

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

NOTICE OF MEETING AND AGENDA
BART POLICE CITIZEN REVIEW BOARD

June 8, 2020
4:00 p.m.

A regular meeting of the BART Police Citizen Review Board (BPCRB) will be held on Monday, June 8, 2020 at 4:00 p.m.

Please note, pursuant to Governor Newsom’s Executive Order N-29-20 and the California Shelter-in-Place mandate, which prevents all but essential travel, public participation for this meeting will be via teleconference only.

Presentation materials will be available via BART’s website at <https://www.bart.gov/about/bod/advisory/crb>

You may listen to the Meeting by calling 1-833-827-2778 and entering access code 634 908 38.

We strongly encourage public comments to be submitted via email. **You may submit comments via email to CitizenReviewBoard@bart.gov using “public comment” as the subject line.** Your comment will be read into the record and will become a permanent part of the file. Please submit your comments as far in advance as possible. Emailed comments must be received before 3:00 p.m. in order to be included in the record.

Individuals may also be given an opportunity by the moderator to speak on any item on the agenda by calling (833) 827-2778 and entering access code 634 908 38 in advance of the item. Public comment will be limited to three (3) minutes per person. Your phone will be muted until you are called upon.

AGENDA

1. Call to Order.
 - a. Roll Call.
 - b. Pledge of Allegiance.
2. Approval of Minutes of the Meeting of May 11, 2020. For Discussion and Action.
3. Chief of Police’s Report. For Discussion and Action.
 - a. BART Police Department (BPD) Monthly Reports for April 2020.
4. Status Update on Station Reopening, Ridership, and Safety Measures – COVID-19. For Discussion.
5. Independent Police Auditor’s Report. For Discussion and Action.
 - a. Office of the Independent Police Auditor (OIPA) Monthly Reports for April 2020 (continued from the May 11, 2020 meeting) and May 2020.
6. 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.)
7. Adjournment.

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

BPCRB Meeting Agenda materials are available to the public by downloading 72 hours prior to the meeting at <http://www.bart.gov/about/bod/advisory/crb> (click on "Agenda").

Pursuant to Govt. Code §54953.5, the audio recording of the open session portions of this public meeting shall be subject to inspection pursuant to the California Public Records Act (CPRA). Requests for information under the CPRA should be filed with the BART Office of the District Secretary.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
300 Lakeside Drive, P.O. Box 12688, Oakland, CA 94604-2688
BART Police Citizen Review Board Meeting Minutes
Monday, May 11, 2020

A regular meeting of the BART Police Citizen Review Board (BPCRB) was held Monday, May 11, 2020, convening at 4:01 p.m. via teleconference, pursuant to Governor Gavin Newsom's Executive Order N-29-20 and the California Shelter-in-Place mandate. The meeting was called to order by Chairperson David Rizk; Mag Tatum, Recording Secretary.

Chairperson Rizk gave instructions on the virtual meeting, accessing presentation materials online, Public Comment, and Members' remarks.

1. Call to Order.

The regular meeting was convened at 4:01 p.m. by Chairperson Rizk.

Members Present:

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

Absent:

Members Pete Longmire, Robert Pirone, and Darren White.

The Pledge of Allegiance was recited.

2. Approval of Minutes of the Meeting of March 9, 2020.

Member Loo moved that the Minutes of the Meeting of March 9, 2020 be approved; Member Armstrong seconded the motion, which carried by a unanimous roll call vote. Ayes – 8: Members Armstrong, Bruno, Gomez, Loo, Mensinger, Perezvelez, W. White, and Rizk. Noes – 0. Abstain – 0. Absent – 3: Members Pirone, Longmire and D. White.

3. Chief of Police's Reports.

a. BART Police Department's Monthly Reports for February 2020 and March 2020.

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

b. Assembly Bill 392: Use of Force.

Chief of Police Ed Alvarez presented the Assembly Bill 392: Use of Force. The presentation was discussed.

4. Independent Police Auditor's Report.

a. Office of the Independent Police Auditor (OIPA) Monthly Reports for March 2020 and April 2020.

Independent Police Auditor Russell Bloom presented the OIPA Monthly Report for March 2020. The March 2020 report was discussed. The April 2020 report will come back to a future meeting.

5. Policy Standing Committee Updates.

Chairperson Rizk gave a presentation on the Policy Standing Committee Updates for the following polices:

1. Lexipol Policy 208 – Training Policy
2. Lexipol Policy 312 – Firearms
3. Lexipol Policy 314 – Vehicle Pursuits
4. Lexipol Policy 336 – Victim and Witness Assistance
5. Lexipol Policy 344 – Report Preparation
6. Lexipol Policy 372 – Mandatory Employer Notification
7. Lexipol Policy 389 – Gun Violence Restraining Orders
8. Lexipol Policy 400 – Operations Functions
9. Lexipol Policy 405 – Use of Electric Personal Vehicles
10. Lexipol Policy 428 – Immigration Violations
11. Lexipol Policy 432 – Patrol Rifle Operator Program
12. Lexipol Policy 436 – Field Training Officer Program
13. Lexipol Policy 448 – Mobile Data Computer Use
14. Lexipol Policy 451 – Body Worn Camera
15. Lexipol Policy 469 – Radiation/Chemical (CBRNE) Detection Operations
16. Lexipol Policy 500 – Traffic Function and Responsibility
17. Lexipol Policy 521 – Parking Enforcement
18. Lexipol Policy 601 – Criminal Investigation Administration
19. Lexipol Policy 602 – Sexual Assault Investigations
20. Lexipol Policy 610 – Eyewitness Identification
21. Lexipol Policy 804 – Property and Evidence
22. Lexipol Policy 806 – Records Division
23. Lexipol Policy 810 – Records Maintenance and Release
24. Lexipol Policy 1035 – Lactation Break Policy
25. Lexipol Policy 1042 – Occupational Disease and Work-Related Injury Reporting
26. Lexipol Policy 1043 – Personnel Inspections
27. Lexipol Policy 1044 – Personal Appearance Standards
28. Lexipol Policy 1055 – Departure from Employment

Lexipol Policy 602, Sexual Assault Investigations will come back to a future meeting.

Chairperson Rizk moved that the Policy Standing Committee Updates (total of twenty-seven Lexipol Policies) be approved; except Lexipol Policy No. 602, Sexual Assault Investigations. Member Mensinger seconded the motion, which carried by a unanimous roll call vote. Ayes – 8: Members Armstrong, Bruno, Gomez, Loo, Mensinger, Perezvelez, W. White, and Rizk. Noes – 0. Abstain – 0. Absent – 3: Members Pirone, Longmire and D. White.

Lexipol Policies listed in numerical order (twenty-seven policies were approved):

1. Lexipol Policy 208 – Training Policy
2. Lexipol Policy 312 – Firearms
3. Lexipol Policy 314 – Vehicle Pursuits
4. Lexipol Policy 336 – Victim and Witness Assistance
5. Lexipol Policy 344 – Report Preparation

6. Lexipol Policy 372 – Mandatory Employer Notification
7. Lexipol Policy 389 – Gun Violence Restraining Orders
8. Lexipol Policy 400 – Operations Functions
9. Lexipol Policy 405 – Use of Electric Personal Vehicles
10. Lexipol Policy 428 – Immigration Violations
11. Lexipol Policy 432 – Patrol Rifle Operator Program
12. Lexipol Policy 436 – Field Training Officer Program
13. Lexipol Policy 448 – Mobile Data Computer Use
14. Lexipol Policy 451 – Body Worn Camera
15. Lexipol Policy 469 – Radiation/Chemical (CBRNE) Detection Operations
16. Lexipol Policy 500 – Traffic Function and Responsibility
17. Lexipol Policy 521 – Parking Enforcement
18. Lexipol Policy 601 – Criminal Investigation Administration
19. Lexipol Policy 610 – Eyewitness Identification
20. Lexipol Policy 804 – Property and Evidence
21. Lexipol Policy 806 – Records Division
22. Lexipol Policy 810 – Records Maintenance and Release
23. Lexipol Policy 1035 – Lactation Break Policy
24. Lexipol Policy 1042 – Occupational Disease and Work-Related Injury Reporting
25. Lexipol Policy 1043 – Personnel Inspections
26. Lexipol Policy 1044 – Personal Appearance Standards
27. Lexipol Policy 1055 – Departure from Employment

6. Public Comment.

Chairperson Rizk called for Public Comment.

Mr. Robert Raburn addressed the Board

Chairperson Rizk announced that the Board would enter closed session under Item 6-A (Public Employee Discipline/Dismissal/Release in OIPA Cases #19-19 and #19-40 of the regular meeting agenda, and that the Board would reconvene in open session at the conclusion of the closed session.

The Meeting recessed at 5:22 p.m.

The Meeting reconvened in Closed Session at 5:22 p.m.

7. Closed Session.

- a. To reconsider Public Employee Discipline/Dismissal/Release in OIPA Cases #19-19 and #19-40 Govt. Code §54957.

Members Present:

Members Erin Armstrong, Kenneth Loo, Les Mensinger, George Perezvelez, William White, and David Rizk.

Absent:

Members Robert Pirone, Pete Longmire and
Darren White.

Members Zachary Bruno and Christina Gomez left the meeting via teleconference.

Adjournment.

The Meeting reconvened in Open Session at 6:37 p.m.

Chairperson Rizk announced that the Board voted unanimously to accept the findings in OIPA Cases #19-19 and #19-40.

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

DRAFT

BART POLICE DEPARTMENT



April 2020

MONTHLY REPORT



Bay Area Rapid Transit Police Department

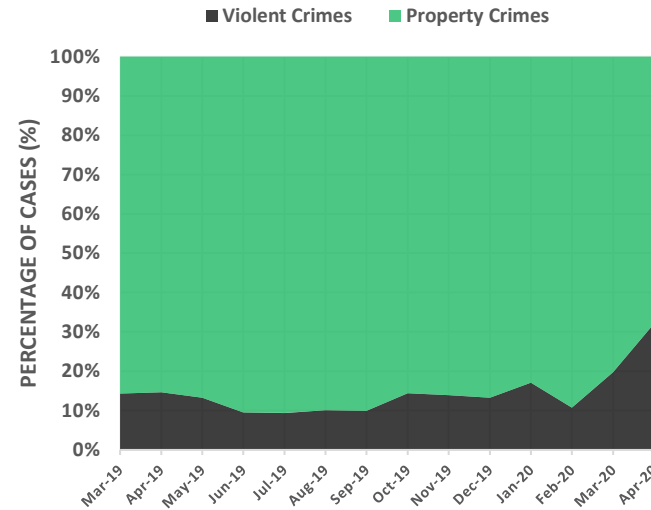
101 8th St, Oakland, CA, 94607 (510) 464-7000 www.bart.gov/police

April 2020

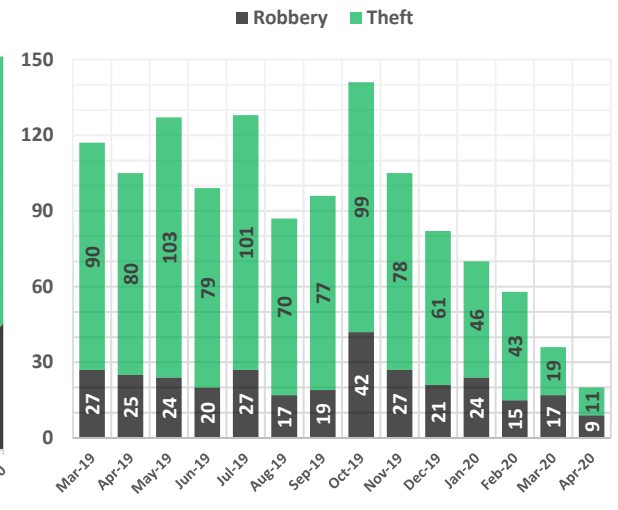
Performance Measurement Review - **Systemwide**

PART 1 UCR Crime	2014	2015	2016	2017	2018	2019	YTD 2019	YTD 2020	PCT %
Homicide	0	1	1	0	3	2	1	0	-100%
Rape	2	3	4	8	3	7	6	2	-67%
Robbery	153	161	232	290	345	378	123	99	-20%
Aggravated Assault	71	73	93	125	130	112	47	33	-30%
Violent Crime Subtotal	226	238	330	423	481	499	177	134	-24%
Burglary (Structural)	7	4	12	15	18	16	3	7	+133%
Larceny & Auto Burglary	2,597	2,325	2,217	2,593	2,565	3,177	945	593	-37%
Auto Theft	522	480	480	420	348	247	65	52	-20%
Arson	0	0	1	4	4	4	1	2	+100%
Property Crime Subtotal	3,126	2,809	2,710	3,032	2,935	3,444	1,014	654	-36%
TOTAL	3,352	3,047	3,040	3,455	3,416	3,943	1,191	788	-34%

PART 1 CRIME OVERALL

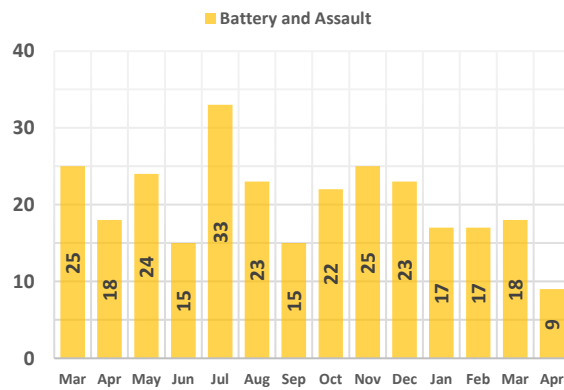


ELECTRONIC THEFT

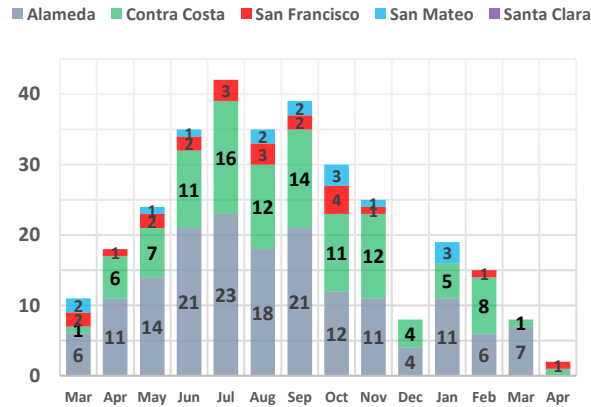


Part 1 Crimes: Top Five Stations
 April 2020: A30/COS A10/LMS M10/OWS L30/EDS A60/HAS
 Full Year 2019: A30/COS A60/HAS M10/OWS A20/FVS A40/SLS

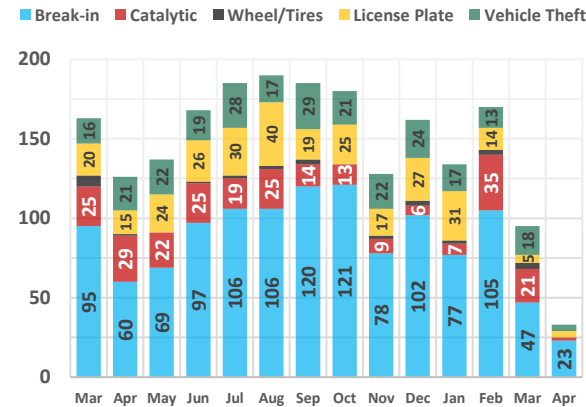
BATTERY & ASSAULT ON BART



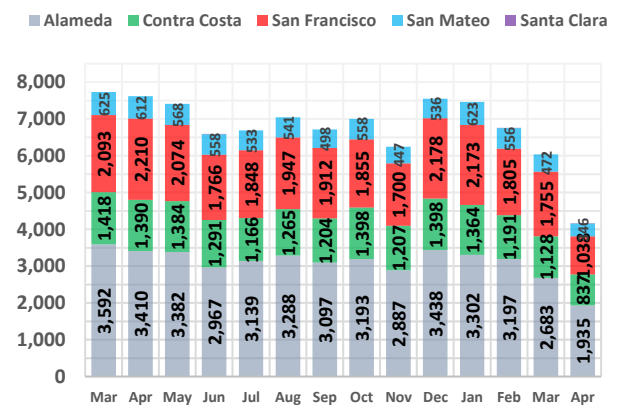
BICYCLE THEFT



VEHICLE CRIME



CALLS TO DISPATCH



Preface: The data is retrieved from the BART Police Database and remains unaudited until corrections. Numbers may differ from the reported data in the Uniform Crime Reporting (UCR) program.

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



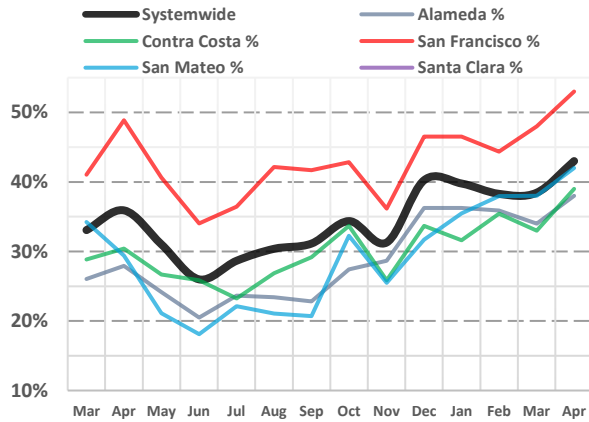
Bay Area Rapid Transit Police Department

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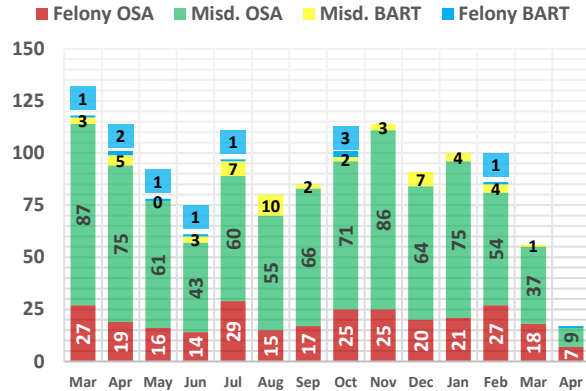
April 2020

Performance Measurement Review - **Systemwide**

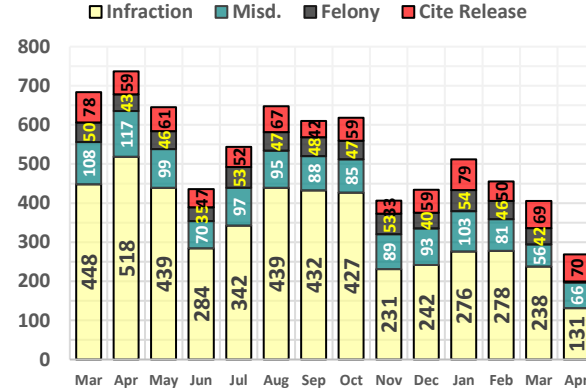
OFFICER-INITIATED INCIDENTS



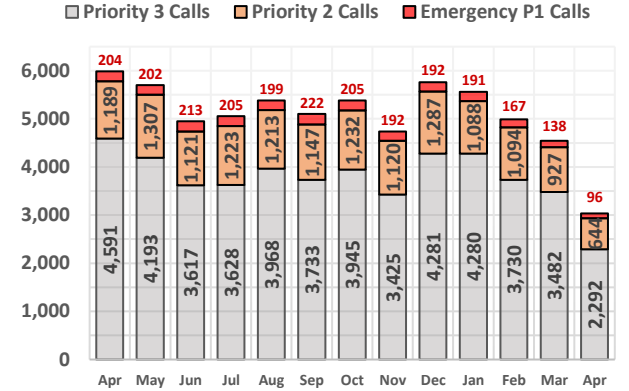
WARRANT ARRESTS



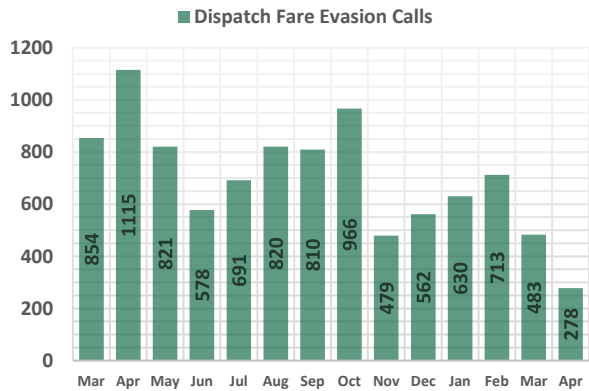
ALL BOOKINGS & ARRESTS



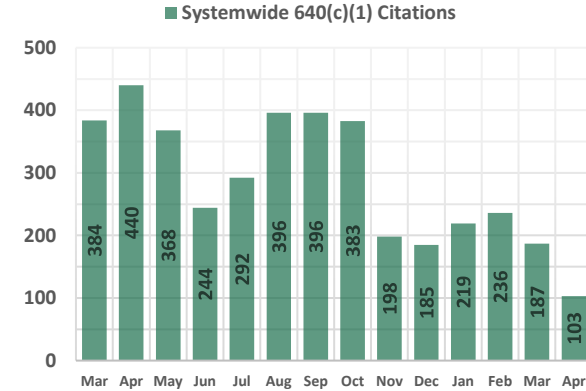
PRIORITY TYPE 1 - 3 CALLS



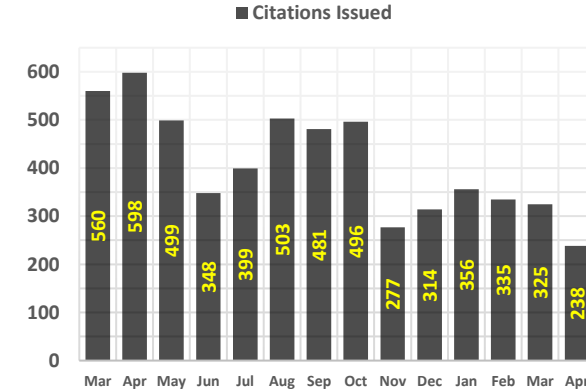
FARE EVASION CAD CALLS



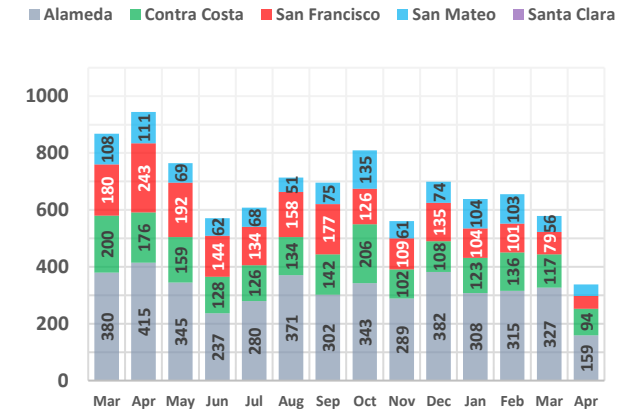
FARE EVASION CITATIONS



ALL CITATIONS



FIELD INTERVIEWS





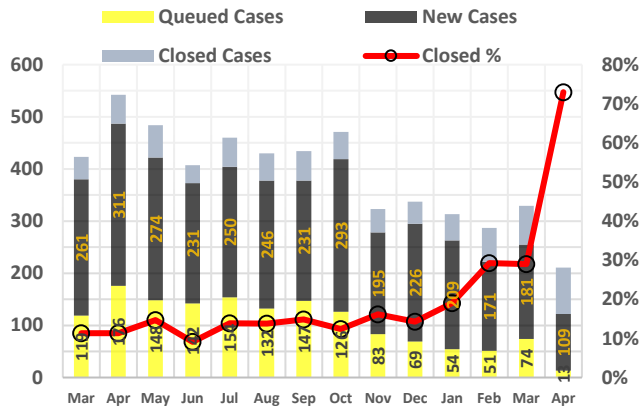
Bay Area Rapid Transit Police Department

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

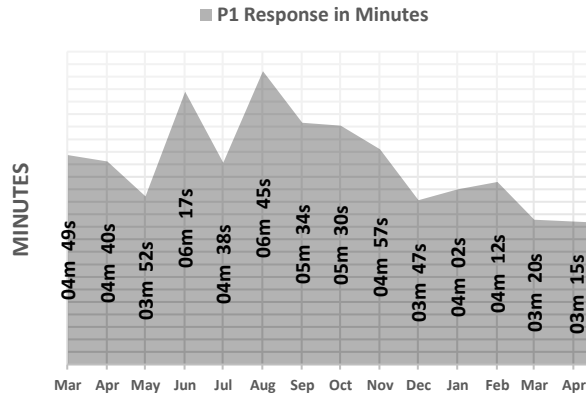
April 2020

Performance Measurement Review - **Systemwide**

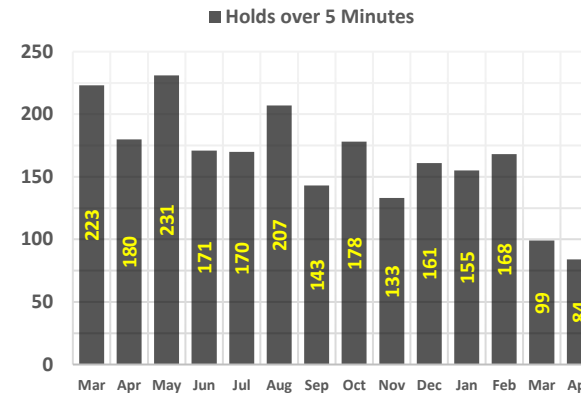
INVESTIGATIONS CASELOAD %



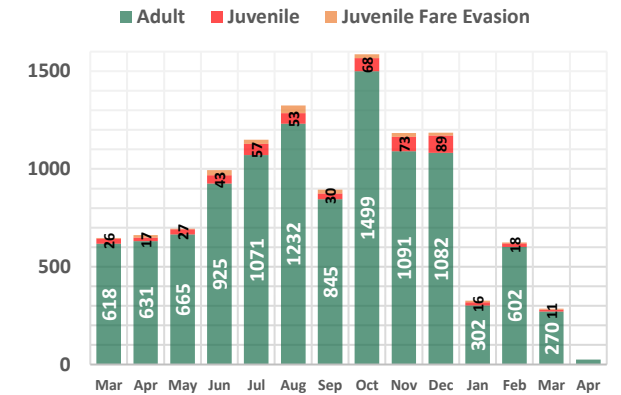
SYSTEM RESPONSE TIME (P1) AVG



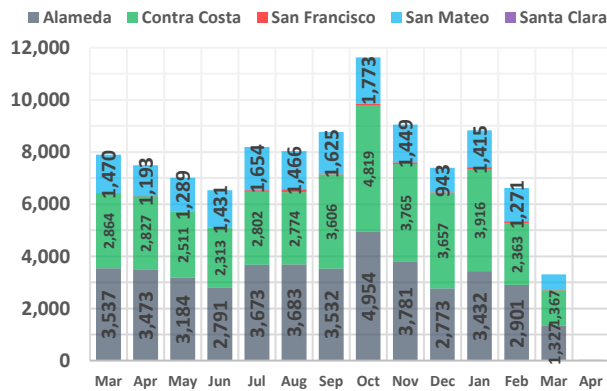
POLICE TRAIN HOLDS



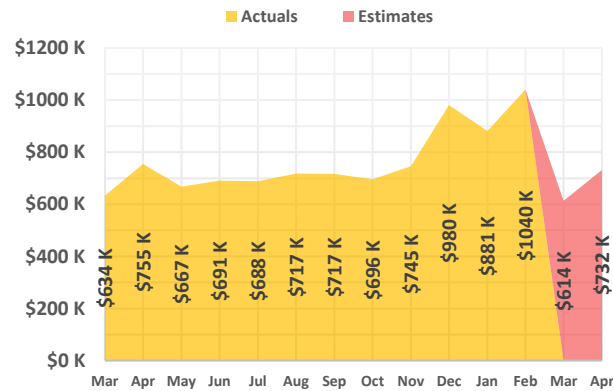
PROOF OF PAYMENT CITATIONS



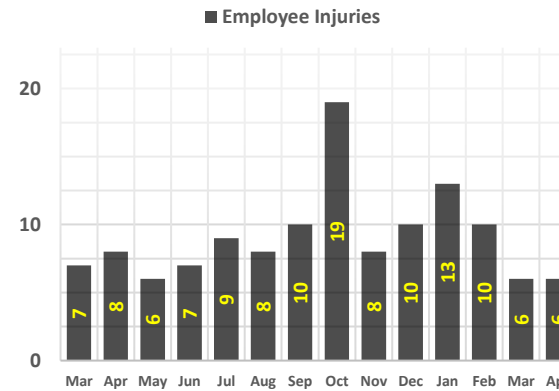
PARKING CITATIONS



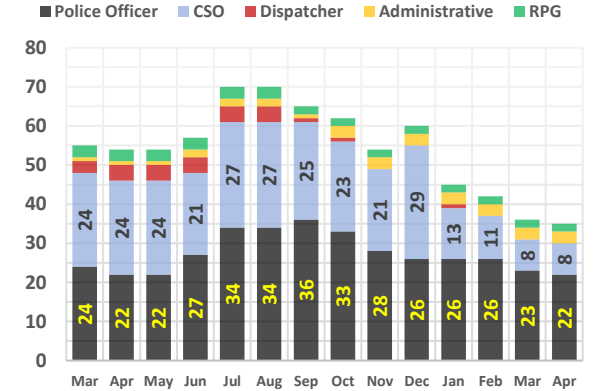
OVERTIME UTILIZATION (IN THOUSANDS)



EMPLOYEE INJURIES



VACANCIES





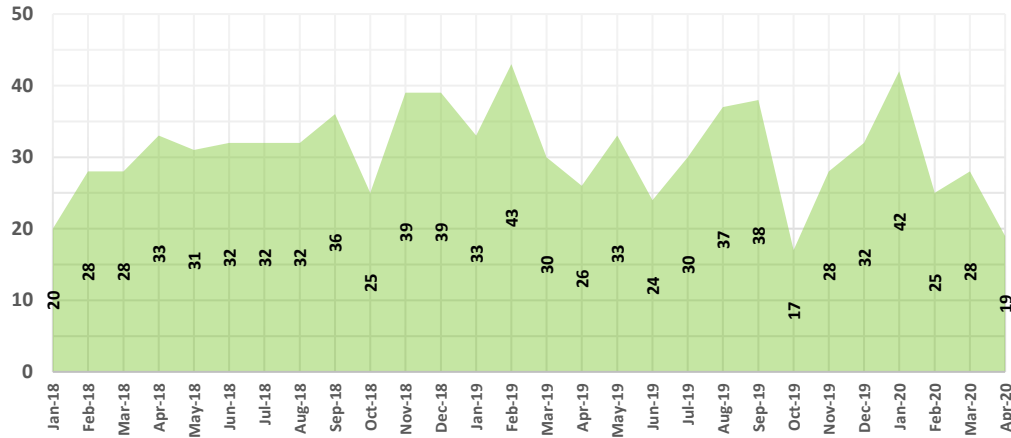
Bay Area Rapid Transit Police Department

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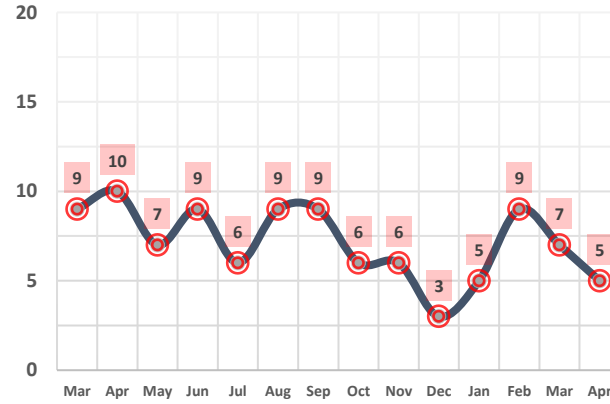
April 2020

Performance Measurement Review - **Systemwide**

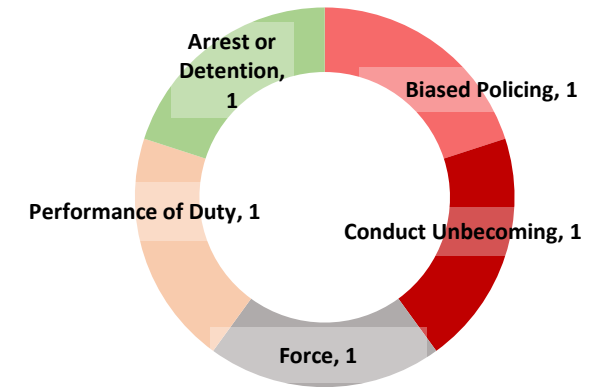
AB716 - PROHIBITION ORDERS



INTERNAL AFFAIRS COMPLAINTS

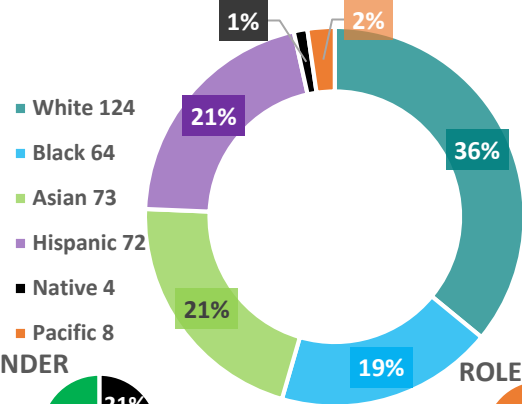


IA COMPLAINTS RECEIVED¹

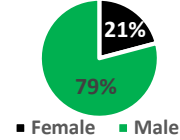


¹: Each incident could contain more than one allegation. This chart reflects the most significant allegation per

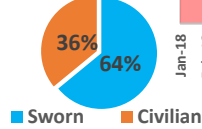
DEPARTMENT ETHNIC DIVERSITY



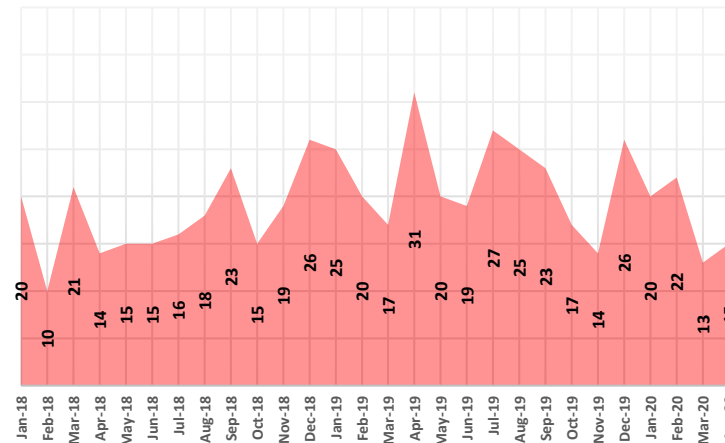
GENDER



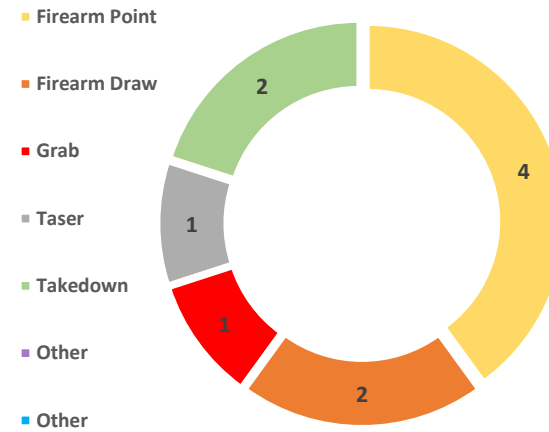
ROLE



USE OF FORCE INCIDENTS

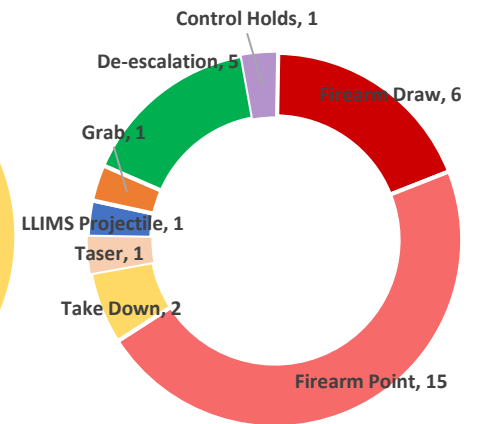


INCIDENT FORCE OPTIONS USED²



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

TYPES OF FORCE USED³



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



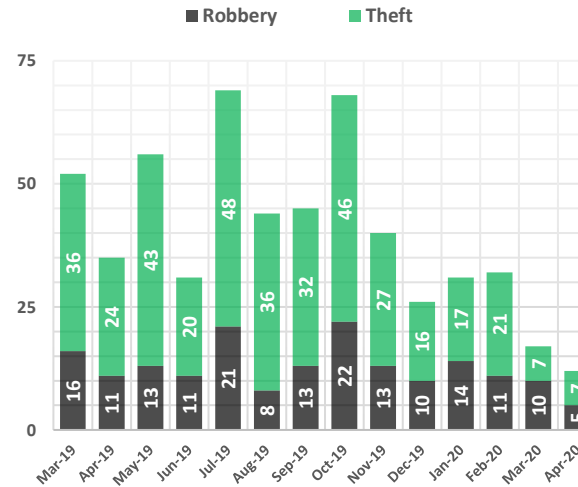
Bay Area Rapid Transit Police Department

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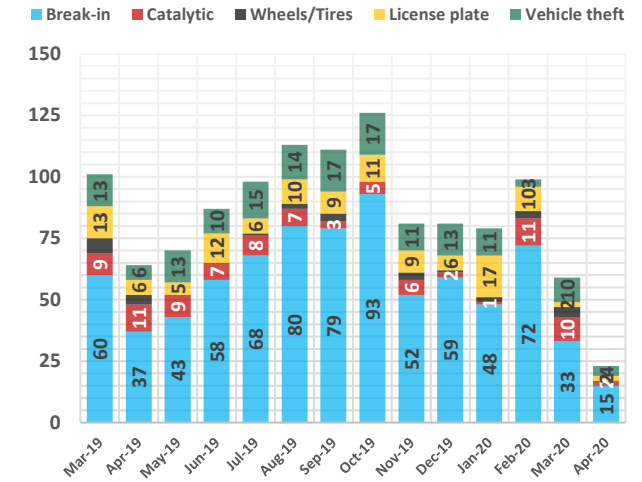
April 2020 Performance Measurement Review - Alameda County

PART 1 UCR Crime	2017	2018	2019	YTD 2019	YTD 2020	PCT %
Homicide	0	2	1	1	0	-100%
Rape	6	3	2	2	2	0%
Robbery	191	211	229	72	62	-14%
Aggravated Assault	73	87	52	22	19	-14%
Violent Crime Subtotal	270	303	284	97	83	-14%
Burglary (Structural)	8	11	13	2	6	+200%
Larceny & Auto Burglary	1,471	1,262	1,634	480	345	-28%
Auto Theft	266	201	149	39	28	-28%
Arson	2	3	5	1	1	0%
Property Crime Subtotal	1,747	1,477	1,801	522	380	-27%
TOTAL	2,017	1,780	2,085	619	463	-25%

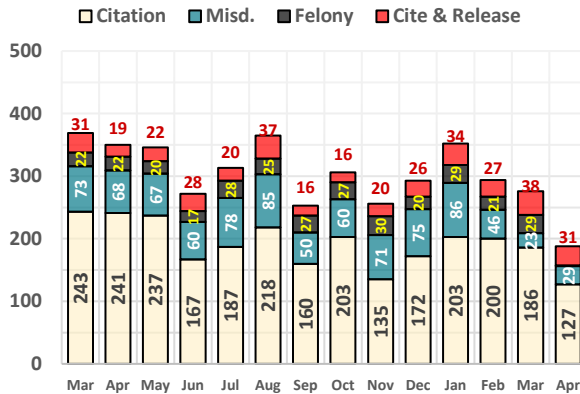
ALAMEDA ELECTRONIC THEFT



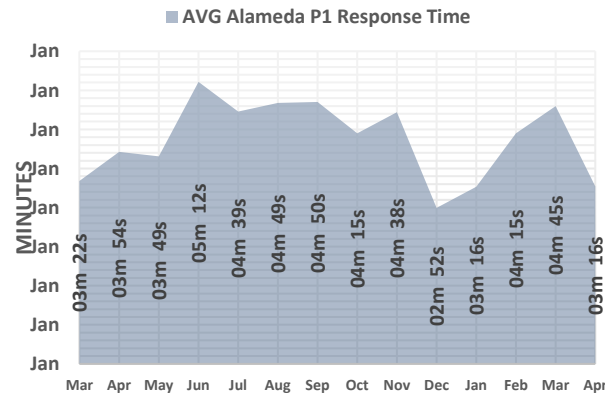
ALAMEDA VEHICLE CRIME



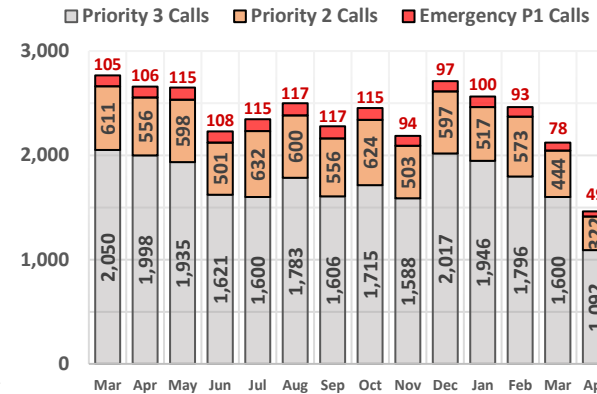
ALAMEDA ARRESTS & CITATIONS



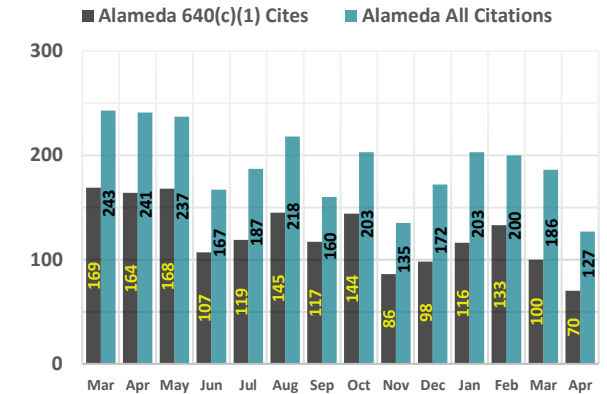
RESPONSE TIME (P1) AVG



ALAMEDA PRIORITY 1 - 3 CALLS



ALAMEDA FARE EVASION



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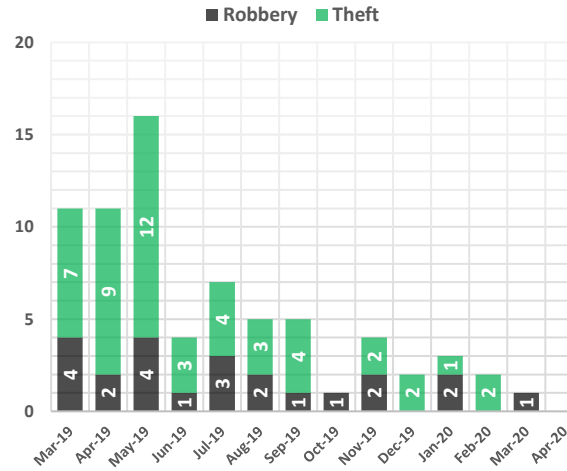
Bay Area Rapid Transit Police Department

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

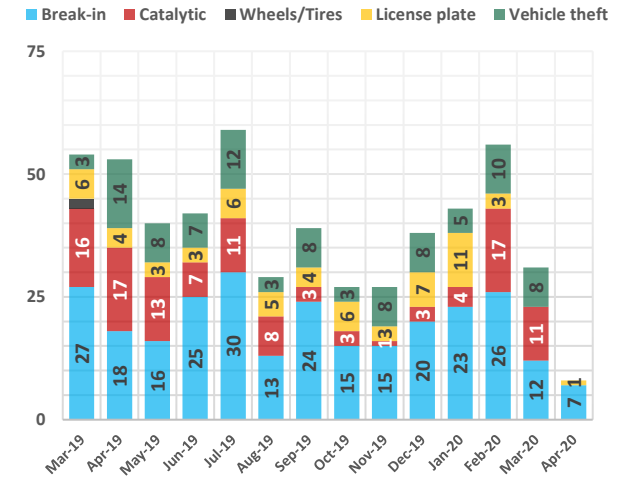
April 2020 Performance Measurement Review - **Contra Costa County**

PART 1 UCR Crime	2017	2018	2019	YTD 2019	YTD 2020	PCT %
Homicide	0	1	0	0	0	-%
Rape	1	0	4	4	0	-100%
Robbery	35	29	34	13	8	-38%
Aggravated Assault	23	20	23	6	5	-17%
Violent Crime Subtotal	59	50	61	23	13	-43%
Burglary (Structural)	2	1	2	1	0	-100%
Larceny & Auto Burglary	675	669	592	202	127	-37%
Auto Theft	134	124	81	24	23	-4%
Arson	3	1	0	0	0	-%
Property Crime Subtotal	814	795	675	227	150	-34%
TOTAL	873	845	736	250	163	-35%

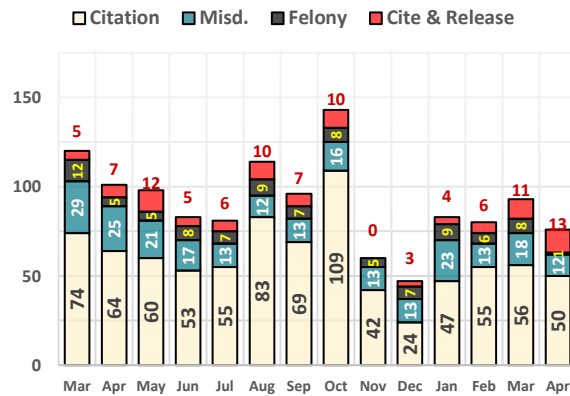
CONTRA COSTA ELECTRONIC THEFT



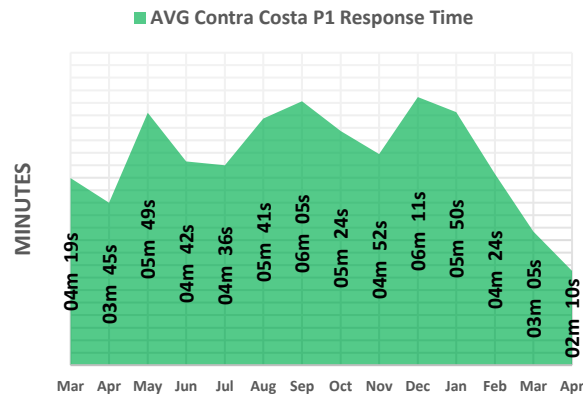
CONTRA COSTA VEHICLE CRIME



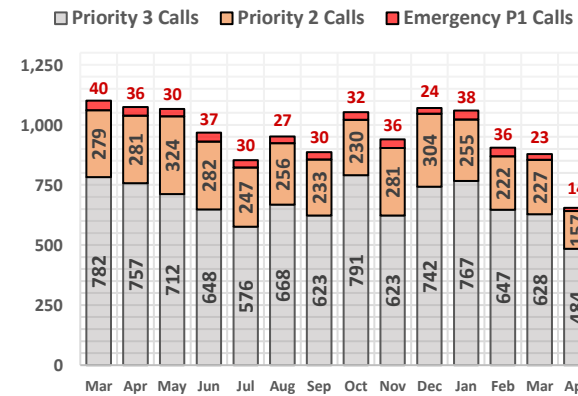
COCO ARRESTS & CITATIONS



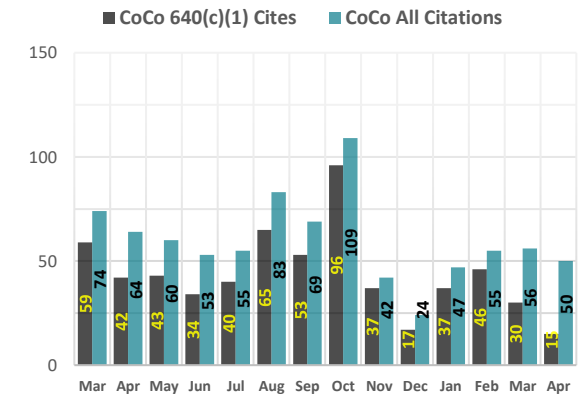
RESPONSE TIME (P1) AVG



COCO PRIORITY 1 - 3 CALLS



COCO FARE EVASION



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



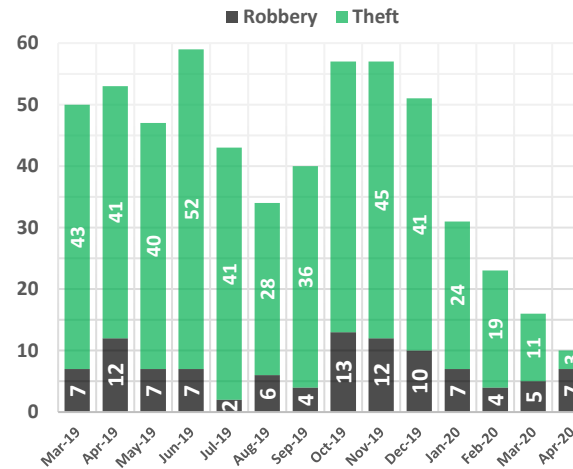
Bay Area Rapid Transit Police Department

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

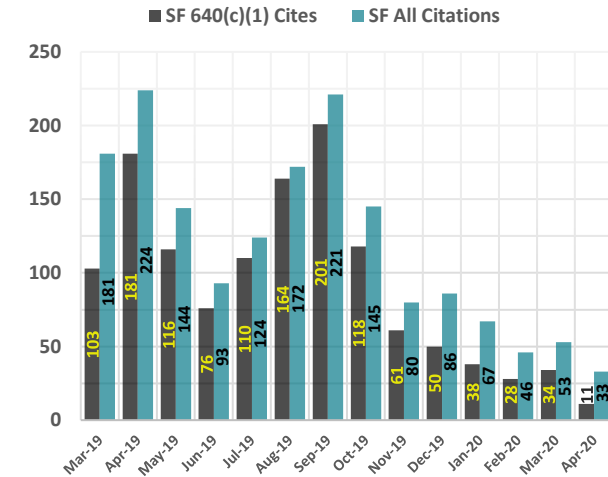
April 2020 Performance Measurement Review - **San Francisco County**

PART 1 UCR Crime	2017	2018	2019	YTD 2019	YTD 2020	PCT %
Homicide	0	0	0	0	0	-%
Rape	0	0	0	4	0	-100%
Robbery	49	97	104	34	25	-26%
Aggravated Assault	23	18	28	15	6	-60%
Violent Crime Subtotal	72	115	132	53	31	-42%
Burglary (Structural)	5	6	4	0	1	-%
Larceny & Auto Burglary	244	473	619	202	99	-51%
Auto Theft	2	1	1	0	0	-%
Arson	0	0	0	0	0	-%
Property Crime Subtotal	251	480	624	202	100	-50%
TOTAL	323	595	756	255	131	-49%

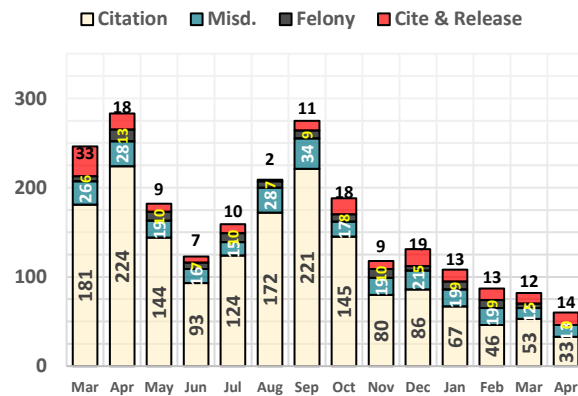
SAN FRANCISCO ELECTRONIC THEFT



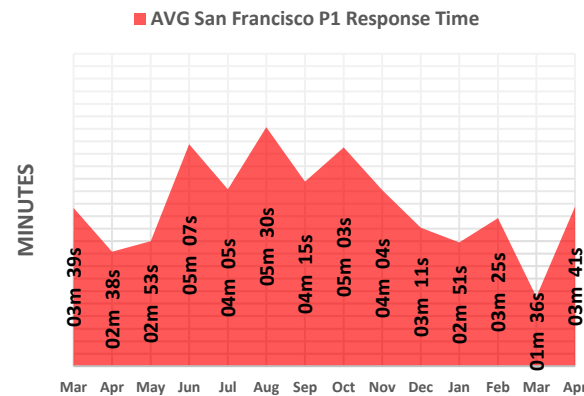
SAN FRANCISCO FARE EVASION



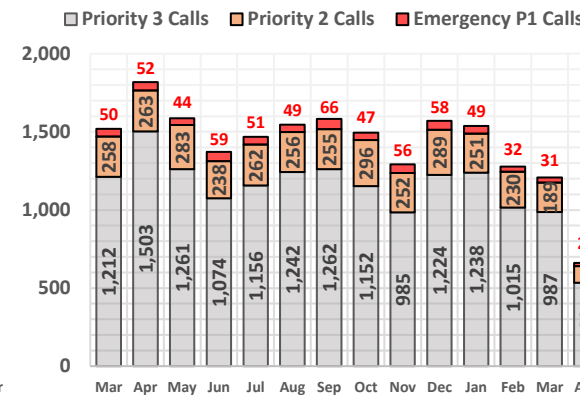
SF ARRESTS & CITATIONS



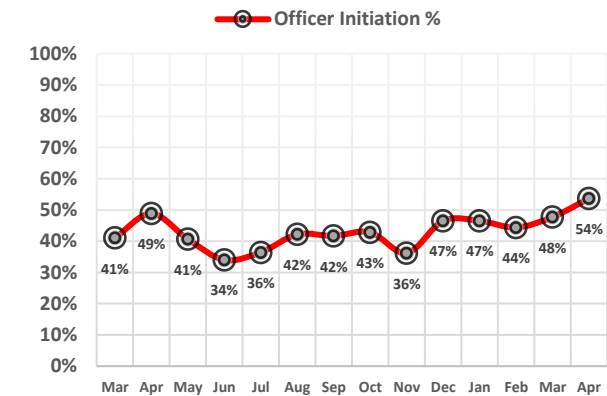
RESPONSE TIME (P1) AVG



SF PRIORITY 1 - 3 CALLS



SF OFFICER-INITIATED INCIDENTS



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



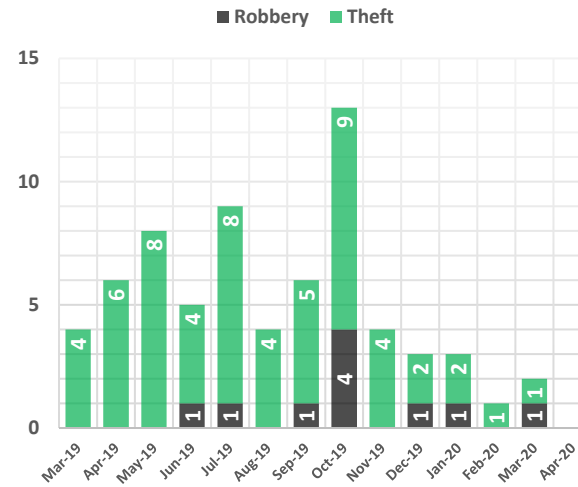
Bay Area Rapid Transit Police Department

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

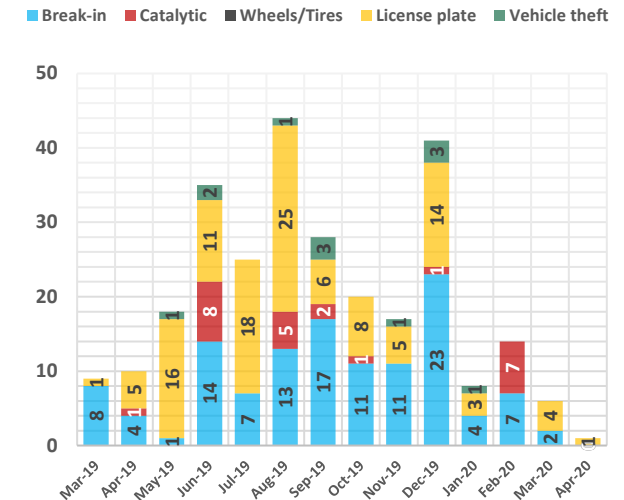
April 2020 Performance Measurement Review - **San Mateo County**

PART 1 UCR Crime	2017	2018	2019	YTD 2019	YTD 2020	PCT %
Homicide	0	0	0	0	0	-%
Rape	1	0	1	0	0	-%
Robbery	15	8	13	4	4	0%
Aggravated Assault	6	5	8	2	2	0%
Violent Crime Subtotal	22	13	22	6	6	0%
Burglary (Structural)	0	0	0	0	0	-%
Larceny & Auto Burglary	208	161	332	77	38	-51%
Auto Theft	18	19	13	2	1	-50%
Arson	0	0	0	0	1	-%
Property Crime Subtotal	226	180	345	79	40	-49%
TOTAL	248	193	367	85	46	-46%

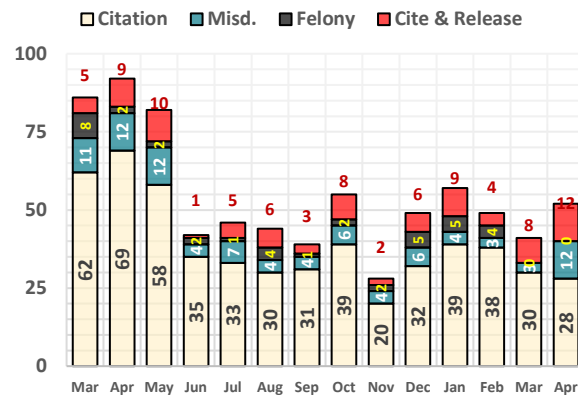
SAN MATEO ELECTRONIC THEFT



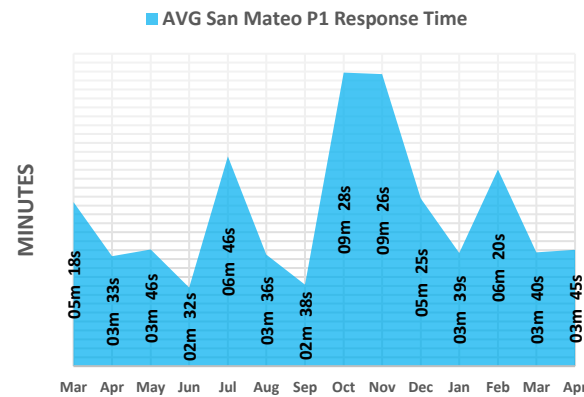
SAN MATEO VEHICLE CRIME



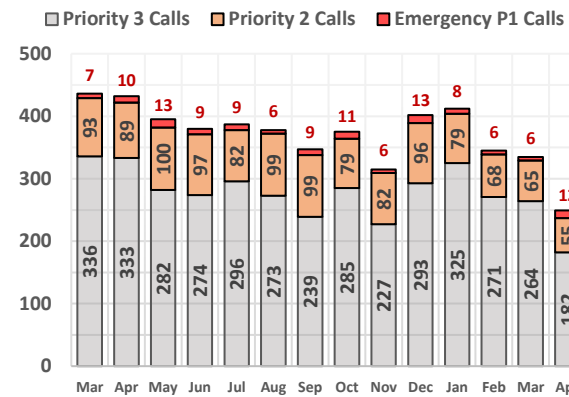
SMC ARRESTS & CITATIONS



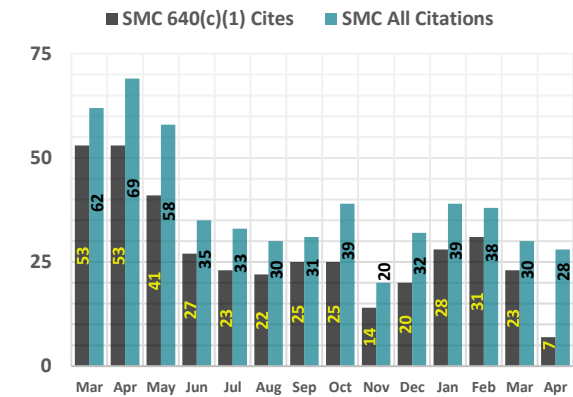
RESPONSE TIME (P1) AVG



SMC PRIORITY 1 - 3 CALLS



SMC FARE EVASION



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

BART Police Department - Office of Internal Affairs
Investigation Log

IA#:	DATE OCC'D	DATE REC'D	ALLEGATION	MISC	INVESTIGATOR	STATUS	5 Month Date	Due Date
IA2018-001	1/3/2018	1/3/2018	Force (OIS)		Sgt. T. Salas	Tolled	6/4/2018	
IA2018-032	UNK	4/20/2018	BBP, POD, CUBO	Deferred to OIPA #18-16	OIPA	Tolled	9/23/2018	
IA2018-043	6/6/2018	6/6/2018	Force		Sgt. McNack	Tolled	11/5/2018	
IA2018-060	7/22/2018	7/23/2018	Service Review		Lt. Franklin	Tolled	12/23/2018	
IA2019-050	4/11/2019		Per Chief regarding how department handled call for service.		Sgt. T. Salas	Awaiting training recommendation	8/28/2019	12/31/1900
IA2019-060	4/8/2019	5/6/2019	Arrest/Detention Force, Axon, CUBO	Deferred to OIPA #19-19	OIPA	OIPA Investigation	9/10/2019	5/6/2020
IA2019-068	6/3/2019	6/3/2019	Force		Sgt. McNack	Pending Approval	11/2/2019	6/3/2020
IA2019-070	6/6/2019	6/6/2019	POD	OIPA Intake #19-21	Sgt. McNack	Awaiting training recommendation	10/15/2019	6/6/2020
IA2019-072	6/5/2019	6/6/2019	Force		Sgt. McNack	In Progress	11/12/2019	6/6/2020
IA2019-073	6/13/2019	6/14/2019	Bias-Based Policing	OIPA Intake #19-22	Sgt. McNack	In Progress	11/13/2019	6/14/2020
IA2019-082	7/5/2019	7/5/2019	Force		Sgt. McNack	In Progress	12/4/2019	7/5/2020

IA2019-098	9/2/2019	9/3/2019	Policy/Procedure Force, CUBO Arrest/Detention		Sgt. McNack	In Progress	2/2/2020	9/3/2020
IA2019-108	8/26/2019	9/20/2019	Force Arrest/Detention Policy/Procedure	Deferred to OIPA #19-40	OIPA	OIPA Investigation	10/3/2019	9/20/2020
IA2019-111	10/1/2019	10/2/2019	Force, CUBO, Search or Seizure	Deferred to OIPA #19-41	OIPA	In Progress	3/2/2020	10/2/2020
IA2019-112	9/20/2019	10/4/2019	Force, CUBO, POD, Supervision, Policy/Procedure	Deferred to OIPA #19-42	OIPA	OIPA Investigation	3/4/2020	10/4/2020
IA2019-117	11/4/2019	11/4/2019	Bias Based Policing	OIPA Intake #19-49	Sgt. McNack	In Progress	4/4/2020	11/4/2020
IA2019-119	11/5/2020	11/5/2020	BBP, Force, CUBO	Deferred to OIPA #19-50	OIPA	In Progress	4/5/2020	11/5/2021
IA2019-120	11/8/2019	11/4/2020			OIPA	OIPA Investigation	4/8/2020	11/4/2021
IA2019-124	10/24/2019	10/24/2019		Deferred to OIPA #19-46	OIPA	OIPA Investigation	3/24/2020	10/24/2020
IA2019-125	11/13/2019	11/13/2019	CUBO, POD, Policy/ Procedure	Deferred to OIPA #19-52	OIPA	OIPA Investigation	12/11/2019	11/13/2020
IA2019-129	12/11/2019	12/13/2019	Policy/Procedure		Sgt. McNack	In Progress	5/13/2020	12/13/2020

IA2019-132	12/31/2019	1/1/2020	CUBO	ADMIN	Sgt. McNack	Awaiting training recommendation	6/1/2020	1/1/2021
IA2020-002	1/10/2020	1/10/2020	Bias Based Policing	Clear by Video	Sgt. T. Salas	In Progress	6/10/2020	1/10/2021
IA2020-004	11/21/2019	12/17/2019	Force		Sgt. McNack	In Progress	6/21/2020	12/17/2020
IA2020-006	1/18/2020	1/27/2020	Force		Sgt. T. Salas	In Progress	6/27/2020	1/27/2021
IA2020-008	1/18/2020	1/27/2020		OIPA Intake #20-01	Sgt. T. Salas	In Progress	6/29/2020	1/27/2021
IA2020-009	1/30/2020	1/31/2020	POD	OIPA Intake #20-04	Sgt. T. Salas	In Progress	7/1/2020	1/31/2021
			Review for Admin Closure					
IA2020-010	1/28/2020	1/28/2020	POD	OIPA Intake #20-03, S.R. as of 4/23	Sgt. T. Salas	In Progress	2/27/2020	1/28/2021
IA2020-013	2/2/2020	2/12/2020	CUBO, Courtesy		Sgt. T. Salas	In Progress	7/13/2020	2/12/2021
IA2020-015	2/12/2020	2/12/2020	Force, Arrest/Detention	Deferred to OIPA #20-07	OIPA	OIPA Investigation	7/13/2020	2/12/2021
IA2020-016	2/12/2020	2/13/2020	CUBO	S.R., Awaiting Outley to return from leave	Sgt. T. Salas	In Progress	3/14/2020	2/13/2021
IA2020-017	2/15/2020	2/15/2020	Force		Sgt. McNack	Tolled	7/16/2020	2/15/2021
IA2020-018	2/1/2020	2/1/2020	CUBO, Policy/Procedure		Sgt. McNack	In Progress	7/2/2020	2/1/2021

IA2020-019	2/5/2020	2/5/2020	Arrest/detention, Policy/Procedure, Search/seizure	Deferred to OIPA #20-06	OIPA	OIPA Investigation	7/6/2020	2/5/2021
IA2020-020	3/6/2021	2/20/2020	Force	OIPA Intake #20-10	Sgt. McNack	In Progress	7/21/2020	2/20/2021
IA2020-022	2/19/2020	2/21/2020	Force, Arrest/Detention, Bias Based Policing, Search or seizure	Deferred to OIPA #20-11	OIPA	OIPA Investigation	7/22/2020	2/21/2021
IA2020-023	2/29/2020	2/29/2020	Axon, Bias Based Policing		Sgt. McNack	In Progress	7/30/2020	3/1/2021
IA2020-024	2/15/2020	3/7/2020	Force, Arrest/Detention	Deferred to OIPA #20-13	OIPA	OIPA Investigation	7/30/2020	3/7/2021
IA2020-025	2/28/2020	2/29/2020	BPD providing private taxi services	Inquiry	Sgt. McNack	In Progress	3/30/2020	3/1/2021
IA2020-026	3/5/2020	3/9/2020	Arrest/Detention, BBP, Axon Policy/Procedure	Deferred to OIPA #20-14	OIPA	OIPA Investigation	7/30/2020	3/9/2021
IA2020-027	11/10/2019	3/12/2020	POD		Sgt. T. Salas	In Progress	4/10/2020	3/12/2021
IA2020-028	3/12/2020	3/12/2020	Force		Sgt. T. Salas	In Progress	8/11/2020	3/12/2021
To be reviewed for Clear by Video								
IA2020-030	2/16/2020	3/16/2020	CUBO	Admin Closure	Sgt. T. Salas	In Progress	8/15/2020	3/16/2021
IA2020-031	3/11/2020	3/14/2020	CUBO		Sgt. McNack	In Progress	8/13/2020	3/14/2021

IA2020-033	4/1/2020	4/1/2020	Force		Sgt. T. Salas	In Progress	8/31/2020	4/1/2021
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BART Watch - 2020

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

Total Downloads: 88,282

Total Reports Made

Anonymous: 40.80%

Non-Anonymous: 59.20%

Statistics

Statistics	Six Week Average	05/25-05/31	05/18-05/24	05/11-05/17	05/04-05/10	04/27-05/03	04/20-04/26
Alerts Sent	0.00	0	0	0	0	0	0
Description	<i>The total number of alerts sent.</i>						
Incoming Reports	85.50	81	119	112	74	56	71
Description	<i>The number of reports sent from users.</i>						
Replies to Reports	118.17	137	121	152	123	103	73
Description	<i>The number of replies sent to users from ELERTS EPICenter console.</i>						

Report Type	# of Reports (all time)	
Disruptive Behavior (A)	32438	40.98%
[none selected]	9333	11.79%
Suspicious Activity (A)	6037	7.63%
Panhandling (D)	5456	6.89%
Drug Use (A)	4116	5.20%
Crime in Progress (A)	4032	5.09%
Other (D)	3082	3.89%
Vandalism (A)	2667	3.37%
Welfare Check (A)	2511	3.17%
Panhandling or Disruptive Behavior (D)	1967	2.48%
Unattended Bag or Package (A)	1781	2.25%
Sexual Assault / Lewd Behavior (A)	1582	2.00%
Report a Crime Tip (A)	1385	1.75%
Illegally Parked Vehicle (A)	1080	1.36%
Robbery / Theft (A)	938	1.18%
Unsecure Door (A)	463	0.58%
Aggressive Panhandling (A)	187	0.24%
Human Trafficking (A)	93	0.12%
Text-a-Tip (A)	13	0.02%
Total	79161	100 %
(A) Active Disabled (D)		

Identification	Total
Anonymous	40.80 %
Description	<i>Reports sent anonymously.</i>
Non-Anonymous	59.20 %
Description	<i>Reports sent non-anonymously.</i>

App Statistics (including tests)	
Total Messages (iOS)	115408
Description	<i>Reports and replies via iOS devices.</i>
Total Messages (Android)	49546
Description	<i>Reports and replies via Android devices.</i>
Total Messages (SMS)	13
Description	<i>Reports and replies via SMS.</i>

TEST-THIS IS ONLY A TEST	# of Reports (all time)
TEST Report Total	8887

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



Office of the
**INDEPENDENT
POLICE AUDITOR**

BAY AREA RAPID TRANSIT DISTRICT

MONTHLY REPORT

April 2020

Issue date: May 11, 2020

This report is filed pursuant to the BART Citizen Oversight Model, Chapter 1 -05 (B), which requires the Office of the Independent Police Auditor (OIPA) to submit reports to the BART Police Citizen Review Board (BPCRB). This report provides information for the period **April 1, 2020 through April 30, 2020.**¹

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

QUANTITATIVE REPORT

	Cases Filed ²	Open Cases ³	IAB Investigations Resolved*	OIPA Investigations Concluded ⁴	Cases Appealed to OIPA ⁵	Cases Appealed by BPCRB ⁶
April 2019	14	57		0	0	0
May 2019	10	56		2	0	0
June 2019	9	61		1	0	0
July 2019	11	61		0	0	0
August 2019	9	62		1	0	0
September 2019	13	53		1	0	0
October 2019	6	53	6	1	0	0
November 2019	10	59	2	1	0	0
December 2019	6	58	6	1	0	0
January 2020	8	53	13	2	0	0
February 2020	15	56	10	0	0	0
March 2020	9	54	11	1	0	0
April 2020	6	44	18 [†]	1	1	0

TYPES OF CASES FILED

Citizen Complaints (Formal)	4
Informal Complaints ⁷	1
Administrative Investigations	0
Inquiries ⁸	0
TOTAL	5

CITIZEN COMPLAINTS RECEIVED PER DEPARTMENT⁹

OIPA	2
BART Police Department	2
TOTAL	4

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

[†] This total includes 3 open BPD cases not previously included in the OIPA Monthly Report.

COMPLAINTS/INVESTIGATIONS INITIATED DURING REPORTING PERIOD

During April 2020, **2 Citizen Complaints** were received by OIPA:

Complaint # (IA Case #)	Nature of Complaint	Action Taken	Days Elapsed Since Complaint Filed
1 (OIPA #20-17) (IA2020-036)	Officers #1-4: <ul style="list-style-type: none"> • Arrest/Detention • Performance of Duty 	OIPA notified BPD which initiated an investigation.	11
2 (OIPA #20-18) (IA2020-037)	Officers #1-3: <ul style="list-style-type: none"> • Performance of Duty 	OIPA notified BPD which initiated an investigation.	11

During April 2020, **2 Citizen Complaints (Formal)** were received by BPD:

Complaint # (IA Case #)	Nature of Complaint	Action Taken	Days Elapsed Since Complaint Filed
1 (IA2020-033)	Officer #1: <ul style="list-style-type: none"> • Force 	BPD initiated an investigation.	40
2 (IA2020-035)	Officer #1: <ul style="list-style-type: none"> • Bias-Based Policing • Conduct Unbecoming an Officer Officer #2: <ul style="list-style-type: none"> • Performance of Duty Officers #1 & 3: <ul style="list-style-type: none"> • Policy/Procedure (AXON Camera) 	BPD initiated an investigation.	19

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

Complaint # (IA Case #)	Nature of Complaint	Action Taken	Days Elapsed Since Investigation Initiated
1 (IA2020-034)	Officer #1: <ul style="list-style-type: none"> • Conduct Unbecoming an Officer 	BPD initiated an investigation.	19

COMPLAINTS/INVESTIGATIONS CONCLUDED DURING REPORTING PERIOD

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

Complaint # (OIPA Case #) (IA Case #)	Nature of Complaint	Disposition	Days Elapsed Since Complaint Filed	Days Taken to Complete Investigation
1 (OIPA #19-19) (IA2019-060)	Officers used excessive force when they improperly detained subject and officers did not properly document a law enforcement contact.	Officers #1-2: <ul style="list-style-type: none"> • Force – Exonerated • Arrest or Detention – Not Sustained • Policy /Procedure (AXON Camera) – Sustained 	371	331

During April 2019, **7 Citizen Complaints (Formal)** were concluded by BPD:

Complaint # (IA Case #)	Nature of Complaint	Disposition	Days Elapsed Since Complaint Filed	Days Taken to Complete Investigation
1 (IA2019-070)	Officer contacted complainant based on complainant's race.	Officer #1: <ul style="list-style-type: none"> • Performance of Duty – Not Sustained 	340	329
2 (IA2019-088)	Officer improperly detained subject and was rude and disrespectful during the contact.	Officer #1: Courtesy – Administratively Closed ¹⁰	340	329
3 (IA2019-089)	Officers improperly arrested a subject and used excessive force, and one officer was discourteous during the contact.	Officer #1: <ul style="list-style-type: none"> • Arrest or Detention – Unfounded Officer #1: <ul style="list-style-type: none"> • Force – Exonerated Officers #1-2: <ul style="list-style-type: none"> • Conduct Unbecoming an Officer – Exonerated Officer #2: <ul style="list-style-type: none"> • Force – Unfounded 	272	255
4 (IA2019-101)	Officer used excessive force when he pointed his firearm at complainant.	Officer #1: <ul style="list-style-type: none"> • Force – Administratively Closed 	253	218

5 (IA2019-113)	One officer contacted complainant because of complainant's race and acted aggressively during the contact and two officers did not properly document a law enforcement contact.	Officers #1-2: • Policy/Procedure (AXON Camera) – Exonerated Officer #1: • Bias-Based Policing – Unfounded • Conduct Unbecoming an Officer – Not Sustained	210	182
6 (IA2020-014)	Officers were disrespectful to complainant when they improperly applied handcuffs.	Officers #1-2: • Conduct Unbecoming an Officer – Administratively Closed	210	182
7 (IA2019-099)	Officers used excessive force when they improperly contacted complainant for proof of payment.	Officers #1-2: Force – Administratively Closed	255	241

During April 2020, **6 Informal Complaints** were addressed by BPD:

Complaint # (IA Case #)	Nature of Complaint	Disposition	Days Elapsed Since Complaint Filed	Days Taken to Complete Investigation
1 (IA2019-107)	Employee harassed complainant by requesting proof of payment.	Employee #1: • Conduct unbecoming an Officer – Administratively Closed	242	214
2 (IA2019-109)	Employee did not provide adequate assistance to complainant.	Employee #1: • Performance of Duty – Unfounded	235	207
3 (IA2019-122)	Employee did not provide adequate assistance to complainant.	Employee #1: • Performance of Duty – Supervisor Referral ¹¹	182	148
4 (IA2019-130)	Employee humiliated complainant during fare inspection process.	Employee #1: Courtesy – Supervisor Referral	193	158
5 (IA2020-029)	Officer used unprofessional language during a law enforcement contact.	Officer #1: Conduct Unbecoming an Officer – Supervisor Referral	59	40

6 (IA2020-034)	Officer used unprofessional language and attempted to intimidate complainant.	Officer #1: Conduct Unbecoming an Officer – Supervisor Referral	19	1
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During April 2020, **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 (IA2019-132)	Officer used profanity and acted unprofessionally during an interaction with an employee.	Officer #1: • Conduct Unbecoming an Officer – Sustained	132	99

DISCIPLINE ISSUED DURING REPORTING PERIOD

During April 2020, BPD took the following actions in cases where one or more allegations of misconduct were sustained:

Case #	Nature of Sustained Allegation(s) †	Classification of Sustained Allegation(s)	Action Taken
1	Officer acted inappropriately on District property.	Officer #1: • Conduct Unbecoming an Officer	Officer #1: • Written Reprimand
2	Officer did not take proper law enforcement action in response to a request for service.	Officer #1: • Policy/Procedure • Performance of Duty • Conduct Unbecoming an Officer	Officer #1: • Written Reprimand
3	Officer acted unprofessionally during a law enforcement contact.	Officer #1: • Conduct Unbecoming an Officer	Officer #1: • Non-Documented
4	Officer did not provide proper care of subject, did not communicate effectively with other BPD personnel, and did not properly document the law enforcement contact.	Officer #1: • Conduct Unbecoming an Officer	Officer #1: • Oral Counseling
5	Officer did not provide proper care to subject, did not communicate effectively with other BPD personnel, and did not properly document the law enforcement contact.	Officer #1: • Conduct Unbecoming an Officer	Officer #1: • Oral Counseling

† Some details regarding the nature of sustained allegations may be withheld to avoid unintentionally breaching mandatory confidentiality requirements. In some instances, the infrequency of the alleged conduct may tend to allow for identification of the officer in violation of the applicable CA Penal Code section (832.7).

6	Officer slept while on duty.	Officer #1: • Conduct Unbecoming an Officer	Officer #1: • Suspension (1 day)
7	Officers did not properly document a law enforcement contact.	Officers #1-2: • Policy/Procedure (AXON Camera)	Officer #1: • Oral Counseling Officer #2: • Letter of Discussion

ADDITIONAL NOTES

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

Investigations Being Conducted	9
Complainant-Initiated Appeals	1
BPD-Initiated Appeals	0
Investigations Being Monitored	48
Investigations Reviewed During Current Month	16†

† This number does not include all OIPA reviews, as OIPA commonly looks at a variety of cases in the Internal Affairs database to obtain updates on both pending and completed investigations.

The Model provides that OIPA shall have authority to require follow-up investigation into any citizen complaint or allegation that is handled by BPD. The OIPA Monthly Report will reflect information regarding monitored cases with detail not to exceed that which is allowable under state law. The investigations reviewed by OIPA during the period did not generate any notable recommendations for revisions or additional investigation.¹²

¹ In addition to reporting on complaints received by the BART Police Department, the Citizen Oversight Model requires reporting on all complaints received by the “Citizen Board, Office of the District Secretary, and other District departments.” As complaints received by the BART Police Citizen Review Board are customarily directed to OIPA for further action, such complaints are included in the Quantitative Report above; OIPA is also made aware of additional complaints about the BART Police Department by the Office of the District Secretary or other District departments.

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

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

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

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

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

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

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

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

¹⁰ Administrative Closure is defined as follows in the BPD Policy Manual: Allegations that are received and documented; however, the Chief of Police or his/her designee determines, based on a preliminary investigation, that further investigation is not warranted. Under these circumstances, the complaint will be Administratively Closed and documented in a summary memorandum to the case file. Employees will be documented as witnesses only, not as subjects to the complaint. Internal Affairs will send a letter to the complainant notifying them that the case was closed following a preliminary investigation.

¹¹ 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.

¹² OIPA may submit recommendations to IA regarding minor clerical or record-keeping adjustments which are intended to maintain the integrity of the data collection and record-keeping processes at BPD. These are not considered by OIPA to be substantive recommendations requiring reporting herein.