

**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**  
November 19, 2018

A Meeting of the BART Police Citizen Review Board (BPCRB) will be held on Monday, November 19, 2018, at 4:00 p.m. The Meeting will be held in the BART Board Room, Kaiser Center 20th Street Mall – 2040 Webster Street, Oakland, California.

**AGENDA**

1. Call to Order.
  - a. Roll Call.
  - b. Pledge of Allegiance.
  - c. Introduction of Special Guests.
2. Introduction of New Public at Large BPCRB Member, Erin Armstrong and Oath of Office.
3. Approval of Minutes of the Meeting of October 15, 2018. For Discussion and Action.
4. Chief of Police's Report. For Discussion and Action.
  - a. BART Police Department (BPD) Monthly Report for September 2018
  - b. BPD Policy Changes
    - Policy# 310 – Officer Involved Shootings and Deaths
    - Policy# 402 - Bias-Based Policing
  - c. BPD Hiring Update
  - d. Auto-Related Crimes Update
5. National Association for Civilian Oversight of Law Enforcement (NACOLE) Annual Conference Report Back. For Discussion.
6. Independent Police Auditor's Report. For Discussion and Action.
  - a. Office of the Independent Police Auditor (OIPA) Monthly Report for October 2018
  - b. Effect of Government Code Section 3304(2)(F) on OIPA Investigative Timelines
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 Case #18-15. 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 94604-2888

**BART Police Citizen Review Board**  
**Monday, October 15, 2018**

A Meeting of the BART Police Citizen Review Board (BPCRB) was held on Monday, October 15, 2018, at 4:00 p.m. The Meeting included a simultaneous teleconference call at the following locations:

BART Board Room Kaiser Center 20 <sup>th</sup> Street Mall – Third Floor 2040 Webster Street Oakland, CA 94612	Marriott’s Waikoloa Ocean Club Meeting Location: Business Center 69-275 Waikoloa Beach Drive Waikoloa Village, HI 96738
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Members Present: Chairperson George Perezvelez, Vice Chairperson William White, Kenneth Loo, Pete Longmire, Darren White, Les Mensinger, and Richard Knowles.

BART Staff: BART Police Department (BPD) Chief of Police Carlos Rojas, BPD Deputy Chief Lance Haight, BPD Lieutenant Kevin Franklin, BPD Sergeant Anisa McNack, BPD Sergeant MarySol Castañeda, BPD Officer Alberto Alvarez, BPD Officer Jimmy Chung, Independent Police Auditor Russell Bloom, Independent Police Investigator Patrick Caceres, Senior Administrative Analyst Sarah Celso, BPD Senior Administrative Analyst LaTonia Peoples-Stokes, Assistant District Secretary Jacqueline Edwards, Principal Administrative Analyst May Cooper, and BPD Temporary Staff Assistant Sharon Kidd.

Others Present: BART Director Debora Allen, BART Director Thomas Blalock, BART Director Rebecca Saltzman and Members of the Public.

Agenda items discussed:

- 1. Call to Order.**  
The regular meeting was called to order at 4:11 p.m. by Chairperson George Perezvelez.
- 2. Call for Quorum.**  
Chairperson George Perezvelez, Vice Chair William White, Darren White, David Rizk, and Richard Knowles were present, amounting to a quorum.
- 3. Pledge of Allegiance Recital.**  
The pledge of allegiance was recited.
- 4. Approval of Minutes of Prior Board Meeting. For Discussion and Action.**

A motion to approve the minutes for the prior Board meeting was made by Mr. W. White and seconded by Mr. D. White. The motion passed with four votes in favor, zero against and one abstention.

**5. Introduction of New District 7 BPCRB Member Christina Gomez and Oath of Office.**

Assistant District Secretary Jacqueline Edwards administered the oath of office to Ms. Gomez.

Chairperson Perezvelez welcomed Ms. Gomez to the BPCRB.

Ms. Gomez gave a brief statement about herself.

**6. Chief of Police's Report. For Discussion and Action.**

Chief Rojas welcomed Ms. Gomez to the BPCRB.

- a. BPD Monthly Report for August 2018.  
Chief Rojas presented the BPD Monthly Report for August 2018 and he answered questions from the BPCRB

Lieutenant Franklin answered questions from the BPCRB.

**7. BPD Defensive Tactics Training Presentation. For Discussion and Action.**

Deputy Chief Haight introduced this item.

Officer Alvarez and Officer Chung presented a PowerPoint presentation on BPD Defensive Tactics Training to the BPCRB.

The BPCRB discussed this item.

Deputy Chief Haight addressed the BPCRB.

Chief Rojas answered questions from the BPCRB.

Officer Alvarez answered questions from the BPCRB.

This item will be put on a future agenda for further discussion.

**8. National Association for Civilian Oversight of Law Enforcement (NACOLE) Annual Conference Report Back. For Discussion.**

*This item was skipped. It will be added to the agenda for next month's meeting.*

**9. Independent Police Auditor's Report. For Discussion and Action.**

- a. Office of the Independent Police Auditor (OIPA) Monthly Report for September 2018.

Mr. Bloom presented the OIPA Monthly Report for September 2018.

Chief Rojas answered questions from the BPCRB.

- 10. General Discussion and 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.)

Chairperson Perezvelez called for Public Comment.

No General Discussion.

No Public Comment.

The BPCRB convened into closed session at 6:52 p.m.

- 11. Closed Session.**

- a. To Consider Public Employee Discipline/Dismissal/Release in Office of the Independent Police Auditor Case #18-03. Gov. Code §54957

A motion to extend the meeting to 6:15 p.m. was made by Mr. Rizk and seconded by Mr. Knowles. The motion passed unanimously.

A motion to extend the meeting to 6:25 p.m. was made by Mr. Rizk and seconded by Ms. Gomez. The motion passed unanimously.

A motion to extend the meeting to 6:30 p.m. was made by Mr. Rizk and seconded by Chairperson Perezvelez. The motion passed unanimously.

Chairperson Perezvelez exited the meeting at 6:24 p.m.

A motion to extend the meeting to 6:35 p.m. was made by Ms. Gomez and seconded by Mr. Rizk. The motion passed unanimously.

The BPCRB reconvened in open session at 6:34 p.m.

Vice Chairperson W. White announced the vote taken during the closed session with regard to agenda item #11a. The BPCRB voted to accept the findings reached by OIPA with five votes in favor, zero against and one abstention by Ms. Gomez.

- 12. Adjournment.**

A motion to adjourn the meeting was made by Mr. Knowles and seconded by Mr. Rizk. The motion passed unanimously.

The meeting was adjourned at approximately 6:35p.m.

# BART POLICE DEPARTMENT



## September 2018

### MONTHLY REPORT

## BPD Monthly Reports

September 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: 09/30/18  
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	67		67	45	5	22
	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	6	-	-
SWORN	778	Police Officer	71		71	63	6	8
		In Academy = 5						-
		Field Training = 2						-
	788	Senior Police Officer	92		92	80	5	12
	798	Master Police Officer	13		13	11	-	2
	838	Police Sergeant	34		34	27	4	7
	888	Police Lieutenant	13		13	8	1	5
	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>354</b>	<b>-</b>	<b>354</b>	<b>292</b>	<b>23</b>	<b>62</b>

Notes

Notes:

FY19

parking cso - 2

fare evasion - 2 on hold pending rpt  
made that as 2 dispt

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 10/1/18

+

<u>ETHNICITY</u>		<u>S</u>		<u>C</u>	
White	37% 109	43%	76	33%	33
Black	21% 61	21%	38	23%	23
Asian	20% 59	16%	32	27%	27
Hispanic	20% 58	18%	44	14%	14
American/ Indian	0% 0	0%	0	0%	0
Native Hawaiian/Pac Island	1% 5	2%	3	2%	2
<b>Total:</b>	<b>100% 292</b>	<b>100%</b>	<b>193</b>	<b>100%</b>	<b>99</b>
<u>DEMOGRAPHIC</u>		<u>S</u>		<u>C</u>	
Female	22% 66	10%	20	46%	46
Male	77% 226	90%	173	54%	53
<b>Total:</b>	<b>100% 292</b>	<b>100%</b>	<b>193</b>	<b>100%</b>	<b>99</b>
<u>CLASSIFICATION</u>					
Sworn	66% 193				
Civilian	34% 99				
<b>Total:</b>	<b>100% 292</b>				

**CRISIS INTERVENTION TRAINING AS OF: September 1, 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	8	5	8	8	100%	100%
Sergeants	34	27	7	27	27	100%	100%
Officers	176	154	22	135	135	88%	100%
Dispatchers	18	16	2	14	12	75%	86%
Dispatch Supervisors	2	2	0	2	2	100%	100%
CSOs	67	46	21	44	43	93%	98%
Crisis Outreach Coordinator	1	1	0	1	1	100%	100%
<b>Total</b>	<b>315</b>	<b>258</b>	<b>57</b>	<b>235</b>	<b>231</b>	<b>90%</b>	<b>98%</b>

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

	<b>Total</b>	<b>Filled</b>	<b>Vacant</b>
Revenue Protection Guards	19	16	3
Police Administrative Specialists	12	10	2
Police Sup./CAD RMS Admin	4	4	0
Civilian Managers/Analyst	3	3	0
Manager Sec Prog	1	1	0
<b>Sub Total</b>	<b>39</b>	<b>34</b>	<b>5</b>
<b>TOTAL PERSONNEL</b>	<b>354</b>	<b>292</b>	<b>62</b>

**FAIR AND IMPARTIAL / BIASED BASED TRAINING AS OF September 1, 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	8	5	8	8	100.0%	100.0%
Sergeants	34	27	7	27	27	100.0%	100.0%
Officers	176	154	22	147	147	95.5%	100.0%
CSOs	67	46	21	44	42	91.3%	95.5%
<b>Total</b>	<b>294</b>	<b>239</b>	<b>55</b>	<b>230</b>	<b>227</b>	<b>95.0%</b>	<b>98.7%</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	2	0
Crisis Outreach Coordinator	1	1	0
Revenue Protection Guards	19	16	3
Police Administrative Specialists	12	10	2
Police Sup./CAD RMS Admin	4	4	0
Civilian Managers/Analyst	3	3	0
Manager Sec Prog	1	1	0
<b>Sub Total</b>	<b>60</b>	<b>53</b>	<b>7</b>
<b>TOTAL PERSONNEL</b>	<b>354</b>	<b>292</b>	<b>62</b>

**POLICE ROADWAY PROTECTION TRAINING AS OF: September 1, 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	8	5	8	8	100.0%	100.0%
Sergeants	34	27	7	26	26	96%	100.0%
Officers	176	154	22	147	146	94.8%	99.3%
CSOs-Not Required	67	46	21	42	36	78.3%	85.7%
<b>Total</b>	<b>294</b>	<b>239</b>	<b>55</b>	<b>227</b>	<b>219</b>	<b>91.6%</b>	<b>96.5%</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	2	0
Crisis Outreach Coordinator	1	1	0
Revenue Protection Guards	19	16	3
Police Administrative Specialists	12	10	2
Police Sup./CAD RMS Admin	4	4	0
Civilian Managers/Analyst	3	3	0
Manager Sec Prog	1	1	0
<b>Sub Total</b>	<b>60</b>	<b>53</b>	<b>7</b>
<b>TOTAL PERSONNEL</b>	<b>354</b>	<b>292</b>	<b>62</b>

## Use of Force Incidents - 2018

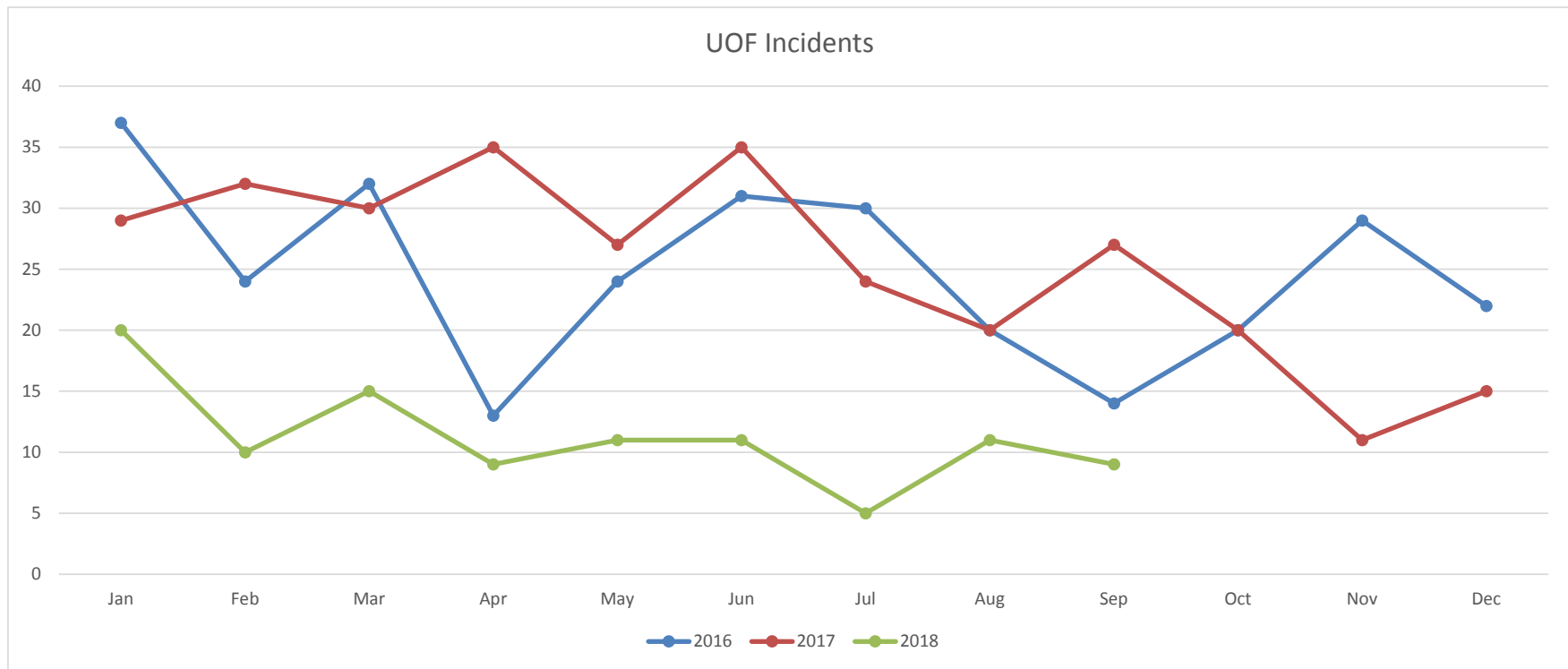
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2018	20	10	15	9	11	11	5	11	9				101
YTD 2018	20	30	45	54	65	76	81	92	101				

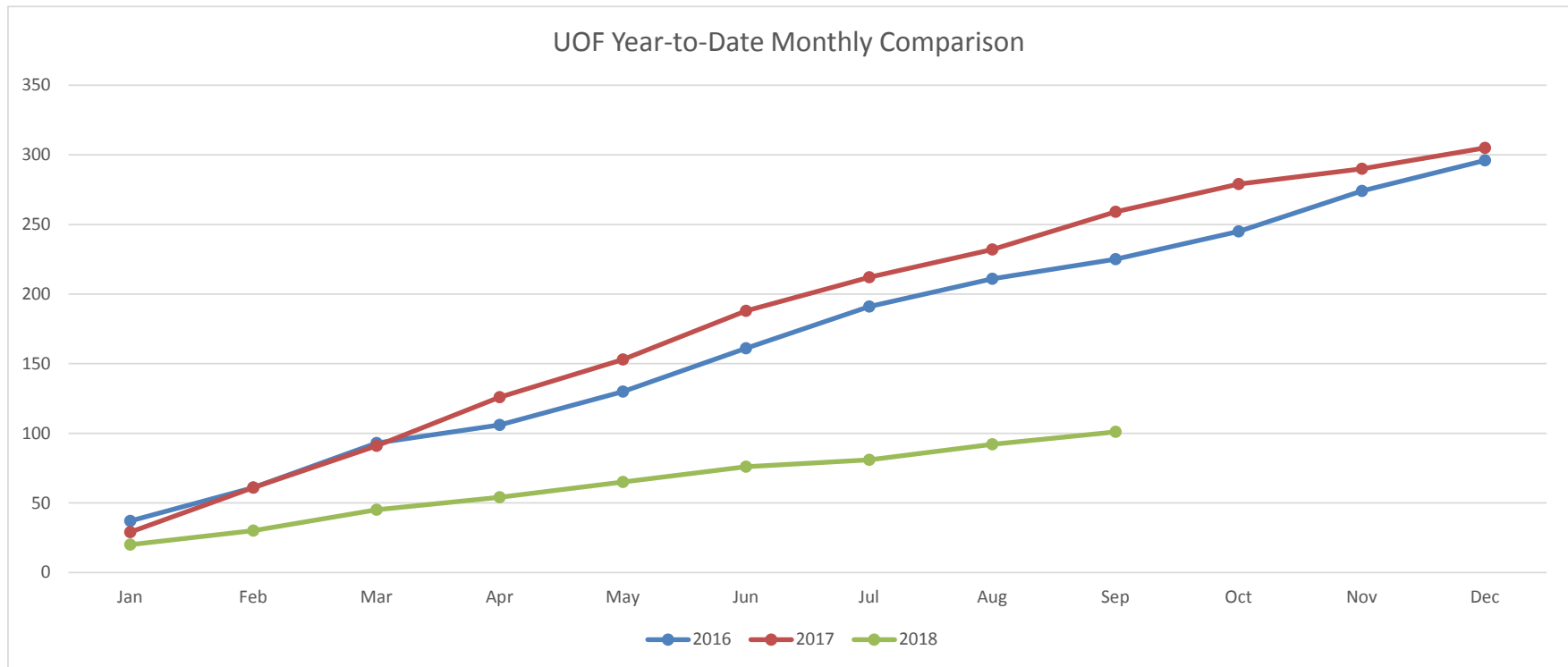
## Use of Force Incidents - 2017

	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	

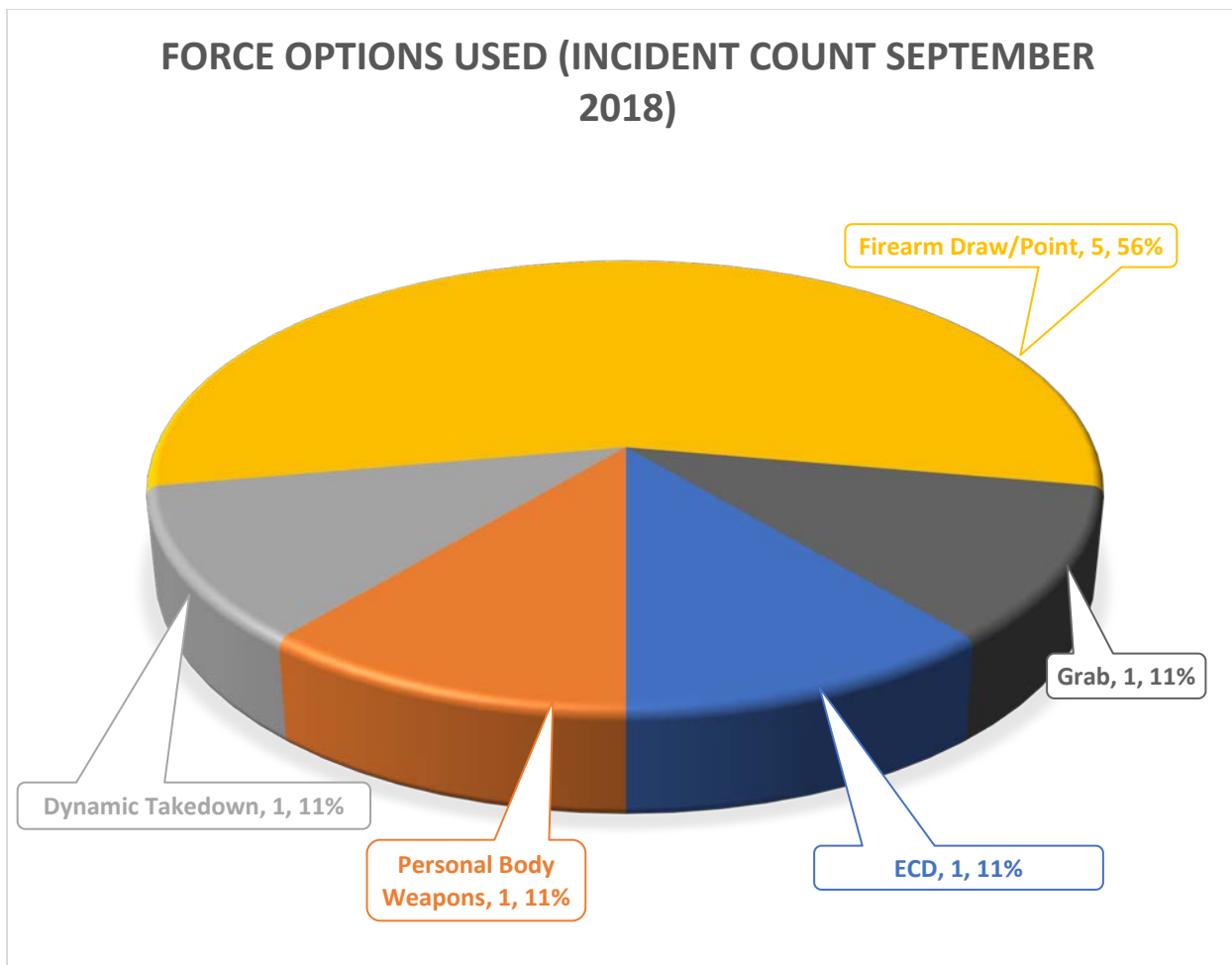
## Use of Force Incidents - 2016

	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	





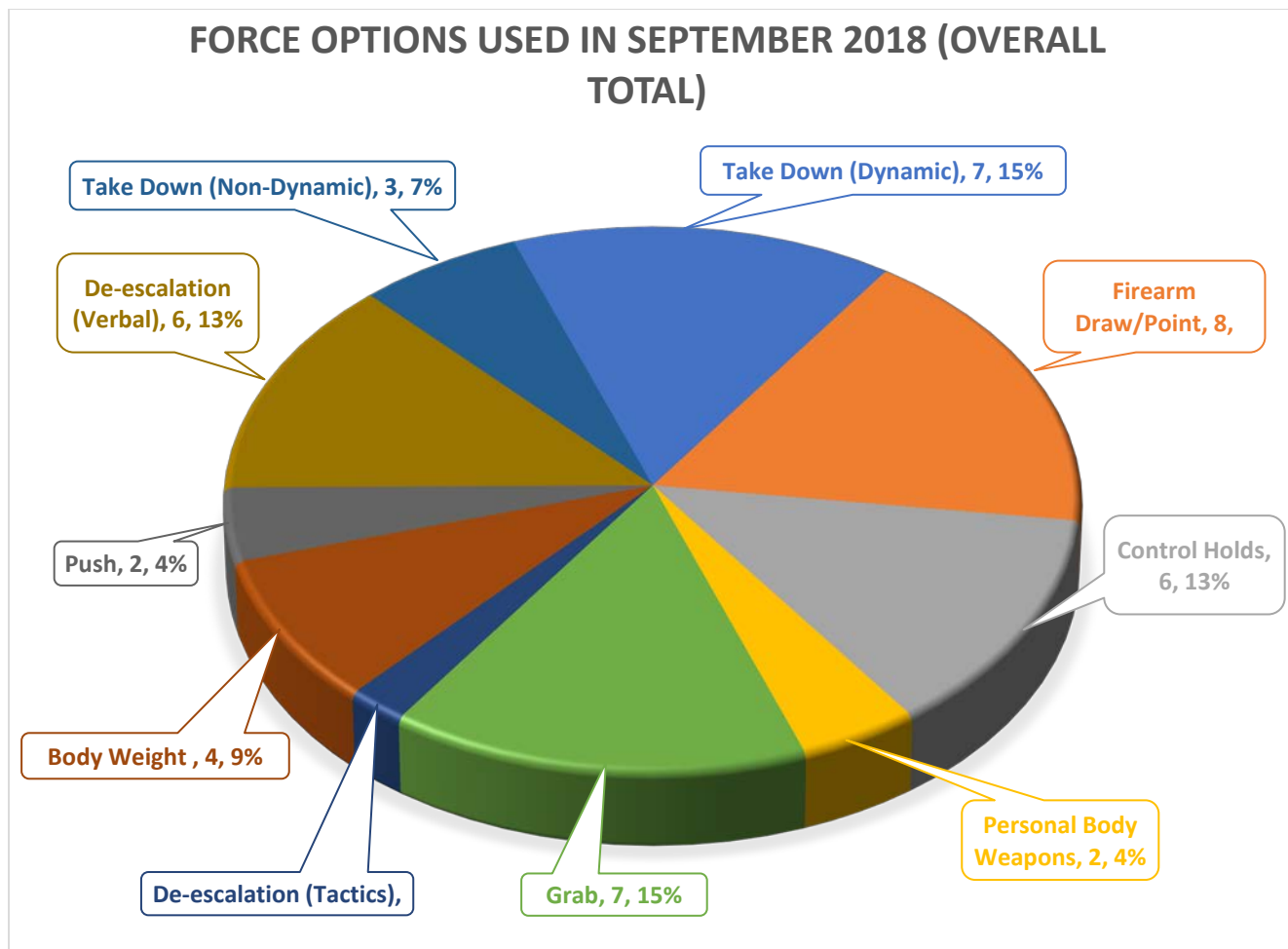
### Force Options Used (Incident Count), September 2018



\*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, September 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

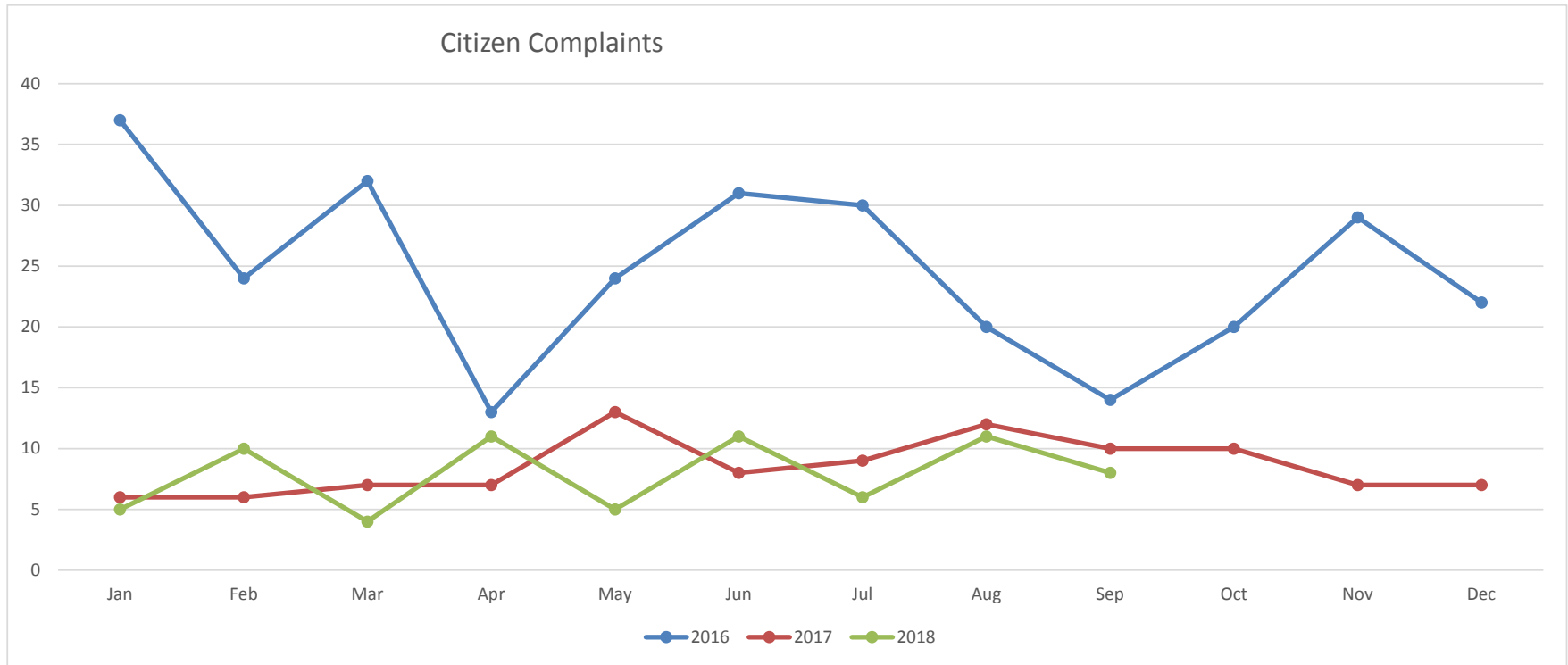
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2018	5	10	4	11	5	11	6	11	8				71
YTD 2018	5	15	19	30	35	46	52	63	71				

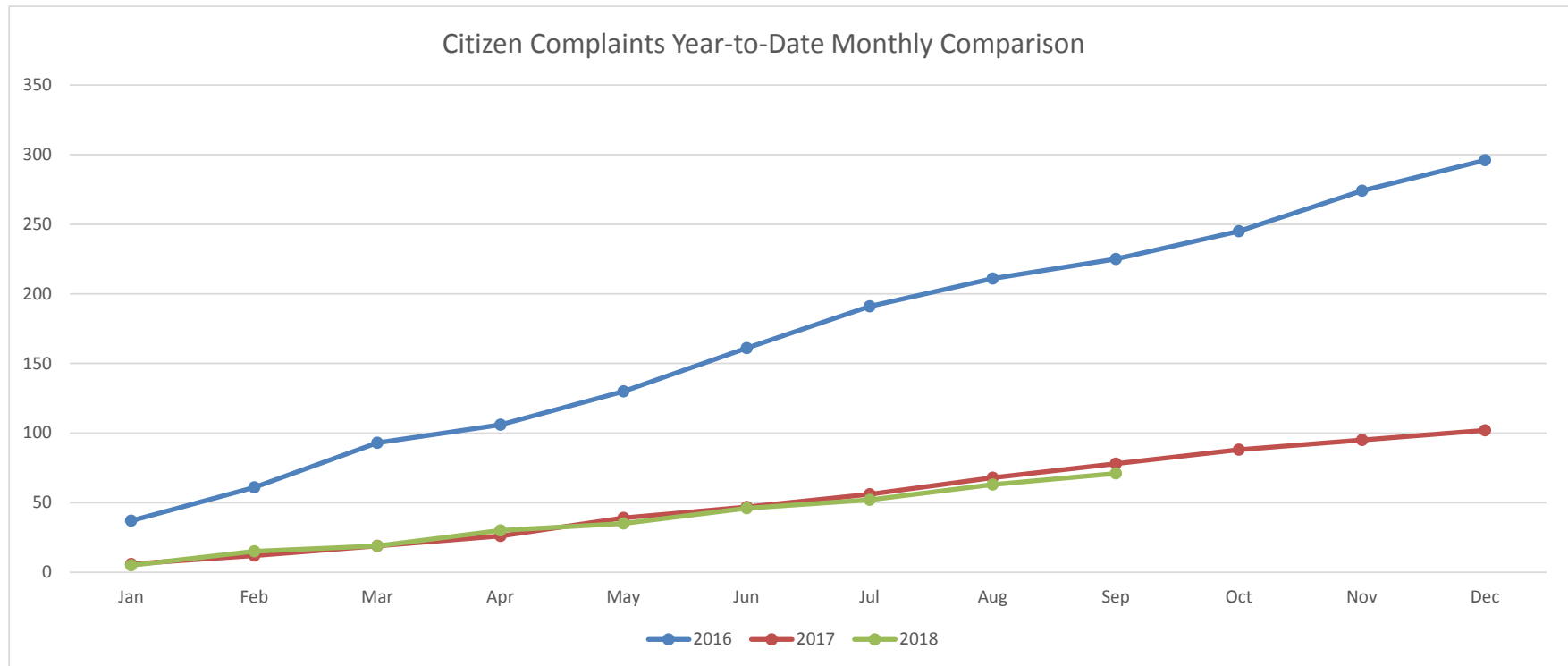
## Citizen Complaints - 2017

	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	

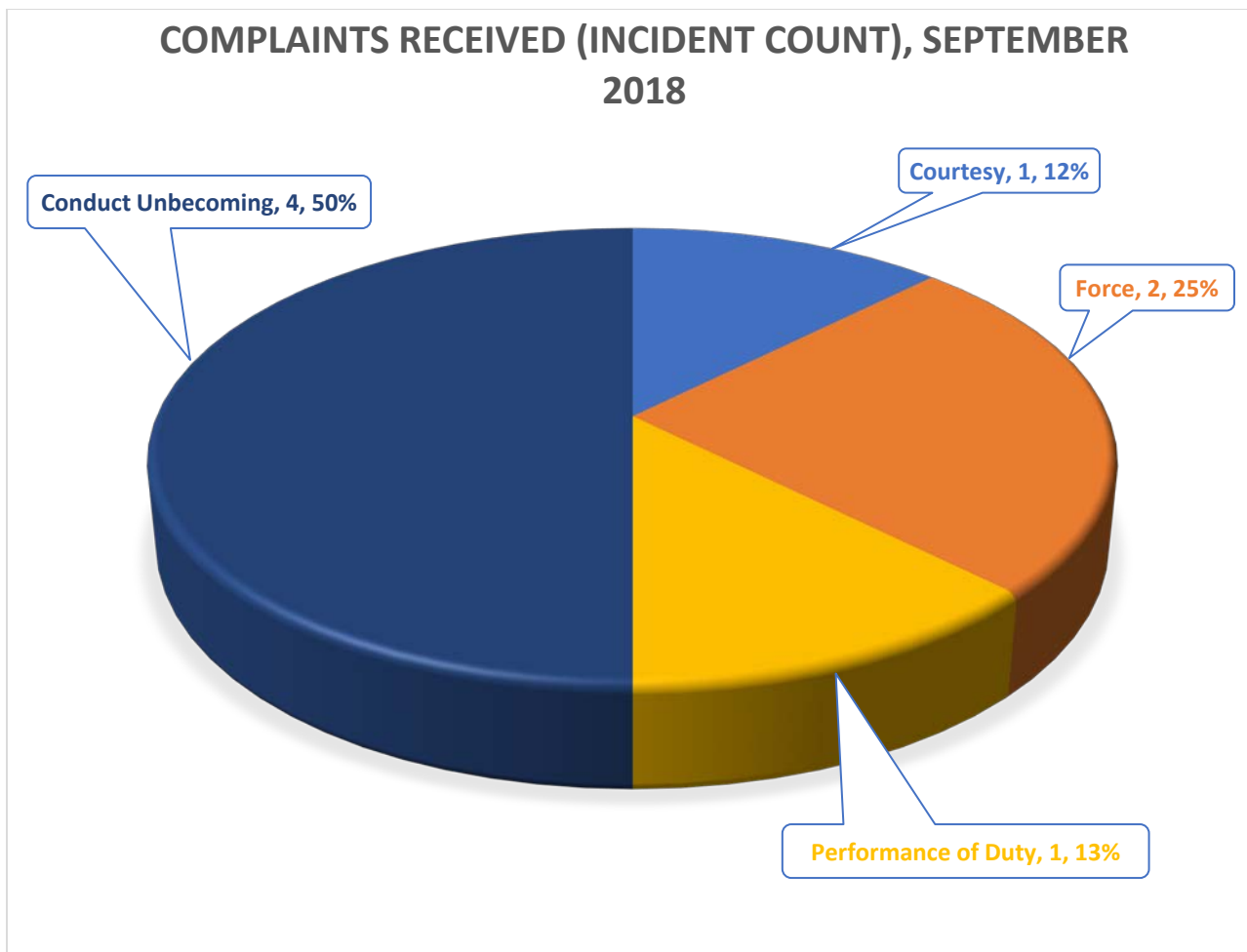
## Citizen Complaints - 2016

	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	





### Complaints Received (Incident Count), September 2018

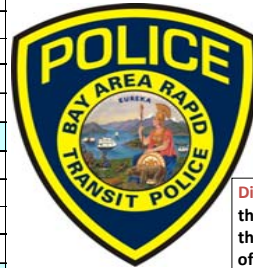


Each incident could contain more than one allegation. This pie chart reflects the most significant allegation per incident.

BART Police Department - Office of Internal Affairs							
Investigation Log - September 2018							
IA	DATE						COMPLETED DATE
CASE #	OCC'D	REC'D	ALLEGATION	FINDING	INVESTIGATOR	DUE DATE	
IA2016-071	07/29/16	7/29/2016	Force, Bias, Arrest		Lt. Kwon	12/28/16	
			Force, Bias, Arrest		(Tolled)	01/27/17	
			Force, Bias, Arrest				
			Force, Bias, Arrest				
IA2017-040	1/31/2017	5/18/2017	Force		Sgt. Togonon	10/17/2017	
			Force		Tolled		
IA2017-111	11/10/2017	11/10/2017	Force		Sgt. Salas	5/1/2018	
IA2017-114	12/12/2017	12/13/2017	Force, Bias, CUBO		Sgt. T. Salas	5/14/2018	
IA2017-118	12/25/2017	1/2/2018	Force		Sgt. Togonon	6/3/2018	
IA2018-001	1/3/2018	1/3/2018	Force (OIS)		Sgt. T.Salas	6/4/2018	
					Tolled		
IA2018-003	1/28/2018	1/8/2018	CUBO		Sgt. T. Salas	8/1/2018	
IA2018-010	2/1 2/2 2018	2/12/2018	CUBO		Sgt. Togonon	7/14/2018	
			CUBO				
IA2018-013	2/7/2018	2/10/2018	Force/Policy/Procedure		Sgt. McNack	7/22/2018	
			Policy/Procedure				
IA2018-015	2/18/2018	2/20/2018	Performance of Duty, CUBO		Sgt. T. Salas	7/22/2018	
IA2018-016	2/25/2018	2/26/2018	Policy/Procedure, POD	Service Review	Sgt. T. Salas	7/28/2018	
IA2018-017	9/21/2016	2/22/2018	CUBO	Admin Closure	Sgt. T. Salas	7/30/2018	
IA2018-019	12/7/2017	3/5/2018	Bias, Courtesy, Policy/Procedure	Deferred to OIPA #18-06	Lt. Kwon	8/5/2018	
IA2018-022	1/20/2018	3/2/2018	CUBO, Policy/Procedure		Sgt. T. Salas	8/1/2018	
IA2018-023	3/16/2018	4/5/2018	Performance of Duty		Sgt. McNack	9/4/2018	
IA2018-024	4/11/2018	4/13/2018	CUBO		Sgt. T. Salas	9/12/2018	
IA2018-025	4/11/2018	4/11/2018	Force	Clear by evidence	Sgt. T. Salas	9/10/2018	
IA2018-026	4/14/2018	4/14/2018	CUBO, Criminal		Sgt. McNack	9/13/2018	
IA2018-027	4/20/2018	4/11/2018	Bias Based Policing		Sgt. T. Salas	9/19/2018	
IA2018-028	2/3/2018	4/20/2018	Force, Courtesy	Deferred to OIPA #18-15		9/19/2018	
IA2018-029	4/20/2018	4/16/2018	Courtesy	OIPA Intake #18-13	Sgt. McNack	9/15/2018	
IA2018-030	4/19/2018	4/20/2018	CUBO	Admin	Sgt. McNack	9/22/2018	
IA2018-031	3/26/2018	4/19/2018			Sgt. McNack	9/18/2018	
IA2018-032	UNK	4/20/2018	BBP, POD, CUBO	Deferred to OIPA #18-16		9/23/2018	
IA2018-033	3/15/2018	4/23/2018	Force	Deferred to OIPA #18-17		9/23/2018	
IA2018-035	1/30/2018	4/30/2018	Force, BBP		Sgt. T. Salas	9/29/2018	
IA2018-037	4/30/2018	5/1/2018	CUBO	Hesson/ Livesey	Sgt. T. Salas	10/2/2018	



PART 1 CRIMES	2013	2014	2015	2016	2017	YTD September		% 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	224	235	5%
Aggravated Assault	57	71	73	93	121	82	100	22%
<b>Violent Crime Subtotal</b>	<b>267</b>	<b>226</b>	<b>238</b>	<b>330</b>	<b>419</b>	<b>313</b>	<b>341</b>	<b>9%</b>
Burglary (Not Including Auto)	25	7	4	12	15	12	15	25%
Larceny	2524	2597	2325	2217	2593	1916	1942	1%
Auto Theft	483	522	480	480	420	318	281	-12%
Arson	0	0	0	1	4	4	4	0%
<b>Property Crime Subtotal</b>	<b>3032</b>	<b>3126</b>	<b>2809</b>	<b>2710</b>	<b>3032</b>	<b>2250</b>	<b>2242</b>	<b>0%</b>
<b>TOTAL</b>	<b>3299</b>	<b>3352</b>	<b>3047</b>	<b>3040</b>	<b>3451</b>	<b>2563</b>	<b>2583</b>	<b>1%</b>



# BART Police Performance Measurements

## September 2018

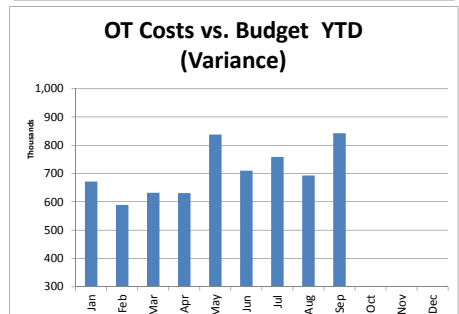
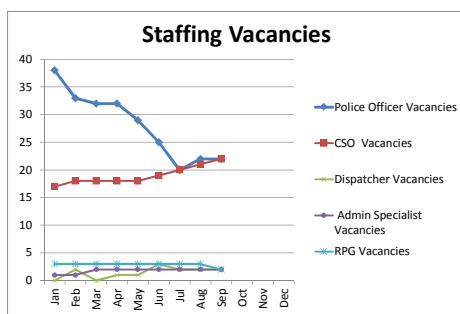
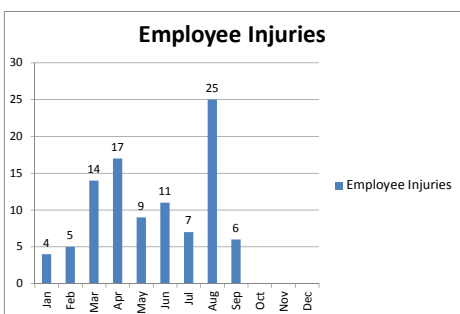
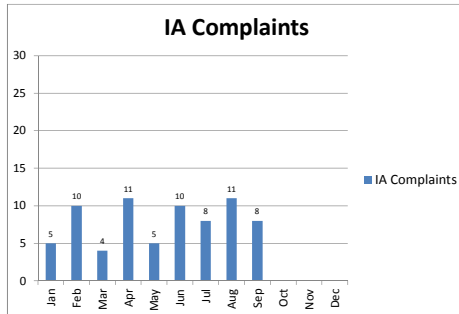
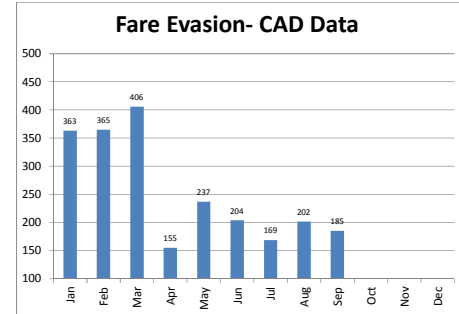
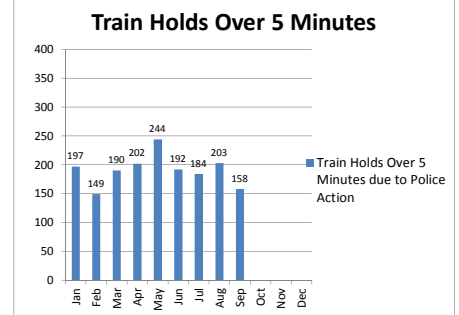
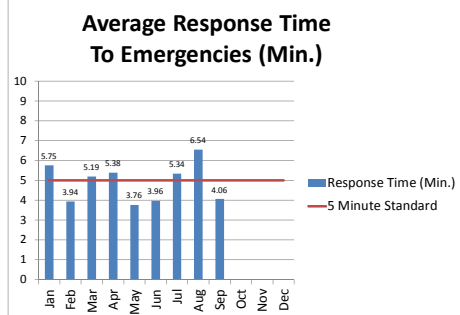
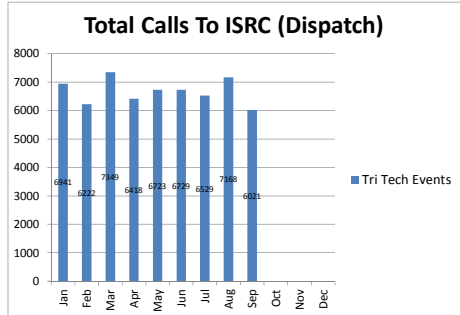
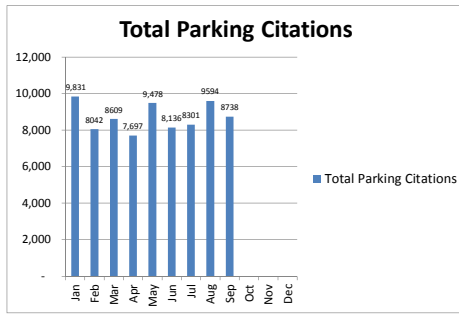
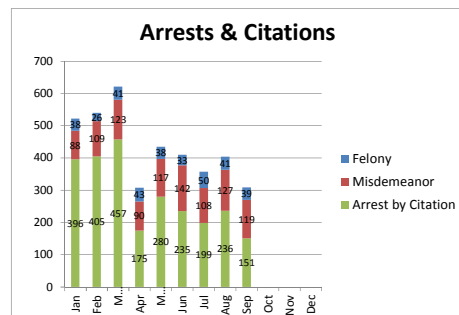
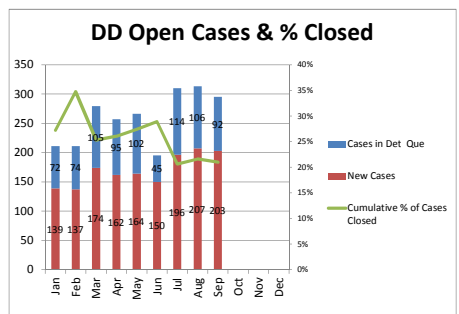
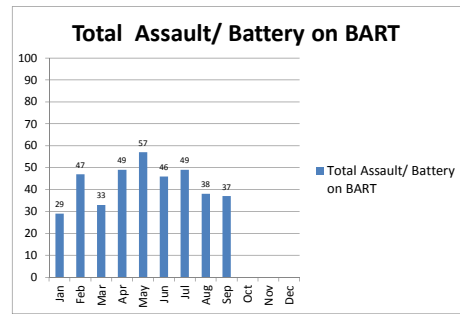
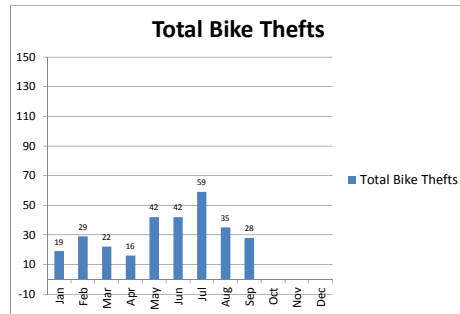
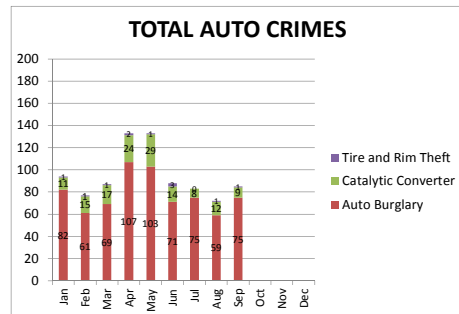
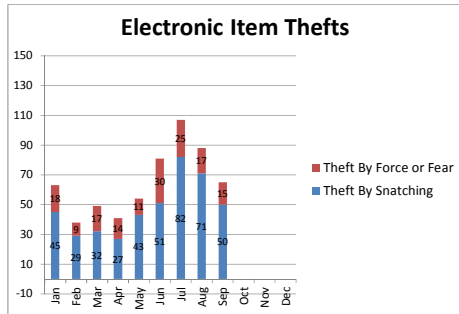
**Disclaimer--\*\***The data is drawn from the BART Police Department TriTech computer database, and they are unaudited. The numbers may not match the official monthly totals reported to the FBI through the Uniform Crime Reporting (UCR) program. Late reporting, the reclassification or unbounding of crimes,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

**Most Frequent 2017**  
**2018 Current Month**  
 Coliseum  
 San Leandro  
 West Oakland  
 Fruitvale  
 Bay Fair

**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 Sept		% change from '17
		2017	2018	
Homicide	0	0	2	200%
Rape	0	5	3	-40%
Robbery	49	150	141	-6%
Aggravated Assault	22	49	91	86%
<b>Violent Crime Subtotal</b>	<b>71</b>	<b>204</b>	<b>237</b>	<b>16%</b>
Burglary (Not Including Auto)	5	6	8	33%
Larceny	251	1081	1024	-5%
Auto Theft	2	207	158	-24%
Arson	0	1	2	100%
<b>Property Crime Subtotal</b>	<b>258</b>	<b>1295</b>	<b>1192</b>	<b>-8%</b>
<b>TOTAL</b>	<b>329</b>	<b>1499</b>	<b>1429</b>	<b>-5%</b>

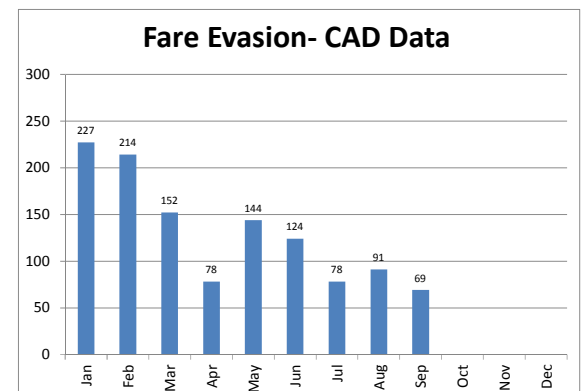
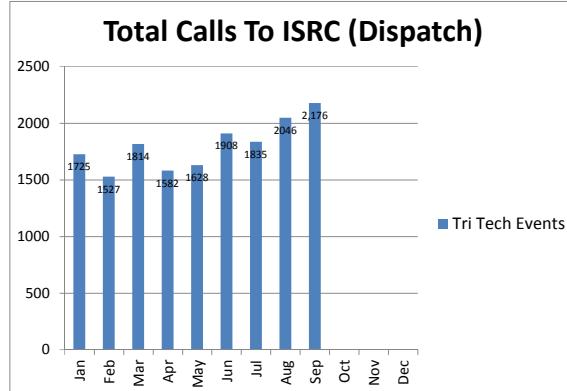
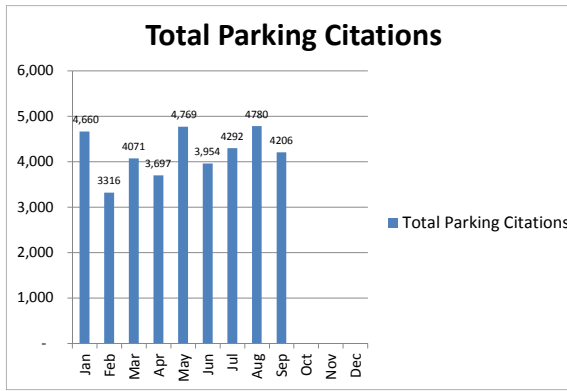
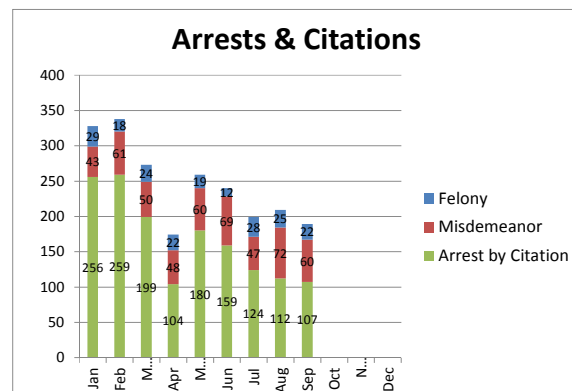
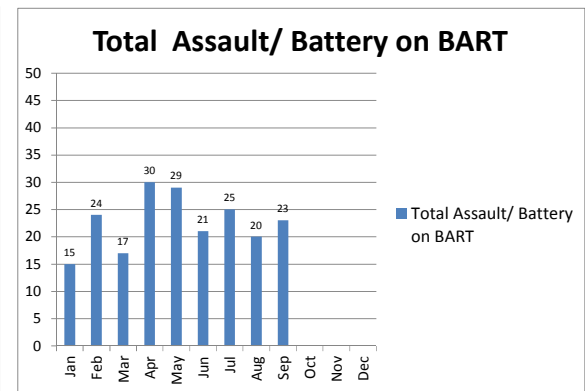
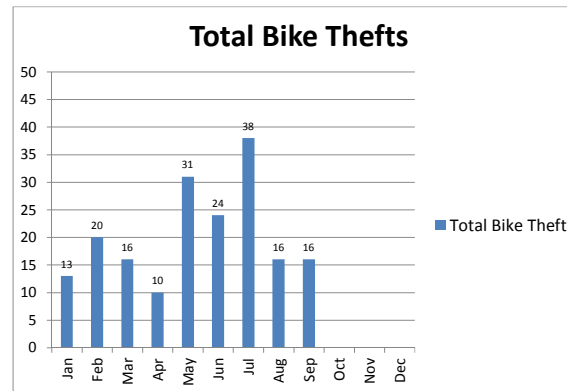
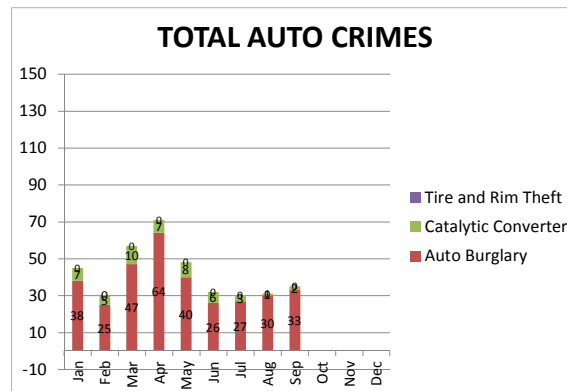
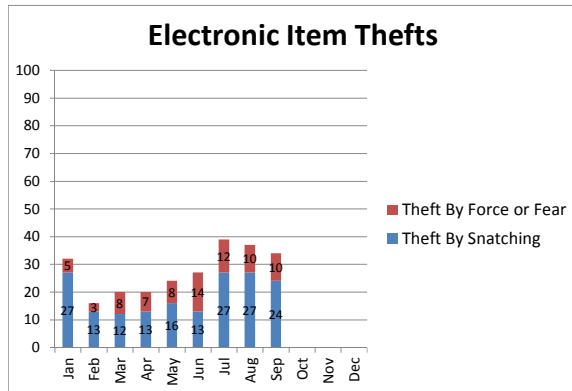


# BART Police Performance Measurements

## Alameda County Crime Statistics

### September 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 Sept		% change from '17
		2017	2018	
Homicide	0	0	1	100%
Rape	0	1	0	-100%
Robbery	49	29	25	-14%
Aggravated Assault	22	14	23	64%
<b>Violent Crime Subtotal</b>	<b>71</b>	<b>44</b>	<b>49</b>	<b>11%</b>
Burglary (Not Including Auto)	5	1	1	0%
Larceny	251	499	499	0%
Auto Theft	2	93	104	12%
Arson	0	2	1	-50%
<b>Property Crime Subtotal</b>	<b>258</b>	<b>595</b>	<b>605</b>	<b>2%</b>
<b>TOTAL</b>	<b>329</b>	<b>639</b>	<b>654</b>	<b>2%</b>

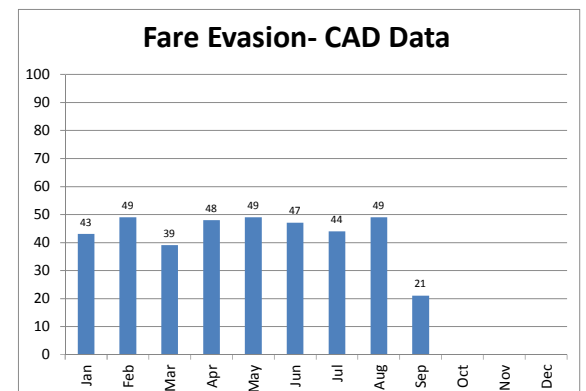
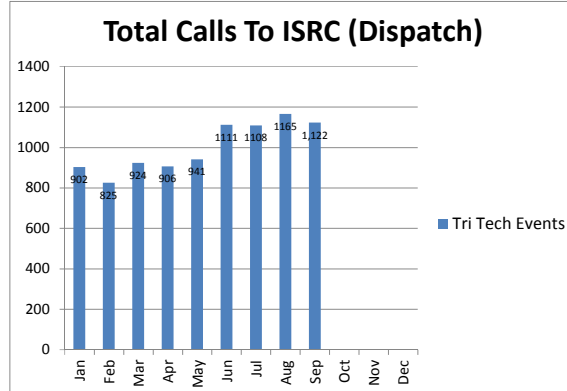
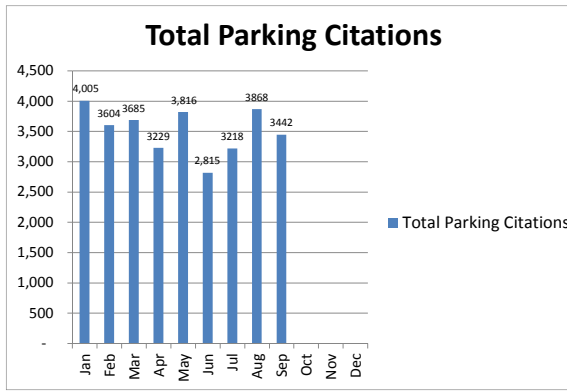
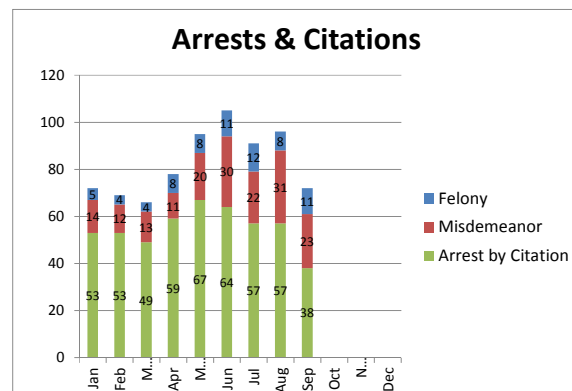
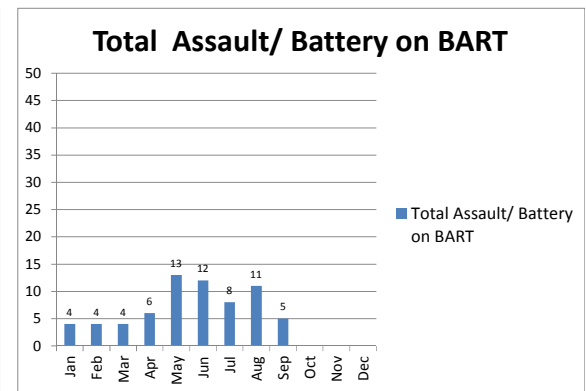
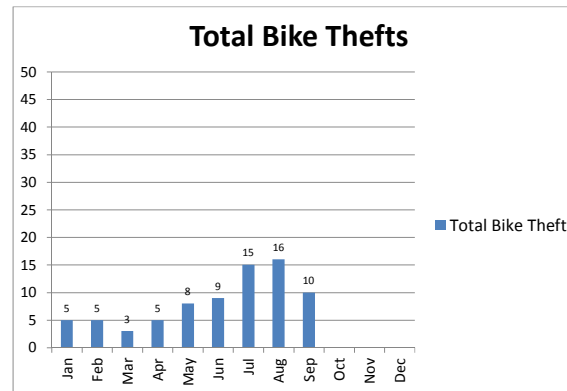
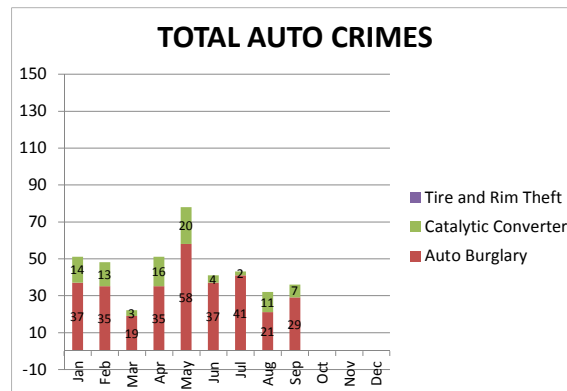
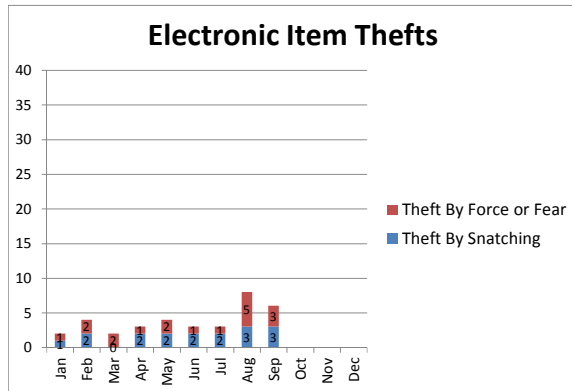


# BART Police Performance Measurements

## Contra Costa County Crime Statistics

### September 2018

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PART 1 CRIMES	2017	YTD Sept		% change from '17
		2017	2018	
Homicide	0	0	0	0%
Rape	0	0	0	0%
Robbery	49	35	63	80%
Aggravated Assault	22	16	12	-25%
<b>Violent Crime Subtotal</b>	<b>71</b>	<b>51</b>	<b>75</b>	<b>47%</b>
Burglary (Not Including Auto)	5	5	5	0%
Larceny	251	179	302	69%
Auto Theft	2	2	0	-100%
Arson	0	0	0	0%
<b>Property Crime Subtotal</b>	<b>258</b>	<b>186</b>	<b>307</b>	<b>65%</b>
<b>TOTAL</b>	<b>329</b>	<b>237</b>	<b>382</b>	<b>61%</b>

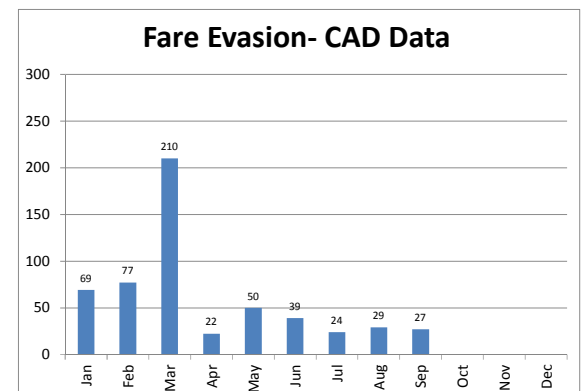
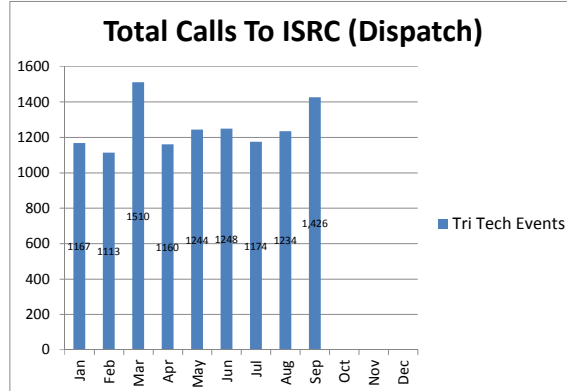
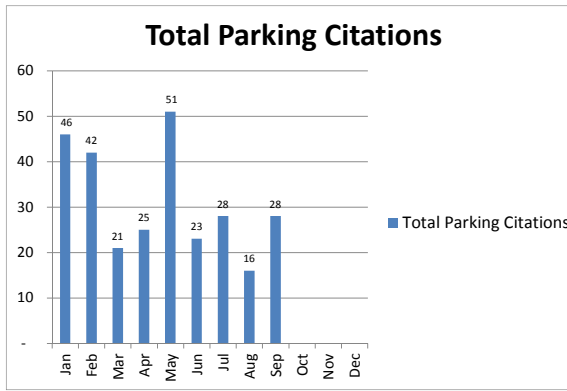
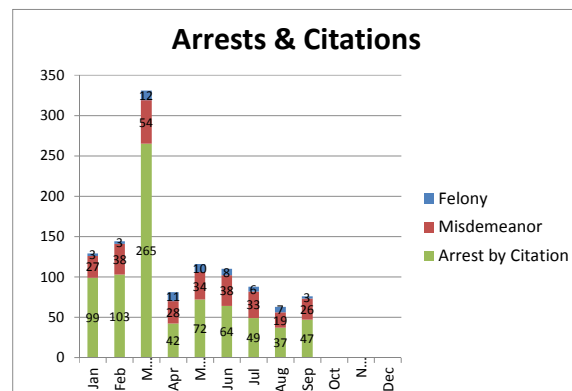
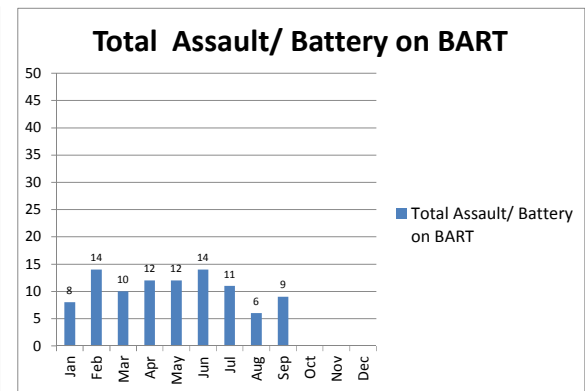
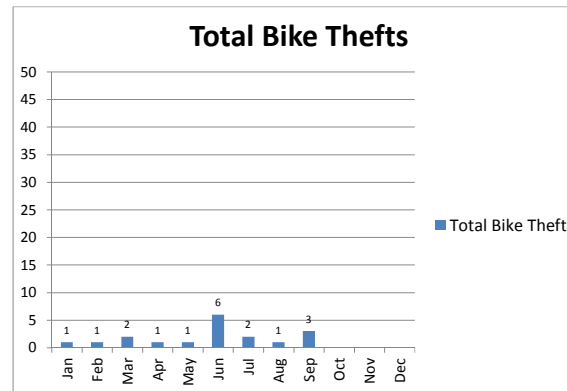
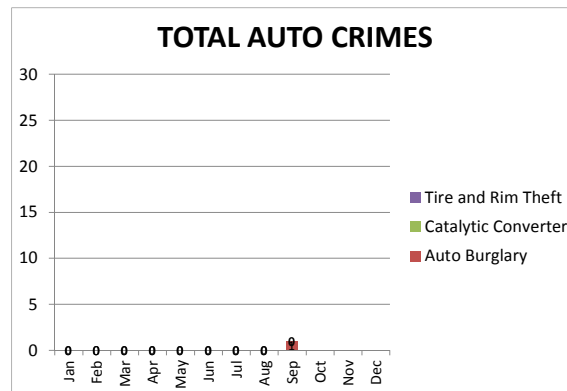
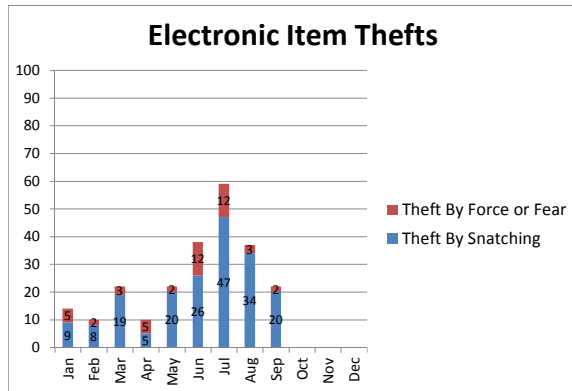


# BART Police Performance Measurements

## San Francisco County Crime Statistics

### September 2018

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PART 1 CRIMES	2017	YTD Sept		% change from '17
		2017	2018	
Homicide	0	0	0	0%
Rape	1	1	0	-100%
Robbery	15	12	5	-58%
Aggravated Assault	5	5	3	-40%
<b>Violent Crime Subtotal</b>	<b>21</b>	<b>18</b>	<b>8</b>	<b>-56%</b>
Burglary (Not Including Auto)	1	0	0	0%
Larceny	193	162	125	-23%
Auto Theft	19	16	19	19%
Arson	0	0	0	0%
<b>Property Crime Subtotal</b>	<b>213</b>	<b>178</b>	<b>144</b>	<b>-19%</b>
<b>TOTAL</b>	<b>234</b>	<b>196</b>	<b>152</b>	<b>-22%</b>

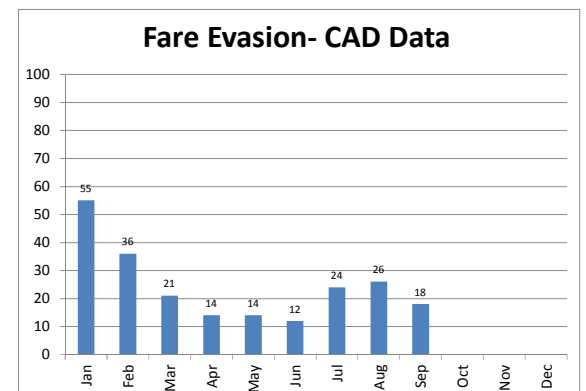
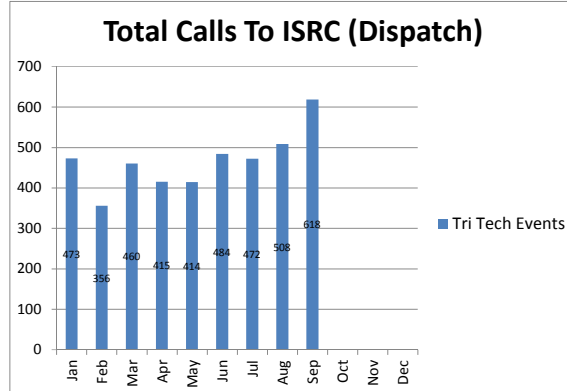
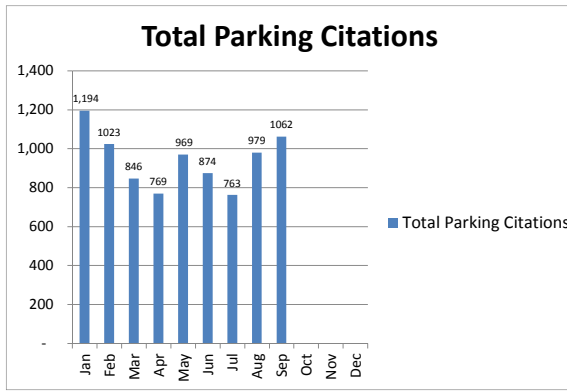
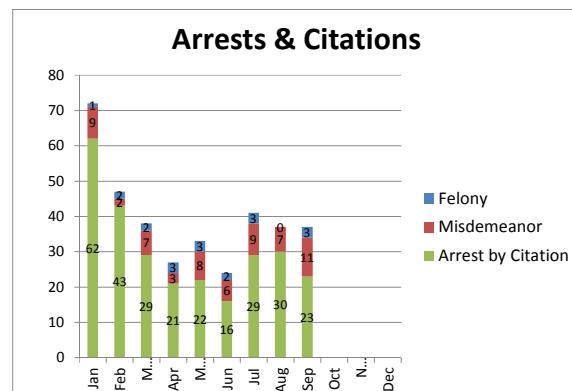
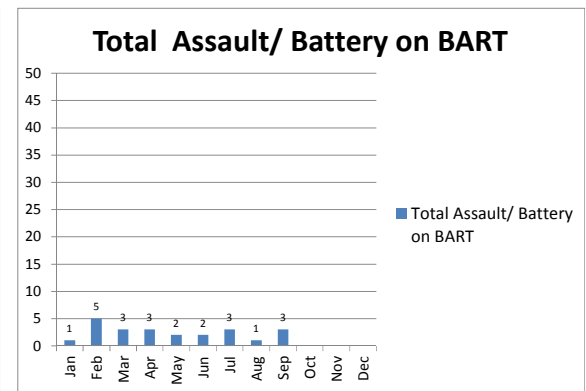
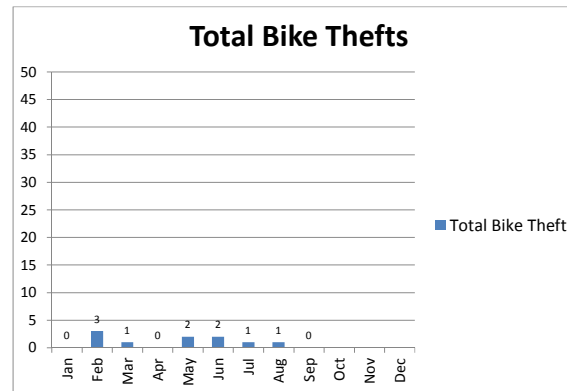
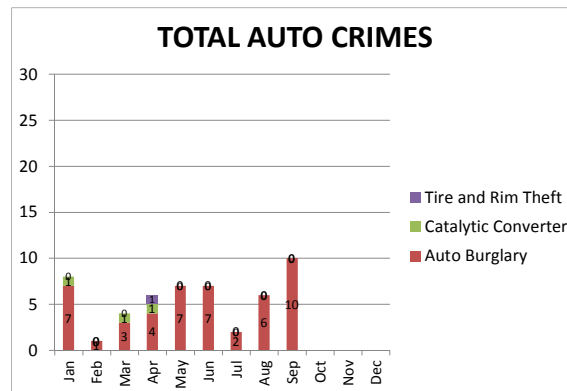
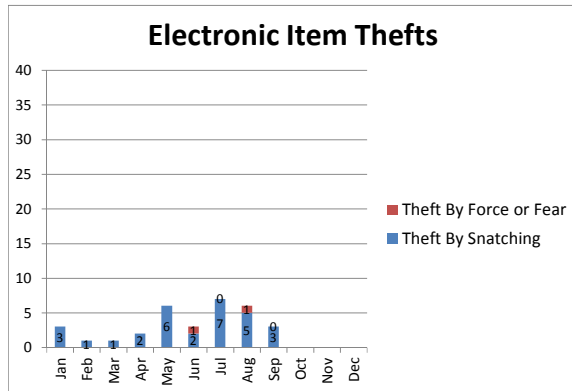


# BART Police Performance Measurements

## San Mateo County Crime Statistics

### September 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				349
YTD 2018	38	64	105	148	186	219	269	310	349				
Misd. Arrest	88	109	123	90	117	142	108	127	119				1,023
YTD 2018	88	197	320	410	527	669	777	904	1,023				
Cite & Release	396	405	457	175	280	235	199	236	151				2,534
YTD 2018	396	801	1,258	1,433	1,713	1,948	2,147	2,383	2,534				
Field Interview	512	581	581	476	527	513	491	605	433				4,719
YTD 2018	512	1,093	1,674	2,150	2,677	3,190	3,681	4,286	4,719				

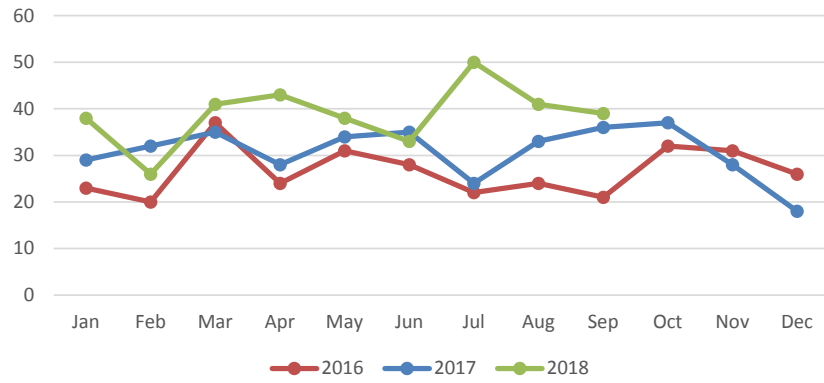
## Enforcement Contacts - 2017

	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	

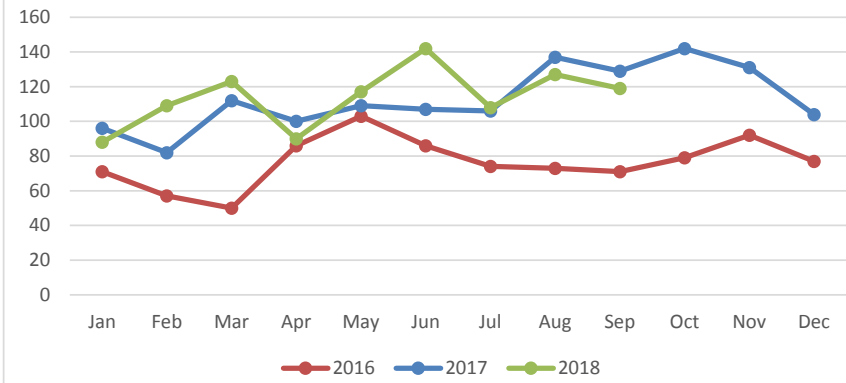
# Enforcement Contacts - 2016

	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	

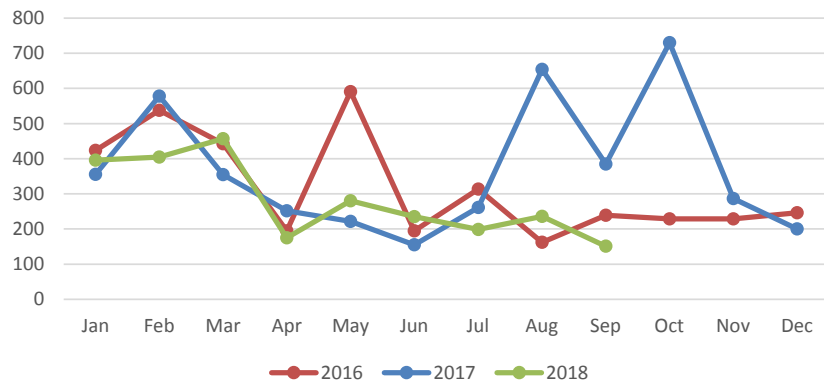
### Felony Arrests



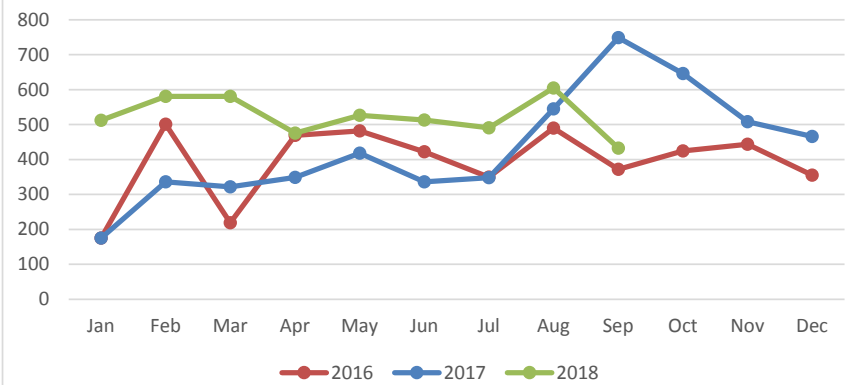
### Misdemeanor Arrests



### 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				78,843
YTD 2018	9,925	17,967	26,596	34,293	43,813	52,094	60,438	70,099	78,843				
Contested	2,121	1,808	2,152	1,782	1,827	2,053	1,958	2,211	2,060				17,972
YTD 2018	2,121	3,929	6,081	7,863	9,690	11,743	13,701	15,912	17,972				
Dismissed	1,502	1,200	1,448	1,160	1,152	1,294	1,223	1,438	1,309				11,726
YTD 2018	1,502	2,702	4,150	5,310	6,462	7,756	8,979	10,417	11,726				

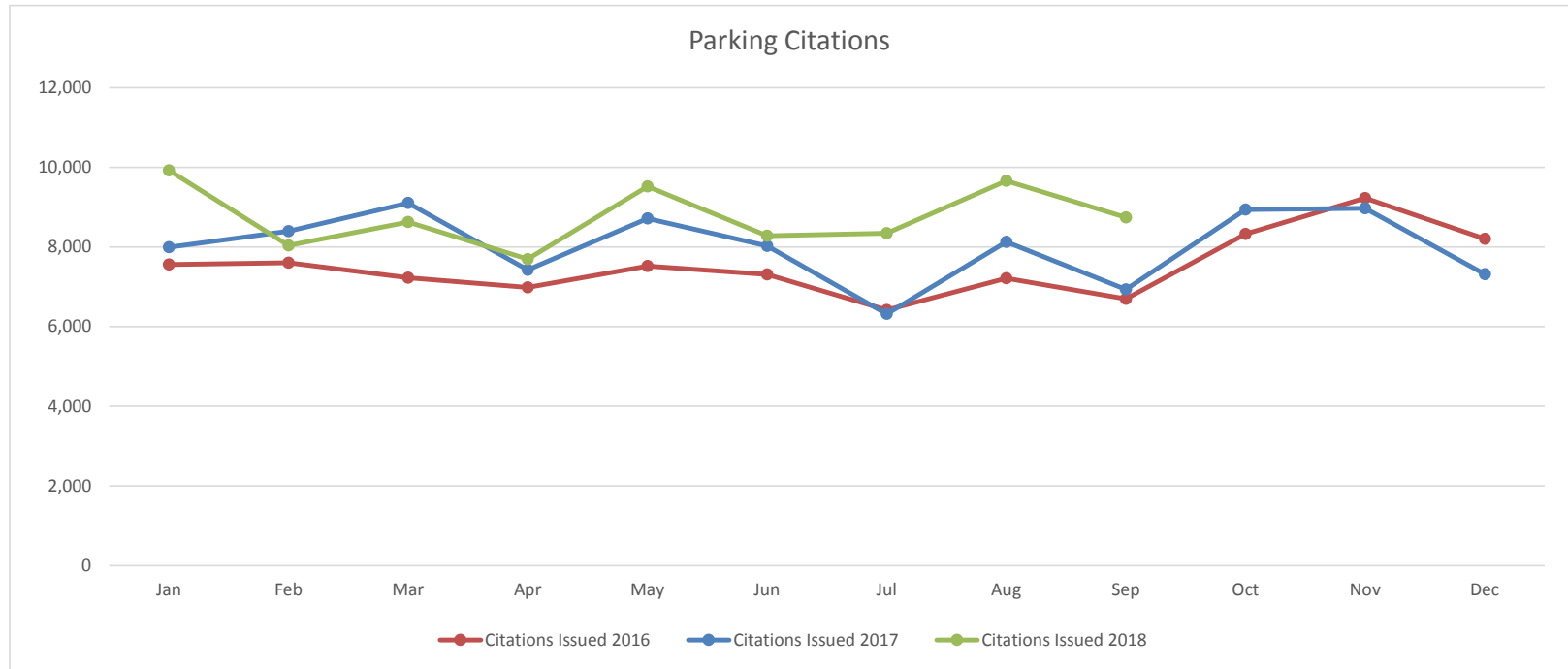
## Parking Enforcement - 2017

	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			
BART Misdemeanor Warrants	3	3	2	2	6	4	1	4	5			
O/S Felony Warrants	12	10	16	29	29	8	16	14	10			
O/S Misdemeanor Warrants	40	37	68	55	60	36	67	51	41			
<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>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>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 September, 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 Oct. 4, 2018
<b>203</b>	<b>92</b>	<b>10</b>	<b>99</b>	<b>55</b>	<b>18</b>	<b>26</b>	<b>18%</b>	<b>148</b>

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

**Date: 10/04/2018**

# San Francisco Bay Area Rapid Transit Police Department

## Criminal Investigations Division

### September, 2018

#### Detective Closure Rate

	Total number of cases assigned to detectives previous 12 months (Oct 2017 - Sept 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>2096</b>	<b>186</b>	<b>553</b>	<b>22%</b>	<b>1326</b>	<b>63%</b>	<b>9%</b>
<b>D39</b>	202	23	43	19%	135	67%	11%
<b>D51</b>	342	57	69	15%	212	62%	17%
<b>D75</b>	152	8	21	13%	118	78%	5%
<b>D31</b>	404	21	92	22%	287	71%	5%
<b>D55</b>	547	38	208	24%	295	54%	7%
<b>D27</b>	261	16	93	37%	143	55%	6%
<b>D54</b>	188	23	27	18%	136	72%	12%

#### CASES IN DETECTIVE QUEUE

	<i>Total</i>	<i>Past 60 days</i>
<b>D39</b>	4	
<b>D51</b>	52	19
<b>D75</b>	0	
<b>D55</b>	40	
<b>D31</b>	22	4
<b>D27</b>	8	
<b>D54</b>	21	

Submitted by: Sgt. John J. Power #S49  
Date: Oct. 4, 2018

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

## Assembly Bill 716 - 2018

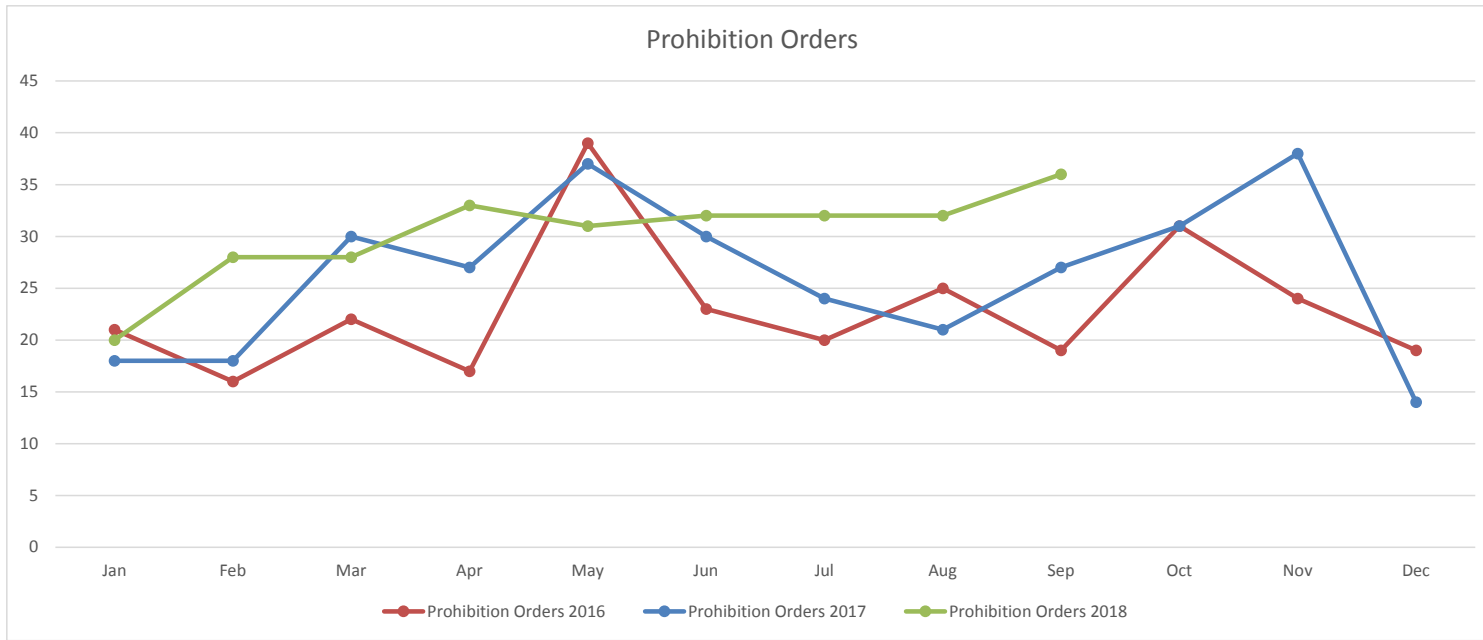
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Prohibition Orders Issued	20	28	28	33	31	32	32	32	36				272
YTD 2018	20	48	76	109	140	172	204	236	272				

## Assembly Bill 716 - 2017

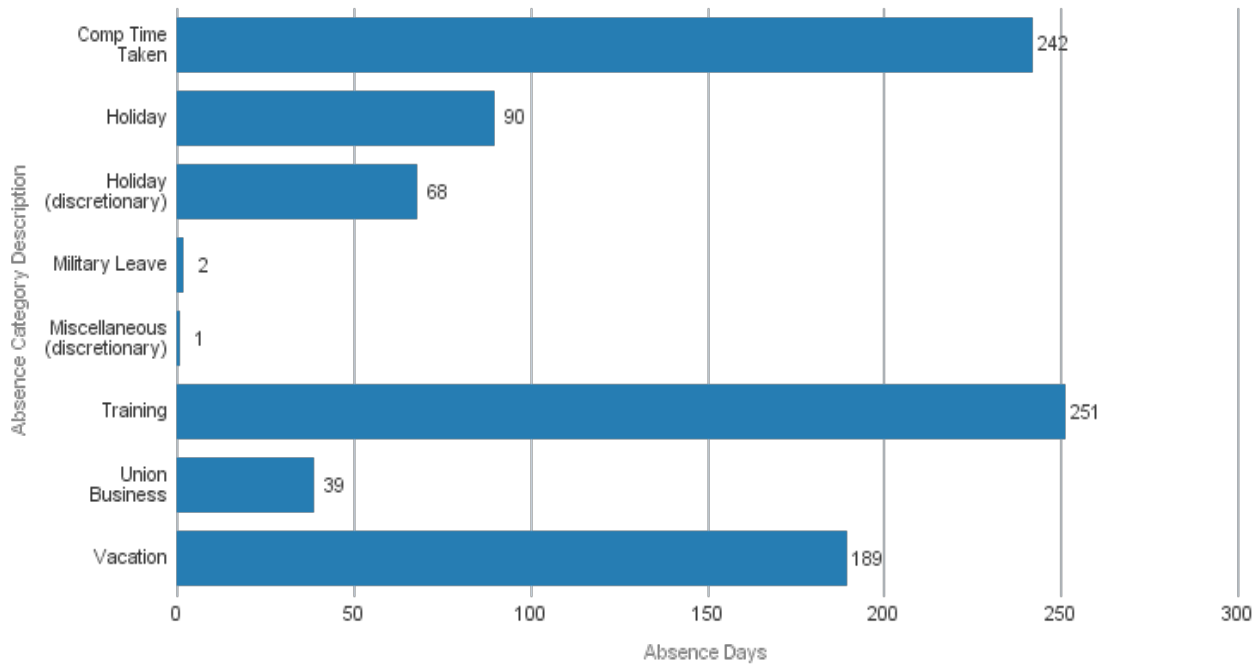
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Prohibition Orders Issued	18	18	30	27	37	30	24	21	27	31	38	14	315
YTD 2017	18	36	66	93	130	160	184	205	232	263	300	315	

## 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	

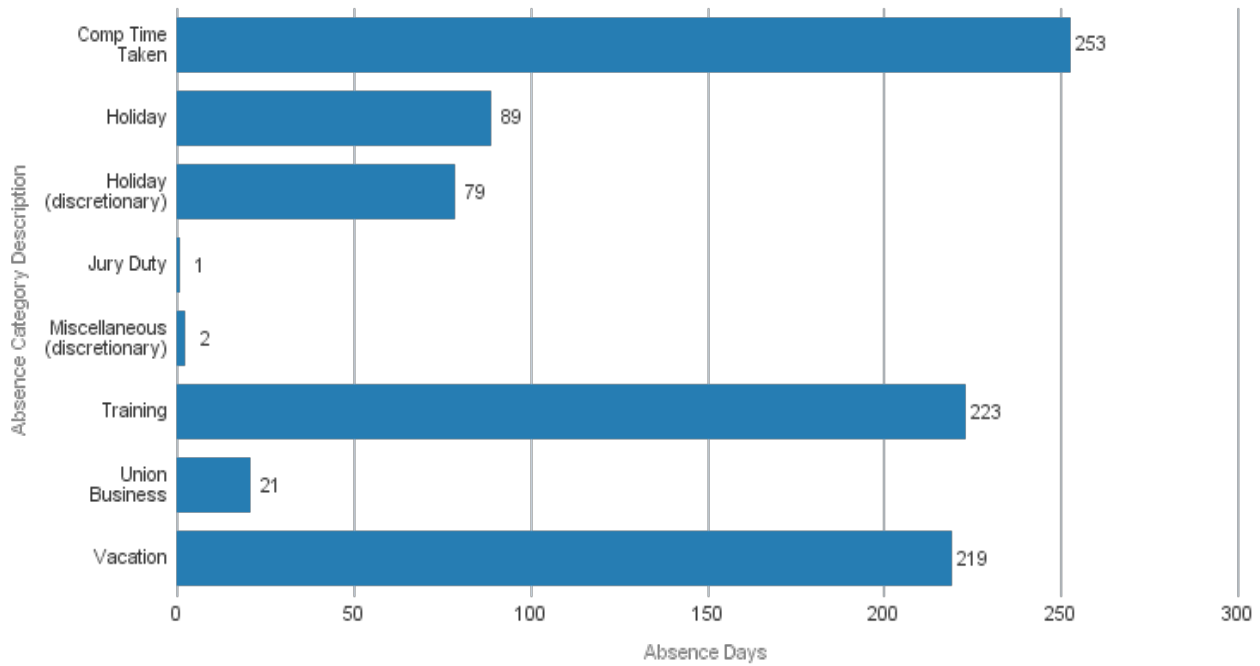


### Scheduled Absence Overview - September 2018



Absence Category Description	Absence Hours	Absence Days	% Total
Comp Time Taken	2,436	242	27%
Holiday	831	90	10%
Holiday (discretionary)	692	68	8%
Military Leave	24	2	0%
Miscellaneous (discretionary)	8	1	0%
Training	2,292	251	28%
Union Business	421	39	4%
Vacation	1,920	189	21%
<b>Grand Total</b>	<b>8,624</b>	<b>883</b>	<b>100%</b>

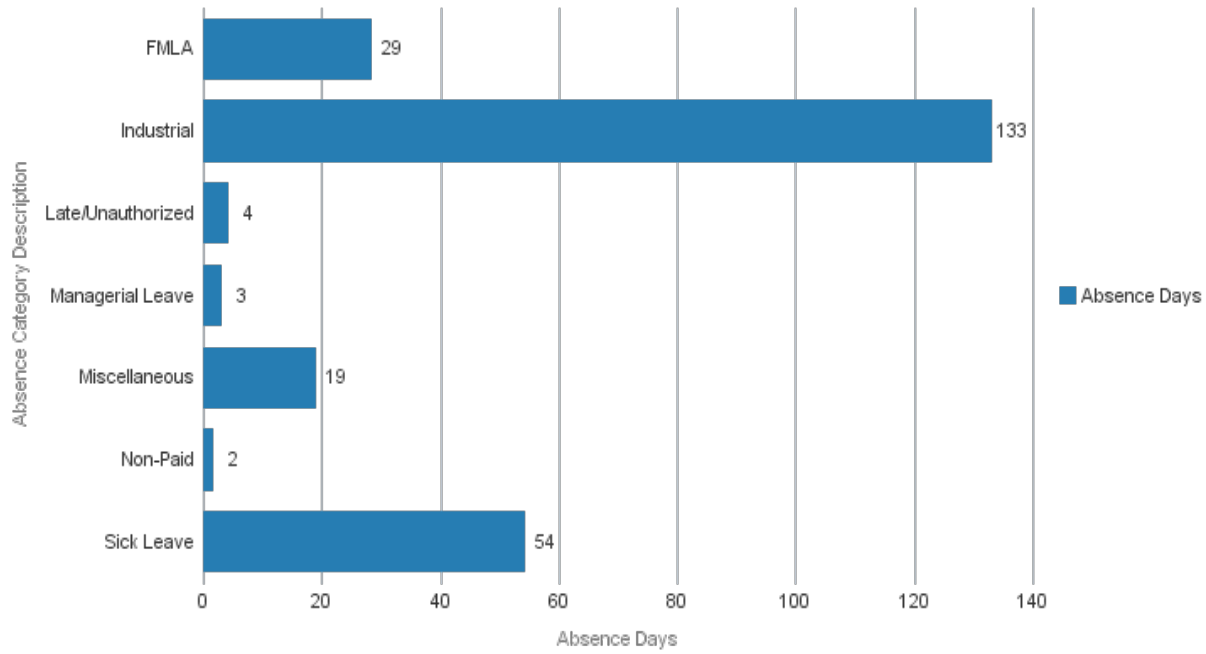
### Scheduled Absence Overview - September 2017



Absence Category Description	Absence Hours	Absence Days	% Total
Comp Time Taken	2,582	253	28%
Holiday	844	89	10%
Holiday (discretionary)	780	79	9%
Jury Duty	8	1	0%
Miscellaneous (discretionary)	24	2	0%
Training	2,037	223	25%
Union Business	218	21	2%
Vacation	2,184	219	25%
<b>Grand Total</b>	<b>8,677</b>	<b>888</b>	<b>100%</b>

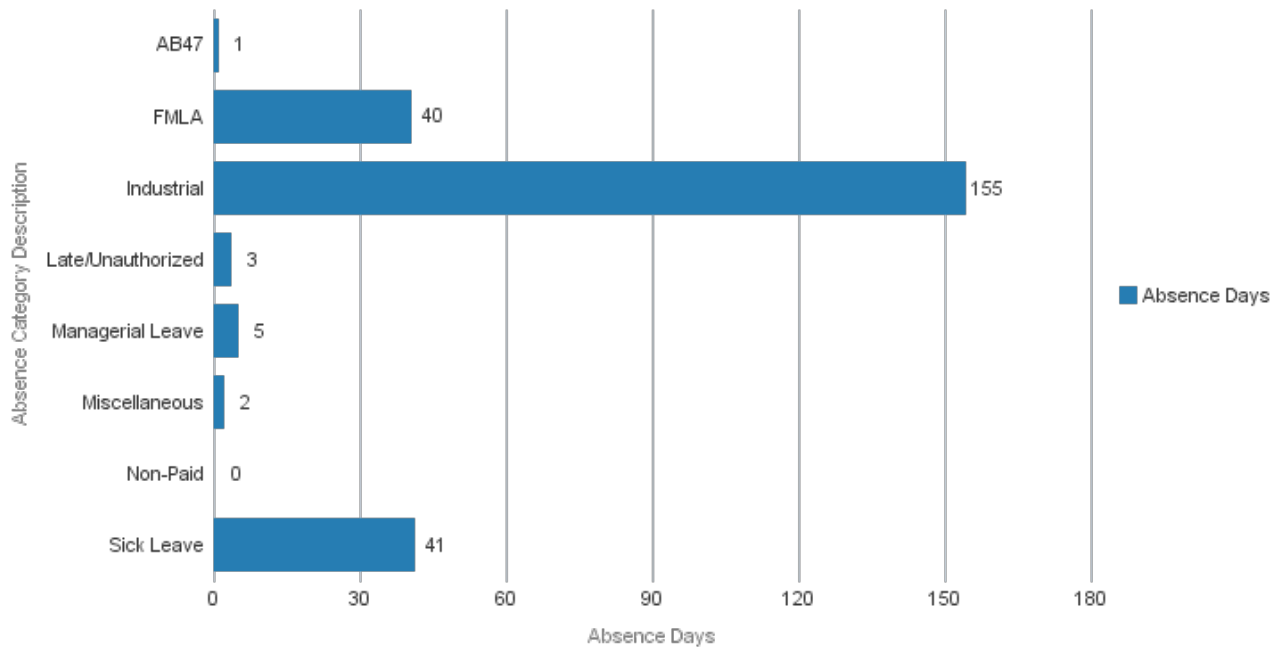


### Unscheduled Absence Overview - September 2018



Absence Category Description	Absence Hours	Absence Days	% Total
FMLA	285	29	12%
Industrial	1,348	133	55%
Late/Unauthorized	44	4	2%
Managerial Leave	30	3	1%
Miscellaneous	190	19	8%
Non-Paid	16	2	1%
Sick Leave	542	54	22%
<b>Grand Total</b>	<b>2,455</b>	<b>244</b>	<b>100%</b>

### Unscheduled Absence Overview - September 2017



Absence Category Description	Absence Hours	Absence Days	% Total
AB47	10	1	0%
FMLA	379	40	16%
Industrial	1,594	155	62%
Late/Unauthorized	34	3	1%
Managerial Leave	55	5	2%
Miscellaneous	20	2	1%
Non-Paid	2	0	0%
Sick Leave	428	41	17%
<b>Grand Total</b>	<b>2,521</b>	<b>248</b>	<b>100%</b>

## BART PD OVERTIME MONTHLY REPORT

### September 2018

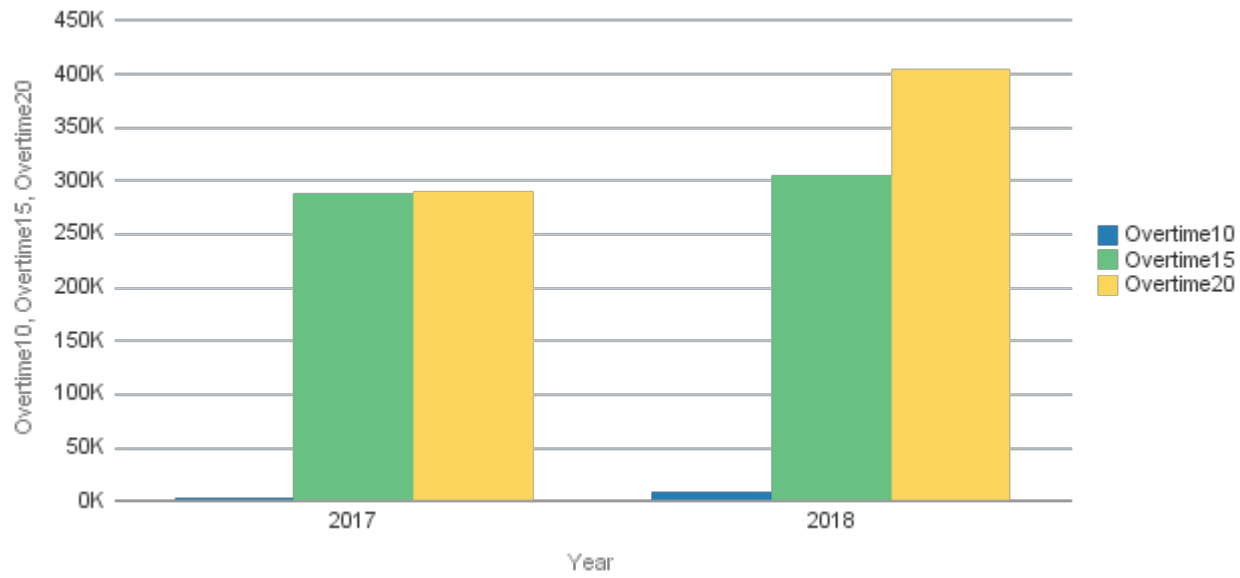
Activity Name	Activity ID	2017			2018		
		Overtime10	Overtime15	Overtime20	Overtime10	Overtime15	Overtime20
Adv Officer Training	ADVOF	0	4,741	2,630	199	8,941	3,088
Anti-Terrorism Measures	TRISM	0	498	0	0	0	0
BART Labor	BLABR	0	236	312	0	386	0
BF OT Discr Day BPD	BFDSC	0	0	0	0	1,619	2,192
BF OT Industrial Leave BPD	BFILV	0	3,990	4,980	474	4,941	20,518
BF OT Minimum Rest	BFRST	0	412	460	0	2,355	1,007
BF OT Patrol TRN	BFTRN	0	2,772	2,828	460	3,064	1,038
BF OT Recovery Day	BFRCV	0	8,817	29,777	0	2,930	13,675
BF OT Training BPD	BFTRN	0	2,772	2,828	460	3,064	1,038
BF OT Vacancy BPD	BFVCN	0	21,715	24,026	0	26,414	57,358
BF OT Vacation BPD	BFVAC	185	29,123	72,120	1,114	39,524	72,311
BF Sick/FMLA/Brvment	BFSLV	0	6,191	13,838	20	12,274	12,681
Boardroom Security	BRDRM	0	0	814	0	0	0
Bus Bridge-M03	BUM03	0	0	0	0	736	981
COPPS Project/Event	COPPS	0	516	0	0	729	460
Calendar Year 2017	CY2017	0	248	2,523	0	0	0
Calendar Year 2018	CY2018	0	0	0	0	739	460
Civil Unrest	PRTST	0	480	0	0	0	0
Coliseum Events	CEOPS	0	6,628	15,801	2	18,131	13,149
Court Appearance	COURT	0	909	0	0	778	945
Crowd Ctrl for Spec	CROWD	0	2,717	5,205	0	0	0
Detectives Unit OT	INVST	0	4,902	829	0	2,487	1,795
E-BART SECURITY	EBSEC	0	0	0	184	6,496	17,155
EMS/OWS Pltfrm Detail	PLTFM	230	10,459	5,616	7	7,522	3,351
Evidence Collection	EVIDN	0	470	685	0	0	0
Explorer Advisors	EXPLR	0	4,423	2,257	120	2,376	0
Final Design	FDSGN	0	1,866	0	0	3,137	3,264
Held Over/Late Case	HLDOV	0	14,238	1,445	0	14,230	1,176
Honor Guard Detail	HONOR	0	1,308	0	0	997	0

IA Unit Overtime	IAUNT	476	1,915	3,507	0	125	0
Jnt Terrorism Tskfrce	JTTF0	0	467	519	0	0	0
K-9 Team Training	K9TTR	0	0	0	0	2,645	0
Meeting Attendance	MTNGS	0	8,873	0	299	1,747	0
Mgr of Sec Programs	SECPR	0	1,931	0	0	2,865	664
Operating	OPER	0	0	0	0	4,760	12,039
	OPRTN	256	35,445	8,860	1,545	17,574	19,391
P&T Unit Overtime	PTUNT	374	16,265	21,091	916	15,289	12,166
Police Admin OT	PADMN	0	23,651	1,315	0	13,486	2,707
Protest Event Charge Code	PROTE	0	543	0	0	0	0
Ptrl Special Enforcement	SPECL	399	46,633	25,317	1,787	38,498	55,638
Raiders - Walkway	RAIDR	0	1,567	0	0	0	898
Raiders Game Cleanup	RAIDR	0	1,567	0	0	0	898
Range Staff Training	RANGE	0	708	0	0	0	0
Rev Protection Unit OT	RVPRT	368	1,689	741	0	0	0
SF STA CLN SEC	DSFCS	0	0	0	0	8,818	7,623
Special Events	SPEVN	0	240	0	54	2,304	0
Training	TRNNG	0	964	407	0	2,351	2,319
Training Other	TRNOT	0	6,109	1,882	0	3,868	4,171
Union Business	UNBUS	0	2,659	2,028	0	5,801	4,818
Urban Shield	URBAN	0	5,322	33,157	0	19,858	50,788
		<b>2,289</b>	<b>286,980</b>	<b>287,799</b>	<b>7,641</b>	<b>303,863</b>	<b>401,766</b>

**September**

**577,067**

**713,270**

**Overtime10, Overtime15, Overtime20**

## Communications Center - 2018

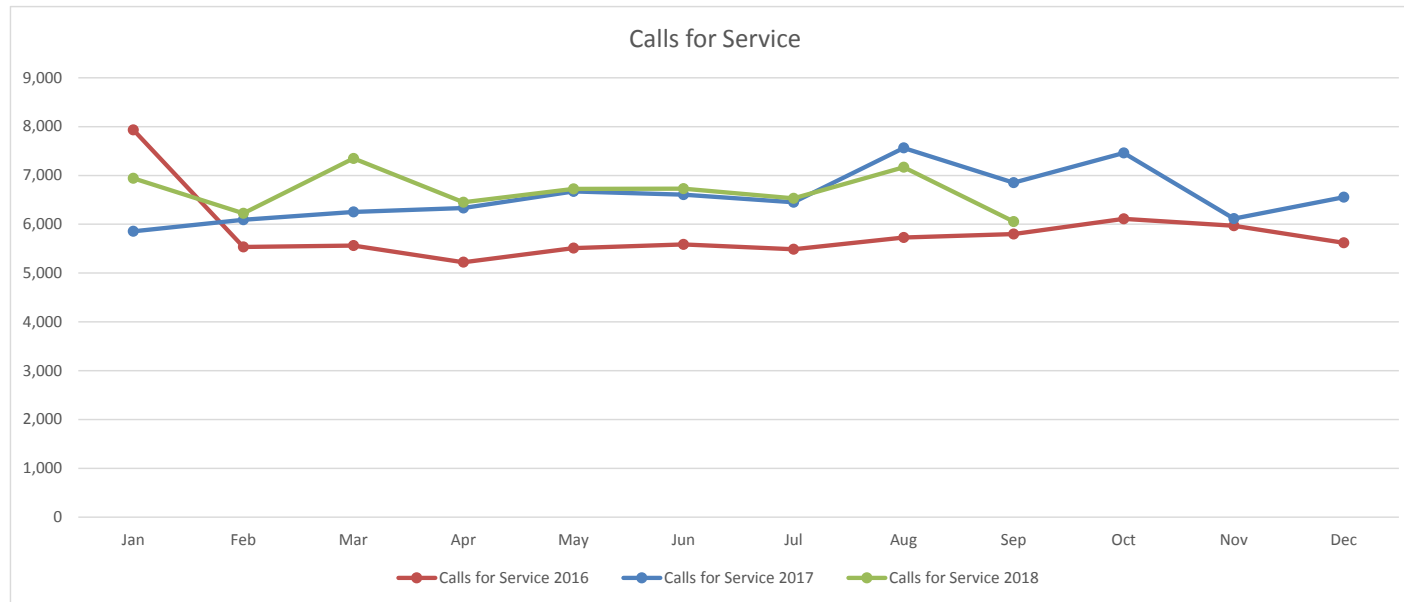
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Calls for Service	6,941	6,222	7,349	6,452	6,724	6,729	6,529	7,168	6,055				60,169
YTD 2018	6,941	13,163	20,512	26,964	33,688	40,417	46,946	54,114	60,169				
Priority 1 Calls	192	180	183	214	214	216	223	202	190				1,814
YTD 2018	192	372	555	769	983	1,199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

## 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				2,256
Crime in Progress	177	151	194	257	226	188	168	235	206				1,802
Illegally Parked Vehicle	24	24	16	38	10	19	35	24	39				229
Vandalism	60	68	102	67	75	111	47	103	93				726
Unattended Bag or Package	44	50	44	42	32	41	48	86	44				431
Sexual Assault/Lewd Behavior	36	71	52	29	47	37	60	49	53				434
Report a Crime Tip	60	44	51	54	40	55	60	88	42				494
Robbery/Theft	28	22	21	35	30	29	45	37	43				290
Unsecure Door	19	7	14	9	10	10	17	13	7				106
Disruptive Behavior	1167	1111	1408	1314	1367	1224	1114	1727	1392				11,824
Panhandling	172	177	223	155	214	144	140	228	132				1,585
<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>20,177</b>

Total Downloads: 60,370

Total Reports Made

Anonymous: 39.77%

Non-Anonymous: 60.23%



## Statistics

Statistics	Six Week Average	10/22-10/28	10/15-10/21	10/08-10/14	10/01-10/07	09/24-09/30	09/17-09/23
Alerts Sent	0.17	0	0	0	0	0	1
Description	<i>The total number of alerts sent.</i>						
Incoming Reports	477.00	472	473	475	505	462	475
Description	<i>The number of reports sent from users.</i>						
Replies to Reports	562.67	551	558	575	558	513	621
Description	<i>The number of replies sent to users from ELERTS EPICenter console.</i>						

Report Type	# of Reports (all time)	
Disruptive Behavior (A)	21092	42.62%
[none selected]	5166	10.44%
Panhandling (A)	4479	9.05%
Suspicious Activity (A)	4345	8.78%
Other (D)	3082	6.23%
Crime in Progress (A)	2989	6.04%
Panhandling or Disruptive Behavior (D)	1967	3.98%
Vandalism (A)	1656	3.35%
Unattended Bag or Package (A)	1220	2.47%
Report a Crime Tip (A)	998	2.02%
Illegally Parked Vehicle (A)	844	1.71%
Sexual Assault / Lewd Behavior (A)	785	1.59%
Robbery / Theft (A)	519	1.05%
Unsecure Door (A)	295	0.60%
Human Trafficking (A)	37	0.07%
Text a Tip (A)	10	0.02%
Total	49484	100 %
(A) Active   Disabled (D)		

Identification	Total
Anonymous	39.77 %
Description	<i>Reports sent anonymously.</i>
Non-Anonymous	60.23 %
Description	<i>Reports sent non-anonymously.</i>

App Statistics (including tests)	
Total Messages (iOS)	63316
Description	<i>Reports and replies via iOS devices.</i>
Total Messages (Android)	30435
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	7220

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

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## Officer-Involved Shootings and Deaths

### 310.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured or dies as the result of an officer-involved shooting or dies as a result of other action of an officer.

In other incidents not covered by this policy, the Chief of Police may decide that the investigation will follow the process provided in this policy.

### 310.2 POLICY

The policy of the Bay Area Rapid Transit Police Department is to ensure that officer-involved shootings and deaths are investigated in a thorough, fair and impartial manner.

### 310.3 TYPES OF INVESTIGATIONS

Officer-involved shootings and deaths involve several separate investigations. The investigations may include:

- A criminal investigation of the suspect's actions.
- A criminal investigation of the involved officer's actions.
- An administrative investigation as to policy compliance by involved officers.
- A civil investigation to determine potential liability.

### 310.4 CONTROL OF INVESTIGATIONS

Investigators from surrounding agencies may be assigned to work on the criminal investigation of officer-involved shootings and deaths. This may include at least one investigator from the agency that employs the involved officer.

Jurisdiction is determined by the location of the shooting or death and the agency employing the involved officer. The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings and deaths.

#### 310.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect's crime occurred. For example, the Bay Area Rapid Transit Police Department would control the investigation if the suspect's crime occurred in San Francisco Bay Area Rapid Transit District.

If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The investigation may be conducted by another agency, at the discretion of the Chief of Police and with concurrence from the other agency.

# Bay Area Rapid Transit Police Department

## BART PD Policy Manual

### *Officer-Involved Shootings and Deaths*

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#### 310.4.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

The control of the criminal investigation into the involved officer's conduct during the incident will be determined by the employing agency's protocol. When an officer from this department is involved, the criminal investigation will be handled according to the Criminal Investigation section of this policy.

Requests made of this department to investigate a shooting or death involving an outside agency's officer shall be referred to the Chief of Police or the authorized designee for approval.

#### 310.4.3 ADMINISTRATIVE AND CIVIL INVESTIGATION

Regardless of where the incident occurs, the administrative and civil investigation of each involved officer is controlled by the respective employing agency.

#### 310.4.4 INVESTIGATION RESPONSIBILITY MATRIX

The following table helps identify the possible scenarios and responsibilities for the investigation of officer-involved shootings. This may vary based on the incident county and their protocol.

	<b>Criminal Investigation of Suspect(s)</b>	<b>Criminal Investigation of Officer(s)</b>	<b>Civil Investigation of</b>	<b>Administrative Investigation</b>
<b>BPD Officer in This Jurisdiction</b>	BPD Investigators	BPD Investigators w/District Attorney's Office	BART Legal Counsel	BPD Office of Professional Standards / BART Office of the Independent Police Auditor
<b>Allied Agency's Officer in This Jurisdiction</b>	BPD Investigators	District Attorney's Office	Involved Department	Involved Officer's Department
<b>BPD Officer in Another Jurisdiction</b>	Agency where incident occurred	Decision made by agency where incident occurred	BART Legal Counsel	BPD Office of Professional Standards / BART Office of the Independent Police Auditor

#### 310.5 INVESTIGATION PROCESS

The following procedures are guidelines used in the investigation of an officer-involved shooting or death. [The following checklist is a guideline that should be followed following an incident involving an officer-involved shooting or death:](#)

- [The BART Police Department officer assigned to the original call is in command of the scene until relieved by a supervisor or other person of higher authority. This includes those instances where more than one agency is participating or assisting in the investigation in BART's jurisdiction.](#)
- [Ensure that all necessary life-saving efforts are undertaken for any injured persons.](#)

# Bay Area Rapid Transit Police Department

## BART PD Policy Manual

### *Officer-Involved Shootings and Deaths*

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- The Incident Commander is responsible for deployment of personnel and equipment necessary to provide for the containment of the crime scene, security of the surrounding area, preservation of evidence, and compliance with all reporting requirements. The Incident Commander shall request all necessary resources to fulfill this responsibility.
- All necessary notifications shall be made in accordance with section 310.5.3 of this policy
- Obtain a public safety statement from involved officer(s) to establish crime scene boundaries, location of injured persons or other information to ensure the safety of the public regarding the incident.
- Assign an officer to ride with injured suspect(s) in the ambulance with a recording device to maintain custody of arrestee, document any spontaneous statements / dying declarations, and preserve any physical evidence.
- Only assigned investigative and emergency medical personnel will be allowed within the perimeter of the crime scene, unless authorized by the Incident Commander or higher authority.
- Locate, identify and seek voluntary compliance of witnesses to remain at the scene or other designated area to be interviewed regarding the incident.
- Coordinate a systematic canvas of the area for other witnesses, locating unaccounted vehicles, weapons, people, etc.
- Ensure radio broadcasts and teletypes regarding outstanding suspects, vehicles or witnesses are transmitted as soon as practical.
- The Incident Commander should conduct an on scene briefing once all investigative entities have arrived on scene. The briefing should include basic factual information known at that time such as type of call, date and time of incident, number of officers involved, summary of public safety statement(s), etc.
- Coordinate the preservation / collection of all evidence, including but not limited to, the officer's body worn camera, gunshot residue, etc. with Evidence Technicians and the Detective Division.
- All personnel entering the scene will check in with the crime scene scribe and record the entry / exit time and reason for entering on the crime scene log.
- Any person(s) entering the crime scene may be ordered by the Incident Commander to prepare a supplemental report regarding their reasons for entering the crime scene and their actions while there.
- All officers directly involved in the shooting should be isolated from the immediate crime scene as soon as practical. Another officer of supervisor should be assigned to remain with these officers to attend to any personal needs that may arise until the arrival of assigned investigative units.
- If more than one officer is directly involved in the shooting, the directly involved officers should be separated as soon as possible and should remain separated until after they have given a statement to the investigators.

# Bay Area Rapid Transit Police Department

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### *Officer-Involved Shootings and Deaths*

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- [The officer's weapon will become evidence if the suspect was struck or if there is any indication that the weapon malfunctioned.](#)
- [The Detective Division Lieutenant, or designee, will be responsible for ensuring that a replacement weapon is issued when the officer's weapon is taken as evidence.](#)
- [Coordinate with the Detective Division / Internal Affairs Division to ensure that a drug / alcohol test is administered to the involved officer\(s\) \(requested through the Operations Control Center \(OCC\) Manager\). Accommodations should be made for the involved officer\(s\) to be later driven to his / her place of residence after the conclusion of the initial investigation.](#)
- [In cases of officer involved shootings where a fatality is involved, the Chief of Police should designate a Department representative to be assigned as a liaison to the family of the decedent.](#)

#### 310.5.1 OFFICER IN CHARGE - RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting, the first uninvolved BART PD officer will be the officer-in-charge and will assume the responsibilities of a supervisor until properly relieved.

This officer should, as appropriate:

- (a) Secure the scene and identify and eliminate hazards for all those involved.
- (b) Take reasonable steps to obtain emergency medical attention for injured individuals.
- (c) Request additional resources from the Department or other agencies.
- (d) Coordinate a perimeter or pursuit of suspects.
- (e) Check for injured persons and evacuate as needed.
- (f) Brief the supervisor upon arrival.

#### 310.5.2 WATCH COMMANDER RESPONSIBILITIES

Upon learning of an officer-involved shooting or death, the Watch Commander shall be responsible for coordinating all aspects of the incident until he/she is relieved by the Chief of Police or a Division Commander.

All outside inquiries about the incident shall be directed to the Watch Commander.

#### 310.5.3 NOTIFICATIONS

The following notifications shall be made soon as practical after an officer involved shooting:

- BART Police Communications Center
- On-duty supervisor and officers responsible for the area in which the incident occurred
- On-duty Watch Commander or on-call command officer
- If other than BART Police, the agency having primary investigative responsibility
- Detective Sergeant and on-call detective
- Chief of Police and appropriate command officers

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- Operations Control Center (If necessary)
- County Officer Involved Shooting Protocol rollout team
- Department of Media Affairs as directed by the Chief
- Coroner (if necessary)
- BPMA/BPOA Representative
- Trauma Response Team
- Office of the Independent Police Auditor

All outside inquiries about the incident shall be directed to the Watch Commander.

#### **310.6 CRIMINAL INVESTIGATION**

The District Attorney's Office is responsible for the criminal investigation into the circumstances of any officer-involved shooting or death.

If available, investigative personnel from this department may be assigned to partner with investigators from outside agencies or the District Attorney's Office to avoid duplicating efforts in related criminal investigations.

Once public safety issues have been addressed, criminal investigators should be given the opportunity to obtain a voluntary statement from involved officers and to complete their interviews. The following shall be considered for the involved officer:

- (a) BART PD supervisors and Internal Affairs Division personnel should not participate directly in any voluntary interview of BART PD officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry. The BART Independent Police Auditor and Independent Police Investigators shall be provided with the same opportunity to monitor interviews and provide criminal investigators with topics for inquiry.
- (b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators (Government Code § 3303(i)). However, in order to maintain the integrity of each involved officer's statement, involved officers shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.
- (c) If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.
- (d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators.

# Bay Area Rapid Transit Police Department

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### *Officer-Involved Shootings and Deaths*

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#### 310.6.1 REPORT WRITING

The assigned investigator or designee shall write any required report on behalf of the involved officer(s). In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require involved BART PD officers to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals (Government Code § 3304(a))

Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal activities by suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

Nothing in this section shall be construed to deprive an involved BART PD officer of the right to consult with legal counsel prior to completing any such criminal report.

Reports related to the prosecution of criminal suspects will be processed according to normal procedures but should also be included for reference in the investigation of the officer-involved shooting or death.

#### 310.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or death may become unavailable or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available personnel for the following:

- (a) Identification of all persons present at the scene and in the immediate area.
  - 1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
  - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Department.
  - 1. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.
- (c) Promptly contacting the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to the incident.

# Bay Area Rapid Transit Police Department

## BART PD Policy Manual

### *Officer-Involved Shootings and Deaths*

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#### **310.7 ADMINISTRATIVE INVESTIGATION**

In addition to all other investigations associated with an officer-involved shooting or death, this department will conduct an internal administrative investigation of BART PD officers to determine conformance with department policy. The investigation will be conducted under the supervision of the Internal Affairs Division and will be considered a confidential officer personnel file.

Interviews of members shall be subject to department policies and applicable laws (see the Personnel Complaints Policy).

- (a) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.
  - 1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.
- (b) In the event that an involved officer has elected to not provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
  - 1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.
  - 2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed (Government Code § 3303(i)).
  - 3. Administrative interviews should be recorded by the investigator. The officer may also record the interview (Government Code § 3303(g)).
  - 4. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, he/she should be given his/her *Lybarger* or *Garrity* rights and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.
  - 5. The Internal Affairs Division shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
  - 6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review



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### *Officer-Involved Shootings and Deaths*

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Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.

7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

#### **310.8 MEDIA RELATIONS**

Any media release shall be prepared with input and concurrence from the supervisor and department representative responsible for each phase of the investigation. Releases will be available to the Watch Commander, Criminal Investigations Division Commander and Media Relations in the event of inquiries from the media.

It will be the policy of this department to not release the identities of involved officers absent their consent or as required by law. Moreover, no involved officer shall be subjected to contact from the media (Government Code § 3303(e)) and no involved officer shall make any comments to the press unless authorized by the Chief of Police or a Bureau Deputy Chief.

Department members receiving inquiries regarding officer-involved shootings or deaths occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

#### **310.9 DEBRIEFING**

Following an officer-involved shooting or death, the Bay Area Rapid Transit Police Department shall conduct both a critical incident/stress debriefing and a tactical debriefing.

##### **310.9.1 TACTICAL DEBRIEFING**

A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Chief of Police should identify the appropriate participants. This debriefing should not be conducted until all involved members have provided recorded or formal statements to criminal and/or administrative investigators.

##### **310.9.2 CRITICAL INCIDENT/STRESS DEBRIEFING**

A critical incident/stress debriefing should occur as soon as practicable. The Support Services Division Commander is responsible for organizing the debriefing. Notes and recorded statements should not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a traumatic event.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law or a valid court order.

Attendance at the debriefing shall only include those members of the Department directly involved in the incident, which can include support personnel (e.g., dispatchers, other civilian personnel). Family or other support personnel may attend with the concurrence of those involved in the

# Bay Area Rapid Transit Police Department

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### *Officer-Involved Shootings and Deaths*

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incident. The debriefing shall be closed to the public and should be closed to all other members of the Department, including supervisory and Internal Affairs Division personnel.

#### **310.10 REPORTING**

If the death of an individual occurs in the Bay Area Rapid Transit Police Department jurisdiction and qualifies to be reported to the state as a justifiable homicide or an in-custody death, the Operations Division Commander will ensure that the Records Supervisor is provided with enough information to meet the reporting requirements (Penal Code § 196; Penal Code § 13022; Government Code § 12525).

#### **310.11 OFFICE OF THE INDEPENDENT POLICE AUDITOR (OIPA)**

- (a) After notification of any officer-involved shooting or death has been made to OIPA pursuant to Section 310.5.3, the BART Independent Police Auditor and the Independent Police Investigator(s) shall be granted access to the scene(s) of the incident(s) in the same manner as granted to BPD Internal Affairs Investigators.
- (b) The BART Independent Police Auditor and the Independent Police Investigator(s) shall be granted the same opportunity as BPD Internal Affairs investigators to monitor criminal investigation interviews and to submit requests for questions to the criminal interviewers.

#### **310.12 RETURN TO ACTIVE DUTY**

[The following checklist guideline outlines the protocol which should be followed to facilitate the involved officer's return to active duty after an officer involved shooting where death / serious bodily injury occurs.](#)

- [The involved officer\(s\) are not cleared for regular patrol duties until the results of the mandatory drug testing individually clears the involved officer\(s\).](#)
- [The involved officer\(s\) successfully completes an individual session with a Department approved psychologist.](#)
- [The Chief of Police, or designee, may keep the officer\(s\) from active duty if they believe that placing the employee on active duty poses an unreasonable risk to the Department, employees or the public.](#)
- [The Chief of Police, or designee, may keep the officer\(s\) from active duty if a preliminary determination appears to show that the officer's conduct was not in compliance with policy.](#)
- [A member of Staff should consult with the involved officer\(s\) individually to confirm that they feel ready to return to full duty.](#)
- [The involved officer\(s\) shall successfully complete a firearms qualification with the Department Rangemaster.](#)

## Bias-Based Policing

### 402.1 PURPOSE AND SCOPE

This policy provides guidance to department members and establishes appropriate controls to ensure that employees of the Bay Area Rapid Transit Police Department do not engage in racial- or bias-based profiling or violate any related laws while serving the community.

#### 402.1.1 DEFINITION

Definitions related to this policy include:

**Racial- or bias-based profiling** - An inappropriate reliance on factors such as race, ethnicity, national origin, religion, sex, sexual orientation, economic status, age, cultural group, disability or affiliation with any other similar identifiable group as a factor in deciding whether to take law enforcement action or to provide service.

### 402.2 POLICY

The Bay Area Rapid Transit Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly and without discrimination toward any individual or group.

Race, ethnicity or nationality, religion, sex, sexual orientation, economic status, age, cultural group, disability or affiliation with any other similar identifiable group shall not be used as the basis for providing differing levels of law enforcement service or the enforcement of the law.

### 402.3 RACIAL- OR BIAS-BASED PROFILING PROHIBITED

Racial- or bias-based profiling is strictly prohibited. However, nothing in this policy is intended to prohibit an officer from considering factors such as race or ethnicity in combination with other legitimate factors to establish reasonable suspicion or probable cause (e.g., suspect description is limited to a specific race or group).

#### 402.3.1 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not collect information from a person based on religious belief, practice, affiliation, national origin or ethnicity unless permitted under state or federal law (Government Code § 8310.3).

Members shall not assist federal government authorities (Government Code § 8310.3):

- (a) In compiling personal information about a person's religious belief, practice, affiliation, national origin or ethnicity.
- (b) By investigating, enforcing or assisting with the investigation or enforcement of any requirement that a person register with the federal government based on religious belief, practice, or affiliation, or national origin or ethnicity.

# Bay Area Rapid Transit Police Department

## BART PD Policy Manual

### *Bias-Based Policing*

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#### **402.4 MEMBER RESPONSIBILITY**

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any known instances of racial- or bias-based profiling to a supervisor.

##### **402.4.1 REASON FOR DETENTION**

Officers detaining a person shall be prepared to articulate sufficient reasonable suspicion to justify a detention, independent of the individual's membership in a protected class.

To the extent that written documentation would otherwise be completed (e.g., arrest report, Field Interview (FI) card), the involved officer should include those facts giving rise to the officer's reasonable suspicion or probable cause for the detention, as applicable.

Nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

##### **402.4.2 REPORTING TRAFFIC STOPS**

Each time an officer makes a traffic stop, the officer shall report any information required in the Traffic Function and Responsibility Policy.

#### **402.5 SUPERVISOR RESPONSIBILITY**

Supervisors shall monitor those individuals under their command for any behavior that may conflict with the purpose of this policy and shall handle any alleged or observed violation of this policy in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
- (b) Supervisors should periodically review MAV recordings, MDC data and any other available resource used to document contact between officers and the public to ensure compliance with the policy.
  1. Supervisors should document these periodic reviews.
  2. Recordings that capture a potential instance of racial- or bias-based profiling should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (d) Supervisors should ensure that no retaliatory action is taken against any member of this department who discloses information concerning racial- or bias-based profiling.

#### **402.6 ADMINISTRATION**

Each year, the Operations Division Commander shall review the efforts of the Department to prevent racial- or bias-based profiling and submit an overview, including public concerns and complaints, to the Chief of Police.

# Bay Area Rapid Transit Police Department

## BART PD Policy Manual

### *Bias-Based Policing*

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This report should not contain any identifying information regarding any specific complaint, citizen or officers. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

Supervisors shall review the annual report and discuss the results with those they are assigned to supervise.

#### **402.7 TRAINING**

Training on racial- or bias-based profiling and review of this policy should be conducted as directed by the Personnel and Training Division.

- (a) All sworn members of this department will be scheduled to attend Peace Officer Standards and Training (POST)-approved training on the subject of racial- or bias-based profiling.
- (b) Pending participation in such POST-approved training and at all times, all members of this department are encouraged to familiarize themselves with and consider racial and cultural differences among members of this community.
- (c) Each sworn member of this department who received initial racial- or bias-based profiling training will thereafter be required to complete an approved refresher course every five years, or sooner if deemed necessary, in order to keep current with changing racial and cultural trends (Penal Code § 13519.4(i)).

#### **402.8 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE**

The Internal Affairs Division Manager shall ensure that all data required by the California Department of Justice (DOJ) regarding complaints of racial bias against officers is collected and provided to the Records Supervisor for required reporting to the DOJ (Penal Code § 13012; Penal Code § 13020). See the Records Division Policy.

Supervisors should ensure that data stop reports are provided to the Records Supervisor for required annual reporting to the DOJ (Government Code § 12525.5) (See Records Bureau Policy).

# BART POLICE DEPARTMENT HIRING STANDARDS

Lieutenant Paul Kwon

Personnel and Training Unit

- ▶ Free of any felony convictions
- ▶ Citizen of United States or permanent resident and has applied for citizenship
- ▶ At least 18 years of age
- ▶ Fingerprinted for local, state, and national fingerprint check
- ▶ Good moral character
- ▶ High School graduate, passed GED (or equivalent), or 2-4 year degree
- ▶ Free from physical, emotional, mental condition that might adversely affect exercise of police powers
- ▶ Must satisfy POST requirements (reading/writing assessment, oral interview)

MINIMUM STANDARDS FOR POLICE  
OFFICERS REQUIRED BY STATE LAW (G.C.  
1029, 1031, CCR 1950)

- ▶ Integrity
- ▶ Credibility as a witness in a Court of Law (Prior Criminal Convictions)
- ▶ Dependability (work history, financial responsibility)
- ▶ Learning Ability

## DEPARTMENTAL STANDARDS



- ▶ Personal Sensitivity (i.e. Empathy, Discretion, Resolving problems)
- ▶ Judgment under pressure
- ▶ Illegal Use or Possession of Drugs
- ▶ Operation of a Motor vehicle

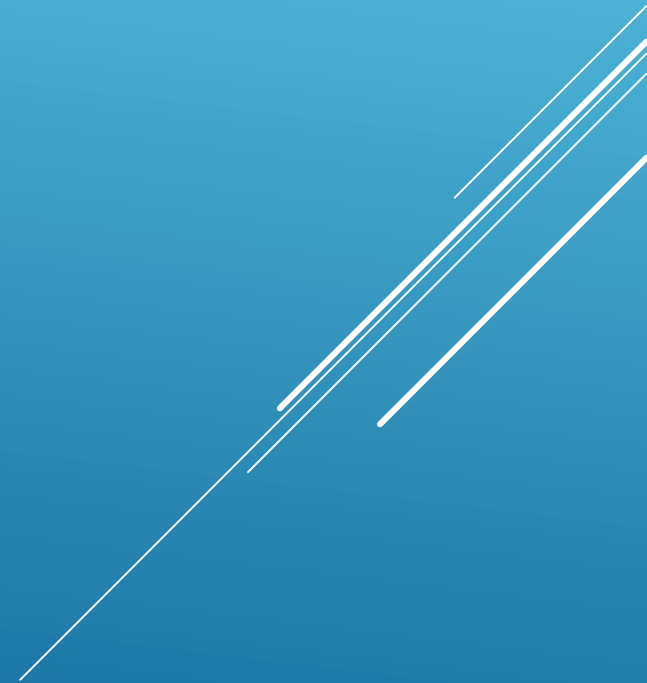
## DEPARTMENTAL STANDARDS

- ▶ Age at the time behavior occurred
- ▶ Passage of Time
- ▶ Patterns of Past behavior
- ▶ Severity of Behavior
- ▶ Probable Consequences if past behavior is repeated or made public
- ▶ Likelihood of recurrence
- ▶ Relevance of past behavior to public safety employment
- ▶ Aggravating and mitigating factors
- ▶ Chief's Discretion

## CONSIDERATIONS (DISQUALIFICATION GUIDELINES)

- ▶ Currently offer 10k hiring bonus for laterals/direct entry/academy graduate police officer candidates (5k upon hiring, 5k upon completion of the Field Training Program)
- ▶ 1k referral incentive bonus (Program started Summer, 2017)

## HIRING BONUS AND REFERRAL INCENTIVES



- ▶ The BART Police Department has hired 22 police officers year to date for 2018
  - ▶ In 2017, we hired a total of 16 police officers (8 lateral/direct entry/academy graduate)
- ▶ 10 of the hires in 2018 were laterals/direct entry/academy graduate candidates
- ▶ 4 hires were related to the 1k referral incentive bonus (YTD).

## YEAR TO DATE HIRING STATS



# **BART Police Response to Auto Crimes**

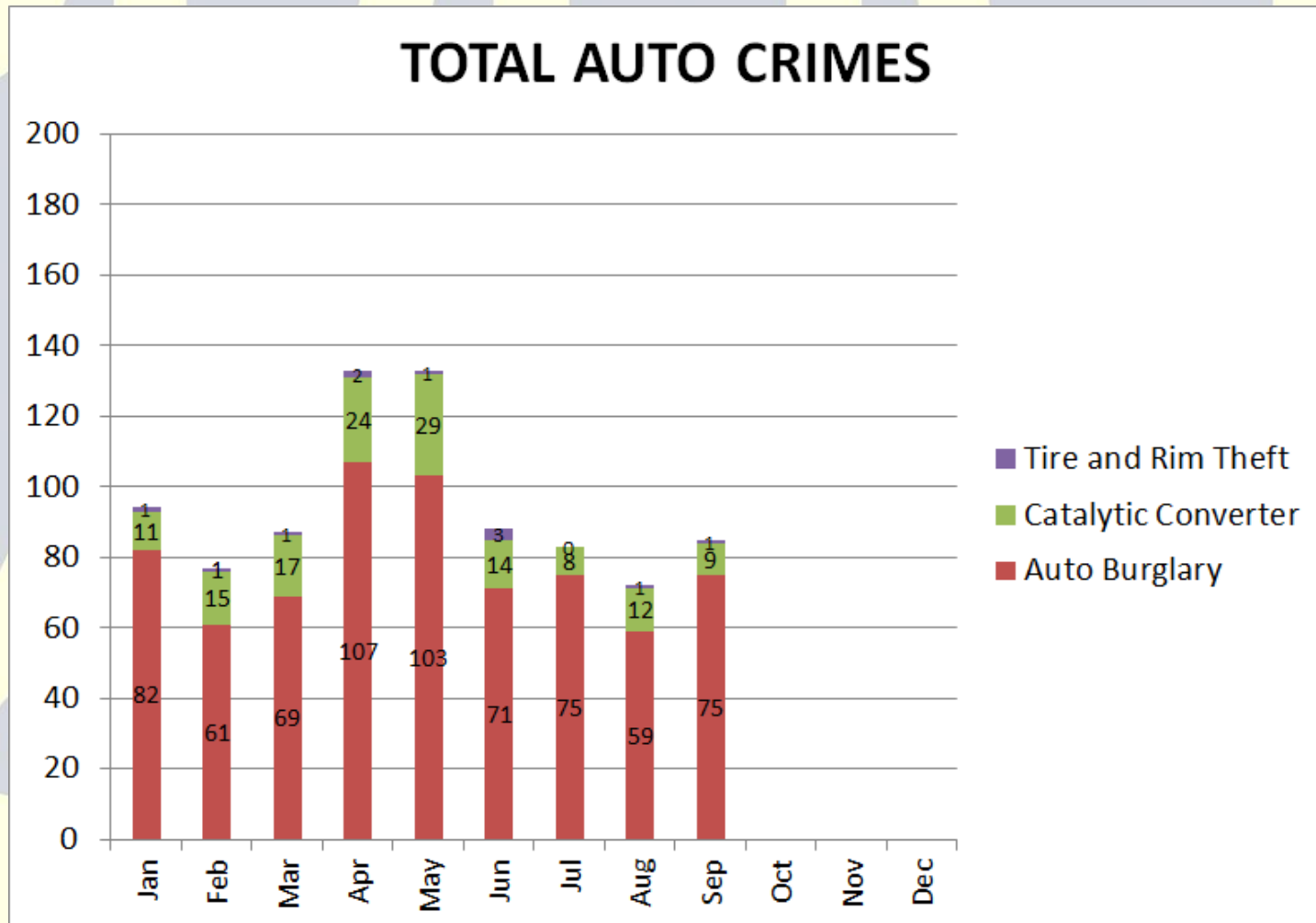


# BART Parking Spaces



BART has 49,000 parking spaces at 36 stations.

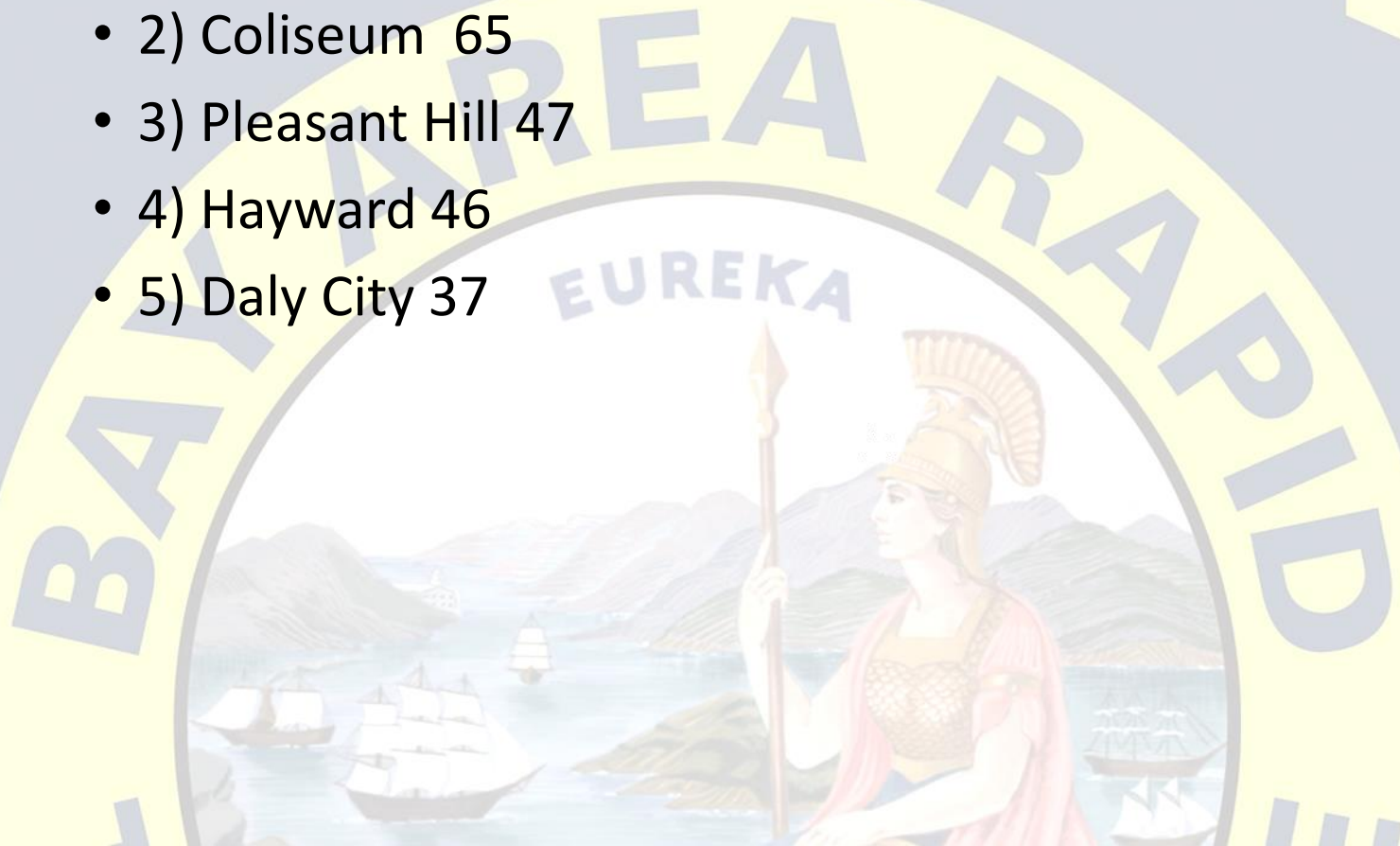
# Year to Date Statistics



# Year to Date Trends

## Top 5 Stations for Auto Burglary:

- 1) Richmond 77
- 2) Coliseum 65
- 3) Pleasant Hill 47
- 4) Hayward 46
- 5) Daly City 37





# Year to Date Trends

## Top 5 Stations for Auto Theft:

- 1) Coliseum 23
- 2) Richmond 22
- 3) Hayward 21
- 4) San Leandro 18
- 5) South Hayward 18



# Year to Date Trends

## Top 5 Stations for Catalytic Converter Theft:

- 1) North Concord 19
- 2) Orinda 18
- 3) Lafayette 16
- 4) Concord 11
- 5) Pittsburg 11



# Preventative Measures



SkyWatch Tower

# Vehicle Patrol

Police Officers and Community Service Officers



# Arrests:

- 51 arrests year to date for auto crimes.
- Arrest of repeat offender:
  - **1806-1159:** Suspect was initially contacted and arrested for public intoxication, found to be in possession of a burglary tool. Officers noted for future reference.
  - **1806-1497:** While responding to an auto burglary, an officer detained the suspect and searched the suspect after learning that the suspect was on probation with a search clause. The search revealed the suspect was in possession of narcotics, as well as some credit cards and identification belonging to the victim of a residential burglary. That same victim, reported that his Mercedes Benz had been burglarized prior to the residential burglary while parked in the structure. Other items belonging to the victim were then located in the suspect's car.
  - **1807-0352:** Officers responded to the structure regarding the report of an unidentified suspect breaking into cars; and located the suspect, who appeared to be asleep, inside a car that was soon determined to have been burglarized. He was arrested for the burglary and, again, found to be in possession of Meth and stolen property. Suspect was charged with 2 counts of burglary.

# Special Operations

- Richmond Station: October, patrol officers performed a high-visibility operation which coincided w/ "high hit" day and time frame(s) in the parking structure.
- Pleasant Hill Station: October, patrol officers performed an anti-auto theft/burglary operation in the parking structure.



Office of the  
**INDEPENDENT  
POLICE AUDITOR**

BAY AREA RAPID TRANSIT DISTRICT

# MONTHLY REPORT

October 2018

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Issue date: November 19, 2018

This report is filed pursuant to the BART Citizen Oversight Model, Chapter 1-05 (A), 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 **October 1, 2018 through October 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>
October 2017	11	33	0	0	0
November 2017	11	32	0	1	0
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

### TYPES OF CASES FILED

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

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

OIPA	3
BART Police Department	5
<b>TOTAL</b>	<b>8</b>



## COMPLAINTS/INVESTIGATIONS INITIATED DURING REPORTING PERIOD

During October 2018, **3 Citizen Complaints** were received by OIPA:

Complaint # (IA Case #)	Nature of Complaint	Action Taken	Days Elapsed Since Complaint Filed
1 (OIPA #18-40) (IA2018-090)	Officers #1-2: • Bias-Based Policing	OIPA initiated an investigation	33
2 (OIPA #18-41) (IA2018-092)	Officer #1: • Conduct Unbecoming an Officer	OIPA notified BPD, which initiated an investigation.	28
3 (OIPA #18-42) (IA2018-093)	Officers #1-4: • Performance of Duty	OIPA initiated an investigation.	27

During October 2018, **5 Citizen Complaints (Formal)** were received by BPD:

Complaint # (IA Case #)	Nature of Complaint	Action Taken	Days Elapsed Since Complaint Filed
1 (IA2018-083)	Employee #1: • Conduct Unbecoming	BPD initiated an investigation.	49
2 (IA2018-086)	Officer #1: • Conduct Unbecoming an Officer	BPD initiated a Supervisor Referral. <sup>9</sup>	46
3 (IA2018-088)	Officer #1: • Conduct Unbecoming an Officer	BPD initiated an investigation.	40
4 (IA2018-091)	Officers #1-2: • Force	BPD initiated an investigation.	31
5 (IA2018-094)	Officer #1: • Force	BPD initiated an investigation.	27

During October 2018, **2 Informal Complaints** were received by BPD:

Complaint # (IA Case #)	Nature of Allegations	Action Taken	Days Elapsed Since Investigation Initiated
1 (IA2018-087)	Officer #1: • Conduct Unbecoming an Officer	BPD initiated a Supervisor Referral.	41
2 (IA2018-089)	Officer #1: • Conduct Unbecoming an Officer	BPD initiated a Supervisor Referral.	33

## COMPLAINTS/INVESTIGATIONS CONCLUDED DURING REPORTING PERIOD

During October 2018, **1 Complaint Investigation** 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 #18-06) (IA2018-019)	Officers improperly detained complainant and were discourteous to complainant and one officer initiated the detention because of race.	Officer #1: <ul style="list-style-type: none"> <li>• Bias-Based Policing – Unfounded</li> </ul> Officers #1-2: <ul style="list-style-type: none"> <li>• Arrest or Detention – Exonerated</li> <li>• Courtesy – Unfounded</li> </ul>	259	219

During October 2018, **4 Citizen Complaints (Formal)** were concluded by BPD:

Complaint # (IA Case #)	Nature of Complaint	Disposition	Days Elapsed Since Complaint Filed	Days Taken to Complete Investigation
1 (IA2017-093)	Officer used unnecessary or excessive force against complainant and did not comply with policy for use of TASER.	Officer #1: <ul style="list-style-type: none"> <li>• Force – Sustained</li> <li>• Policy/Procedure – Sustained</li> </ul>	411	362
2 (IA2017-114)	Officer used unnecessary or excessive force against subject and improperly arrested subject on the basis of race and stole personal property from subject.	Officer #1: <ul style="list-style-type: none"> <li>• Force – Unfounded</li> <li>• Bias-Based Policing – Unfounded</li> <li>• Arrest or Detention – Unfounded</li> <li>• Conduct Unbecoming an Officer – Unfounded</li> </ul>	342	303
3 (IA2018-029)	Officers verbally abused subject and took subject's cane before ejecting him from the system.	Officers #1-2: <ul style="list-style-type: none"> <li>• Conduct Unbecoming an Officer – Administratively Closed</li> </ul>	217	183
4 (IA2018-086)	Officer was rude to complainant.	Officer #1: <ul style="list-style-type: none"> <li>• Conduct Unbecoming an Officer – Supervisor Referral</li> </ul>	46	14

During October 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 (IA2018-069)	Officer denied complainant's assertion that a crime had occurred.	Officer #1: • Conduct Unbecoming an Officer – Supervisor Referral	94	74
2 (IA2018-076)	Officer was discourteous to complainant.	Officer #1: • Courtesy – Supervisor Referral	75	55
3 (IA2018-078)	Officer was discourteous to complainant.	Officer #1: • Conduct Unbecoming an Officer – Supervisor Referral	70	36

During October 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 (IA2018-013)	Officer used unnecessary or excessive force against subject, inaccurately documented the use of force, and made unprofessional comments during the contact. Supervisor improperly classified, investigated, and documented the use of force.	Officer #1: • Force – Sustained • Performance of Duty – Sustained • Conduct Unbecoming an Officer – Sustained  Officer #2: • Performance of Duty – Sustained	282	249

## DISCIPLINE ISSUED DURING REPORTING PERIOD

During October 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	Employees did not appropriately respond to a request for law enforcement assistance and did not provide complainant with identifying information upon request.	Employee #1: • Conduct Unbecoming  Employee #2: • Performance of Duty	Employees #1-2: • Non-Documented
2	Officer did not properly document a law enforcement contact.	Officer #1: • Policy/Procedure (AXON Camera)	Officers #1-2: • 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	0
BPD-Initiated Appeals	0
Investigations Being Monitored	26
Investigations Reviewed During Current Month	13†

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

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

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

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

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

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

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

<sup>8</sup> 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.

Code: Section: [Up^](#)[<< Previous](#)[Next >>](#)[cross-reference chaptered bills](#)[PDF](#)[Add To My Favorites](#)**GOVERNMENT CODE - GOV****TITLE 1. GENERAL [100 - 7914]** ( Title 1 enacted by Stats. 1943, Ch. 134. )**DIVISION 4. PUBLIC OFFICERS AND EMPLOYEES [1000 - 3599]** ( Division 4 enacted by Stats. 1943, Ch. 134. )**CHAPTER 9.7. Public Safety Officers [3300 - 3313]** ( Chapter 9.7 added by Stats. 1976, Ch. 465. )

**3304.** (a) No public safety officer shall be subjected to punitive action, or denied promotion, or be threatened with any such treatment, because of the lawful exercise of the rights granted under this chapter, or the exercise of any rights under any existing administrative grievance procedure.

Nothing in this section shall preclude a head of an agency from ordering a public safety officer to cooperate with other agencies involved in criminal investigations. If an officer fails to comply with such an order, the agency may officially charge him or her with insubordination.

(b) No punitive action, nor denial of promotion on grounds other than merit, shall be undertaken by any public agency against any public safety officer who has successfully completed the probationary period that may be required by his or her employing agency without providing the public safety officer with an opportunity for administrative appeal.

(c) No chief of police may be removed by a public agency, or appointing authority, without providing the chief of police with written notice and the reason or reasons therefor and an opportunity for administrative appeal.

For purposes of this subdivision, the removal of a chief of police by a public agency or appointing authority, for the purpose of implementing the goals or policies, or both, of the public agency or appointing authority, for reasons including, but not limited to, incompatibility of management styles or as a result of a change in administration, shall be sufficient to constitute "reason or reasons."

Nothing in this subdivision shall be construed to create a property interest, where one does not exist by rule or law, in the job of Chief of Police.

(d) (1) Except as provided in this subdivision and subdivision (g), no punitive action, nor denial of promotion on grounds other than merit, shall be undertaken for any act, omission, or other allegation of misconduct if the investigation of the allegation is not completed within one year of the public agency's discovery by a person authorized to initiate an investigation of the allegation of an act, omission, or other misconduct. This one-year limitation period shall apply only if the act, omission, or other misconduct occurred on or after January 1, 1998. In the event that the public agency determines that discipline may be taken, it shall complete its investigation and notify the public safety officer of its proposed discipline by a Letter of Intent or Notice of Adverse Action articulating the discipline that year, except as provided in paragraph (2). The public agency shall not be required to impose the discipline within that one-year period.

(2) (A) If the act, omission, or other allegation of misconduct is also the subject of a criminal investigation or criminal prosecution, the time during which the criminal investigation or criminal prosecution is pending shall toll the one-year time period.

(B) If the public safety officer waives the one-year time period in writing, the time period shall be tolled for the period of time specified in the written waiver.

(C) If the investigation is a multijurisdictional investigation that requires a reasonable extension for coordination of the involved agencies.

(D) If the investigation involves more than one employee and requires a reasonable extension.

(E) If the investigation involves an employee who is incapacitated or otherwise unavailable.

(F) If the investigation involves a matter in civil litigation where the public safety officer is named as a party defendant, the one-year time period shall be tolled while that civil action is pending.

(G) If the investigation involves a matter in criminal litigation where the complainant is a criminal defendant, the one-year time period shall be tolled during the period of that defendant's criminal investigation and prosecution.

(H) If the investigation involves an allegation of workers' compensation fraud on the part of the public safety officer.

(e) Where a predisciplinary response or grievance procedure is required or utilized, the time for this response or procedure shall not be governed or limited by this chapter.

(f) If, after investigation and any predisciplinary response or procedure, the public agency decides to impose discipline, the public agency shall notify the public safety officer in writing of its decision to impose discipline, including the date that the discipline will be imposed, within 30 days of its decision, except if the public safety officer is unavailable for discipline.

(g) Notwithstanding the one-year time period specified in subdivision (d), an investigation may be reopened against a public safety officer if both of the following circumstances exist:

(1) Significant new evidence has been discovered that is likely to affect the outcome of the investigation.

(2) One of the following conditions exist:

(A) The evidence could not reasonably have been discovered in the normal course of investigation without resorting to extraordinary measures by the agency.

(B) The evidence resulted from the public safety officer's predisciplinary response or procedure.

(h) For those members listed in subdivision (a) of Section 830.2 of the Penal Code, the 30-day time period provided for in subdivision (f) shall not commence with the service of a preliminary notice of adverse action, should the public agency elect to provide the public safety officer with such a notice.

*(Amended by Stats. 2009, Ch. 494, Sec. 1. (AB 955) Effective January 1, 2010.)*