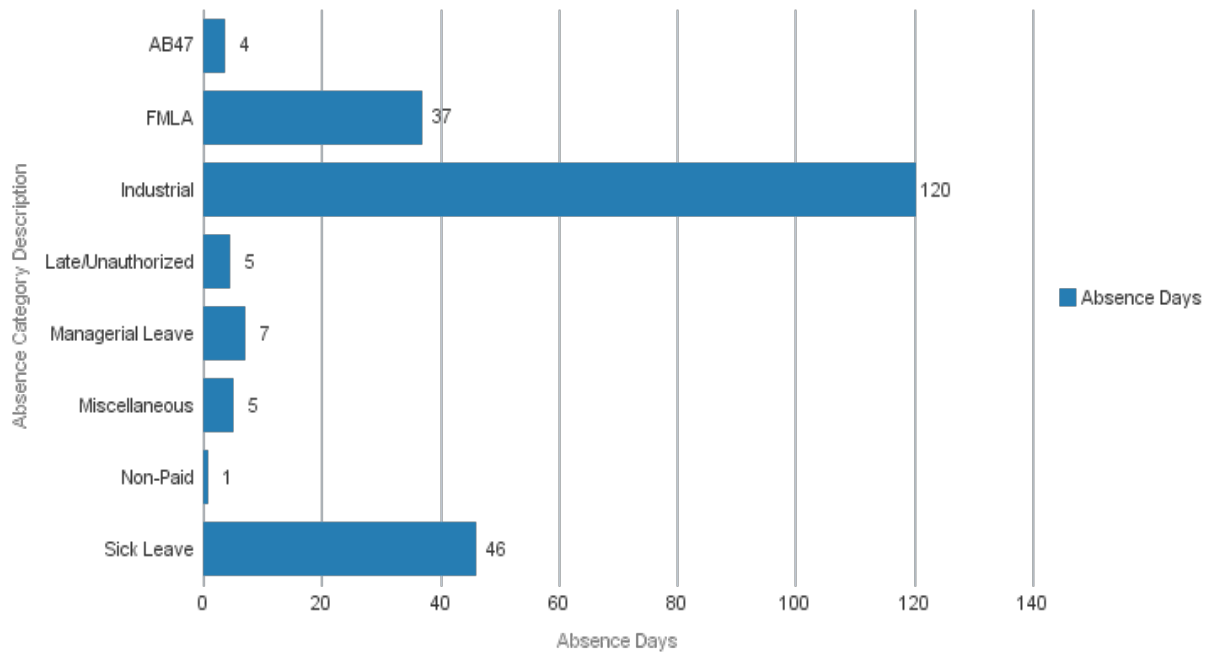
### Unscheduled Absence Overview - November 2018



Absence Category Description	Absence Hours	Absence Days	% Total
AB47	20	2	1%
FMLA	337	35	14%
Industrial	1,209	124	51%
Late/Unauthorized	100	10	4%
Managerial Leave	46	5	2%
Miscellaneous	270	27	11%
Non-Paid	5	1	0%
Sick Leave	379	39	16%
<b>Grand Total</b>	<b>2,366</b>	<b>243</b>	<b>100%</b>



### Unscheduled Absence Overview - November 2017



Absence Category Description	Absence Hours	Absence Days	% Total
AB47	32	4	2%
FMLA	366	37	16%
Industrial	1,244	120	54%
Late/Unauthorized	45	5	2%
Managerial Leave	78	7	3%
Miscellaneous	54	5	2%
Non-Paid	8	1	0%
Sick Leave	467	46	20%
<b>Grand Total</b>	<b>2,293</b>	<b>224</b>	<b>100%</b>

## BART PD OVERTIME MONTHLY REPORT

### November 2018

Activity Name	Activity ID	2017			2018		
		Overtime10	Overtime15	Overtime20	Overtime10	Overtime15	Overtime20
Admin	ADMIN	0	983	0	0	2,622	960
Admin Pool CapRR	ADMIN	0	983	0	0	2,622	960
AdminSuppor to be allocated	ADMIN	0	983	0	0	2,622	960
Administration	ADMIN	0	983	0	0	2,622	960
Adv Officer Training	ADVOF	0	9,641	9,269	161	2,884	9,673
BART Labor	BLABR	0	0	0	0	240	640
BART Labor 2	BLBR2	0	0	0	0	0	512
BF OT Admin Leave BPD	BFALV	0	1,868	0	0	0	0
BF OT Discr Day BPD	BFDSC	0	589	0	0	1,766	5,182
BF OT Industrial Leave BPD	BFILV	0	4,962	6,812	0	1,213	3,380
BF OT Minimum Rest	BFRST	0	976	0	0	0	0
BF OT Patrol TRN	BFTRN	0	1,830	2,445	0	0	1,018
BF OT Recovery Day	BFRCV	440	2,323	17,972	0	10,573	14,049
BF OT Training BPD	BFTRN	0	1,830	2,445	0	0	1,018
BF OT Vacancy BPD	BFVCN	460	11,813	16,162	0	31,329	33,614
BF OT Vacation BPD	BFVAC	440	41,193	75,947	779	41,964	52,705
BF Sick/FMLA/Brvment	BFSLV	60	5,732	11,175	0	15,196	9,798
Backfill for Negotiations	BCKFL	0	0	0	0	829	0
Boardroom Security	BRDRM	0	0	2,760	0	0	1,414
COPPS Project/Event	COPPS	0	538	3,765	0	211	0
COS CSO Parking Detail	CEPLN	0	304	0	0	0	0
Capital Pool CapRR	ADMIN	0	983	0	0	2,622	960
Coliseum Events	CEOPS	1	5,242	10,117	611	7,438	9,230
Court Appearance	COURT	0	0	0	291	722	611
Detectives Unit OT	INVST	0	5,362	4,370	0	4,474	2,623
EMS/OWS Pltfrm Detail	PLTFM	243	6,971	6,625	0	2,982	2,184
Evidence Collection	EVIDN	0	1,667	0	0	0	0
Explorer Advisors	EXPLR	0	1,897	0	0	238	0
Final Design	FDSGN	0	1,471	0	0	3,669	1,931
Held Over/Late Case	HLDOV	0	17,920	1,775	0	16,559	1,214
IA Unit Overtime	IAUNT	0	2,724	4,600	0	3,143	0
K-9 Team Training	K9TTR	0	534	0	479	776	1,563
MTC SECURITY	MTCSC	0	0	0	0	672	0
Meeting Attendance	MTNGS	0	6,396	2,367	145	2,389	1,239
Mgr of Sec Programs	SECPR	0	747	830	0	187	0
Officer Involved Shooting	OIS14	0	695	0	0	0	0
Operating	OPER	0	0	0	620	46,077	44,309

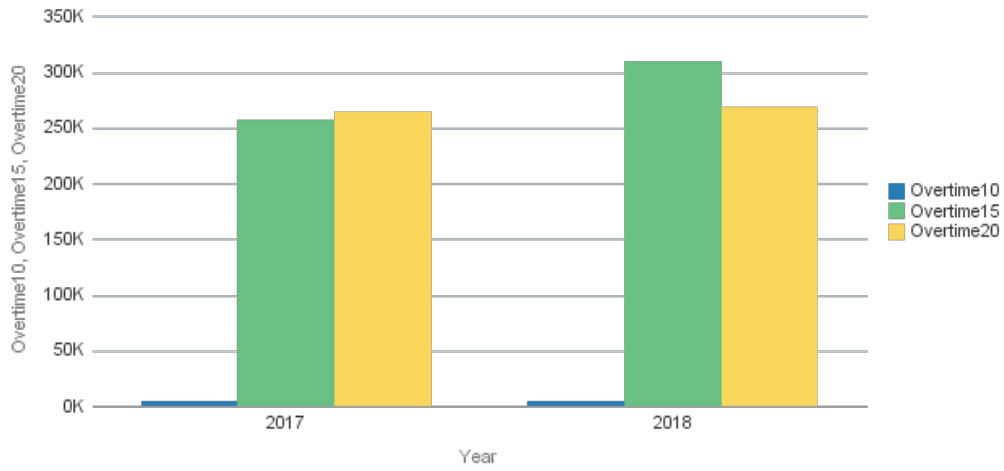
	OPRTN	1,179	28,647	15,150	881	26,431	6,819
P&T Unit Overtime	PTUNT	16	14,271	11,031	1	16,065	4,922
Police Admin OT	PADMN	247	18,231	8,258	0	13,231	2,670
Ptrl Special Enforcement	SPECL	576	47,003	30,869	0	32,184	29,143
Range Staff Training	RANGE	0	615	1,117	0	0	0
Rev Protection Unit OT	RVPRT	0	9	0	0	0	0
SF STA CLN SEC	DSFCS	0	0	0	0	2,101	9,825
SWAT Team Expenses	SWATT	0	0	921	0	0	0
SWAT Team Training	SWATT	0	0	921	0	0	0
Special Events	SPEVN	268	1,298	2,917	0	0	0
TSATestBed	TSATB	0	0	0	0	670	0
Training	TRNNG	0	337	3,870	0	1,258	0
Training Other	TRNOT	0	4,534	3,459	0	3,451	2,829
Union Business	UNBUS	0	1,653	5,281	0	5,212	8,579
		<b>3,929</b>	<b>256,742</b>	<b>263,227</b>	<b>3,968</b>	<b>309,242</b>	<b>267,495</b>

**November**

**523,899**

**580,705**

### Overtime10, Overtime15, Overtime20



## Communications Center - 2018

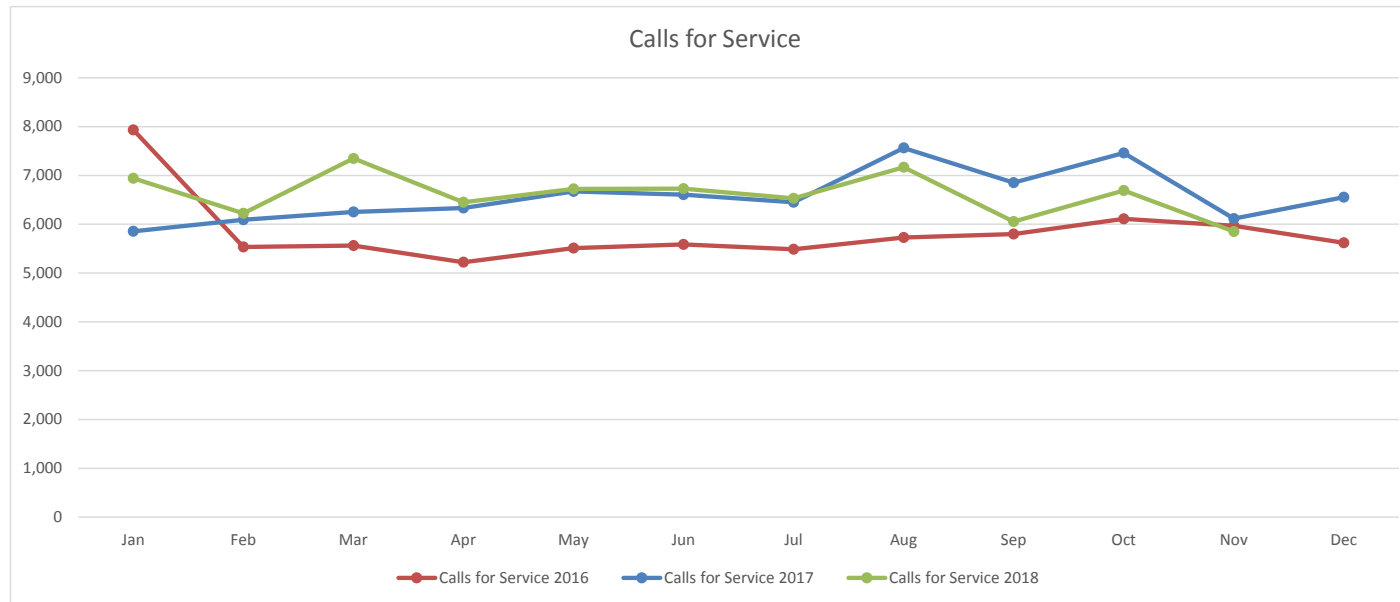
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Calls for Service	6,941	6,222	7,349	6,452	6,724	6,729	6,529	7,168	6,055	6,690	5,852		72,711
YTD 2018	6,941	13,163	20,512	26,964	33,688	40,417	46,946	54,114	60,169	66,859	72,711		
Priority 1 Calls	192	180	183	214	214	216	223	202	190	209	200		2,223
YTD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

## Communications Center - 2017

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

## Communications Center - 2016

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



# BART Watch - 2018

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Suspicious Activity	235	212	213	262	202	244	221	380	287	346	350		2,952
Crime in Progress	177	151	194	257	226	188	168	235	206	213	205		2,220
Illegally Parked Vehicle	24	24	16	38	10	19	35	24	39	38	28		295
Vandalism	60	68	102	67	75	111	47	103	93	90	92		908
Unattended Bag or Package	44	50	44	42	32	41	48	86	44	45	70		546
Sexual Assault/Lewd Behavior	36	71	52	29	47	37	60	49	53	67	55		556
Report a Crime Tip	60	44	51	54	40	55	60	88	42	51	52		597
Robbery/Theft	28	22	21	35	30	29	45	37	43	38	72		400
Unsecure Door	19	7	14	9	10	10	17	13	7	15	14		135
Disruptive Behavior	1167	1111	1408	1314	1367	1224	1114	1727	1392	1761	1682		15,267
Panhandling	172	177	223	155	214	144	140	228	132	146	143		1,874
<b>Total</b>	<b>2022</b>	<b>1937</b>	<b>2338</b>	<b>2262</b>	<b>2253</b>	<b>2102</b>	<b>1955</b>	<b>2970</b>	<b>2338</b>	<b>2810</b>	<b>2763</b>		<b>25,750</b>

Total Downloads: 65,310

Total Reports Made

Anonymous: 39.85%

Non-Anonymous: 60.15%

## Statistics

Statistics	Six Week Average	12/24-12/30	12/17-12/23	12/10-12/16	12/03-12/09	11/26-12/02	11/19-11/25
Alerts Sent	0.33	0	0	1	0	1	0
Description	<i>The total number of alerts sent.</i>						
Incoming Reports	397.83	275	449	460	452	456	295
Description	<i>The number of reports sent from users.</i>						
Replies to Reports	614.33	380	603	707	858	678	460
Description	<i>The number of replies sent to users from ELERTS EPICenter console.</i>						

Report Type	# of Reports (all time)	
Disruptive Behavior (A)	22656	42.84%
[none selected]	5706	10.79%
Panhandling (A)	4654	8.80%
Suspicious Activity (A)	4646	8.79%
Crime in Progress (A)	3180	6.01%
Other (D)	3082	5.83%
Panhandling or Disruptive Behavior (D)	1967	3.72%
Vandalism (A)	1774	3.35%
Unattended Bag or Package (A)	1299	2.46%
Report a Crime Tip (A)	1067	2.02%
Illegally Parked Vehicle (A)	874	1.65%
Sexual Assault / Lewd Behavior (A)	834	1.58%
Robbery / Theft (A)	572	1.08%
Unsecure Door (A)	323	0.61%
Drug Use (A)	140	0.26%
Welfare Check (A)	50	0.09%
Human Trafficking (A)	48	0.09%
Text a Tip (A)	10	0.02%
<b>Total</b>	<b>52882</b>	<b>100 %</b>

(A) Active | Disabled (D)

Identification	Total
Anonymous	39.91 %
Description	<i>Reports sent anonymously.</i>
Non-Anonymous	60.09 %
Description	<i>Reports sent non-anonymously.</i>

App Statistics (including tests)	
Total Messages (iOS)	69519
Description	<i>Reports and replies via iOS devices.</i>
Total Messages (Android)	32709
Description	<i>Reports and replies via Android devices.</i>
Total Messages (SMS)	4
Description	<i>Reports and replies via SMS.</i>

TEST-THIS IS ONLY A TEST	# of Reports (all time)
TEST Report Total	7509

Top SMS Users	
Phone Number	Number of Reports
5103685574	1
5109789702	1
5108215151	1
4849860547	1



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

**Investigation Log**

IA#:	DATE OCC'D	DATE REC'D	ALLEGATION	MISC	INVESTIGATOR	STATUS	DUE DATE
IA2016-071	07/29/16	7/29/2016	Force, Bias, Arrest		Sgt. McNack	In Progress	12/28/16
			Force, Bias, Arrest				01/27/17
			Force, Bias, Arrest				
			Force, Bias, Arrest				
IA2017-040	1/31/2017	5/18/2017	Force		Sgt. McNack	Tolled	10/17/2017
			Force				
IA2018-001	1/3/2018	1/3/2018	Force (OIS)		Sgt. T. Salas	Tolled	6/4/2018
IA2018-024	4/11/2018	4/13/2018	CUBO		Sgt. T. Salas	In Progress	9/12/2018
IA2018-025	4/11/2018	4/11/2018	Force	Complete	Sgt. T. Salas	Awaiting completion of training recommendation	10/31/2018
IA2018-027	4/20/2018	4/11/2018	Bias Based Policing		Sgt. T. Salas	In Progress	9/19/2018
IA2018-028	2/3/2018	4/20/2018	Force, Courtesy	Deferred to OIPA #18-15		OIPA Investigation	9/19/2018
IA2018-032	UNK	4/20/2018	BBP, POD, CUBO	Deferred to OIPA #18-16		OIPA Investigation	9/23/2018
IA2018-033	3/15/2018	4/23/2018	Force	Deferred to OIPA #18-17		OIPA Investigation	9/23/2018
IA2018-035	1/30/2018	4/30/2018	Force, BBP	Sgt. Togonon	Sgt. T. Salas	In Progress	10/31/2018
IA2018-037	4/30/2018	5/1/2018	CUBO	Sgt. Szopinski	Sgt. T. Salas	To Patrol	10/2/2018

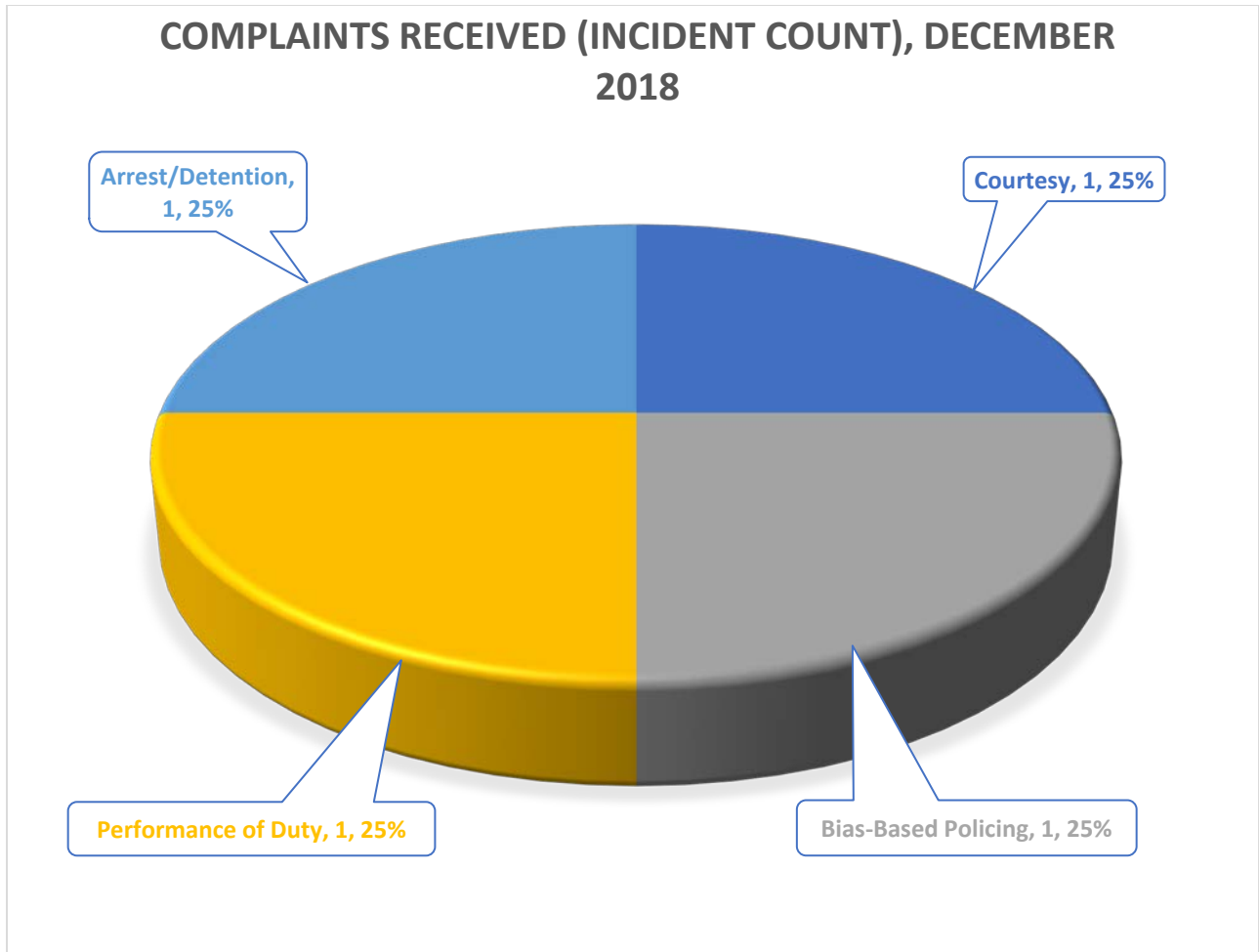
IA2018-039	5/15/2018	5/15/2018	CUBO		Sgt. T. Salas	In Progress	1/7/2019
IA2018-042	5/31/2018	6/1/2018	Force, POD	Sekhon	Sgt. McNack	To Patrol	10/31/2018
IA2018-043	6/6/2018	6/6/2018	Force		Sgt. McNack	Tolled	11/5/2018
IA2018-044	6/5/2018	6/8/2018	CUBO	IND	Sgt. T. Salas	Tolled	11/7/2018
IA2018-046	6/9/2018	6/9/2018	Bias Based Policing Bias Based Policing		Sgt. McNack	In Progress	11/10/2018
IA2018-049	6/18/2018	6/18/2018	CUBO, Policy/Procedure	Sgt. Spears	Sgt. T. Salas	To Patrol	11/17/2018
IA2018-050	6/12/2018	6/15/2018	CUBO	Sgt. Castaneda	Sgt. T. Salas	To Patrol	7/15/2018
IA2018-051	6/28/2018	6/28/2018	Service Review/ S.R.	Hesson	Sgt. McNack	To Patrol	11/27/2018
IA2018-052	7/1/2018	7/2/2018	Courtesy	Lt. Scott 11/27/18	Sgt. T. Salas	To Patrol	11/15/2018
IA2018-053	6/12/2018	6/12/2018	Courtesy	S.R. 12/27	Sgt. Salas	In Progress	7/12/2018
IA2018-054	7/8/2018	7/8/2018	CUBO		Sgt. McNack	In Progress	12/9/2018
IA2018-060	7/22/2018	7/23/2018	Service Review		Lt. Franklin	Tolled	12/23/2018
IA2018-061	7/25/2018	7/26/2018	CUBO	OIPA Intake #18-30	Sgt. McNack	In Progress	12/25/2018
IA2018-063	8/8/2018	8/9/2018	Bias, CUBO		Sgt. T. Salas	In Progress	1/8/2019
IA2018-064	8/10/2018	8/10/2018	Force, Axon		Sgt. T. Salas	In Progress	1/9/2019
IA2018-065	8/7/2018	8/7/2018	Bias, CUBO		Sgt. T. Salas	In Progress	1/6/2019

IA2018-066	8/10/2018	8/10/2018	Bias Based Policing	OIPA Intake #18-32	Sgt. T. Salas	In Progress	1/9/2019
IA2018-067	8/10/2018	8/10/2018	CUBO	Clear by video	Sgt. McNack	In Progress	9/15/2018
IA2018-070	8/5/2018	8/21/2018	CUBO, Policy/Procedure, Supervision		Sgt. T. Salas	In Progress	1/20/2019
IA2018-072	Unk	8/23/2018	POD	OIPA Intake #18-35 SR	Sgt. T. Salas	In Progress	1/22/2019
IA2018-073	8/23/2018	8/23/2018	CUBO	S.R. 10/24/18	Sgt. T. Salas	To Patrol	9/22/2018
IA2018-075	8/22/2018	8/30/2018	Performance of Duty		Sgt. McNack	In Progress	1/29/2019
IA2018-077	9/7/2018	9/7/2018	POD		Sgt. McNack	In Progress	2/6/2019
IA2018-079	7/12/2018	8/23/2018	CUBO, Policy/Procedure		Sgt. McNack	In Progress	2/10/2019
IA2018-080	9/11/2018	9/17/2018	CUBO	Admin/Service Review	Sgt. T. Salas	In Progress	1/16/2019
IA2018-081	9/26/2018	9/27/2018	CUBO		Sgt. McNack	In Progress	2/26/2019
IA2018-082	9/28/2018	9/28/2018	CUBO	Lt. Sekhon	Sgt. McNack	To Patrol	10/31/2018
IA2018-083	10/1/2018	10/1/2018	CUBO, Force		Sgt. McNack	In Progress	3/2/2019
IA2018-084	9/28/2018	9/28/2018	Force	Deferred to OIPA #18-38		OIPA Investigation	3/2/2019
IA2018-085	9/21/2018	9/28/2018	Force	Deferred to OIPA #18-39		OIPA Investigation	3/2/2019

IA2018-087	10/9/2018	10/9/2018	CUBO	SR sent 010419	Sgt. T. Salas	In Progress	11/8/2018
IA2018-088	9/27/2018	10/10/2018	CUBO, POD		Sgt. McNack	In Progress	3/11/2019
IA2018-090	10/17/2018	10/17/2018	CUBO, Bias-Based Policing	Deferred to OIPA #18-40		OIPA Investigation	3/18/2019
IA2018-091	10/19/2018	10/19/2018	Force		Sgt. McNack	In Progress	3/20/2019
IA2018-093	10/23/2018	10/23/2018	Performance of Duty	Deferred to OIPA #18-42		OIPA Investigation	3/24/2019
IA2018-094	10/23/2018	10/23/2018	Force		Sgt. T. Salas	In Progress	3/24/2019
IA2018-095	10/31/2018	10/31/2018	Force, Arrest/Detention	Deferred to OIPA #18-44		OIPA Investigation	4/1/2019
IA2018-096	10/30/2018	10/31/2018	Courtesy		Sgt. McNack	In Progress	4/1/2019
IA2018-098	11/1/2018	11/2/2018	CUBO	S.R.	Sgt. McNack	To Patrol	12/7/2018
IA2018-099	10/31/2018	10/31/2018	Force	Admin	Sgt. T. Salas	In Progress	4/9/2018
IA2018-100	11/11/2018	11/11/2018	Bias-Based Policing, CUBO, Force		Sgt. T. Salas	In Progress	4/12/2019
IA2018-101	10/19/2018	10/19/2018	CUBO		Sgt. McNack	In Progress	3/20/2019
IA2018-102	11/5/2018	11/5/2018	Force, CUBO		Sgt. McNack	In Progress	4/15/2019
IA2018-103	11/17/2018	11/19/2018	CUBO, Axon	OIPA Intake #18-45	Sgt. McNack	In Progress	4/20/2019

IA2018-104	11/13/2018	11/20/2018	Force, BBP, CUBO, Search or seizure		Sgt. McNack	In Progress	4/21/2019
IA2018-105	11/26/2018	11/27/2018	Force, BBP, CUBO, Policy/Procedure, Axon		Sgt. McNack	In Progress	4/28/2019
IA2018-108	12/7/2018	12/7/2018	Bias-Based Policing		Sgt. McNack	In Progress	5/8/2019
IA2018-109	12/6/2018	12/11/2018	CUBO, POD		Sgt. T. Salas	In Progress	5/12/2019
IA2018-110	11/8/2018	11/8/2018	Force, BBP		Sgt. T. Salas	In Progress	4/9/2019
IA2018-111	12/14/2018	12/14/2018	Arrest/Detention		Sgt. T. Salas	In Progress	1/13/2019
IA2019-001	1/1/2019	1/2/2019	Force		Sgt. T. Salas	In Progress	6/30/2019
IA2019-002	1/3/2019	1/4/2019	POD	SR	Sgt. T. Salas	In Progress	2/3/2019
IA2019-003	1/7/2019	1/7/2019	Force, CUBO, Misconduct		Sgt. McNack	In Progress	6/8/2019

Complaints Received (Incident Count), December 2018



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

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## Tactical Team & Crowd Control

### 459.1 PURPOSE AND SCOPE

The primary unit within the department responsible for crowd management and crowd control operations is the Tactical Team. The Tactical Team will be commanded by a lieutenant and will be made up of sufficient supervisors and officers to enable the team to effectively respond to crowd events that impact the BART system. Team members will receive regular training in crowd management and crowd control techniques, legal issues and integrated team operations.

This department's policy regarding crowd management and crowd control is to apply the appropriate level of direction and control to protect life, property, system facilities and maintain public peace and order and to uphold the constitutional rights of free speech and assembly. This should be accomplished using the minimal amount of physical force and authority reasonably required to address crowd management and crowd control issues.

### 459.2 DEFINITIONS

**Crowd Management:** Is defined as techniques used to manage lawful public assemblies before, during and after the event for the purpose of maintaining the event's lawful status and assisting in the efficient movement of patrons through the system. This can be accomplished in part through coordination with event planners and group leaders, coordination with allied agencies and by consulting after-action reports from prior events.

**Crowd Control:** Is defined as techniques used to address unlawful public assemblies, including a highly visible police presence, crowd containment, dispersal tactics and arrest procedures.

**Expressive Activities:** Include all forms of speech and expressive conduct used to convey ideas and/or information, to express grievances or to otherwise communicate with others, and includes both verbal and non-verbal expression. Common expressive activities include, but are not limited to: speeches, demonstrations, vigils, picketing, distribution of literature, holding of banners or signs, use of puppets to convey a message, street theater and other artistic forms of expression. These activities involve the freedoms of speech, association and assembly and the right to petition the government as guaranteed by the First Amendment of the United States Constitution and Article 1, Sections 2 & 3 of the California Constitution.

**Demonstration/Civil Disturbance/Protest/March:** Are generic terms which include a wide range of expressive activities which require, or may require, a police response. They include, but are not limited to: marches, protests, student walk-outs, assemblies and sit-ins. Such events and activities generally attract a crowd of persons, including participants, onlookers, observers, media and other persons who may disagree with the point of view being expressed.

**Crowd Event:** Includes all crowd situations that impact the District, including sporting events, festivals, concerts, celebratory crowds and other large gatherings that are unrelated to the expression of a political, social or ideological point of view.

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**Grenadier:** Is a sworn officer trained in the use of the LLIMS launcher and the deployment of crowd control chemical agents.

**Squad/Team:** Are terms used to describe a tactical unit, usually comprised of 4 - 6 officers and a sergeant.

**Platoon:** Is a term used to describe a tactical unit comprised of multiple squads, normally commanded by a lieutenant.

#### 459.2.1 GENERAL PRINCIPLES

- All persons have the right to march, demonstrate, protest, rally or perform other activities protected by the First Amendment of the United States Constitution and California Constitution. The right to carry out First Amendment activities comes with the responsibility to **not** abuse or violate the civil and property rights of others. The responsibility of law enforcement is to protect the lives and property of all people. The government may impose reasonable and narrowly tailored restrictions on the time, place and manner of conducting these First Amendment activities. However, any limitations or restrictions placed on demonstrations or other First Amendment activities must be justified by the requirements of maintaining public safety, public health or safe access/egress, and should restrict no more speech than necessary to further these substantial government interests. Officers must not allow themselves to be affected by the content of the opinions being expressed, nor by the race, gender, sexual orientation, physical disabilities, appearance or affiliation of anyone exercising his/her lawful rights.
- The District will, upon application to the Department of Media and Public Affairs, consider issuing permits to groups wishing to conduct expressive activities. These permits contain provisions to maintain public safety and safe access to the system. Expressive activity must be conducted in the free areas of the BART system and may not impede access to station entrances/exits, ticket machines, fare gates or patron/customer walkways. Groups are permitted to pass out informational material, display signs, banners and like materials, engage patrons in conversation, solicit signatures, accept monetary donations and sell ideological materials such as books, clothing and other materials relating to the group's message/beliefs. Those engaged in expressive activity may not use amplified sound equipment, nor may they sell materials unrelated to their cause.
- The primary purpose of the San Francisco Bay Area Rapid Transit District (BART) is to provide, safe, secure, efficient, reliable, and clean transportation services to its passengers. In furtherance of its function as a provider of public transportation, the District intends that its property and facilities be used for public transit related activities. The District's transportation interests include maintaining and ensuring safe and secure transit properties consistent with its security readiness policies and procedures; preventing delays and inconvenience to passengers by minimizing congestion and



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expediting their entering and exiting BART Stations and their boarding, transferring, and de-boarding of BART trains; and reducing litter pick-up and other maintenance and administrative expenses so as to maximize public transit services. To prevent interference and obstruction with the District's primary transportation responsibilities and to protect its facilities, while at the same time accommodating expressive activities that are constitutionally protected by the First Amendment to the United States Constitution and the Liberty of Speech Clause of the California Constitution (expressive activity), the District has made available certain areas of its property for expressive activity and has instituted the following Rules. The rules of the San Francisco Bay Area Rapid Transit District Pertaining to the use of District facilities for expressive activities can be located at: <http://www.bart.gov/about/business/permits/eapermits.aspx>

- Despite the District's desire that groups obtain an expressive activity permit prior to conducting their activity, there is no legal remedy available to officers if groups do not, or will not, obtain such permits. Absent a violation of a criminal code (e.g. Penal, Vehicle or Municipal Codes), groups and individuals will be allowed to conduct expressive, or First Amendment, activities within the free areas of the system whether or not they possess a permit issued by the District. Expressive Activity permit rules and applications may be obtained for last minute, non-permitted events through the BART Police Department's Watch Commander office at 510-464-7020. Organizers should contact this number and have an available fax number or email account where the permit rules and application can be sent. A return fax and email will be provided by the on-duty Watch Commander.
- The Incident Command System will be used for managing crowds and acts of civil disobedience.
- Ideally, the Incident Commander at a crowd event will be the Tactical Team commander or a patrol lieutenant. However, there may be situations where a sergeant is designated as Incident Commander, particularly at spontaneous events. Decisions about crowd dispersal, general strategy for crowd containment or redirection, multiple simultaneous arrests, planned individual arrests or planned use of force should be made at the level of the Incident Commander or above. If such decisions are made by higher ranking off-site BPD officials (e.g., watch commander, Operations Bureau Deputy Chief or the Chief), the Incident Commander should first be consulted about the situation in the field and the potential impact of these decisions before they are implemented. All such decisions should be documented in writing, noting the time, identity of the official making the decision and the precise decision and directions given. The Incident Commander, or his/her designee should make field notes of such decisions as soon as possible. Such decisions and orders should then be documented in a supplemental police report. This does not preclude actions consistent with the

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orders of the Incident Commander taken by individual Deputy Chiefs, supervisors or officers in order to defend themselves or others from imminent danger.

- The on-duty watch commander and Operations Bureau Deputy Chief should be notified as soon as possible of large or potentially disruptive demonstrations or crowd events.
- Officers should, whenever possible, follow the principle of establishing and maintaining communications with the demonstration planners. Incident commanders assigned to these incidents should facilitate the involvement of event planners/organizers and attempt to gain their cooperation regarding the activities planned, without regard to whether a permit has been applied for or issued. When communication is established, the Incident Commander should attempt to maintain regular contact with the group's representative in order to reduce potential disruptions.
- Some groups may refuse to cooperate with this department and may refuse to communicate. Other groups may not have any defined leaders. However, the Incident Commander should attempt to establish liaison with each protest group as early in the event as possible, continuing until the event terminates, even if enforcement actions commence.
- Spontaneous demonstrations or crowd events, which occur without prior planning and/or without prior notice to the police, present less opportunity for police planning and prevention efforts. Nonetheless, the same principles concerning crowd management, crowd control, crowd dispersal and police responses to violence and disorder apply to spontaneous events as to planned demonstrations. Incident Commanders should involve representatives of demonstration groups during planning and responding to both planned and spontaneous events, whenever possible.
- Officers should maintain a professional demeanor, and remain neutral in word and deed, despite unlawful or anti-social behavior on the part of crowd members. Unprofessional police behavior can inflame a tense situation and make control efforts more difficult and dangerous. Strong supervision and command are essential to maintaining a unified, measured and effective police response. A response incorporating strong leadership and based on teamwork is crucial to maintaining control and safety for officers and the public. Impulsive or independent actions by officers should be avoided.
- When possible, before and during crowd events, some officers should be deployed to the best available vantage points in order to observe and report crowd actions and movements.
- Lines of containment/control, using physical or visual barriers (interlocking metal barricades, cones, yellow tape, etc...), should be established, especially in events that involve protesters with opposing views. Whenever possible, hostile factions should be separated by physical barriers.

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- Considering the type of crowd expected to be involved is an important factor in responding properly to the crowd's behavior. Crowds may vary from cooperative or celebratory, to non-compliant and hostile or combative. Organized demonstrations in which some engage in coordinated non-violent civil disobedience should be distinguished from crowds in which substantial numbers of people are engaged in other types of unlawful acts.
- Tactics employed by demonstrators involved in civil disturbances frequently include efforts to draw the police and other public officials into responses likely to produce violence and injury to participants and thus garner support for their cause. It is therefore incumbent upon officers to resolve disruptive situations in a manner which will minimize the potential for violent confrontations by performing their assigned tasks within the framework of this policy.

#### 459.2.2 POLICING THE CROWD

Sufficient resources to make multiple, simultaneous arrests should be available at demonstrations where such arrests are a reasonable possibility. However, this must be balanced against the fact that a large and visible police presence may have a chilling effect on the lawful exercise of free speech rights, or may inflame the crowd. Where additional resources are needed, consideration should be given to staging a mobile reserve force of officers in a location that is nearby but not readily visible to the crowd. When possible, officers should be at their posts well in advance of arriving participants. Officers should be positioned at a distance that allows a timely response, but avoids the perception of intimidation.

Officer should work in squads or platoons when policing a demonstration, and should not enter or engage the crowd alone. Officers should wear their designated Tactical Team uniform when performing crowd duties. The uniform should bear the officer's name or identification number, as required by 830.10 PC. Tactical Team officers should also affix their identification numbers to the outside of their helmets.

Crowd control and crowd dispersal, as well as a show of force in crowd control situations, should be accomplished whenever possible using Tactical Team personnel, rather than on-duty patrol officers.

It is important to recognize that all members of a crowd of demonstrators are not the same. Not all crowd situations involve civil disobedience or violence. Law enforcement's responsibility is to objectively discern at what point a demonstration leaves the realm of legal protest and becomes an abridgment of the rights of others. Even when some members of a crowd engage in violence or destruction of property, there will be other members of the crowd who neither condone nor participate in such acts. However, once some members of a crowd become violent, the situation often becomes chaotic and many individuals in the crowd who do not want to participate in the violent or destructive acts may be blocked from leaving the scene by the sheer size of the crowd, or because they are afraid they will move into a position of increased danger. This does not mean that officers cannot take enforcement action against the crowd as permitted under this policy,

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but officers should seek to minimize the risk that force and arrests may be directed at innocent persons.

Officers should avoid negative verbal engagement with members of the crowd. Officers should not argue or otherwise engage members of the crowd in a debate regarding the political, ideological or social views being expressed by the crowd. Verbal abuse against officers, by itself, does not constitute a reason for detention or arrest, or for any use of force against any individual member of the crowd. Crowd members whose behavior escalates from simple verbal abuse or insults to behavior which meets the elements of criminal threats against an officer or other person (69 or 422 PC) should be identified and detained/arrested for the criminal violation as soon as that can be accomplished safely and in a coordinated fashion, at the direction of a supervisor.

Officers in non-violent crowd situations should not display or brandish weapons (firearm, LLIMS, TASER, baton) before a dispersal order is given or other enforcement action is being implemented, except as delineated in this policy.

Officers should not be sent into an obviously hostile crowd solely for the purpose of communication. Officers should not penetrate a crowd for an individual arrest unless the targeted individual is involved in serious criminal conduct and the decision to move into the crowd is made by a supervisor and adequately coordinated with the rest of the team.

The Incident Commander and supervisors should make every effort to ensure that the police mission is accomplished as safely, effectively and unobtrusively as possible, with the highest regard for the human dignity and liberty of all persons, and with minimal reliance on the use of physical force and authority. The use of force shall be restricted to circumstances authorized by law and to the degree reasonably necessary in light of the circumstances confronting officers. This does not preclude police officers from taking appropriate action to direct crowd and vehicular movement, enforce ordinances and statutes and employ the physical force necessary to maintain the safety of the crowd, the general public, law enforcement personnel and other emergency personnel.

### 459.2.3 RESPONSES TO CROWD SITUATIONS

#### (a) **Spontaneous Event or Incident:**

1. The first officer or other police employee at the scene of a civil disturbance should observe the situation from a distance and evaluate it carefully before taking action. The employee should notify a supervisor as soon as possible.
2. A supervisor and, if practicable, the watch commander, should respond to the scene of spontaneous events and take command of the incident as Incident Commander, until relieved by a ranking officer. The Incident Commander should declare over the police radio that he/she has assumed command of the incident. A command post should be established as soon as possible.

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3. An immediate assessment of the situation is essential for effective police response. The Incident Commander must ascertain the following information as quickly as possible:
    - (a) The location and type of event.
    - (b) Are a significant number of the crowd participants behaving unlawfully?
    - (c) First Amendment activities will be evaluated by the Incident Commander to determine the lawfulness of the actions taking place. Specifically, actions and speech protected by the First Amendment include such things as rallies, protests, picketing, marches, parades and leafleting. Actions or behavior involving trespass, destruction of property, disruption of transportation, unlawful use of amplification devices, assaults and disturbances of the peace are not protected by the First Amendment.
    - (d) Are there a limited number of specific individuals engaged in unlawful behavior?
    - (e) Is there a likelihood that the unlawful conduct will spread to other crowd participants (mimicking)?
    - (f) Are there immediate threats to the safety of the public and/or police officers?
    - (g) Structures or vehicle(s) involved.
    - (h) The size of the involved area.
    - (i) The potential for disruption to normal revenue train service.
    - (j) The number of additional officers and police resources needed as well as requirements for specialized units (Tactical Team, Special Weapons and Tactics, Hostage Negotiation Team).
    - (k) The manner of response for additional units (Code 2 or 3).
    - (l) Identification of a staging area for arriving resources and the location of the command post.
    - (m) Ingress and egress routes.
    - (n) Potential need for additional outside resources (paramedic, fire department, Power and Way, mutual aid requests, etc.).
- (b) **Planned Event Involving Potentially Large Crowds:**
- (a) Upon notification of a large, planned event, the Tactical Team commander or designee should develop an operations plan. Operations plans for large events requiring the redeployment of personnel from regular assignments should be approved by the Operations Bureau Deputy Chief. The Incident Commander of

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planned events is responsible for the overall coordination of the event, as well as crowd control and management.

- (b) The following factors should be considered in developing the operations plan for a large crowd event, including, but not limited to:
  - (a) What type of event is to occur (protest, sporting event, concert, etc.)
  - (b) Who is organizing the event? What is their past record of conduct (peaceful, cooperative, violent, etc.)? If the event is recurring, past operations orders and after-action reports should be reviewed to assist in developing a response.
  - (c) What is the potential for counter-demonstrations?
  - (d) Will the event involve the use or sales of alcohol at the hosting venue, or the potential for abuse of other intoxicants?
  - (e) Where is the event going to occur? Consider size, location, ingress and egress routes.
  - (f) What are the optimal sites for a command post, staging area, rest area, etc.?
  - (g) Has the group requested, or been granted an Expressive Activity Permit?
  - (h) Have other agencies/departments been notified and included in the planning process (Transportation, Operations, allied police agencies)?
  - (i) Will the Emergency Operations Center or mutual aid be required?
  - (j) Is it possible or appropriate to coordinate with the group organizers and explain the department's mission, preparation and potential responses? Information considered sensitive should not be released to group organizers if it will jeopardize the safety or effectiveness of police personnel.
  - (k) Have the proper number of officers been scheduled to safely handle the event? Should a reserve or on-call contingent be made available?
  - (l) Has an enforcement strategy been formulated and communicated to affected personnel?
- (c) The Tactical Team commander is responsible to:
  - (a) Coordinate with affected specialized units, departments and allied agencies to prepare and coordinate the development of an operational plan that details assignments, traffic and crowd flow, communications and tactics.

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- (b) Prepare the written operations order, using the five section SMEAC format (Situation, Mission, Execution, Administration, Command & Control).
  - (c) Coordinate inspection of the protest/event site prior the event, to locate any pre-positioned equipment staged by demonstrators. All available intelligence information relating to the group's identity, history and purpose should also be gathered to assist in the planning process.
  - (d) Ensure that appropriate equipment and supplies are available.
  - (e) Ensure that a video operator and required equipment are available.
  - (f) Establish protocols for and procedures for processing of arrestees and the collection of evidence.
  - (g) Personnel should be briefed on the operations plan and their particular assignments before deployment. Specific instructions covering topics such as applicable laws, community concerns, appropriate enforcement actions, chain of command, tactics, traffic patterns, intelligence, etc., should be clearly presented to all personnel and all questions and concerns answered.
- (c) **Special Events at Coliseum Complex:**
1. The Oakland Coliseum Station is frequently impacted by special events being held at the Coliseum Complex (the Stadium and Arena). During events at the Coliseum Complex, the department's primary responsibility is to ensure the safe and expeditious movement of people arriving and departing these events, as well as to deter lawlessness. By mutual agreement between involved agencies (BART PD, Oakland PD and the Alameda County Sheriff's Office), this department is responsible for policing the BART station, station parking lots, the sidewalk adjacent to the station on the north side of San Leandro Street and the pedestrian bridge connecting the station and the Coliseum Complex, to the south pedestrian gate where the walkway connects to the stadium itself.
  2. Depending on the size of the anticipated crowd and the type of event being held, the Operations Bureau Deputy Chief, or his/her designee, will determine whether the Tactical Team will be assigned to provide crowd control, or whether the event will be staffed by patrol and/or special event officers. The following staffing guidelines may apply:
    - (a) Projected crowd events of 10,000 to 20,000 recommended staffing of a minimum of two officers.
    - (b) Projected crowd events of 20,000 to 40,000 recommended staffing of a minimum of four officers and one sergeant.

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- (c) Projected crowd events exceeding 40,000 recommended staffing of six to eight officers and one or two sergeants.
3. For special events with a heightened potential for disruptive behavior, the Operations Bureau Deputy Chief may determine whether to staff the event with the Tactical Team or with the number of special event officers deemed appropriate, regardless of the expected crowd size.
4. Unless authorized by a supervisor assigned to the special event, officers working special event overtime for Coliseum events will report to the Zone 1 squad room on the date and time posted to receive their assignments prior to reporting to the Coliseum or other location. Upon completion of the event and dispersal of the crowd, only a supervisor assigned to the event may release officers from their fixed-post assignments and authorize their return to Lake Merritt or another location.
5. While performing crowd management/crowd control duties at Coliseum events, if staffing permits, at least two officers should be assigned to the platform as patrons arrive for the event. Once the platform clears and large numbers of patrons are no longer arriving, these officers may be reassigned to other locations in the interior or perimeter of the station. The supervisor(s) responsible for the event should assign available officers to cover as many of the following locations as possible, in descending priority order:
  - Fare gates
  - Free area
  - Pedestrian tunnel
  - Pedestrian walkway
  - Mobile patrol of station parking lots
6. All rest breaks, including meals, if applicable, should be coordinated by the supervisor(s) in charge of the event. During major events, at least two officers should remain at the station at all times.
7. Unless assigned, or handling a call for service or detaining multiple suspects, officers should not congregate in public view in groups of three or more. Roving patrols should be maintained on the walkway, in the pedestrian tunnel and in the parking lots when staffing permits. Any personnel assigned to a Coliseum event detail may be reassigned to other duties, including beat coverage, prisoner transport, or train patrol.
8. As post-event crowds return to the station, officers should patrol platforms, monitor escalators, elevators and other areas of the station as assigned. If available, officers should be assigned to the top and bottom of operating



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### *Tactical Team & Crowd Control*

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escalators in order to regulate crowd movement and prevent mishaps. If necessary, officers should stop ascending riders until the platform clears sufficiently to allow more patrons to safely disembark the escalator at platform level.

9. If available, a mobile officer or beat officer should be assigned to patrol the parking lots. A supervisor may assist with any of the aforementioned duties and will coordinate with Transportation supervisors throughout the event.

(d) **Special Event Sergeant's Duties:**

- (a) Ensure all personnel are given assignments and perform their assigned duties.
- (b) Ensure officers are at their posts at least one hour prior to the start of the event and at least thirty minutes before the anticipated end of the event, or when significant crowds begin returning to the station.
- (c) Coordinate with Transportation personnel to monitor escalator usage and platform crowding to ensure patron safety.
- (d) Coordinate movement of patrons through fare gates to the platform.
- (e) Prevent intoxicated or unruly patrons from entering the paid area.
- (f) Supervise officers assigned to the event and direct law enforcement efforts.
- (g) Assign officers to handle calls for service at the Coliseum Station during the event.

#### 459.2.4 USE OF FORCE IN CROWD CONTROL/MANAGEMENT SITUATIONS

When dealing with crowds and civil disobedience situations, law enforcement must be a disciplined and well-organized control force. The decisions to use force and the force options that may be applied in response to these incidents range from officer presence to deadly force. Peace officers need not use the least intrusive force option, but only that force which is objectively reasonable under the totality of the circumstances.

All uses of force by sworn officers are governed by the department's use of force policies (300, 304, 308 & 309) and applicable federal and state laws. Nothing about a crowd control situation eliminates or changes any of the constraints or policies governing the use of lethal or less-lethal force. Officers must be able to provide clear, detailed, articulable facts that would reasonably justify any use of force against a particular individual. Uses of force during a crowd control situation shall be treated as any other use of force and reported using the normal reporting procedures. Officers are required to provide appropriate first aid following any use of force.

- (a) **Canines:** Police canines shall not be used for crowd control, crowd containment or crowd dispersal.

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- (b) **Fire Hoses:** Fire hoses shall not be used for crowd control, crowd containment or crowd dispersal.
- (c) **Lethal Force:** Lethal force may only be used against an individual to protect an officer or another person from the imminent threat of death or great bodily injury, or to stop a violent fleeing felon who presents the imminent threat of death or great bodily injury to an officer or other person if allowed to escape. Officers must be particularly mindful of the potential hazards inherent in using lethal force, particularly firearms, in a crowd control situation. The proximity of other persons to the suspect presenting the threat, as well as the movement of the suspect and onlookers, greatly increases the possibility that uninvolved persons may be injured or killed in any use of lethal force during a crowd control event. See Policy 300 for further details regarding the use of lethal force.
- (d) **Less-lethal Force:**
  - 1. **LLIMS:** The 40mm Less Lethal Impact Munitions System (LLIMS) launcher is capable of firing a number of less-lethal projectiles which are applicable to crowd control incidents.
    - (a) Impact (foam baton & marking round) projectiles: LLIMS impact rounds are direct-fire projectiles that should only be used to control or subdue a specific individual who is engaging in conduct that poses an imminent threat of injury to officers or a member of the public, through the use of pain compliance. Impact projectiles shall not be used in a non-directional, non-target specific manner, or simply in an attempt to control or disperse a crowd. Impact projectiles should not be used if they can not be targeted without unduly endangering other crowd members or bystanders. Impact projectiles shall not be used indiscriminately against a crowd or group of persons, even if some members of the crowd are violent or disruptive.
    - (b) Only those sworn officers who have received approved training may use LLIMS. Impact rounds should never be used against a restrained person. Officers should avoid targeting the suspect's head, neck, spine and groin when possible. Officers should only deploy the LLIMS during a crowd event at the direction of a supervisor. If practicable, an audible warning should be given before deployment of LLIMS. See Policy 308 for further details regarding the use of LLIMS.
  - 2. **TASER:** The TASER, conducted electrical weapon should only be used against a specific individual who is engaging in violent or disruptive conduct that presents an imminent threat of injury to officers or a member of the public. Use of the TASER is governed by Policy 309. The TASER should not be used indiscriminately for crowd management, crowd control or crowd dispersal. Only sworn officers trained in the use of the TASER shall employ the weapon.

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3. **Impact Weapons:** The use of impact weapons is governed by Policy 308. Officers may deploy authorized police impact weapons (long baton, standard baton, short baton) in order to control or arrest a specific individual who is engaging in violent or disruptive conduct that presents an imminent threat of injury to officers or a member of the public. Batons should not be used for crowd control, crowd containment or crowd dispersal, except as specified below:
  - (a) Batons may be visibly displayed and held in a ready position during squad or platoon formations. When reasonably necessary for the protection of the officers or to disperse individuals in the crowd who are engaging in conduct that poses a clear and present danger of imminent violence, batons may be used in a pushing or jabbing motion. Baton jabs should not be used indiscriminately against a crowd or group of persons, but only against individuals who are physically aggressive or actively resisting arrest. Baton jabs should not be used in a crowd control situation against an individual who is physically unable to disperse or move because of the press of the crowd or some other fixed obstacle. Officers should not intentionally strike a person with a baton to the head, neck, throat, kidneys, spine or groin, except when a person's conduct is creating an imminent threat of serious bodily injury or death to an officer or other person and the application of lethal force would be reasonable. Batons should not be used against a person who is handcuffed.
  
4. **Chemical Agents:** Crowd control agents are those chemical agents designed and intended to move or stop large numbers of individuals engaged in serious unlawful activity. Crowd control agents, properly deployed by trained officers, are intended to cause temporary discomfort. The application of crowd control agents, including oleoresin capsicum (OC), has proven effective in a wide variety of civil disobedience situations. Use of crowd control chemical agents during a crowd event may be reasonable depending on the totality of the circumstances. Chemical agents can produce serious injuries through inhalation of the chemical or by exposure to hot projectiles. Thus, crowd control chemical agents should only be used when other means, such as multiple simultaneous arrests have failed or are impractical. Authorized chemical agents (OC and CS gas) are delivered in several ways and may be utilized when reasonably necessary, at the direction of the Incident Commander, in crowd control situations, as follows:
  - (a) Hand held OC spray or foggers (individual OC spray or MK-9 aerosol projector) may be used to overcome active resistance and take criminal suspects into custody. They should not be used indiscriminately against a crowd or group of persons, but only against specific individuals who are engaged in serious unlawful conduct or who are actively resisting arrest. The use of OC spray is governed by Policy 308.

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- (b) CS gas may be delivered by grenadier officers by means of hand thrown grenades or projectiles launched from the LLIMS launcher. These delivery systems emit the chemical agent diffusely, without targeting a specific individual or individuals. Authorized CS delivery systems are the hand grenade and the 40 mm SKAT shell. These delivery systems are pyrotechnic in nature and a spotter should be available to ensure no grenades or canisters land on roof tops or others areas of fire concern.
- (c) Officers should use the minimum amount of chemical agent necessary to obtain compliance. Indirect delivery (grenade and/or SKAT shell) shall not be used in demonstrations or crowd events without the approval of the Incident Commander or command-level officer.
- (d) Chemical agents should not be used for crowd control or dispersal without first giving an audible warning of their imminent use, and reasonable time to disperse, to the crowd, media and other observers, as well as all law enforcement personnel present at the scene.
- (e) If the use of chemical agents is contemplated, medical personnel should be called as near to the scene as possible prior to its use and provision should be made for decontamination and medical screening for those persons affected by the chemical agent.
- (f) Factors that need to be considered in the deployment of crowd control chemical agents include:
  - 1. The type of crowd and crowd actions
  - 2. What violations of the law have been committed
  - 3. Delivery methods available
  - 4. Wind direction
  - 5. Physical location/terrain consideration
  - 6. Cross-contamination problems
  - 7. Mobility of protesters (suspects)
  - 8. Types of agents available
  - 9. Availability of protective devices for involved officers
  - 10. Decontamination
  - 11. The potential exposure to children, elderly and disabled members of the crowd
- (g) Because of the confined spaces and the likelihood of affecting persons uninvolved in criminal activity, CS should only be used outdoors and

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should not be deployed inside stations or on board trains. OC may be used inside stations or on board trains.

- (h) This policy does not apply to the tactical use of chemical agents by members of the SWAT team engaged in SWAT missions.
5. **Smoke:** Saf-Smoke white smoke grenades may be deployed at the direction of the Incident Commander. Smoke may be used to screen the movement of officers, or as a distraction to focus the crowd's attention away from law enforcement activities. Smoke may also be used as a carrying agent multiplier for smaller CS munitions.
- (a) Smoke grenades should not be used indoors, inside stations or on trains, due to their fire-producing capabilities.

#### **459.3 CIVIL DISOBEDIENCE**

Arrests will sometimes have to be made because of a demonstrator's non-violent but nevertheless illegal conduct; for example, illegal obstruction of a street or a building entrance or right of way. In such situations the supervisor of the event will decide if such arrests are to be made. Before any such arrest is made, demonstrators will be warned that they must move or risk arrest and they must be given a reasonable amount of time to comply. Those who deliberately remain in violation of the law should be arrested when it can be accomplished safely. To the greatest extent possible, demonstrators in civil disobedience situations should be talked into compliance, rather than forcibly arrested.

Passively resisting arrestees (i.e., those who go limp) should be arrested by handcuffing and then moved by either verbal persuasion, control holds, pain compliance, lifting/carrying, the use of wheelchairs, etc., depending on the circumstances and the direction of the on-scene supervisor. Control holds and pain compliance should only be used if verbal persuasion fails. Pain compliance techniques must be reasonable and should cease once the arrestee complies with the officer's lawful orders. Planning for demonstrations where civil disobedience and/or passive resistance are a possibility should take into account the various arrest techniques for passive resisters.

In some cases, demonstrators may lock arms or use mechanical locks, metal sleeves, etc., to slow down the arrest process. Where such demonstrators have been advised that they will be subject to arrest if they choose to remain, and refuse to disperse, a member of the arrest team will individually inform each demonstrator that he or she is under arrest, prior to the application of any force to remove locking devices or to move the demonstrators. The officer should continue to give verbal directions to give the arrestee a chance to comply before force is used to unlock arms, or implements are used to remove lock boxes. Arrestees should also be informed that the removal of locking devices may cause them injury.

#### **459.4 ARRESTS**

When arrests are necessary, the Incident Commander should attempt to ensure that sufficient numbers of police officers are present to safely effect the arrests. When mass arrests are

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contemplated in advance, and it is impractical for arrestees to be cited at the scene, pre-arrangement of transportation should be made.

The Incident Commander should make the decision to engage in selective individual arrests or multiple simultaneous arrests as a crowd control technique, with consideration given to the likelihood that police action will improve the situation relative to taking no action; the seriousness of the offense(s) as opposed to the potential for the arrest to escalate violence or unlawful activity by demonstrators; whether individual or mass arrests will be more effective in ending the criminal activity at issue; whether clear and secure escape routes have been established for the crowd and the police; whether communication has been established with crowd representatives; what contingency plans are available; and what types of force can be used in effecting the arrests if necessary.

Each individual must be arrested based on probable cause. Individuals may not be arrested based solely on their association with a crowd in which unlawful activity has occurred. This means that the arresting officer must have objective facts, based on his/her own knowledge, or information given to him/her by other officers, sufficient to believe that the individual to be arrested committed the offense. Thus, the only proper basis for a multiple simultaneous arrest of all the individuals at a demonstration is failure to disperse (409 PC), where the dispersal was properly ordered based on the existence of an unlawful assembly and where adequate notice and opportunity to disperse had been given. Any evidence items at the scene should be recovered and preserved when possible.

Officers should restrain arrestees using either handcuffs or plastic flex-cuffs. A sufficient number of flex-cuff cutters should be available to remove these restraints when necessary. Officers should be aware that flex-cuffs may tighten on an arrestee's arms if the arrestee's hands swell or move, or simply in reaction to pain from the cuffs themselves. The officer applying the flex-cuffs should write his/her badge number on the cuffs in indelible marker when they are used. If an arrestee complains of pain from overly tight flex-cuffs, the officer receiving the complaint should examine the cuffs to ensure a proper fit.

A photograph or video recording of each arrestee, together with the officer making the arrest, should be made to assist in accurately documenting the arrest in a police report. This image will memorialize the identity and condition of the arrestee at the time of the arrest, as well as the identity of the arresting officer.

It is imperative that officers maintain continuity and accountability of arrestees from the arrest site (crime scene) through the booking process. Many cases are lost due to the inability to match up the arresting officer to the arrestee. The arrest report should articulate each arrestee's specific criminal act(s). This will aid in criminal prosecution and the reduction of civil liability.

#### **459.5 CITE & RELEASE PROCEDURE**

Individuals arrested for misdemeanor offenses should be cited and released in compliance with 853.6 PC and existing department policy. Where it is impractical to cite arrestees at or near the site of the demonstration because of substantial risk that this would allow the unlawful activity to

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continue, arrestees should be transported to the nearest police facility for the duration of the cite and release process.

The only reasons for not releasing a person arrested for a misdemeanor are as follows:

- The arrestee was so intoxicated that he/she posed a danger to himself/herself or others
- The arrestee required medical examination or care or was otherwise unable to care for his/her own safety
- The arrestee was arrested under one or more of the circumstances listed in 40302 and 40303 VC
- There were one or more outstanding warrants for the arrestee
- The arrestee could not provide satisfactory identification
- The prosecution of the offense for which the person was arrested, or the prosecution of other offenses, would be jeopardized by immediate release
- There was a reasonable likelihood that the offense(s) would continue or resume, or that the safety of persons or property would be imminently endangered by release of the arrestee
- The arrestee demanded to be taken before a magistrate or refused to sign the notice to appear
- There was reason to believe the arrestee would not appear at the time and place specified on the notice to appear. The basis for this determination must be specifically stated.

An officer seeking to book a misdemeanor arrestee into jail must have an articulable basis to believe that one or more of the specified statutory exceptions to mandatory cite and release applies to that individual. This basis must be documented in the police report. The mere fact that further demonstrations are likely to be held in the near future is not a proper basis to conclude that the offense is likely to continue or resume. There must be an articulable objective basis to believe that if cited out, those specific arrestees would continue the same illegal activity for which they were arrested.

#### **459.6 DOCUMENTATION**

At the direction of the Incident Commander, crowd events may be videotaped or photographed. Individuals should not be singled out for photographing or recording simply because they appear to be leaders, organizers or speakers. Unless they provide evidence of criminal activity, videos or photographs of demonstrations should not be disseminated outside the department. If videos or

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photographs are shared with another law enforcement agency, a record should be created and maintained noting the date and recipient of the information.

If there are no pending criminal prosecutions arising from the demonstration, or if the video recording or photographing is not relevant to an internal affairs or citizen complaint investigation or proceedings, or to civil litigation arising from police conduct at the demonstration, the video recording and/or photographs may be destroyed in accordance with department procedures. This shall not prohibit the department from retaining such images and recordings for training purposes.

Any arrests or citations arising from a crowd event should be documented using the normal department reporting methods. In the event that the Incident Commander determines a crowd event has become an unlawful assembly, and a dispersal order is given, this should be documented on a CR-1 crime report, using 409 PC as the violation, even if no other violations or arrests result from the event. This report should include the following: the circumstances leading the Incident Commander to determine the assembly was unlawful, the time, method and contents of the dispersal order and who gave it, the amount of time given for the crowd to disperse and the results of the order.

#### **459.7 THE MEDIA & PUBLIC INFORMATION**

Department members assigned to the scene of a demonstration will cooperate with the media, whether writer, photographer, radio or television personnel. News media representatives have a constitutional right to cover demonstrations, as long as they do not violate the law.

Those with a right to cover or photograph demonstrations are not limited to representatives of major newspapers, radio or television stations. Persons who represent small newspapers or magazines, free-lancers and other citizens are also entitled to take notes or photographs. Although the press has no special right as a matter of law to be present if an unlawful assembly is declared, officers should attempt to discriminate between non-obstructing members of the press and voluntary participants in the unlawful assembly.

Section 409.5 PC authorizes officers to close disaster scenes such as earthquakes or fires to the public. Subsection (d) however, allows duly authorized representatives of any news service, newspaper, or radio or television station or network to enter closed areas. Areas determined to be part of a crime scene shall be closed to both the public and the press.

Officer should recognize media credentials issued by police agencies or the media representative's employer as valid identification establishing the person as a member of the press.

Self-identified legal observers and crowd monitors do not have the same legal status as the professional media and are therefore subject to the same laws and orders as any other person or citizen. These persons must comply with all dispersal orders. A supervisor may allow a person who self-identifies as a legal observer or crowd monitor to remain in an area after a dispersal order if circumstances permit and the person's presence would not unduly interfere with enforcement action.



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Upon request, the Incident Commander or a supervisor may inform the media, legal observers, crowd monitors, police liaison or organizers with information as to the nature of any criminal charges, the location where arrestees are being taken and whether they will be cited out or booked at a custodial facility. Legal observers, crowd monitors, police liaison and organizers should not be targeted for dispersal or enforcement action because of their status.

#### **459.8 ONLOOKERS AT THE SCENE OF A DEMONSTRATION**

Onlookers should be permitted to observe and overhear conversations in detention or arrest situations in public areas when it is reasonable to do so. Onlookers may remain in the vicinity as long as the presence of these persons does not interfere with the officers' duties or create a safety concern for the officer, the person detained or onlookers.

Onlookers have the right to record the incident, and the recording device (camera, video camera, tape recorder, cellular phone, and any tape, film or other storage media) cannot be seized by an officer except under the authority of a search warrant. If the immediate circumstances lead the officer to believe that the recording contains crucial evidence, the officer may ask the citizen to voluntarily surrender the recording material. If the citizen refuses to give consent for the seizing of the recording material and there is a possibility of criminal prosecution or civil liability for the District or its employees arising out of the incident, the officer should ask for the name, address and telephone number of the onlooker who records the incident. If the onlooker refuses to provide identification, the officer should obtain any available information at the time that will allow investigators to identify the onlooker and obtain a search warrant for the recorded materials.

Onlookers must maintain a reasonable distance when monitoring police activities, depending on the circumstances. Onlookers are allowed to approach within hearing distance provided that control of the situation can be maintained by the officer. Onlookers who are clearly at a reasonable distance will not be subject to a "move-on" order or threatened with arrest.

The sensitive nature of these situations requires that officers make every attempt to diplomatically resolve conflicts involving onlookers. Depending on the stability of the situation, officers will advise onlookers of their legal rights and limitations under this policy. If an onlooker continues to create a disturbance, a supervisor should be called to resolve the conflict. All highly sensitive incidents will be reported as soon as possible to a supervisor and documented on a police report.

Nothing in this section is meant to restrict an officer from arresting any person who willfully resists, delays or obstructs any peace officer from discharging his or her duties according to the provisions of 148 PC. Nor does this section restrict an officer from arresting any person who willfully commits a trespass as defined in 602 PC.

#### **459.9 ORDER TO DISPERSE**

The definition of an unlawful assembly has been set forth in 407 PC and interpreted by court decisions. The terms "boisterous" and "tumultuous" as written in 407 PC have been interpreted by the courts as conduct that poses a clear and present danger of imminent violence, or when the demonstration or crowd event is for the purpose of committing a criminal act. The police may not

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disperse a demonstration or crowd event before demonstrators have acted illegally or before the demonstrators pose a clear and present danger of imminent violence.

The mere failure to obtain a permit is not a sufficient basis to declare an assembly unlawful. The fact that some of the demonstrators or organizing groups have engaged in violent or unlawful acts in the past is not grounds for declaring an assembly unlawful. The police may not disperse a demonstration or crowd event without first validly declaring it an unlawful assembly under state law.

Once a determination has been made that an assembly is unlawful, the crowd should be given an opportunity to disperse rather than face arrest. The intent of a dispersal order is to permanently disperse a crowd, not to merely relocate the problem. It should be made clear that the crowd is expected to immediately leave the area and include a warning that force may be used which could result in serious injury. A dispersal order must be given before a person can be guilty of remaining at a place of a riot, rout or unlawful assembly. In order to give a valid dispersal order, a supervisor should go as near as the crowd as is safe, and using adequate amplification devices, make an audible statement in the following form:

"I am (rank/name), a peace officer for the Bay Area Rapid Transit District. I hereby declare this to be an unlawful assembly, and in the name of the People of the State of California, command all those assembled at (specific location) to immediately disperse, which means to break up this assembly. If you do not do so, you may be arrested or subject to other police action. Other police action could include the use of force which may inflict pain or result in serious injury. Penal Code Section 409 prohibits remaining at an unlawful assembly. If you remain in the area just described, regardless of your purpose, you will be in violation of penal Section 409. The following routes of dispersal are available (provide routes). You have (reasonable amount of time) minutes to disperse."

The dispersal order should be given at least three times, from multiple locations. If possible, officers should be posted at the outside edge of the crowd to ensure that the order can be clearly heard by those on the outskirts of the crowd. If necessary, the order should also be given in other languages to ensure that demonstrators understand the order. If possible, the dispersal orders should be recorded by audio/video recorders from locations on the outer edge of the crowd in order to document that the dispersal order was audible to crowd members.

Dispersal orders should not be given until control forces are in position to support crowd movement and sufficient officers are available to make multiple simultaneous arrests, if necessary.

#### **459.10 TRAINING**

All Tactical Team members and supervisors should train as a group at least twice a year, in order to maintain proficiency in crowd control techniques, crowd management principles, defensive tactics, less-lethal weapons, team operations and legal issues. The Tactical Team commander is responsible for ensuring that team members receive adequate initial and refresher training while members are assigned to the Tactical Team.



# BART POLICE CITIZEN REVIEW BOARD (BPCRB) 2019 Training Proposal

Lexipol Policy System

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Behavioral Health Care/Crisis Response

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BART Progressive Discipline Rules/Procedures

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Parliamentary Procedure Course

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Brown Act Refresher Course

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BART Police Department Structure and Organization

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Legal Decisions Impacting Police Oversight

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Bias-Based Policing/Racial Profiling

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BPD Support Services Bureau and Communications Center  
Presentation

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Shoot, Do Not Shoot Simulator

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Police Officer Presentation (explain highlights of daily encounters and  
challenges)

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Tours of new BART Stations, including Pittsburg and Antioch

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The below listed training is from the Departments Training Plan. The Training Plan can be located in the G/drive.

Essential Tactical Team training - Tactical team training, crowd management update.

### **459.11 TEAM MEMBERS**

The department should ensure that enough officers are assigned to the Tactical Team to provide a sufficient reserve of trained officers to respond to any reasonably foreseeable crowd situation. Additional members will be selected from interested officers in the event that a larger team is required. Members will be selected by means of an interview panel, composed of a supervisor and at least two current team members.

Officers completing at least one year of satisfactory service with the Tactical Team will receive credit for a patrol special assignment toward Master Officer.



Office of the  
**INDEPENDENT  
POLICE AUDITOR**

BAY AREA RAPID TRANSIT DISTRICT

# MONTHLY REPORT

December 2018

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Issue date: January 14, 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 **December 1, 2018 through December 31, 2018**.<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>	OIPA Investigations Concluded <sup>4</sup>	Cases Appealed to OIPA <sup>5</sup>	Cases Appealed by BPCRB <sup>6</sup>
December 2017	9	34	1	0	0
January 2018	7	32	0	0	0
February 2018	10	34	0	1	0
March 2018	6	35	1	0	0
April 2018	13	49	0	0	0
May 2018	6	51	1	0	0
June 2018	10	56	0	0	0
July 2018	8	54	0	0	0
August 2018	14	64	1	0	0
September 2018	9	69	1	0	0
October 2018	10	69	1	0	0
November 2018	13	69	1	0	0
December 2018	5	62	0	0	0

### TYPES OF CASES FILED

Citizen Complaints (Formal)	4
Informal Complaints <sup>7</sup>	1
Administrative Investigations	0
<b>TOTAL</b>	<b>5</b>

### CITIZEN COMPLAINTS RECEIVED PER DEPARTMENT<sup>8</sup>

OIPA	0
BART Police Department	4
<b>TOTAL</b>	<b>4</b>

## COMPLAINTS/INVESTIGATIONS INITIATED DURING REPORTING PERIOD

During December 2018, **3 Citizen Complaints (Formal)** were received by BPD:

Complaint # (IA Case #)	Nature of Complaint	Action Taken	Days Elapsed Since Complaint Filed
1 (IA2018-108)	Employee #1: • Bias-Based Policing	BPD initiated an investigation.	38
2 (IA2018-109)	Officer #1: • Performance of Duty • Policy/Procedure	BPD initiated an investigation.	34
3 (IA2018-111)	Officer #1: • Arrest or Detention	BPD initiated an investigation.	33

During December 2018, **1 Informal Complaint** was received by BPD:

Complaint # (IA Case #)	Nature of Allegations	Action Taken	Days Elapsed Since Investigation Initiated
1 (IA2018-112)	Employee #1: • Courtesy	BPD initiated a Supervisor Referral. <sup>9</sup>	31

## COMPLAINTS/INVESTIGATIONS INITIATED DURING A PRIOR REPORTING PERIOD

During November 2018, **1 Citizen Complaint (Formal)** was received by BPD but not previously reported:

Complaint # (IA Case #)	Nature of Complaint	Action Taken	Days Elapsed Since Complaint Filed
1 (IA2018-110)	Officer #1: • Force • Bias-Based Policing	BPD initiated an investigation.	67



## COMPLAINTS/INVESTIGATIONS CONCLUDED DURING REPORTING PERIOD

During December 2018, **8 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 (IA2018-010)	Officers generated false reports, failed to respond to a call for service and were rude to complainant.	Officers #1-2: <ul style="list-style-type: none"> <li>• Performance of Duty – Unfounded</li> <li>• Conduct Unbecoming an Officer – Unfounded</li> </ul>	336	314
2 (IA2018-015)	Officers harassed complainant, disregarded status of a service animal, failed to offer necessary assistance, and failed to properly document a law enforcement contact.	Officer #1: <ul style="list-style-type: none"> <li>• Conduct Unbecoming an Officer – Not Sustained</li> <li>• Policy/Procedure – Not Sustained</li> <li>• Performance of Duty – Not Sustained</li> </ul> Unknown Officer #2 <ul style="list-style-type: none"> <li>• Conduct Unbecoming an Officer – Not Sustained</li> </ul>	328	286
3 (IA2018-022)	Officer improperly accessed a law enforcement database and threatened complainant.	Officer #1: <ul style="list-style-type: none"> <li>• Conduct Unbecoming an Officer – Unfounded</li> <li>• Policy/Procedure (Count 1) – Unfounded</li> <li>• Policy/Procedure (Count 2) – Sustained</li> </ul>	318	291
4 (IA2018-025)	Officer used excessive or unnecessary force during detention.	Officer #1: <ul style="list-style-type: none"> <li>• Force – Exonerated</li> </ul>	278	251
5 (IA2018-034)	Officer harassed complainant and improperly requested proof of payment.	Officer #1: <ul style="list-style-type: none"> <li>• Conduct Unbecoming an Officer – Supervisor Referral</li> </ul>	278	247
6 (IA2018-038)	Officers failed to return complainant's property.	Officers #1-2: <ul style="list-style-type: none"> <li>• Conduct Unbecoming an Officer – Unfounded</li> <li>• Property – Unfounded</li> </ul>	251	224
7 (IA2018-041)	Officer used profane language.	Officer #1: <ul style="list-style-type: none"> <li>• Conduct Unbecoming an Officer – Not Sustained</li> </ul>	239	212
8 (IA2017-118)	Officer used excessive force during arrest.	Officer #1: <ul style="list-style-type: none"> <li>• Force – Unfounded</li> </ul>	396	354

During December 2018, **3 Informal Complaints** were addressed by BPD:

Complaint # (IA Case #)	Nature of Complaint	Disposition	Days Elapsed Since Complaint Filed	Days Taken to Complete Investigation
1 (IA2018-106)	Employee improperly cited complainant for parking.	Employee #1: • Conduct Unbecoming an Officer – Supervisor Referral	46	20
2 (IA2018-107)	Employee did not properly respond to call for service.	Employee #1: • Performance of Duty – Supervisor Referral	45	3
3 (IA2018-112)	Employee improperly cited complainant for proof of payment violation.	Employee #1: • Courtesy – Supervisor Referral	31	7

During December 2018, **1 Administrative Investigation** was concluded by BPD:

Investigation # (IA Case #)	Nature of Allegations	Disposition	Days Elapsed Since Investigation Initiated	Days Taken to Address Allegation
1 (IA2018-030)	Officer used profanity, failed to document a law enforcement contact and instructed another officer to not to activate a body camera.	Officers #1-2: • Conduct Unbecoming an Officer – Sustained • AXON Camera Violation – Sustained	269	227

## DISCIPLINE ISSUED DURING REPORTING PERIOD

During December 2018, 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 review a use of force.	Officer #1: • Performance of Duty	Officer #1: • Oral Counseling
2	Officer did not properly document a crime.	Officer #1: • Performance of Duty	Officer #1: • Written Reprimand

3	Officer improperly classified subject as mentally disabled.	Officer #1: • Performance of Duty	Officer #1: • Letter of Discussion
4	Officer did not properly document a law enforcement contact.	Officer #1: • Policy/Procedure (AXON Camera)	Officer #1: • Letter of Discussion
5	Officer did not properly document a law enforcement contact.	Officer #1: • Policy/Procedure (AXON Camera)	Officer #1: • Oral Counseling

## 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	7
Complainant-Initiated Appeals	0
BPD-Initiated Appeals	0
Investigations Being Monitored	22
Investigations Reviewed During Current Month	15†

†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>10</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 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.

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<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> 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>9</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>10</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.