

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
May 13, 2019

A Meeting of the BART Police Citizen Review Board (BPCRB) will be held on Monday, May 13, 2019 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.
2. Approval of Minutes of the Meeting of April 8, 2019. For Discussion and Action.
3. Approval to Release Responsive Documents Related to Senate Bill No. 1421 California Public Records Act Requests to Members of the BPCRB. For Discussion and Action.
4. Approval of Memoriam Letter to the Family of Retired Fire Chief Daniel T. Lydon. For Discussion and Action.
5. BART Police Department Structure and Organization Training. For Discussion.
6. Chief of Police's Report. For Discussion and Action.
 - a. BART Police Department Monthly Report for March 2019.
7. Independent Police Auditor's Report. For Discussion and Action.
 - a. Office of the Independent Police Auditor (OIPA) Monthly Report for April 2019.
8. Public Comment (Limited to 3 minutes per speaker).
(An opportunity for members of the public to address the BPCRB on matters under their jurisdiction and not on the agenda.)
9. Closed Session. (Room 303, Board Conference Room).
 - a. To Consider Public Employee Discipline/Dismissal/Release in OIPA Case #18-39. Govt. Code §54957.
10. Adjournment.

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

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

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

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

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

BART Police Citizen Review Board Meeting Minutes
Monday, April 8, 2019

A regular meeting of the BART Police Citizen Review Board (BPCRB) was held April 8, 2019 convening at 4:10 p.m. in the BART Board Room, 2040 Webster Street, Oakland, California. The meeting was called to order by Vice Chairperson William White; May Cooper, Recording Secretary.

Members Present: Members Christina Gomez, Kenneth Loo, Erin Armstrong, Les Mensinger, Richard Knowles and William White.

Absent: Chairperson George Perezvelez, Pete Longmire and Darren White.
David Rizk entered the meeting later.

1. Call to Order.

The regular meeting was called to order at 4:10 p.m. by Vice Chairperson White.

Vice Chairperson William White, Christina Gomez, Kenneth Loo, Les Mensinger, Erin Armstrong, and Richard Knowles were present, amounting to a quorum.

The Pledge of Allegiance was recited.

Vice Chairperson White announced the departure of Member Richard Knowles from the BPCRB. Mr. Mensinger thanked Mr. Knowles for his service on the BPCRB.

2. Approval of Minutes of the Meeting of March 11, 2019.

Mr. Mensinger moved that the Minutes of the Meeting of March 11, 2019 be approved; Ms. Armstrong seconded the motion, which carried by unanimous voice vote. Ayes – 6: Members W. White, Loo, Gomez, Mensinger, Armstrong and Knowles. Noes - 0. Absent - 4: Members Perezvelez, D. White, Longmire and Rizk.

3. BART Progressive Discipline Rules/Procedures Training.

Police Lieutenant VI Kevin Franklin gave a presentation on the BART Police Progressive Discipline Model. The item was discussed.

Mr. Rizk joined the meeting.

4. Chief of Police's Report.

BART Police Department (BPD) Monthly Report for February 2019.

Chief Carlos Rojas announced his retirement from the District. Members thanked Chief Rojas for his service.

Deputy Chief Lance Haight presented the BPD Monthly Report and announced BPD's partnership with the District's Operations Department to assist with fare evasion initiatives in downtown San Francisco. The item was discussed.

5. Update on Ad Hoc Subcommittee to Review of BPD Policy# 310, Officer Involved Shootings and Deaths.

Mr. Rizk shared that the subcommittee came to a consensus on recommendations to BPD Policy# 310, Officer Involved Shootings and Deaths, and that the recommendations were submitted to BPD for review.

Mr. Rizk exited the meeting.

6. Approval of Quarterly Reports to the Board of Directors.

Vice Chairperson White brought the matter of the Quarterly Reports to the BART Board of Directors from July through September 2018 (Quarter 3) and October through December 2018 (Quarter 4) before the Board. The item was discussed.

Mr. Loo requested a correction to the Community Outreach and Other Activities section of the report for Quarter 4, to include his attendance at BPD's "Trunk or Treat" event. The correction was accepted. Mr. Mensinger moved that the Board approve both reports, with the addition of Mr. Loo's correction. Mr. Loo seconded the motion, which carried by unanimous voice vote. Ayes – 6: Members W. White, Loo, Gomez, Mensinger, Armstrong and Knowles. Noes - 0. Absent - 4: Members Perezvelez, D. White, Longmire and Rizk.

Mr. Rizk rejoined the meeting.

**7. Independent Police Auditor's Report.
Office of the Independent Police Auditor (OIPA) Monthly Report for March 2019.**

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

Patrick Caceres, Independent Police Investigator, updated the Board on the upcoming 2019 National Association for Civilian Oversight of Law Enforcement (NACOLE) Training and Networking Series.

8. Public Comment.

No comments were received.

Mr. Mensinger requested on behalf of the entire Board that the Meeting be adjourned in honor of Fremont Fire Chief, Daniel T. Lydon.

Vice Chairperson White announced that the Board would enter closed session under Item 9-A (Public Employee Discipline/Dismissal/Release in OIPA Case #18-38) of the regular meeting agenda, and that the Board would reconvene in open session at the conclusion of the closed session.

The Meeting recessed at 5:07 p.m.

The Meeting reconvened in Closed Session at 5:13 p.m.

9. Closed Session.

- a. To reconsider Public Employee Discipline/Dismissal/Release in OIPA Case #18-38. Govt. Code §54957.

Board Members present: Members W. White, Armstrong, Knowles, Mensinger, Gomez, Loo and Rizk.

10. Open Session.

The Meeting reconvened in Open Session at 5:20 p.m.

Board Members present: Members W. White, Armstrong, Knowles, Mensinger, Gomez, Loo and Rizk.

Vice Chairperson White announced that the Board had concluded its closed session, and that the Board voted unanimously to accept the findings in OIPA Case #18-38.

The Meeting was adjourned at 5:21 p.m. in honor of Daniel T. Lydon.

DRAFT

Senate Bill No. 1421

CHAPTER 988

An act to amend Sections 832.7 and 832.8 of the Penal Code, relating to peace officer records.

[Approved by Governor September 30, 2018. Filed with
Secretary of State September 30, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1421, Skinner. Peace officers: release of records.

The California Public Records Act requires a state or local agency, as defined, to make public records available for inspection, subject to certain exceptions. Existing law requires any peace officer or custodial officer personnel records, as defined, and any records maintained by any state or local agency relating to complaints against peace officers and custodial officers, or any information obtained from these records, to be confidential and prohibits the disclosure of those records in any criminal or civil proceeding, except by discovery. Existing law describes exceptions to this requirement for investigations or proceedings concerning the conduct of peace officers or custodial officers, and for an agency or department that employs those officers, conducted by a grand jury, a district attorney's office, or the Attorney General's office.

This bill would require, notwithstanding any other law, certain peace officer or custodial officer personnel records and records relating to specified incidents, complaints, and investigations involving peace officers and custodial officers to be made available for public inspection pursuant to the California Public Records Act. The bill would define the scope of disclosable records. The bill would require records disclosed pursuant to this provision to be redacted only to remove personal data or information, such as a home address, telephone number, or identities of family members, other than the names and work-related information of peace officers and custodial officers, to preserve the anonymity of complainants and witnesses, or to protect confidential medical, financial, or other information in which disclosure would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about misconduct by peace officers and custodial officers, or where there is a specific, particularized reason to believe that disclosure would pose a significant danger to the physical safety of the peace officer, custodial officer, or others. Additionally the bill would authorize redaction where, on the facts of the particular case, the public interest served by nondisclosure clearly outweighs the public interest served by disclosure. The bill would allow the delay of disclosure, as specified, for records relating to an open investigation or court proceeding, subject to certain limitations.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) Peace officers help to provide one of our state's most fundamental government services. To empower peace officers to fulfill their mission, the people of California vest them with extraordinary authority — the powers to detain, search, arrest, and use deadly force. Our society depends on peace officers' faithful exercise of that authority. Misuse of that authority can lead to grave constitutional violations, harms to liberty and the inherent sanctity of human life, as well as significant public unrest.

(b) The public has a right to know all about serious police misconduct, as well as about officer-involved shootings and other serious uses of force. Concealing crucial public safety matters such as officer violations of civilians' rights, or inquiries into deadly use of force incidents, undercuts the public's faith in the legitimacy of law enforcement, makes it harder for tens of thousands of hardworking peace officers to do their jobs, and endangers public safety.

SEC. 2. Section 832.7 of the Penal Code is amended to read:

832.7. (a) Except as provided in subdivision (b), the personnel records of peace officers and custodial officers and records maintained by any state or local agency pursuant to Section 832.5, or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code. This section shall not apply to investigations or proceedings concerning the conduct of peace officers or custodial officers, or an agency or department that employs those officers, conducted by a grand jury, a district attorney's office, or the Attorney General's office.

(b) (1) Notwithstanding subdivision (a), subdivision (f) of Section 6254 of the Government Code, or any other law, the following peace officer or custodial officer personnel records and records maintained by any state or local agency shall not be confidential and shall be made available for public inspection pursuant to the California Public Records Act (Chapter 3.5

(commencing with Section 6250) of Division 7 of Title 1 of the Government Code):

(A) A record relating to the report, investigation, or findings of any of the following:

(i) An incident involving the discharge of a firearm at a person by a peace officer or custodial officer.

(ii) An incident in which the use of force by a peace officer or custodial officer against a person resulted in death, or in great bodily injury.

(B) (i) Any record relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer or custodial officer engaged in sexual assault involving a member of the public.

(ii) As used in this subparagraph, “sexual assault” means the commission or attempted initiation of a sexual act with a member of the public by means of force, threat, coercion, extortion, offer of leniency or other official favor, or under the color of authority. For purposes of this definition, the propositioning for or commission of any sexual act while on duty is considered a sexual assault.

(iii) As used in this subparagraph, “member of the public” means any person not employed by the officer’s employing agency and includes any participant in a cadet, explorer, or other youth program affiliated with the agency.

(C) Any record relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by a peace officer or custodial officer directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence.

(2) Records that shall be released pursuant to this subdivision include all investigative reports; photographic, audio, and video evidence; transcripts or recordings of interviews; autopsy reports; all materials compiled and presented for review to the district attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, or whether the officer’s action was consistent with law and agency policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take; documents setting forth findings or recommended findings; and copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the Skelly or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action.

(3) A record from a separate and prior investigation or assessment of a separate incident shall not be released unless it is independently subject to disclosure pursuant to this subdivision.

(4) If an investigation or incident involves multiple officers, information about allegations of misconduct by, or the analysis or disposition of an investigation of, an officer shall not be released pursuant to subparagraph (B) or (C) of paragraph (1), unless it relates to a sustained finding against that officer. However, factual information about that action of an officer during an incident, or the statements of an officer about an incident, shall be released if they are relevant to a sustained finding against another officer that is subject to release pursuant to subparagraph (B) or (C) of paragraph (1).

(5) An agency shall redact a record disclosed pursuant to this section only for any of the following purposes:

(A) To remove personal data or information, such as a home address, telephone number, or identities of family members, other than the names and work-related information of peace and custodial officers.

(B) To preserve the anonymity of complainants and witnesses.

(C) To protect confidential medical, financial, or other information of which disclosure is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about misconduct and serious use of force by peace officers and custodial officers.

(D) Where there is a specific, articulable, and particularized reason to believe that disclosure of the record would pose a significant danger to the physical safety of the peace officer, custodial officer, or another person.

(6) Notwithstanding paragraph (5), an agency may redact a record disclosed pursuant to this section, including personal identifying information, where, on the facts of the particular case, the public interest served by not disclosing the information clearly outweighs the public interest served by disclosure of the information.

(7) An agency may withhold a record of an incident described in subparagraph (A) of paragraph (1) that is the subject of an active criminal or administrative investigation, in accordance with any of the following:

(A) (i) During an active criminal investigation, disclosure may be delayed for up to 60 days from the date the use of force occurred or until the district attorney determines whether to file criminal charges related to the use of force, whichever occurs sooner. If an agency delays disclosure pursuant to this clause, the agency shall provide, in writing, the specific basis for the agency's determination that the interest in delaying disclosure clearly outweighs the public interest in disclosure. This writing shall include the estimated date for disclosure of the withheld information.

(ii) After 60 days from the use of force, the agency may continue to delay the disclosure of records or information if the disclosure could reasonably be expected to interfere with a criminal enforcement proceeding against an officer who used the force. If an agency delays disclosure pursuant to this clause, the agency shall, at 180-day intervals as necessary, provide, in writing, the specific basis for the agency's determination that disclosure could reasonably be expected to interfere with a criminal enforcement proceeding. The writing shall include the estimated date for the disclosure

of the withheld information. Information withheld by the agency shall be disclosed when the specific basis for withholding is resolved, when the investigation or proceeding is no longer active, or by no later than 18 months after the date of the incident, whichever occurs sooner.

(iii) After 60 days from the use of force, the agency may continue to delay the disclosure of records or information if the disclosure could reasonably be expected to interfere with a criminal enforcement proceeding against someone other than the officer who used the force. If an agency delays disclosure under this clause, the agency shall, at 180-day intervals, provide, in writing, the specific basis why disclosure could reasonably be expected to interfere with a criminal enforcement proceeding, and shall provide an estimated date for the disclosure of the withheld information. Information withheld by the agency shall be disclosed when the specific basis for withholding is resolved, when the investigation or proceeding is no longer active, or by no later than 18 months after the date of the incident, whichever occurs sooner, unless extraordinary circumstances warrant continued delay due to the ongoing criminal investigation or proceeding. In that case, the agency must show by clear and convincing evidence that the interest in preventing prejudice to the active and ongoing criminal investigation or proceeding outweighs the public interest in prompt disclosure of records about use of serious force by peace officers and custodial officers. The agency shall release all information subject to disclosure that does not cause substantial prejudice, including any documents that have otherwise become available.

(iv) In an action to compel disclosure brought pursuant to Section 6258 of the Government Code, an agency may justify delay by filing an application to seal the basis for withholding, in accordance with Rule 2.550 of the California Rules of Court, or any successor rule thereto, if disclosure of the written basis itself would impact a privilege or compromise a pending investigation.

(B) If criminal charges are filed related to the incident in which force was used, the agency may delay the disclosure of records or information until a verdict on those charges is returned at trial or, if a plea of guilty or no contest is entered, the time to withdraw the plea pursuant to Section 1018.

(C) During an administrative investigation into an incident described in subparagraph (A) of paragraph (1), the agency may delay the disclosure of records or information until the investigating agency determines whether the use of force violated a law or agency policy, but no longer than 180 days after the date of the employing agency's discovery of the use of force, or allegation of use of force, by a person authorized to initiate an investigation, or 30 days after the close of any criminal investigation related to the peace officer or custodial officer's use of force, whichever is later.

(8) A record of a civilian complaint, or the investigations, findings, or dispositions of that complaint, shall not be released pursuant to this section if the complaint is frivolous, as defined in Section 128.5 of the Code of Civil Procedure, or if the complaint is unfounded.

(c) Notwithstanding subdivisions (a) and (b), a department or agency shall release to the complaining party a copy of his or her own statements at the time the complaint is filed.

(d) Notwithstanding subdivisions (a) and (b), a department or agency that employs peace or custodial officers may disseminate data regarding the number, type, or disposition of complaints (sustained, not sustained, exonerated, or unfounded) made against its officers if that information is in a form which does not identify the individuals involved.

(e) Notwithstanding subdivisions (a) and (b), a department or agency that employs peace or custodial officers may release factual information concerning a disciplinary investigation if the officer who is the subject of the disciplinary investigation, or the officer's agent or representative, publicly makes a statement he or she knows to be false concerning the investigation or the imposition of disciplinary action. Information may not be disclosed by the peace or custodial officer's employer unless the false statement was published by an established medium of communication, such as television, radio, or a newspaper. Disclosure of factual information by the employing agency pursuant to this subdivision is limited to facts contained in the officer's personnel file concerning the disciplinary investigation or imposition of disciplinary action that specifically refute the false statements made public by the peace or custodial officer or his or her agent or representative.

(f) (1) The department or agency shall provide written notification to the complaining party of the disposition of the complaint within 30 days of the disposition.

(2) The notification described in this subdivision shall not be conclusive or binding or admissible as evidence in any separate or subsequent action or proceeding brought before an arbitrator, court, or judge of this state or the United States.

(g) This section does not affect the discovery or disclosure of information contained in a peace or custodial officer's personnel file pursuant to Section 1043 of the Evidence Code.

(h) This section does not supersede or affect the criminal discovery process outlined in Chapter 10 (commencing with Section 1054) of Title 6 of Part 2, or the admissibility of personnel records pursuant to subdivision (a), which codifies the court decision in *Pitchess v. Superior Court* (1974) 11 Cal.3d 531.

(i) Nothing in this chapter is intended to limit the public's right of access as provided for in *Long Beach Police Officers Association v. City of Long Beach* (2014) 59 Cal.4th 59.

SEC. 3. Section 832.8 of the Penal Code is amended to read:

832.8. As used in Section 832.7, the following words or phrases have the following meanings:

(a) "Personnel records" means any file maintained under that individual's name by his or her employing agency and containing records relating to any of the following:

(1) Personal data, including marital status, family members, educational and employment history, home addresses, or similar information.

(2) Medical history.

(3) Election of employee benefits.

(4) Employee advancement, appraisal, or discipline.

(5) Complaints, or investigations of complaints, concerning an event or transaction in which he or she participated, or which he or she perceived, and pertaining to the manner in which he or she performed his or her duties.

(6) Any other information the disclosure of which would constitute an unwarranted invasion of personal privacy.

(b) “Sustained” means a final determination by an investigating agency, commission, board, hearing officer, or arbitrator, as applicable, following an investigation and opportunity for an administrative appeal pursuant to Sections 3304 and 3304.5 of the Government Code, that the actions of the peace officer or custodial officer were found to violate law or department policy.

(c) “Unfounded” means that an investigation clearly establishes that the allegation is not true.

SEC. 4. The Legislature finds and declares that Section 2 of this act, which amends Section 832.7 of the Penal Code, furthers, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

The public has a strong, compelling interest in law enforcement transparency because it is essential to having a just and democratic society.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district under this act would result from a legislative mandate that is within the scope of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution.

May 13, 2019

The Family of Daniel T. Lydon
41944 Higgins Way
Fremont, CA 94539

To the Family of Daniel Lydon:

This is to inform you that, at the request of Mr. Les Mensinger, of the BART Police Citizen Review Board (Board) of the San Francisco Bay Area Rapid Transit District adjourned its regular meeting of April 8, 2019, in memory of retired Fremont Fire Chief Daniel Lydon.

The members of the Board, with a profound sense of civic and personal loss, are conscious of the many fine qualities of heart and mind which distinguished and brought justifiable appreciation to Mr. Lydon.

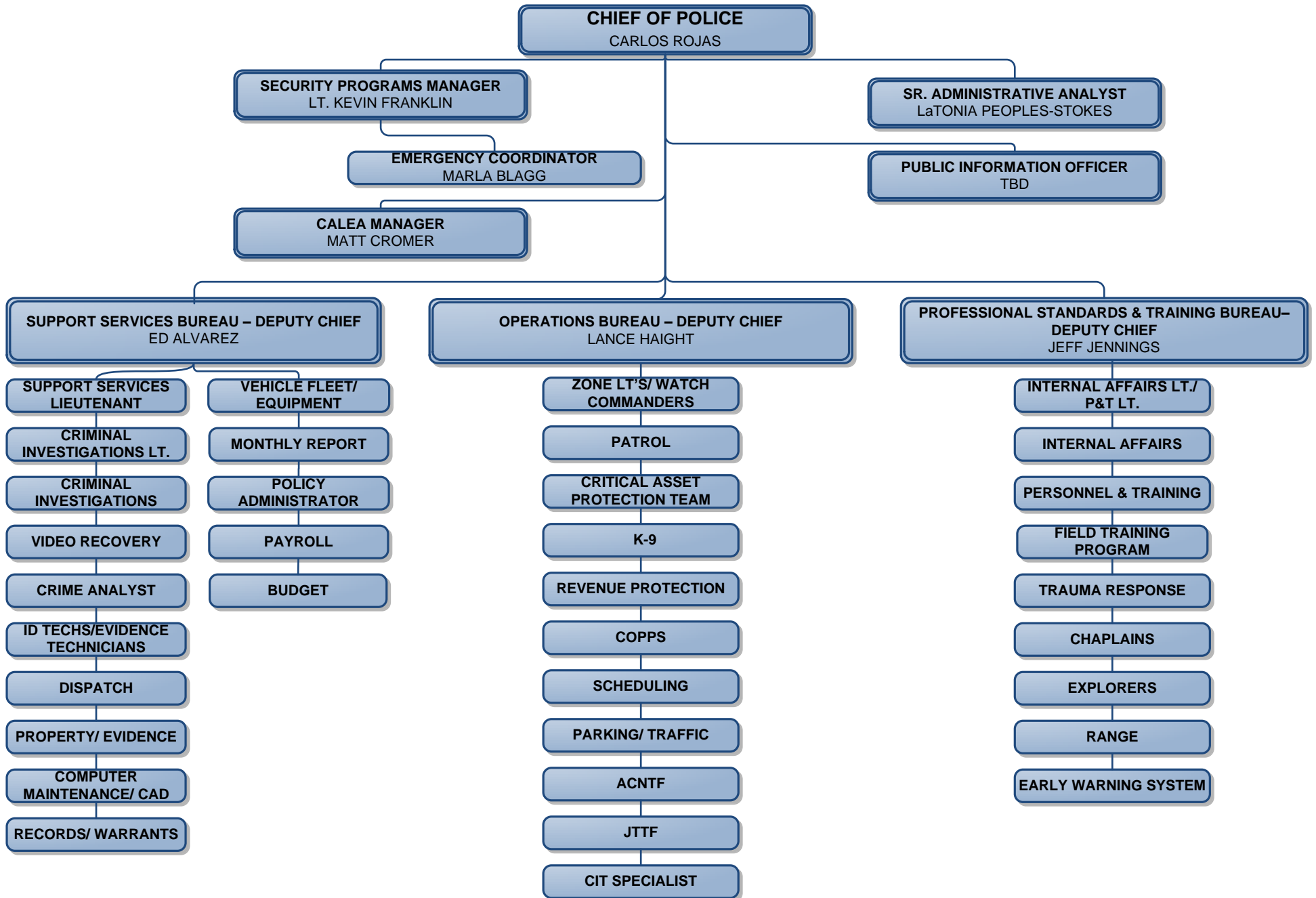
The Board realizes that mere words can mean so little to you at a time such as this, but they do want you and the members of your family to know of their deep sympathy and heartfelt condolence.

Sincerely,

George Perezvelez
Board Chair

cc: BART Police Citizen Review Board

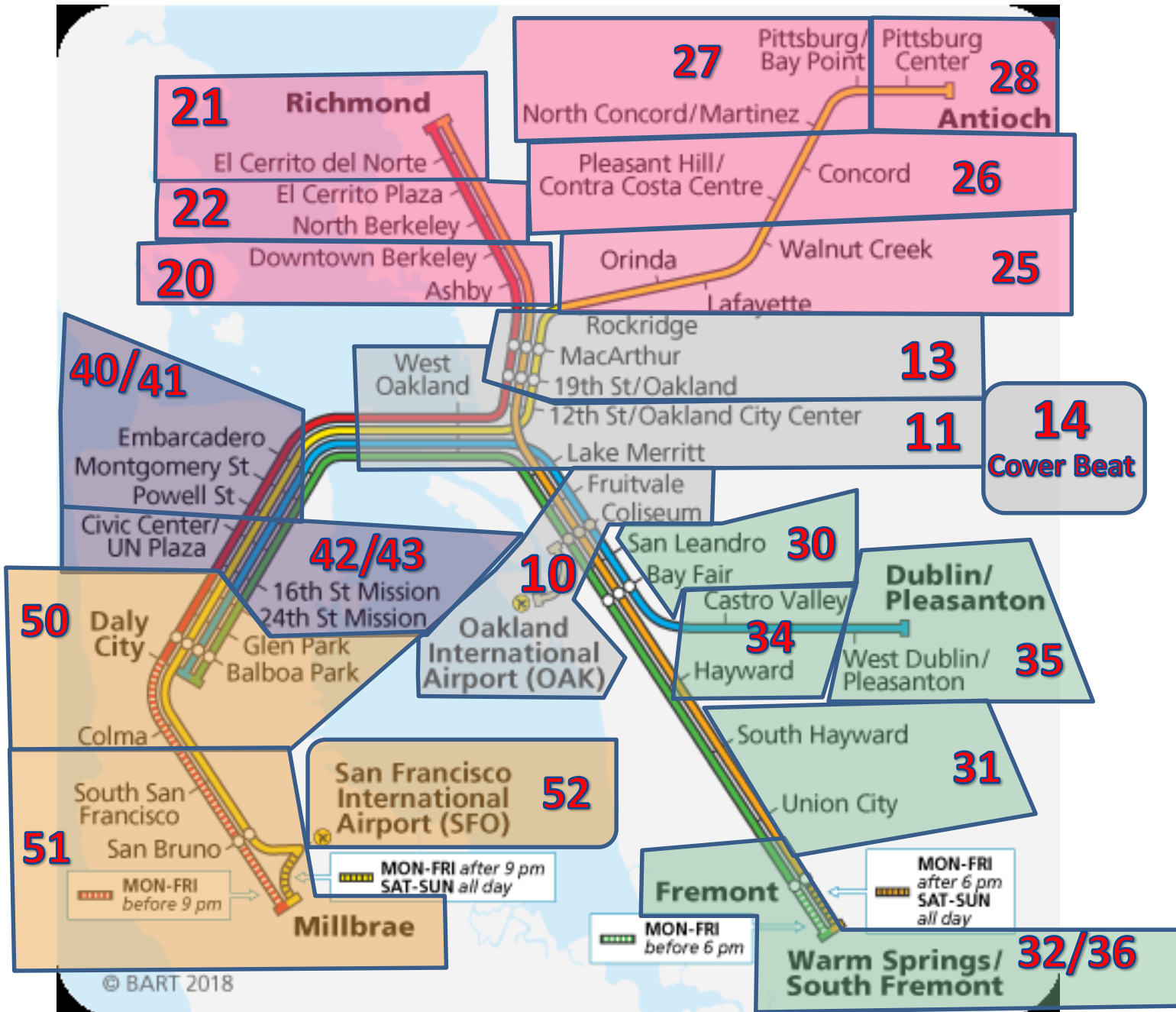
BART POLICE DEPARTMENT – BUREAU ORGANIZATION CHART



Zone Structure



Beat Map



BART POLICE DEPARTMENT



March 2019
MONTHLY REPORT

BPD Monthly Reports

March 2019

Report	Responsible
01 – Industrial Leave*	SSD – J. Morgan
02 – Vacancy	SSD – F. Cheung
03 – Diversity	SSD – F. Cheung
04 – Training	PS&T – P. Kwon
05 – Use of Force	PS&T – K. Franklin
06 – Citizen Complaints	PS&T – K. Franklin
07 – Internal Affairs Log	PS&T – K. Franklin
08 – Performance Measures	SSD – K. Dam
09 – Enforcement Contacts	SSD – K. Dam
10 – Parking Enforcement	POD – J. DeVera
11 – Warrant Arrests	SSD – K. Dam
12 – Detectives Assignments	SSD – J. 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: 03/30/19
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	59		59	51	4	8
	035	Fare Inspection Officer	16		16	-		16
	068	Crime Analyst	1		1	-		1
	045	Police Admin Specialist	12		12	10	1	2
	048	Police Dispatcher	18		18	15	1	3
	098	Revenue Protection Guard	19		19	16	-	3
	836	Police Sup.//CAD/RMS Admin***	6		6	5	-	1
# SWORN	778	Police Officer	63		63	62	8	1
		In Academy = 13						-
		Field Training = 2						-
	788	Senior Police Officer	103		103	81	2	22
	798	Master Police Officer	13		13	10	-	3
	838	Police Sergeant	34		34	26	2	8
	888	Police Lieutenant	13		13	13		-
	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		-
DEPARTMENT TOTAL			366	-	366	297	18	69

Notes:

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

Ofc - 5 frozen

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

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

BART PD DIVERSITY MONTHLY REPORT

As of 3/30/19

+

<u>ETHNICITY</u>		<u>S</u>		<u>C</u>	
White	37% 109	40%	79	30%	30
Black	20% 60	20%	39	21%	21
Asian	21% 63	17%	34	29%	29
Hispanic	20% 60	21%	42	18%	18
American/ Indian	0% 0	0%	0	0%	0
Native Hawaiian/Pac Island	2% 5	2%	3	2%	2
Total:	100% 297	100%	197	100%	100
<u>DEMOGRAPHIC</u>		<u>S</u>		<u>C</u>	
Female	22% 63	9%	18	45%	45
Male	79% 234	91%	179	55%	55
Total:	100% 297	100%	197	100%	100
<u>CLASSIFICATION</u>					
Sworn	66% 197				
Civilian	34% 100				
Total:	100% 297				

CRISIS INTERVENTION TRAINING AS OF: March 31, 2019

Personnel Positions	Total Positions	Filled Positions	Vacant Positions	(Not in Academy or Field Training) Eligible to Attend Training	Total of Filled Positions Trained	Percentage of Total Filled Positions Trained	Percentage of Eligible Filled Positions Trained
Chief	1	1	0	1	0	0%	0%
Deputy Chiefs	3	3	0	3	3	100%	100%
Lieutenants	13	13	0	13	10	77%	77%
Sergeants	33	26	7	26	26	100%	100%
Officers	177	151	26	132	129	85%	98%
Dispatchers	18	15	3	15	10	67%	67%
Dispatch Supervisors	2	1	1	1	1	100%	100%
CSOs	75	51	24	51	42	82%	82%
Crisis Outreach Coordinator	1	1	0	1	1	100%	100%
Total	323	262	61	243	222	85%	91%

Personnel Positions that are not designated to attend CIT Training

	Total	Filled	Vacant
Revenue Protection Guards	19	16	3
Police Administrative Specialists	12	10	2
Police Sup./CAD RMS Admin	6	5	1
Civilian Managers/Analyst	3	2	1
Manager Sec Prog	1	1	0
Sub Total	41	34	7
TOTAL PERSONNEL	364	296	68

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

Personnel Positions	Total Positions	Filled Positions	Vacant Positions	Eligible to Attend (Not in Academy or Field Training)	Total of Filled Positions Trained	Percentage of Total Filled Positions Trained	Percentage of Eligible Filled Positions
Chief	1	1	0	1	0	0.0%	0.0%
Deputy Chiefs	3	3	0	3	3	100.0%	100.0%
Lieutenants	13	13	0	10	10	76.9%	100.0%
Sergeants	33	26	7	26	26	100.0%	100.0%
Officers	177	151	26	134	134	88.7%	100.0%
CSOs	75	51	24	51	47	92.2%	92.2%
Total	302	245	57	225	220	89.8%	97.8%

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

	Total	Filled	Vacant
Dispatchers	18	15	3
Dispatch Supervisors	2	1	1
Crisis Outreach Coordinator	1	1	0
Revenue Protection Guards	19	16	3
Police Administrative Specialists	12	10	2
Police Sup./CAD RMS Admin	6	5	1
Civilian Managers/Analyst	3	2	1
Manager Sec Prog	1	1	0
Sub Total	62	51	11
TOTAL PERSONNEL	364	296	68

POLICE ROADWAY PROTECTION TRAINING AS OF: March 31, 2019

Personnel Positions	Total Positions	Filled Positions	Vacant Positions	Eligible to Attend (Not in Academy, FTO, or IND/Leave)	Total of Filled Positions Trained	Percentage of Total Filled Positions Trained	Percentage of Eligible Filled Positions
Chief	1	1	0	1	0	0.0%	0.0%
Deputy Chiefs	3	3	0	3	3	100.0%	100.0%
Lieutenants	13	13	0	10	10	76.9%	100.0%
Sergeants	33	26	7	26	26	100%	100.0%
Officers	177	151	26	134	134	88.7%	100.0%
CSOs-Not Required	75	51	24	51	47	92.2%	92.2%
Total	302	245	57	225	220	89.8%	97.8%

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

	Total	Filled	Vacant
Dispatchers	18	15	3
Dispatch Supervisors	2	1	1
Crisis Outreach Coordinator	1	1	0
Revenue Protection Guards	19	16	3
Police Administrative Specialists	12	10	2
Police Sup./CAD RMS Admin	6	5	1
Civilian Managers/Analyst	3	2	1
Manager Sec Prog	1	1	0
Sub Total	62	51	11
TOTAL PERSONNEL	364	296	68

Use of Force Incidents - 2019

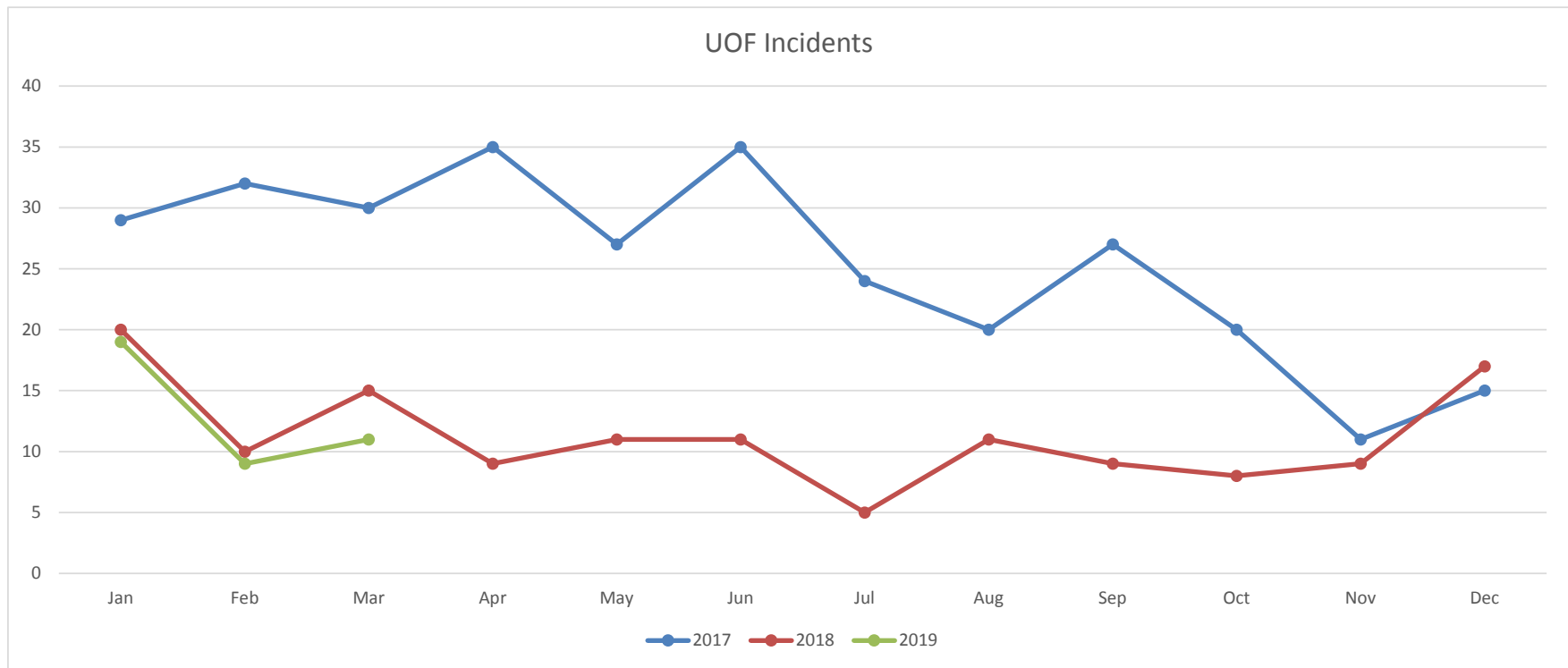
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2019	19	9	11										39
YTD 2019	19	28	39										

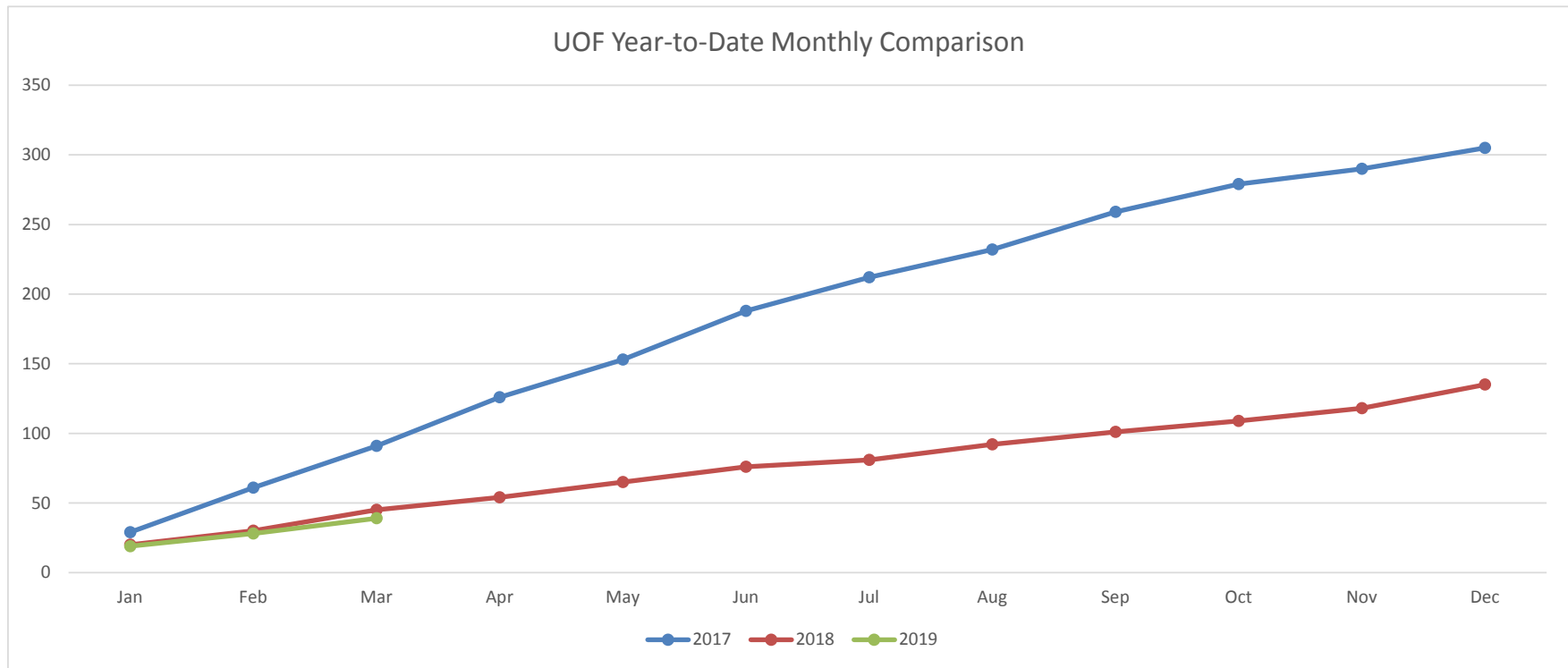
Use of Force Incidents - 2018

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2018	20	10	15	9	11	11	5	11	9	8	9	17	135
YTD 2018	20	30	45	54	65	76	81	92	101	109	118	135	

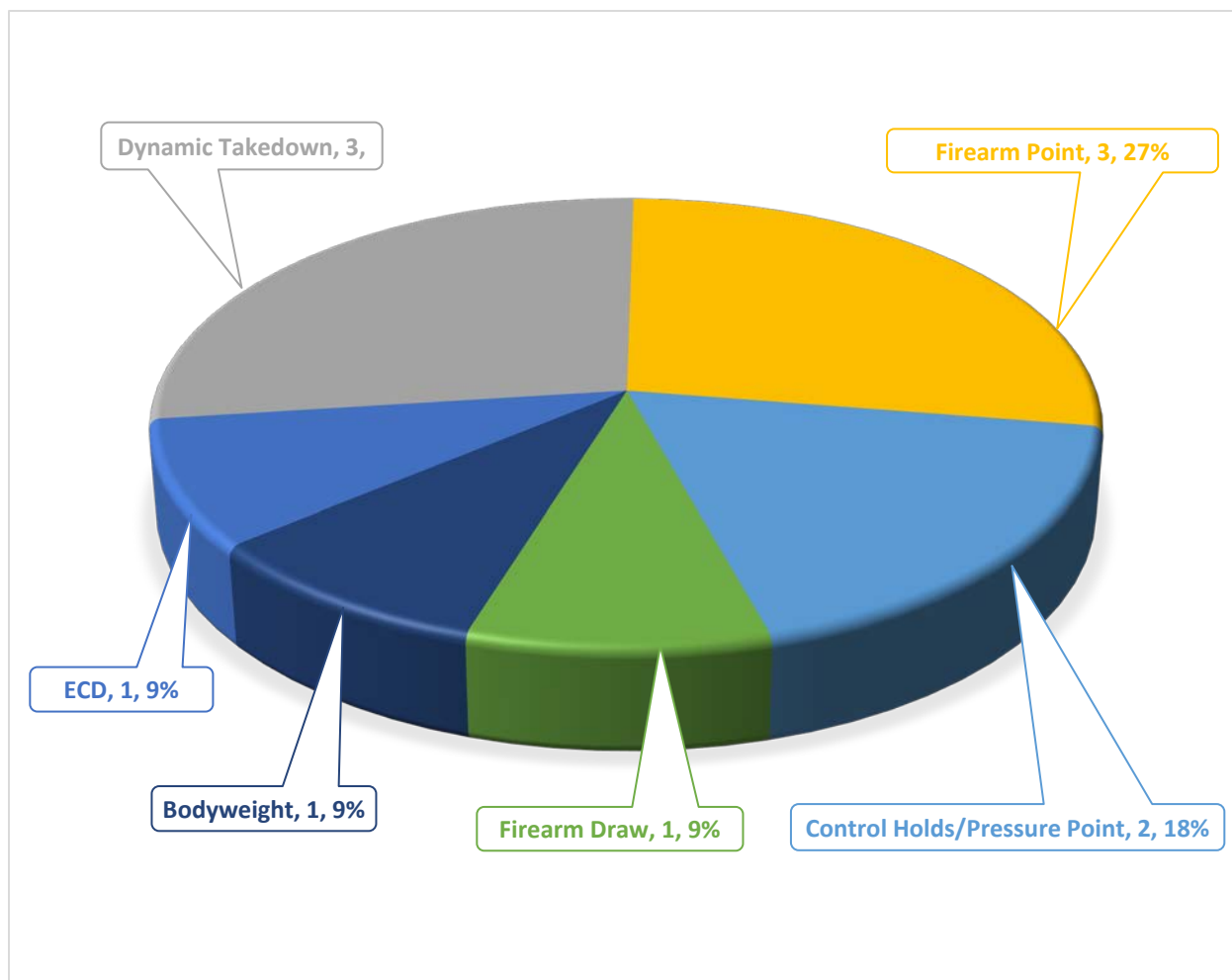
Use of Force Incidents - 2017

	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	



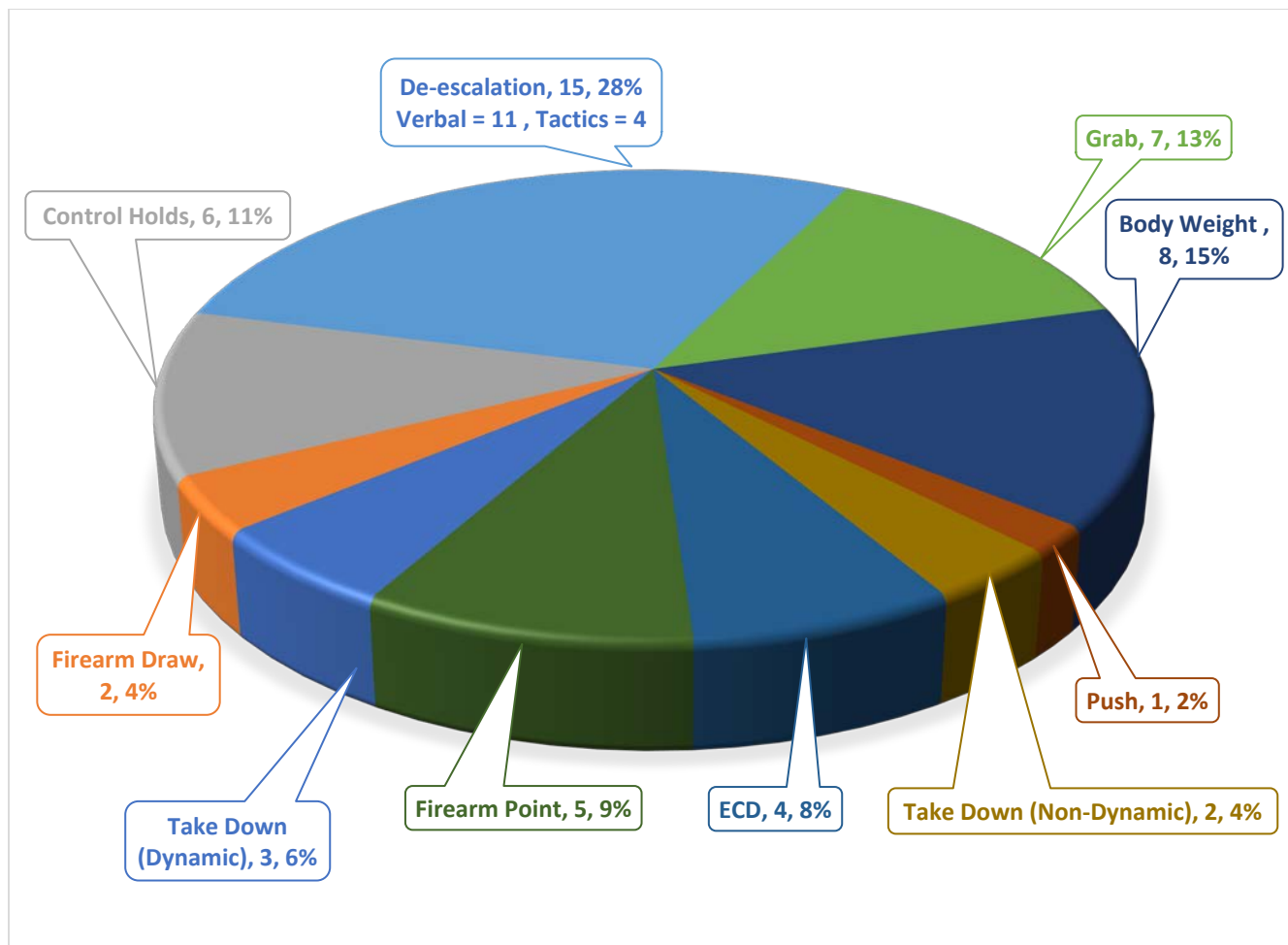


Force Options Used (Incident Count), March 2019



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

Types of Force Used, March 2019 (Overall Total)



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

Citizen Complaints - 2019

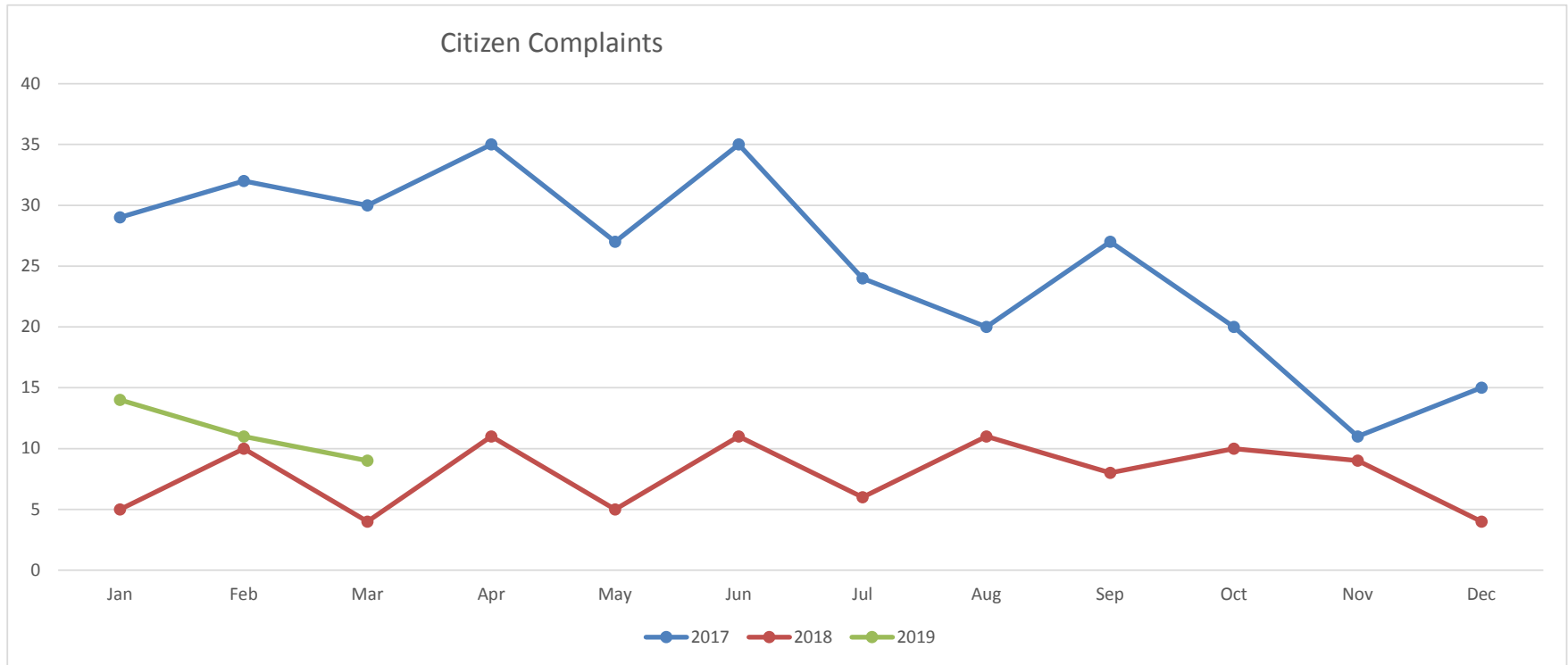
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2019	14	11	9										34
YTD 2019	14	25	34										

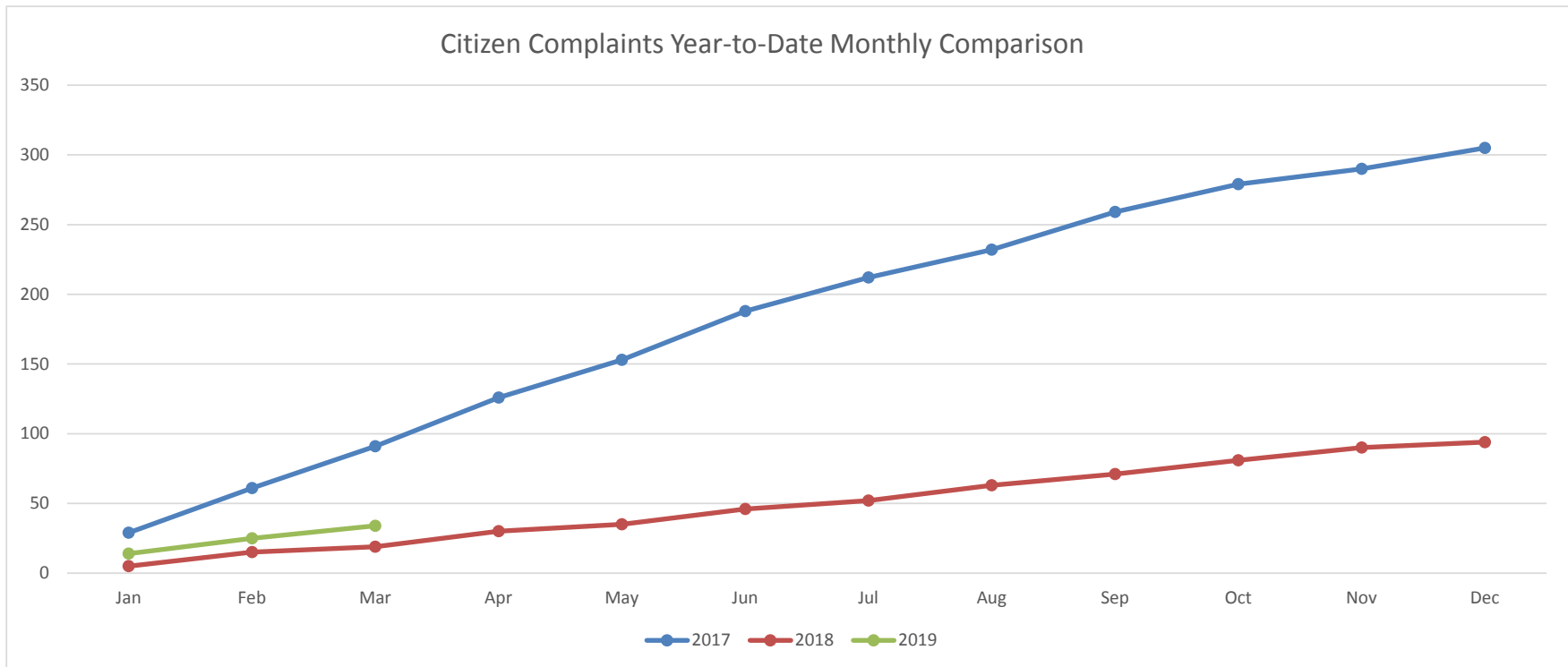
Citizen Complaints - 2018

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

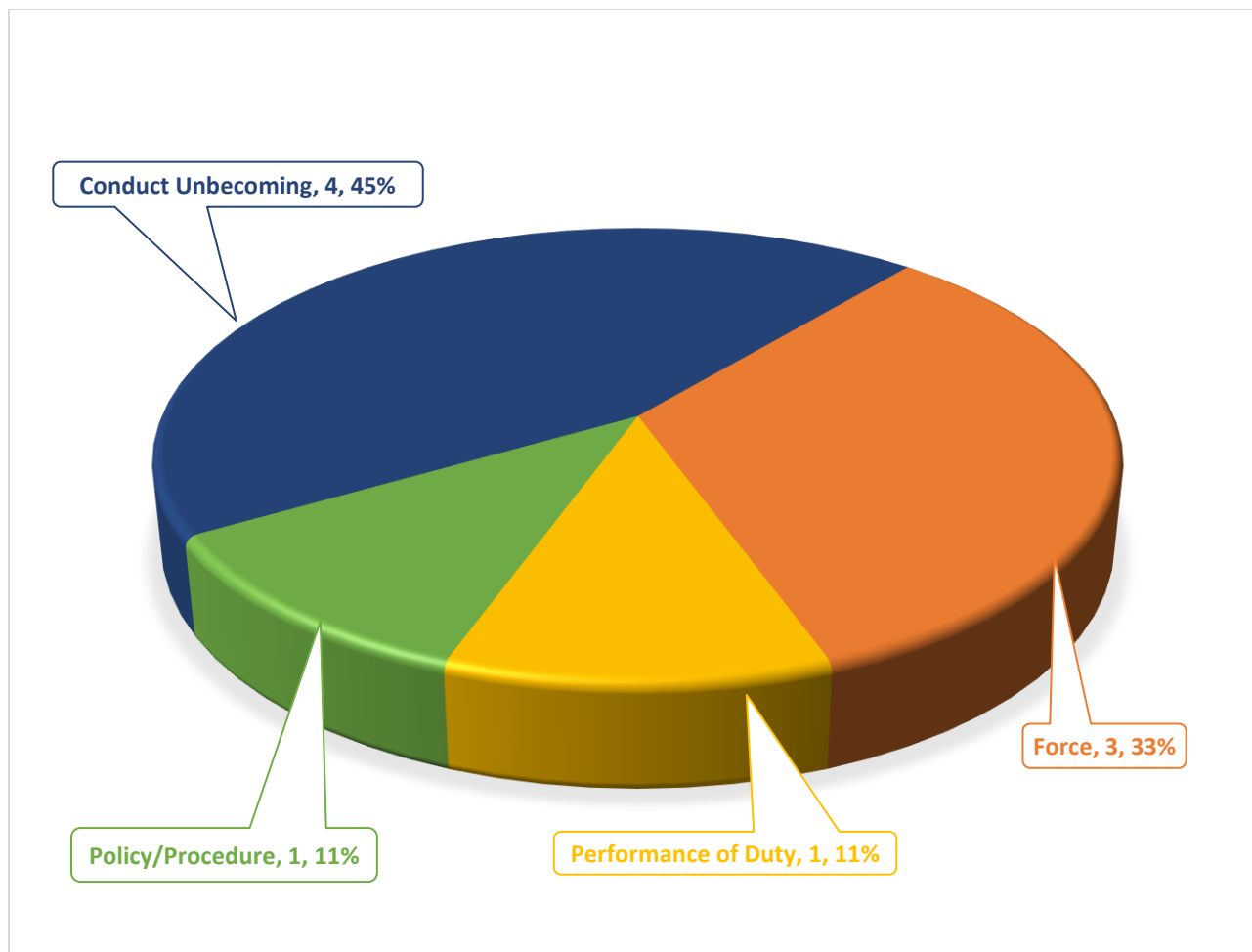
Citizen Complaints - 2017

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





Complaints Received (Incident Count), March 2019

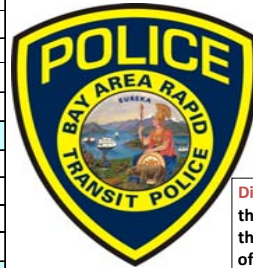


Each incident could contain more than one allegation. This pie chart reflects the most significant allegation per incident.

BART Police Department - Office of Internal Affairs								
Investigation Log - March 2019								
IA	DATE							
CASE #	OCC'D	REC'D	ALLEGATION	MISC	INVESTIGATOR	STATUS	5 MONTH DATE	DUE DATE
IA2016-071	07/29/16	7/29/2016	Force, Bias, Arrest	COMPLETE	Sgt. McNack	Awaiting training recommendation	12/28/16	
			Force, Bias, Arrest				01/27/17	
			Force, Bias, Arrest					
			Force, Bias, Arrest					
IA2017-040	1/31/2017	5/18/2017	Force		Sgt. McNack	Tolled	10/17/2017	
			Force					
IA2018-001	1/3/2018	1/3/2018	Force (OIS)		Sgt. T. Salas	Tolled	6/4/2018	
IA2018-032	UNK	4/20/2018	BBP, POD, CUBO	Deferred to OIPA #18-16		Tolled	9/23/2018	
IA2018-043	6/6/2018	6/6/2018	Force		Sgt. McNack	Tolled	11/5/2018	
IA2018-049	6/18/2018	6/18/2018	CUBO, Policy/Procedure	Sgt. Spears	Sgt. T. Salas	To Patrol	11/17/2018	6/18/2019
IA2018-060	7/22/2018	7/23/2018	Service Review		Lt. Franklin	Tolled	12/23/2018	
IA2018-070	8/5/2018	8/21/2018	CUBO, Policy/Procedure, Supervision	Admin L11 3/26	Sgt. T. Salas	In Progress	1/20/2019	8/21/2019
IA2018-075	8/22/2018	8/30/2018	Performance of Duty		Sgt. McNack	In Progress	1/29/2019	8/30/2019
IA2018-081	9/26/2018	9/27/2018	CUBO	Lt. Scott	Sgt. McNack	To Patrol	2/26/2019	9/27/2019
IA2018-084	9/28/2018	9/28/2018	Force	Deferred to OIPA #18-38		OIPA Investigation	3/2/2019	9/28/2019
IA2018-085	9/21/2018	9/28/2018	Force	Deferred to OIPA #18-39		OIPA Investigation	3/2/2019	9/28/2019
IA2018-088	9/27/2018	10/10/2018	CUBO, POD	Sgt. Cruz	Sgt. McNack	To Patrol	3/11/2019	10/10/2019
IA2018-090	10/17/2018	10/17/2018	CUBO, Bias-Based Policing	Deferred to OIPA #18-40		OIPA Investigation	3/18/2019	10/17/2019
IA2018-091	10/19/2018	10/19/2018	Force		Sgt. McNack	In Progress	3/20/2019	10/19/2019
IA2018-093	10/23/2018	10/23/2018	Performance of Duty	Deferred to OIPA #18-42		OIPA Investigation	3/24/2019	10/23/2019
IA2018-094	10/23/2018	10/23/2018	Force		Sgt. T. Salas	In Progress	3/24/2019	10/23/2019
IA2018-095	10/31/2018	10/31/2018	Force, Arrest/Detention	Deferred to OIPA #18-44		OIPA Investigation	4/1/2019	10/31/2019
IA2018-096	10/30/2018	10/31/2018	Courtesy	Admin Closure	Sgt. McNack	In Progress	4/1/2019	10/31/2019
IA2018-099	10/31/2018	10/31/2018	Force		Sgt. T. Salas	In Progress	4/9/2018	10/31/2019
IA2018-100	11/11/2018	11/11/2018	Bias-Based Policing, CUBO, Force		Sgt. T. Salas	In Progress	4/12/2019	11/11/2019
IA2018-102	11/5/2018	11/5/2018	Force, CUBO		Sgt. McNack	In Progress	4/15/2019	11/5/2019
IA2018-103	11/17/2018	11/19/2018	CUBO, Axon	OIPA Intake #18-45	Sgt. McNack	In Progress	4/20/2019	11/19/2019
IA2018-104	11/13/2018	11/20/2018	Force, BBP, CUBO, Search or seizure	Admin Closure	Sgt. McNack	In Progress	4/21/2019	11/20/2019
IA2018-105	11/26/2018	11/27/2018	Force, BBP, CUBO, Policy/Procedure, Axon		Sgt. McNack	In Progress	4/28/2019	11/27/2019
IA2018-108	12/7/2018	12/7/2018	Bias-Based Policing	Admin Closure	Sgt. McNack	In Progress	5/8/2019	12/7/2019
IA2018-109	12/6/2018	12/11/2018	CUBO, POD		Sgt. T. Salas	In Progress	5/12/2019	12/11/2019
IA2018-110	11/8/2018	11/8/2018	Force, BBP		Sgt. T. Salas	In Progress	4/9/2019	11/8/2019
IA2019-001	1/1/2019	1/2/2019	Force		Sgt. T. Salas	In Progress	6/30/2019	1/2/2020
IA2019-003	1/7/2019	1/7/2019	Force, CUBO, Misconduct, POD		Sgt. McNack	In Progress	6/8/2019	1/7/2020
IA2019-005	1/11/2018	1/8/2019	CUBO	Admin Closure	Sgt. T. Salas	In Progress	6/9/2019	1/8/2020

IA	DATE							
CASE #	OCC'D	REC'D	ALLEGATION	MISC	INVESTIGATOR	STATUS	5 MONTH DATE	DUE DATE
IA2019-006	8/9/2018	1/15/2019	POD		Sgt. McNack	In Progress	6/16/2019	1/15/2020
IA2019-007	1/7/2019	1/7/2018	CUBO		Sgt. T. Salas	In Progress	6/16/2019	1/7/2019
IA2019-008	1/17/2019	1/18/2018	Force	Admin Closure	Sgt. T. Salas	In Progress	6/19/2019	1/18/2019
IA2019-009	1/23/2019	1/23/2018	Bias-Based Policing		Sgt. T. Salas	In Progress	6/24/2019	1/23/2019
IA2019-012	1/28/2019	1/29/2019	POD	OIPA Intake #19-02	Sgt. T. Salas	In Progress	6/30/2019	1/29/2020
IA2019-013	1/28/2019	1/29/2019	POD, Policy/Procedure		Sgt. McNack	In Progress	6/30/2019	1/29/2020
IA2019-014	1/31/2019	1/31/2019	BBP, CUBO		Sgt. McNack	In Progress	7/2/2019	1/31/2020
IA2019-015	1/23/2018	1/30/2019	POD	OIPA Intake #19-03 Inquiry	Sgt. T. Salas	In Progress	7/6/2019	1/30/2020
IA2019-016	1/18/2019	2/5/2019	POD		Sgt. T. Salas	In Progress	3/9/2019	2/5/2020
IA2019-019	1/2/2019	1/18/2019	Force		Sgt. McNack	In Progress	7/13/2019	1/18/2020
IA2019-020	2/20/2019	2/20/2019	Bias-Based Policing		Sgt. T. Salas	In Progress	7/13/2019	2/20/2020
IA2019-021	2/11/2019	2/11/2019	Force		Sgt. T. Salas	In Progress	7/23/2019	2/11/2020
IA2019-024		2/17/2019	CUBO		Sgt. McNack	In Progress	7/19/2019	2/17/2020
IA2019-025	2/21/2019	2/25/2019	Force, CUBO		Sgt. McNack	In Progress	7/23/2019	2/25/2020
IA2019-031	3/8/2019	3/10/2019	POD	OIPA Intake #19-08, SR	Lt. Franklin	To Patrol	3/12/2019	3/10/2020
						Sgt. Martinez		
IA2019-034	3/7/2019	3/13/2019		Deferred to OIPA #19-10		OIPA Investigation	3/13/2019	3/13/2020
IA2019-035	3/12/2019	3/13/2019	CUBO	SR	Sgt. McNack	In Progress	4/11/2019	3/13/2020
IA2019-036	1/27/2019	3/18/2019	Force, Arrest/Detention	Deferred to OIPA #19-11		OIPA Investigation	8/17/2019	3/18/2020
IA2019-037	3/18/2019	3/18/2019		OIPA Intake #19-12	Sgt. McNack	In Progress	8/17/2019	3/18/2020
IA2019-038	3/21/2019	3/21/2019	Force, CUBO	Inquiry	Sgt. T. Salas	In Progress	8/17/2019	3/21/2020
IA2019-039	3/22/2019	3/22/2019	CUBO		Sgt. T. Salas	In Progress	8/21/2019	3/22/2020
IA2019-040	3/27/2019	3/27/2019	CUBO	SR to Sgt. Cruz 3/29/19	Sgt. McNack	To Patrol	3/29/2019	3/27/2020
						Sgt. Cruz		
IA2019-041	3/26/2019	3/25/2019	Force, Policy/Procedure	Deferred to OIPA #19-13	Sgt. McNack	OIPA Investigation	8/17/2019	3/25/2020
IA2019-042	1/27/2019	3/29/2019	POD, CUBO, Policy/Procedure		Sgt. McNack	In Progress	8/28/2019	3/29/2020
IA2019-043	2/13/2019	2/13/2019	Force			In Progress	9/1/2019	2/13/2020

PART 1 CRIMES	2014	2015	2016	2017	2018	YTD March		% change from '19
						2018	2019	
Homicide	0	1	1	0	3	0	0	0%
Rape	2	3	4	8	3	1	1	0%
Robbery	153	161	232	290	349	74	95	28%
Aggravated Assault	71	73	93	125	130	29	33	14%
Violent Crime Subtotal	226	238	330	423	485	104	129	24%
Burglary (Not Including Auto)	7	4	12	15	18	5	6	20%
Larceny	2597	2325	2217	2593	2590	568	718	26%
Auto Theft	522	480	480	420	354	112	44	-61%
Arson	0	0	1	4	4	2	0	-100%
Property Crime Subtotal	3126	2809	2710	3032	2966	687	768	12%
TOTAL	3352	3047	3040	3455	3451	791	897	13%



BART Police Performance Measurements

March 2019

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

Top 5 Stations For Part 1 Crimes

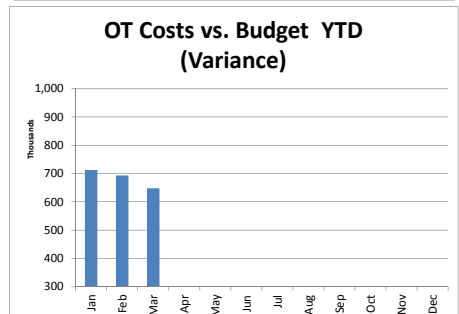
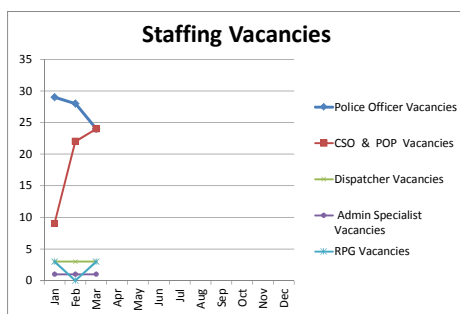
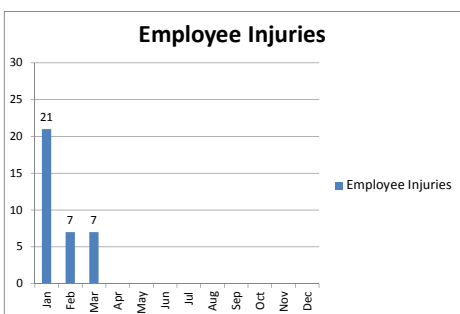
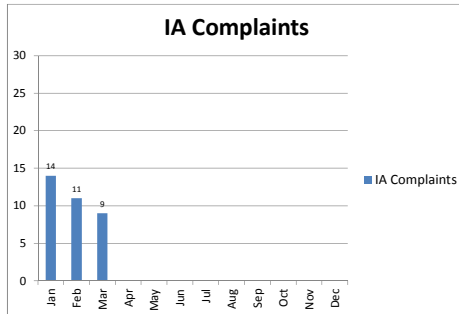
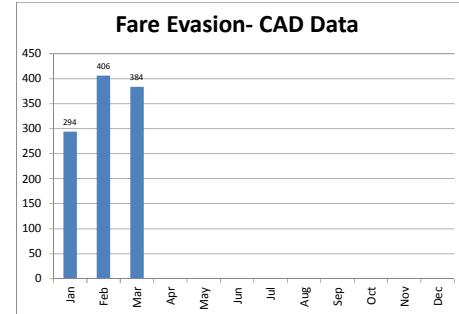
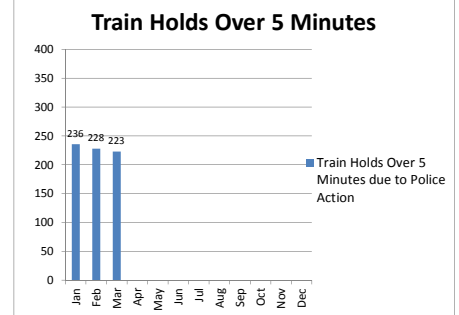
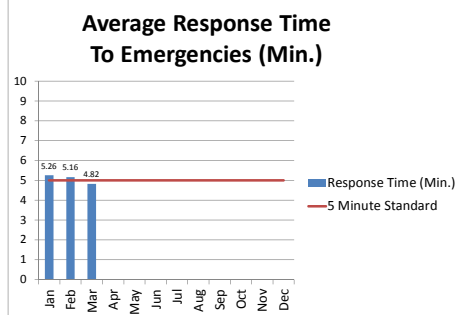
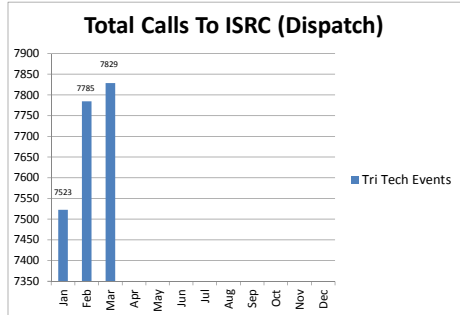
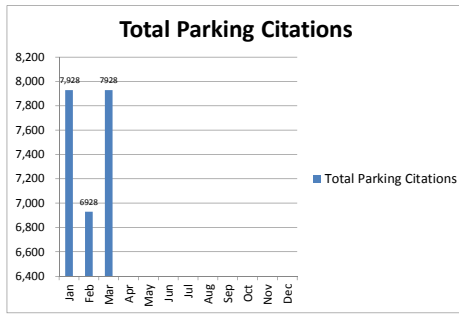
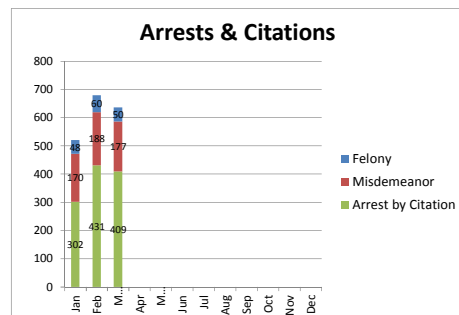
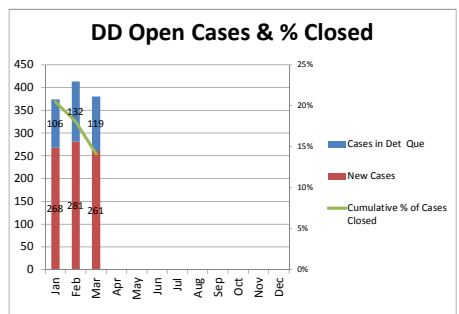
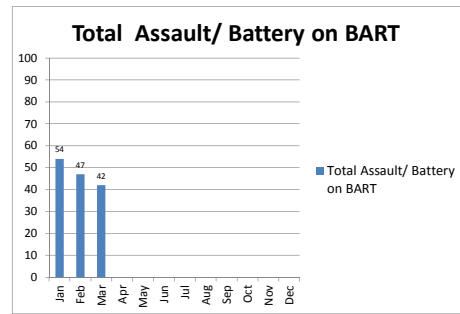
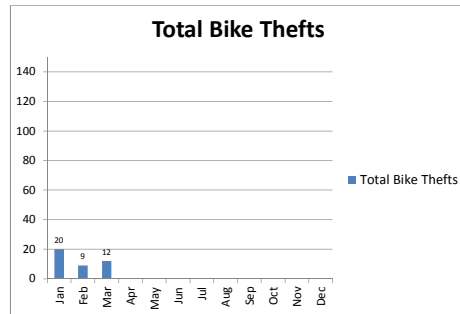
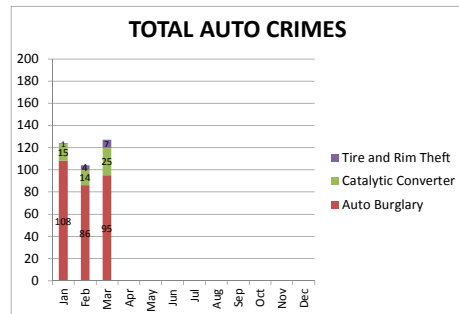
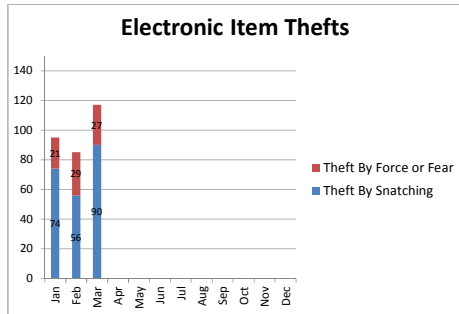
2019 Current Month

Coliseum
Hayward
West Oakland
16th St
24th St

Most Frequent all of 2018 2018 YEAR

Coliseum
West Oakland
Hayward/ San Leandro
Richmond
Fruitvale

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



PART 1 CRIMES	2017	2018	YTD March		% change from '18
			2018	2019	
Homicide	0	2	0	0	0%
Rape	6	3	1	1	0%
Robbery	191	215	47	58	23%
Aggravated Assault	73	87	23	15	-35%
Violent Crime Subtotal	270	307	71	74	4%
Burglary (Not Including Auto)	8	11	4	4	0%
Larceny	1471	1283	322	363	13%
Auto Theft	266	199	70	32	-54%
Arson	2	3	1	0	0%
Property Crime Subtotal	1747	1496	397	399	1%
TOTAL	2017	1803	468	473	1%

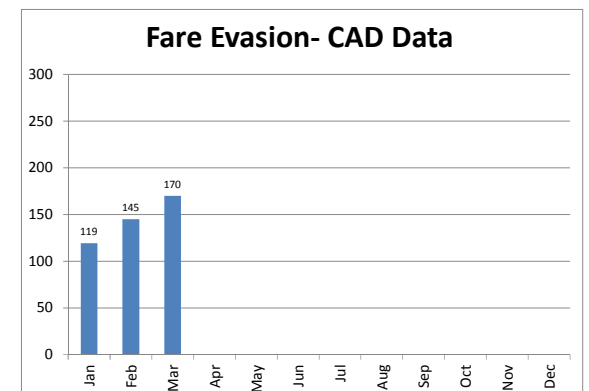
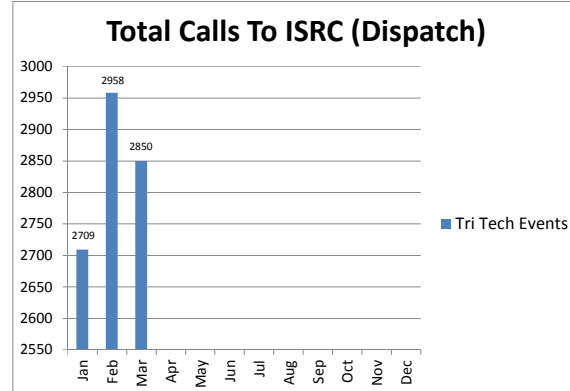
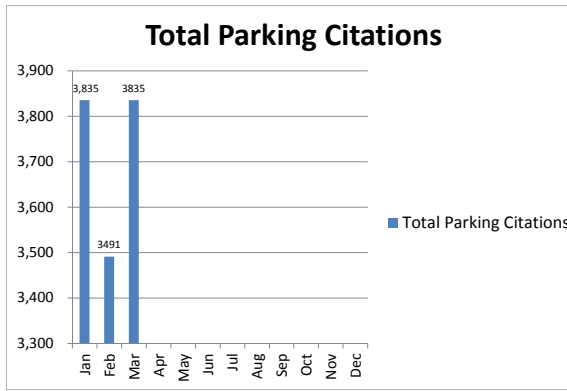
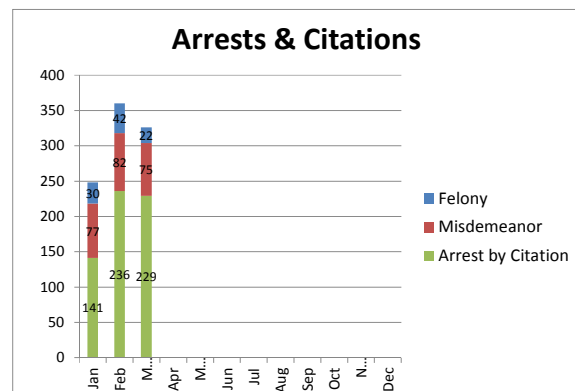
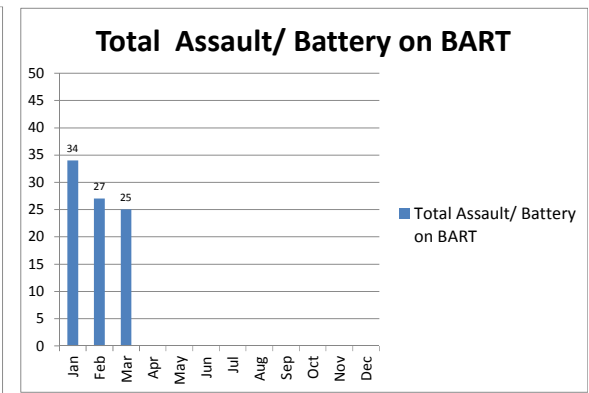
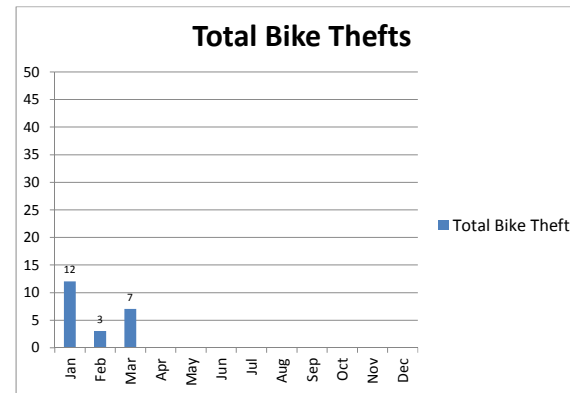
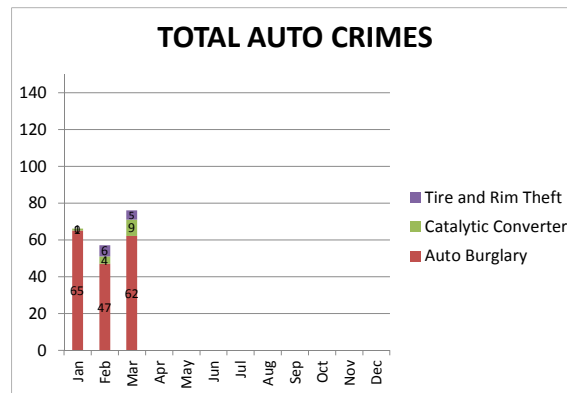
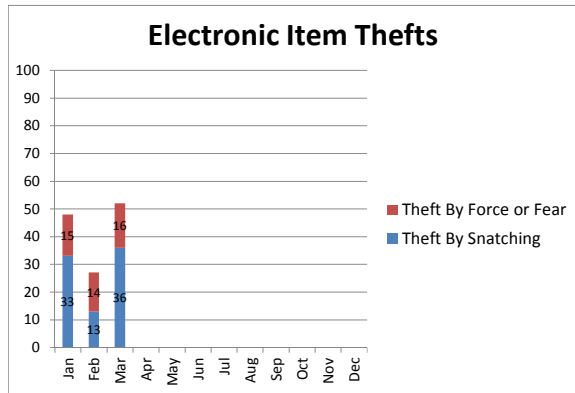


BART Police Performance Measurements

Alameda County Crime Statistics

March 2019

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

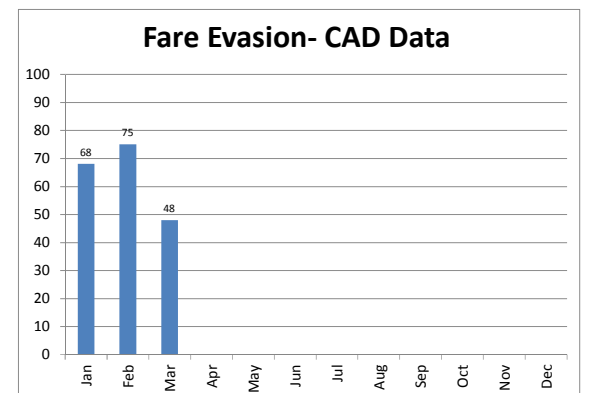
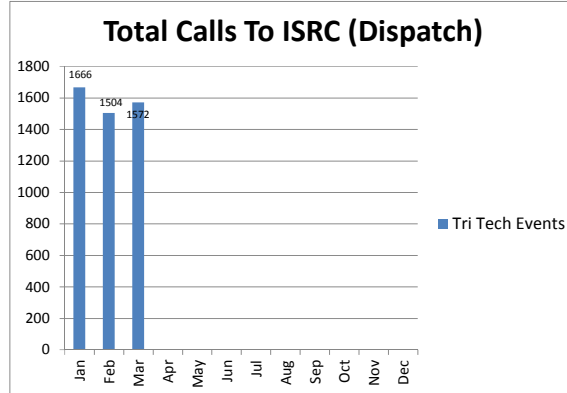
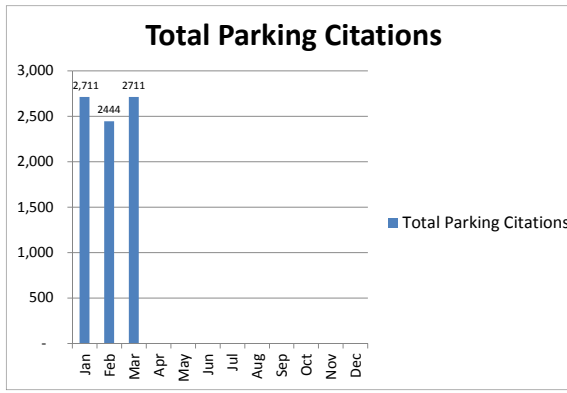
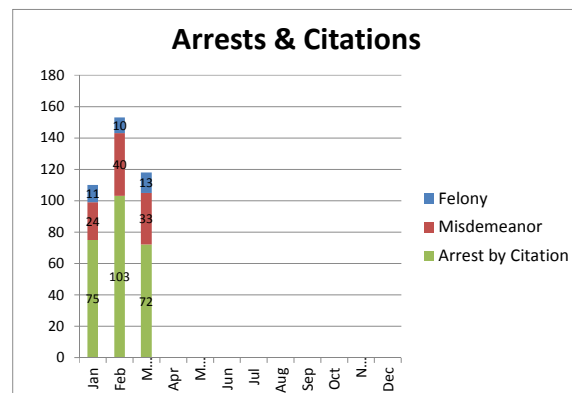
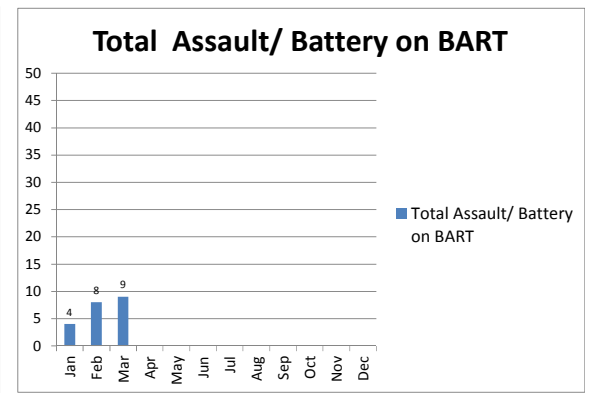
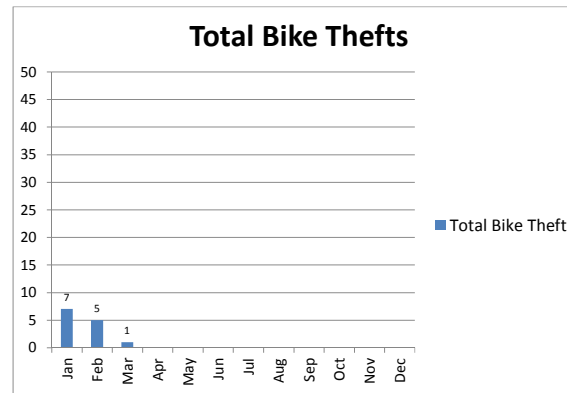
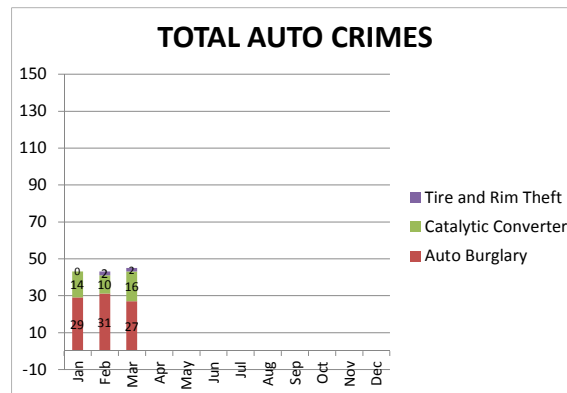
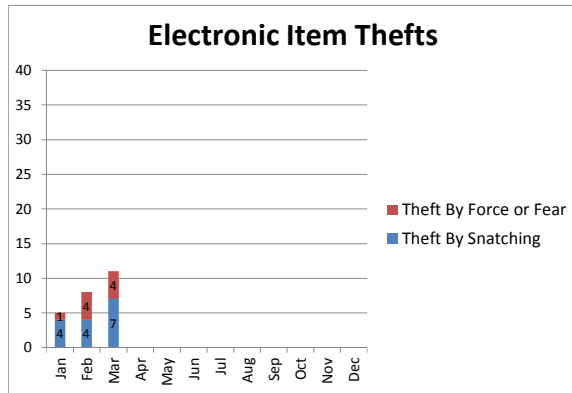


PART 1 CRIMES	2017	2018	YTD March		% change from '18
			2018	2019	
Homicide	0	1	0	0	0%
Rape	1	0	0	0	0%
Robbery	35	29	8	10	25%
Aggravated Assault	23	20	6	5	-17%
Violent Crime Subtotal	59	50	14	15	7%
Burglary (Not Including Auto)	2	1	0	0	0%
Larceny	675	670	134	157	17%
Auto Theft	134	135	32	10	-69%
Arson	3	1	1	0	-100%
Property Crime Subtotal	814	807	167	167	0%
TOTAL	873	857	181	182	1%



BART Police Performance Measurements Contra Costa County Crime Statistics March 2019

Disclaimer--**The data is drawn from the BART Police Department TriTech computer database, and they are unaudited. The numbers may not match the official monthly totals reported to the FBI through the Uniform Crime Reporting (UCR) program. Late reporting, the reclassification or 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	2018	YTD March		% change from '18
			2018	2019	
Homicide	0	0	0	0	0%
Rape	0	0	0	0	0%
Robbery	49	97	19	24	26%
Aggravated Assault	23	18	2	11	500%
Violent Crime Subtotal	72	115	21	35	67%
Burglary (Not Including Auto)	5	6	1	0	-100%
Larceny	244	476	69	134	94%
Auto Theft	2	1	0	0	0%
Arson	0	0	0	0	0%
Property Crime Subtotal	251	483	70	134	91%
TOTAL	323	598	91	169	86%

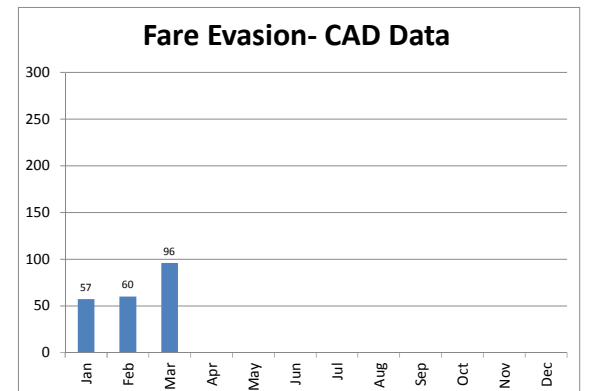
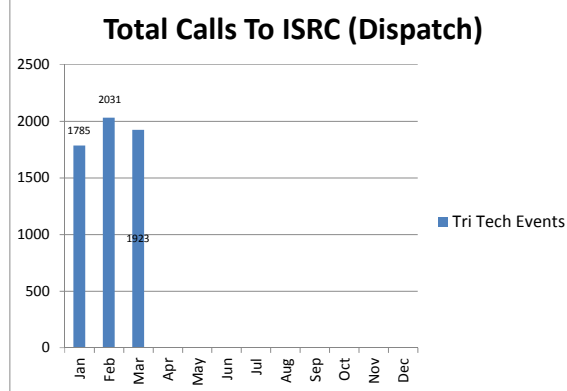
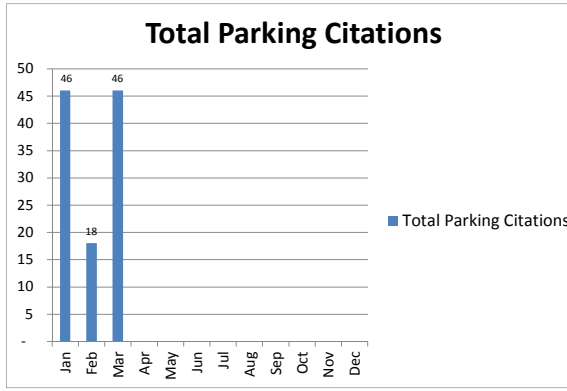
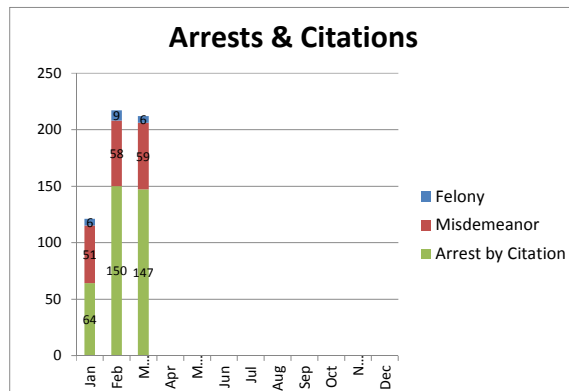
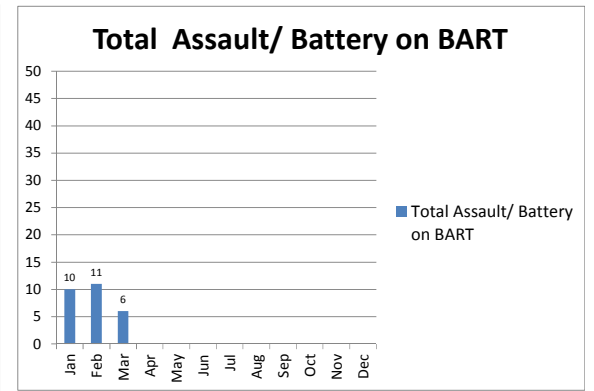
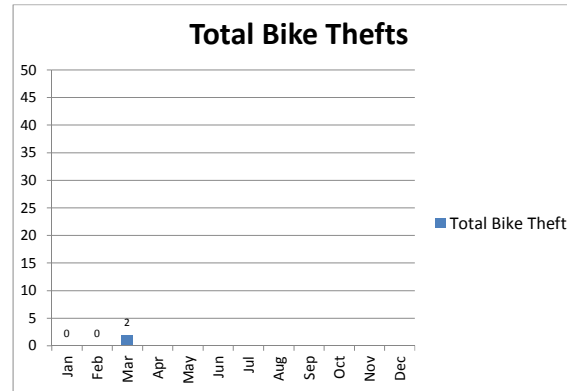
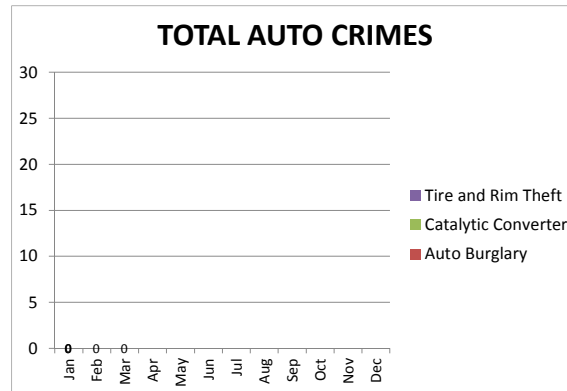
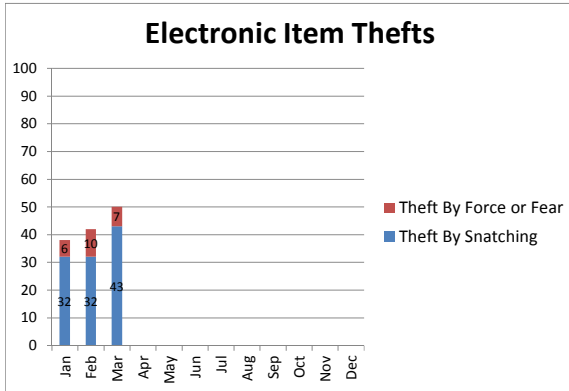


BART Police Performance Measurements

San Francisco County Crime Statistics

March 2019

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PART 1 CRIMES	2017	2018	YTD March		% change from '18
			2018	2019	
Homicide	0	0	0	0	0%
Rape	1	0	0	0	0%
Robbery	15	8	0	4	400%
Aggravated Assault	6	5	0	1	100%
Violent Crime Subtotal	22	13	0	5	400%
Burglary (Not Including Auto)	0	0	0	0	0%
Larceny	208	161	38	63	66%
Auto Theft	18	19	8	2	-75%
Arson	0	0	0	0	0%
Property Crime Subtotal	226	180	46	65	41%
TOTAL	248	193	46	70	52%

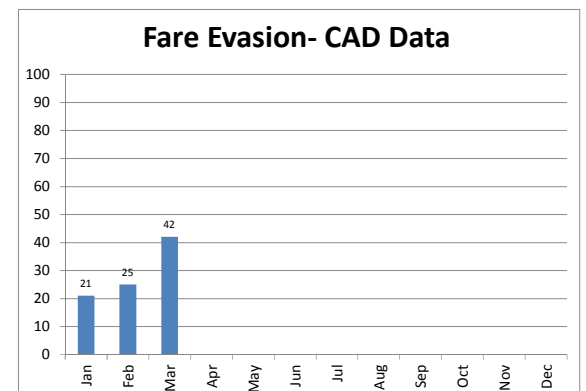
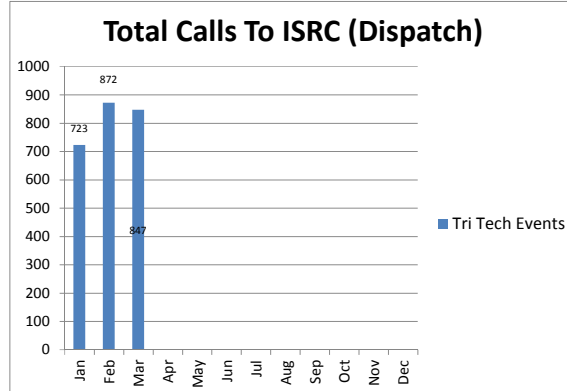
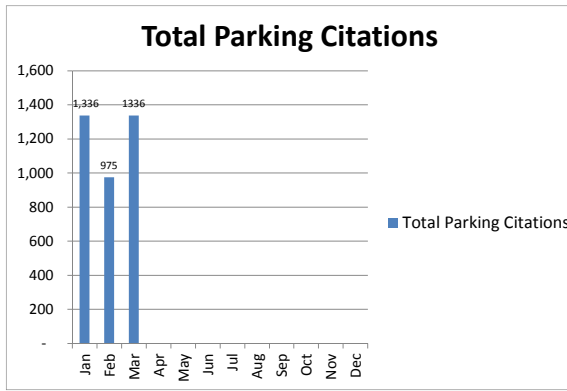
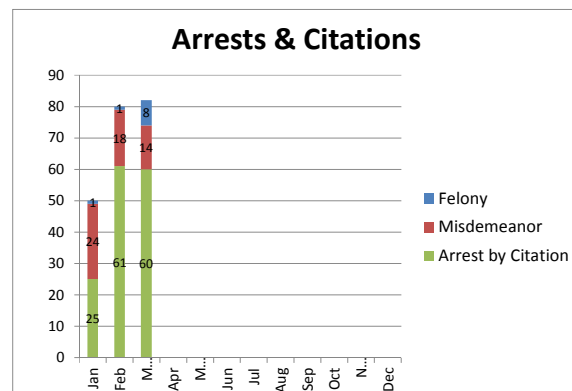
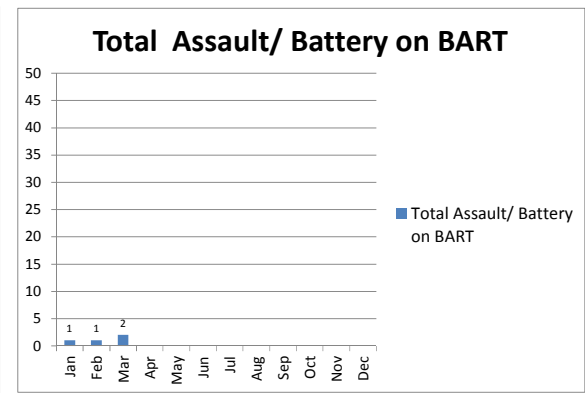
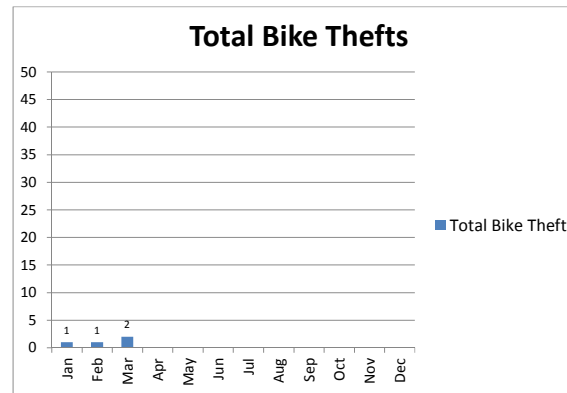
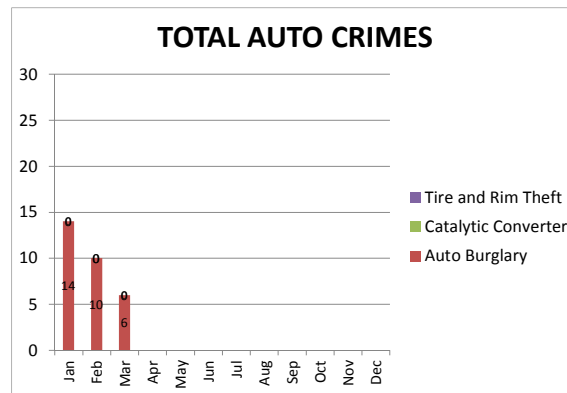
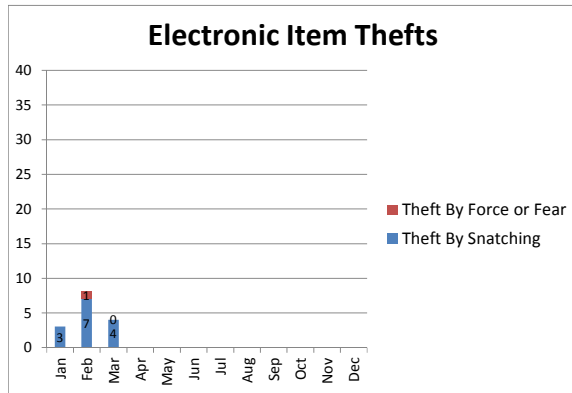


BART Police Performance Measurements

San Mateo County Crime Statistics

March 2019

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Enforcement Contacts - 2019

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Felony Arrest	48	60	50										158
YTD 2019	48	108	158										
Misd. Arrest	170	188	177										535
YTD 2019	170	358	535										
Cite & Release	302	431	409										1,142
YTD 2019	302	733	1,142										
Field Interview	814	945	804										2,563
YTD 2019	814	1,759	2,563										

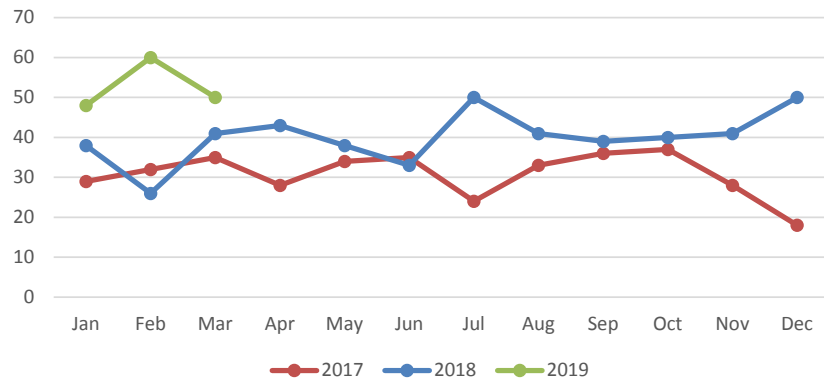
Enforcement Contacts - 2018

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

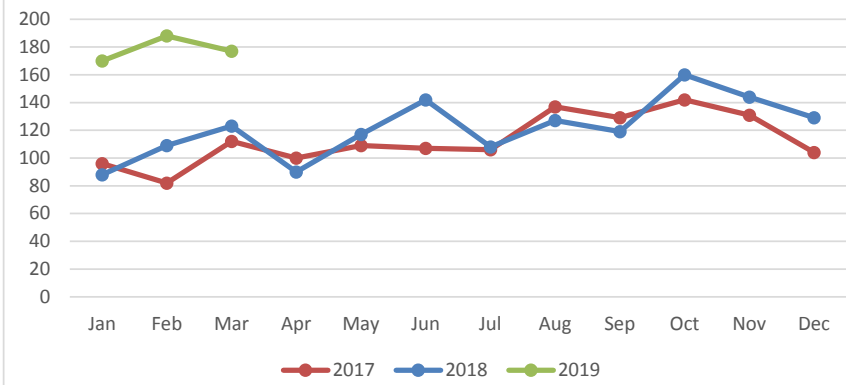
Enforcement Contacts - 2017

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	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	

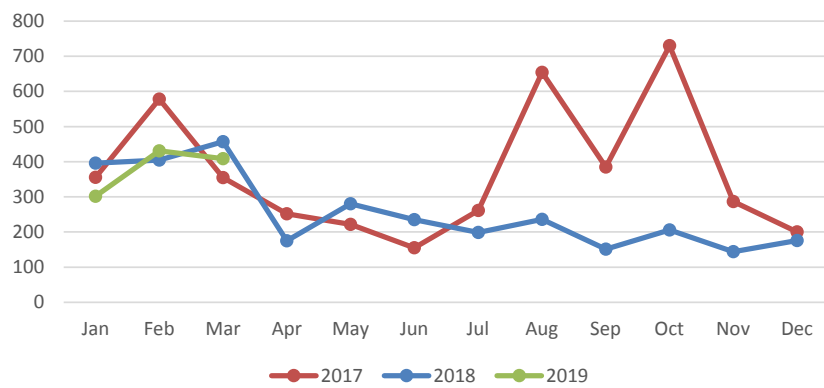
Felony Arrests



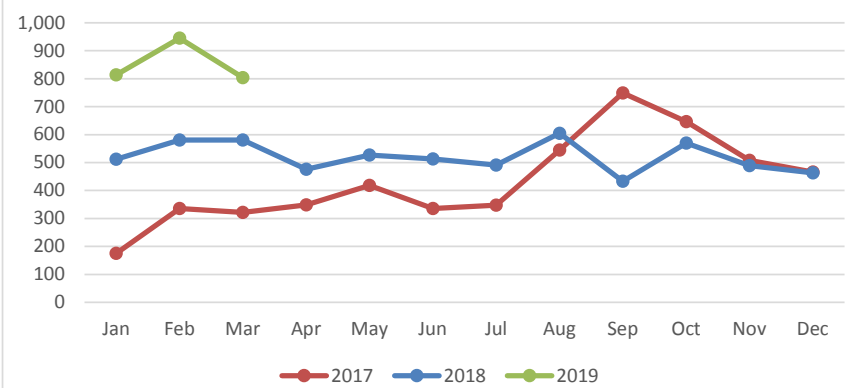
Misdemeanor Arrests



Cite & Release



Field Interviews



Parking Enforcement - 2019

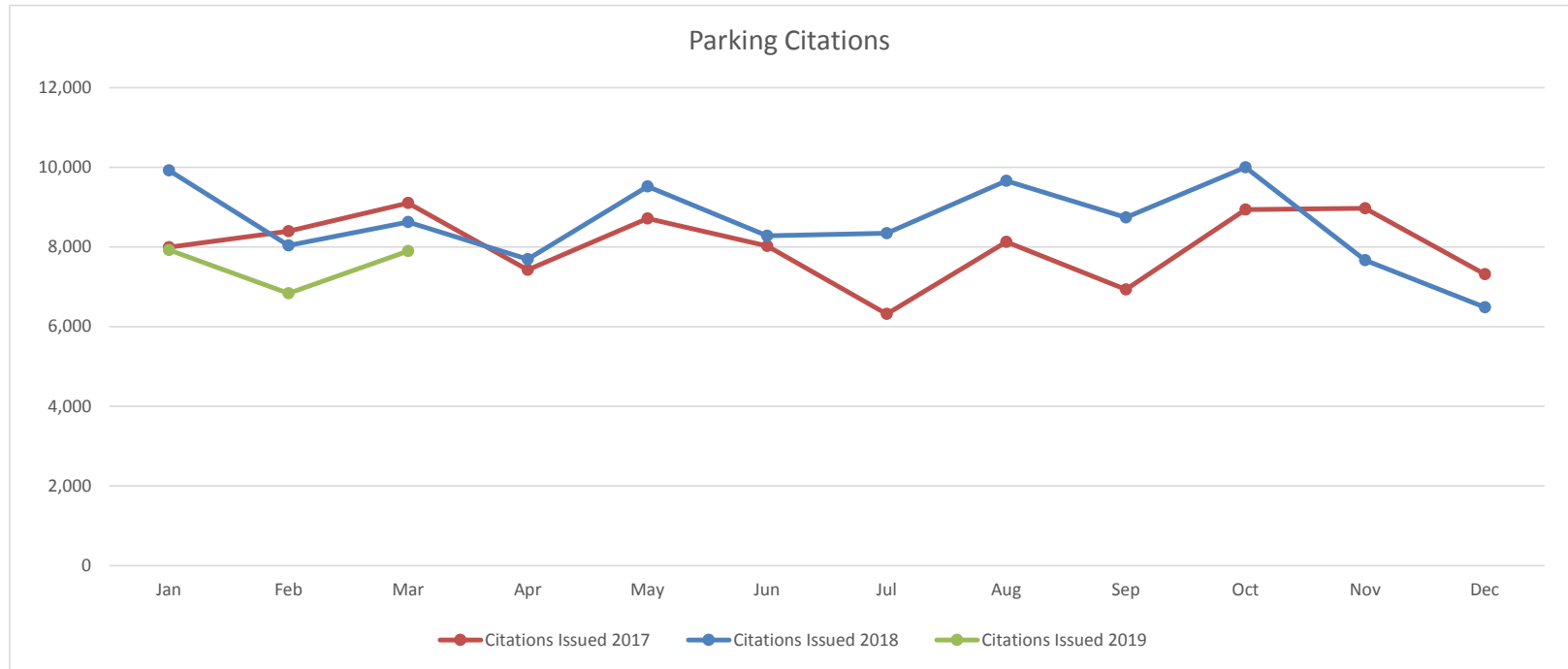
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Citations Issued	7,927	6,837	7,897										22,661
YTD 2019	7,927	14,764	22,661										
Contested	1,654	1,605	1,838										5,097
YTD 2019	1,654	3,259	5,097										
Dismissed	1,039	983	1,155										3,177
YTD 2019	1,039	2,022	3,177										

•

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

Parking Enforcement - 2017

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	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	



Warrant Arrests

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2019												
BART Felony Warrants	3	2	1									
BART Misdemeanor Warrants	2	13	3									
O/S Felony Warrants	24	39	32									
O/S Misdemeanor Warrants	81	73	82									
Monthly Total	110	127	118									
YTD Total	110	237	355									
2018												
BART Felony Warrants	2	1	3	0	2	1	2	2	2	0	1	0
BART Misdemeanor Warrants	3	3	2	2	6	4	1	4	5	7	2	4
O/S Felony Warrants	12	10	16	29	29	8	16	14	10	21	17	23
O/S Misdemeanor Warrants	40	37	68	55	60	36	67	51	41	69	62	67
Monthly Total	57	51	89	86	97	49	86	71	58	97	82	94
YTD Total	57	108	197	283	380	429	515	586	644	741	823	917
2017												
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
Monthly Total	66	65	77	77	83	64	69	84	77	94	83	45
YTD Total	66	131	208	285	368	432	501	585	662	756	839	884



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

Detective Assignments

Total number of cases assigned to detectives during the month	Number of cases that are still being investigated by detectives	Number of cases that all current leads have been exhausted	Number of cases that were sent to the district attorney's offices for a review	Number of cases that the district attorney's offices has not made a final disposition	Number of cases that were charged/probation violation by the district attorney	Number of cases that were not charged by the district attorney's offices	Percentage of cases that the district attorney's offices filed charges	Total number of cases that are assigned to a detective as of April 10, 2019
261	119	6	134	97	20	17	15%	389

Submitted By: Sgt. J. Power S-49

Date: 04/10/2019

San Francisco Bay Area Rapid Transit Police Department

Criminal Investigations Division

March, 2019

Detective Closure Rate

Total number of cases assigned to detectives previous 12 months (April 2018 - March 2019)	Number of cases that are still being investigated by detectives	Number of cases that all current leads have been exhausted	Percentage of cases that all current leads have been exhausted	Number of cases closed by arrest or identification of suspect	Percentage of cases closed by arrest or identification of suspect	Percentage of Open Cases	
2659	421	578	22%	1636	62%	16%	
D39	109	0	29	27%	80	73%	0%
D51	379	0	84	22%	291	77%	0%
D75	84	0	14	17%	68	81%	0%
D31	283	6	67	24%	207	73%	2%
D55	408	1	201	49%	204	50%	0%
D27	247	3	72	29%	164	66%	1%
D54	308	37	41	13%	227	74%	12%
D10	206	25	24	12%	155	75%	12%
D52	264	36	3	1%	225	85%	14%
Robbery	371	313	43	12%	15	4%	84%

CASES IN DETECTIVE QUEUE

	Total	Past 60 days
D55	8	1
D31	12	4
D27	6	
D54	20	0
D10	39	6
D52	25	8
Robbery	277	133

Submitted by: Sgt. John J. Power #S49

Assembly Bill 716 - 2019

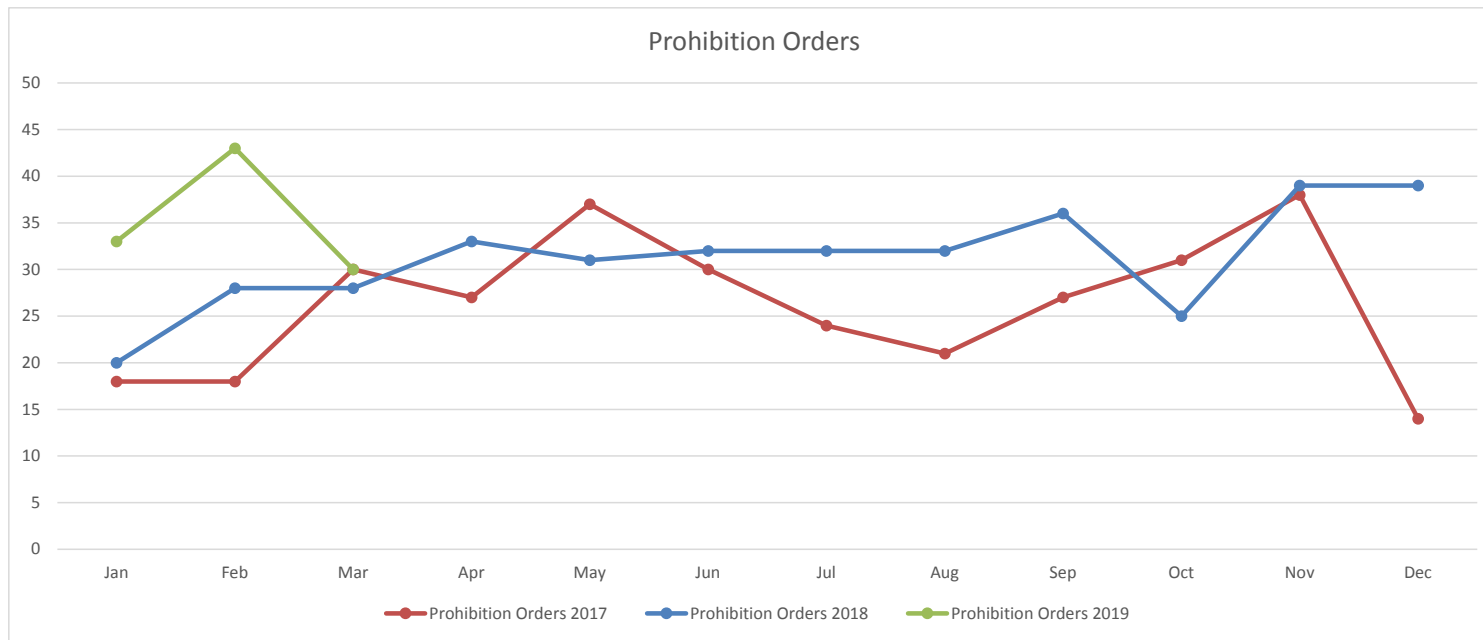
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Prohibition Orders Issued	33	43	30										106
YTD 2019	33	76	106										

Assembly Bill 716 - 2018

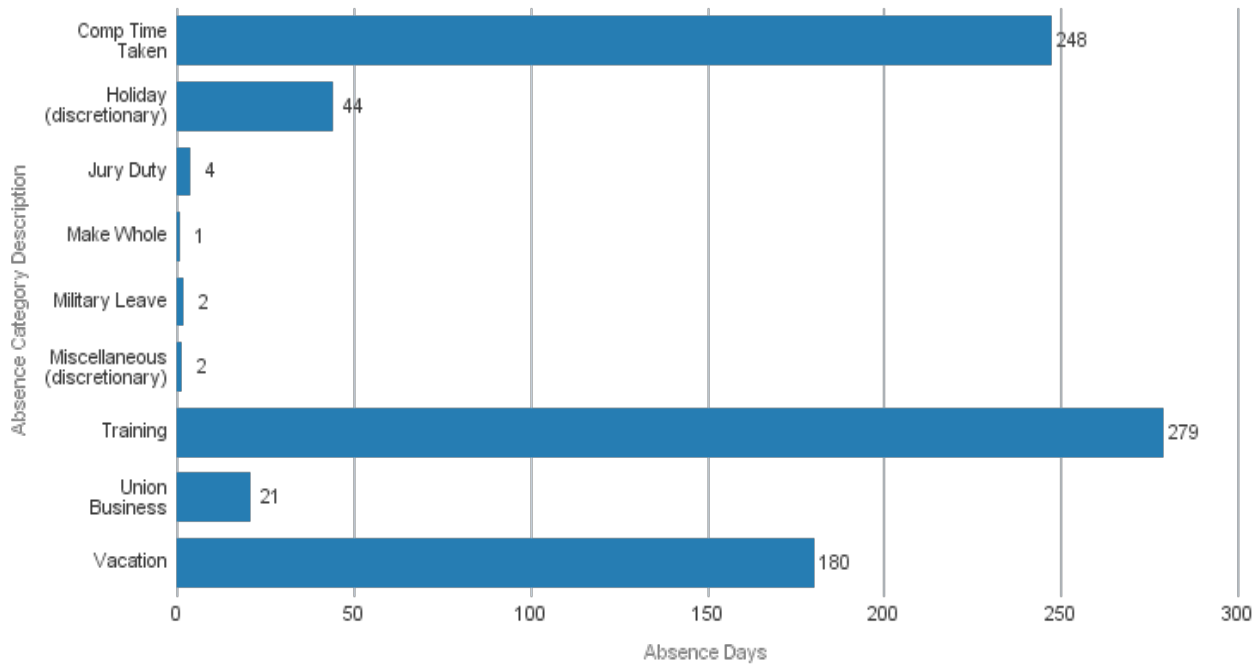
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Prohibition Orders Issued	20	28	28	33	31	32	32	32	36	25	39	39	375
YTD 2018	20	48	76	109	140	172	204	236	272	297	336	375	

Assembly Bill 716 - 2017

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	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	

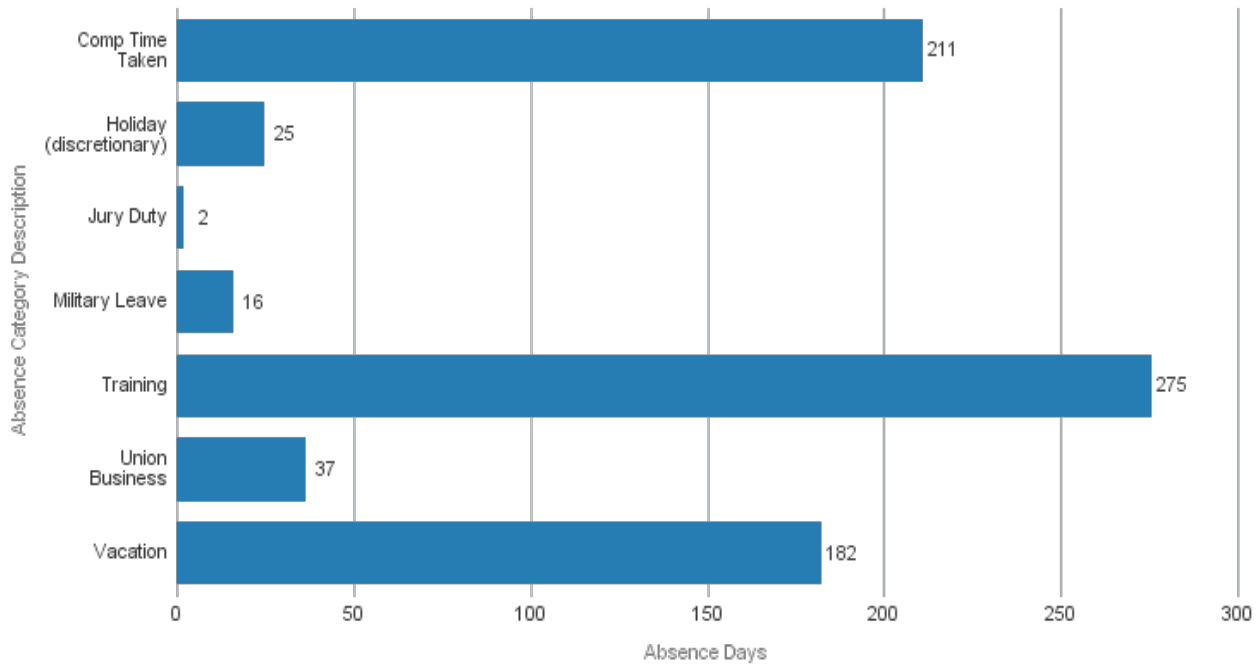


Scheduled Absence Overview - March 2019



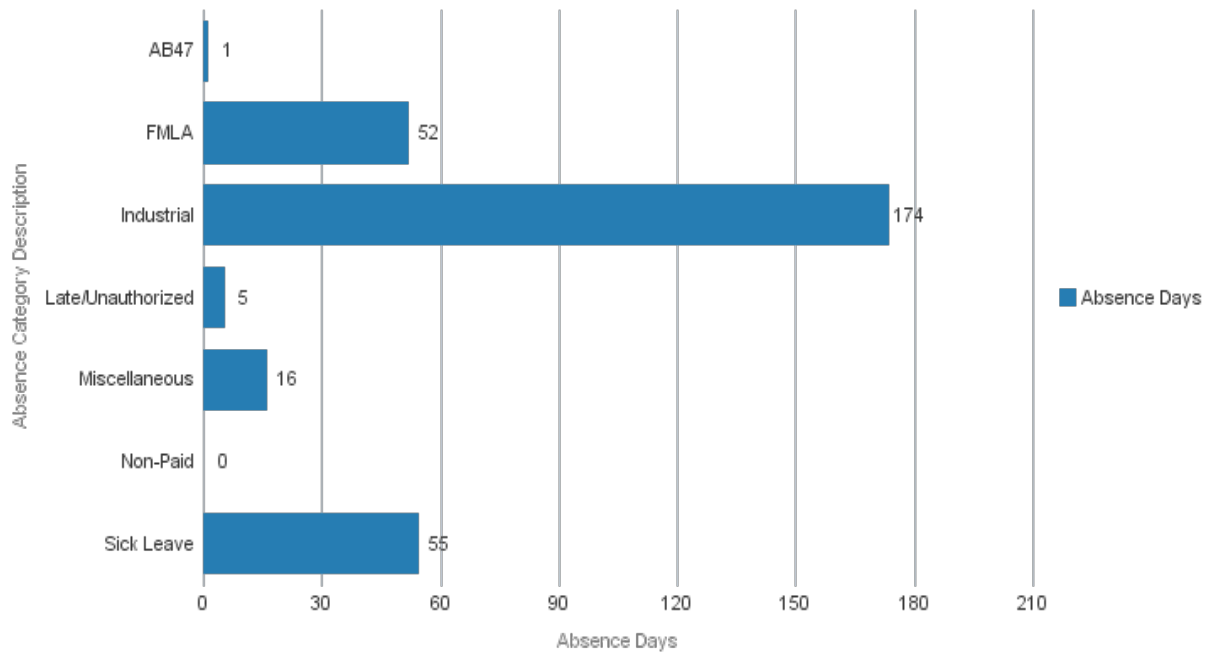
Absence Category Description	Absence Hours	Absence Days	% Total
Comp Time Taken	2,549	248	32%
Holiday (discretionary)	454	44	6%
Jury Duty	38	4	1%
Make Whole	12	1	0%
Military Leave	20	2	0%
Miscellaneous (discretionary)	16	2	0%
Training	2,476	279	36%
Union Business	235	21	3%
Vacation	1,860	180	23%
Grand Total	7,658	781	100%

Scheduled Absence Overview - March 2018



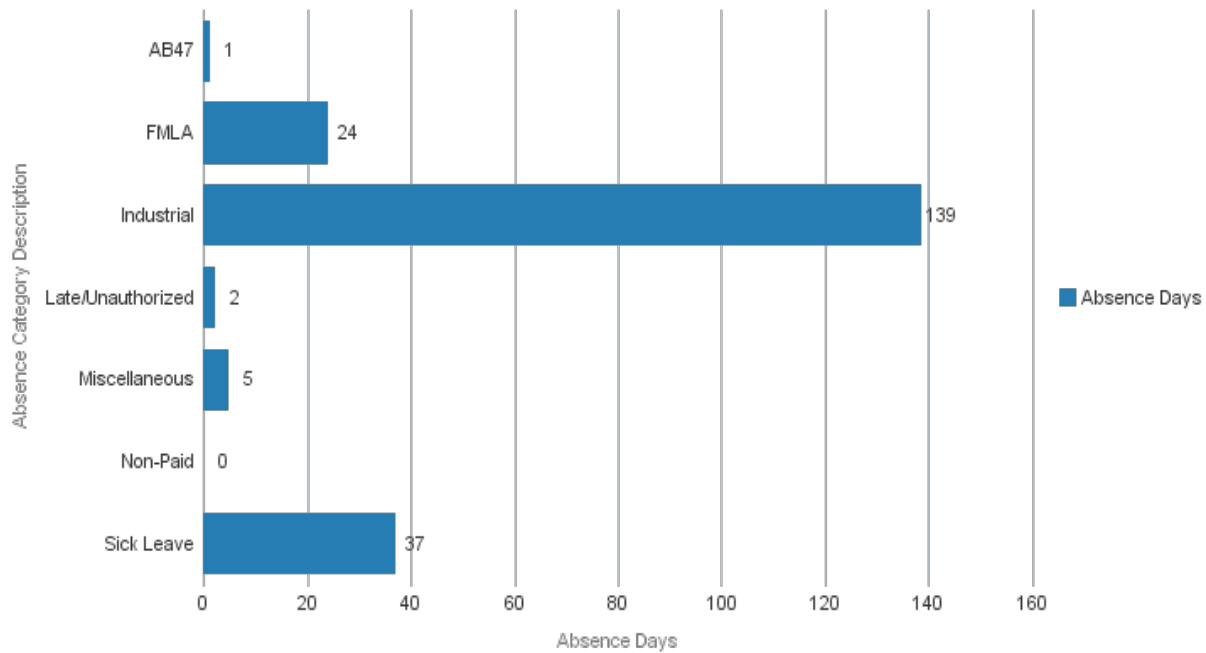
Absence Category Description	Absence Hours	Absence Days	% Total
Comp Time Taken	2,110	211	28%
Holiday (discretionary)	252	25	3%
Jury Duty	20	2	0%
Military Leave	192	16	2%
Training	2,523	275	37%
Union Business	375	37	5%
Vacation	1,853	182	24%
	7,323	748	100%

Unscheduled Absence Overview - March 2019



Absence Category Description	Absence Hours	Absence Days	% Total
AB47	12	1	0%
FMLA	488	52	17%
Industrial	1,737	174	57%
Late/Unauthorized	57	5	2%
Miscellaneous	160	16	5%
Non-Paid	2	0	0%
Sick Leave	511	55	18%
Grand Total	2,966	303	100%

Unscheduled Absence Overview - March 2018



Absence Category Description	Absence Hours	Absence Days	% Total
AB47	15	1	1%
FMLA	234	24	12%
Industrial	1,439	139	66%
Late/Unauthorized	24	2	1%
Miscellaneous	50	5	2%
Non-Paid	1	0	0%
Sick Leave	363	37	18%
Grand Total	2,126	209	100%

BART PD OVERTIME MONTHLY REPORT

March 2019

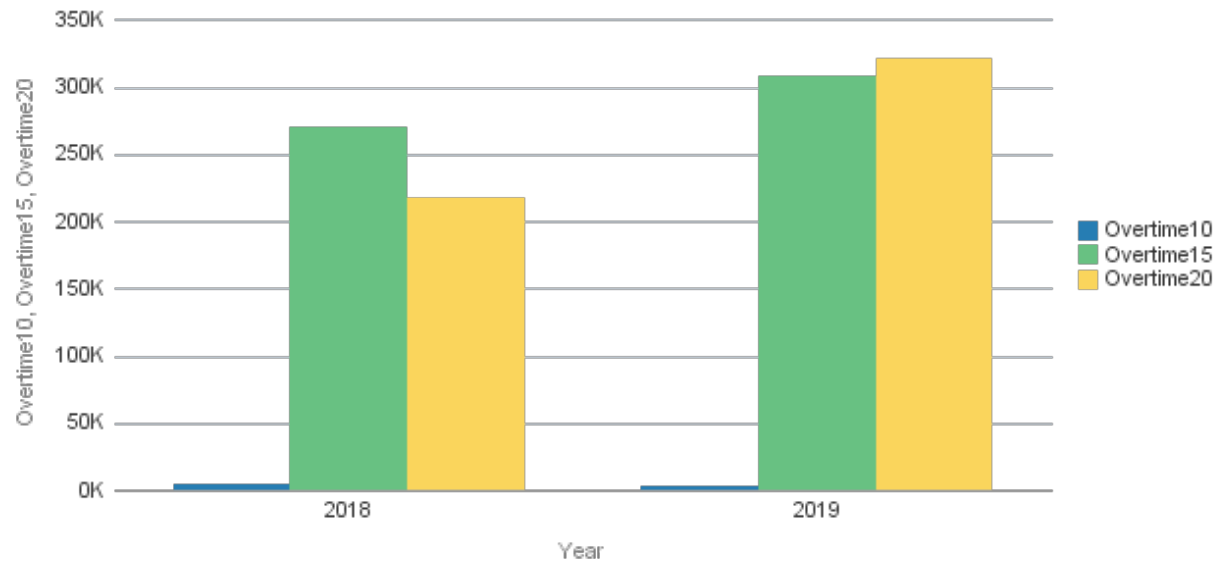
Activity Name	Activity ID	2018			2019		
		Overtime10	Overtime15	Overtime20	Overtime10	Overtime15	Overtime20
Admin	ADMIN	0	1,969	0	0	336	0
Admin Pool CapRR	ADMIN	0	1,969	0	0	336	0
AdminSuppor to be allocated	ADMIN	0	1,969	0	0	336	0
Administration	ADMIN	0	1,969	0	0	336	0
Adv Officer Training	ADVOF	0	9,369	6,833	0	10,051	12,149
BART Labor	BLABR	0	9,104	3,467	0	806	0
BF OT Discr Day BPD	BFDSC	4	2,452	3,176	0	1,580	4,472
BF OT Industrial Leave BPD	BFILV	0	5,300	15,703	0	72	0
BF OT Minimum Rest	BFRST	245	0	2,634	0	1,445	1,159
BF OT Patrol TRN	BFTRN	0	2,410	1,181	0	899	1,272
BF OT Recovery Day	BFRCV	2	7,757	10,300	0	8,832	26,766
BF OT Training BPD	BFTRN	0	2,410	1,181	0	899	1,272
BF OT Vacancy BPD	BFVCN	505	18,304	26,970	423	38,433	67,392
BF OT Vacation BPD	BFVAC	1,026	27,462	32,136	228	43,545	53,614
BF Sick/FMLA/Brvment	BFSLV	0	16,444	19,471	0	17,300	26,418
Boardroom Security	BRDRM	0	1,490	4,029	0	771	0
COPPS Project/Event	COPPS	0	0	0	0	544	0
Calendar Year 2018	CY2018	0	457	854	0	0	0
Calendar Year 2019	CY2019	0	0	0	0	6,168	2,119
Capital Pool CapRR	ADMIN	0	1,969	0	0	336	0
Coliseum Events	CEOPS	0	7,447	7,787	0	11,456	11,417
Court Appearance	COURT	0	1,867	509	0	939	499
Crowd Ctrl for Spec	CROWD	0	415	0	0	0	0
Def Tac Instructor TRN	DEFTR	0	0	0	0	0	1,029
Detectives Unit OT	INVST	0	659	0	0	5,081	1,594
E-BART SECURITY	EBSEC	0	768	500	0	0	0
EMS/OWS Pltfrm Detail	PLTFM	436	9,654	5,076	1,289	15,154	7,313
Evidence Collection	EVIDN	0	704	0	0	1,618	1,933

Explorer Advisors	EXPLR	0	783	0	0	311	418
Final Design	FDSGN	0	4,551	3,367	0	5,823	2,757
Held Over/Late Case	HLDOV	0	11,860	1,890	0	15,609	2,389
Honor Guard Detail	HONOR	0	0	1,192	0	0	0
IA Unit Overtime	IAUNT	0	2,243	0	0	6,051	0
K-9 Team Training	K9TTR	0	2,451	0	0	0	0
K9 PATROL TEAMS	K9TMS	0	0	0	0	0	1,029
MTC SECURITY	MTCSC	0	341	0	0	208	0
Meeting Attendance	MTNGS	0	2,185	0	0	3,905	2,464
Mgr of Sec Programs	SECPR	0	1,495	0	0	0	0
Operating	OPRTN	1,083	16,299	6,068	414	16,989	13,162
P&T Unit Overtime	PTUNT	322	17,875	2,871	27	22,755	19,525
Police Admin OT	PADMN	0	4,802	0	0	5,219	320
Police Admin Training	PATRN	0	1,537	970	0	0	0
Police Administration Training	PATRN	0	1,537	970	0	0	0
Ptrl Special Enforcement	SPECL	484	45,221	35,676	0	34,035	23,333
SF STA CLN SEC	DSFCS	0	6,164	9,353	609	20,083	13,257
SWAT Team Expenses	SWATT	0	0	2,110	0	0	823
SWAT Team Training	SWATT	0	0	2,110	0	0	823
Special Events	SPEVN	0	255	0	0	1,940	3,466
TSATestBed	TSATB	0	0	0	0	276	0
Training	TRNNG	0	230	0	0	0	0
Training Other	TRNOT	0	5,630	3,465	856	5,711	12,304
Travel	TRAVEL	0	362	0	0	0	0
Union Business	UNBUS	0	2,700	5,488	0	1,498	4,646
Walnut Creek Transit Village	C154A	0	7,314	399	0	0	0
Grand Total		4,108	270,149	217,733	3,847	307,687	321,133

March

491,991

632,667

Overtime10, Overtime15, Overtime20

Communications Center - 2019

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Calls for Service	7,540	7,765	7,829										23,134
YTD 2019	7,540	15,305	23,134										
Priority 1 Calls	203	181	202										586
YTD 2019	203	384	586										
Medical Emergencies	361	310	370										1,041
YTD 2019	361	671	1,041										

Communications Center - 2018

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

Communications Center - 2017

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	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	

BART Watch - 2019

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Crime in Progress	160	124	129										413
Disruptive Behavior	1760	1539	1703										5,002
Drug Use	676	636	616										1,928
Human Trafficking	15	5	12										32
Illegally Parked Vehicle	27	25	19										71
Panhandling	203	178	119										500
Report a Crime Tip	31	47	47										125
Robbery/Theft	91	38	50										179
Sexual Assault/Lewd Behavior	79	44	48										171
Suspicious Activity	248	204	186										638
Unattended Bag or Package	48	72	73										193
Unsecure Door	5	11	12										28
Vandalism	116	109	107										332
Welfare Check	299	385	403										1,087
Total	3758	3417	3524										10,699

Total Downloads: 72,024

Total Reports Made

Anonymous: 40.05%
 Non-Anonymous: 59.95%

Statistics

Statistics	Six Week Average	04/15-04/21	04/08-04/14	04/01-04/07	03/25-03/31	03/18-03/24	03/11-03/17
Alerts Sent	0.00	0	0	0	0	0	0
Description	<i>The total number of alerts sent.</i>						
Incoming Reports	494.83	464	497	489	487	488	544
Description	<i>The number of reports sent from users.</i>						
Replies to Reports	733.17	676	705	660	757	741	860
Description	<i>The number of replies sent to users from ELERTS EPICenter console.</i>						

Report Type	# of Reports (all time)	
Disruptive Behavior (A)	25528	42.27%
[none selected]	6840	11.32%
Panhandling (A)	5010	8.29%
Suspicious Activity (A)	5001	8.28%
Crime in Progress (A)	3414	5.65%
Other (D)	3082	5.10%
Vandalism (A)	2001	3.31%
Panhandling or Disruptive Behavior (D)	1967	3.26%
Unattended Bag or Package (A)	1439	2.38%
Drug Use (A)	1198	1.98%
Report a Crime Tip (A)	1148	1.90%
Illegally Parked Vehicle (A)	946	1.57%
Sexual Assault / Lewd Behavior (A)	935	1.55%
Welfare Check (A)	777	1.29%
Robbery / Theft (A)	679	1.12%
Unsecure Door (A)	352	0.58%
Human Trafficking (A)	68	0.11%
Text-a-Tip (A)	13	0.02%
Total	60398	100 %

(A) Active | Disabled (D)

Identification	Total
Anonymous	40.04 %
Description	<i>Reports sent anonymously.</i>
Non-Anonymous	59.96 %
Description	<i>Reports sent non-anonymously.</i>

App Statistics (including tests)	
Total Messages (iOS)	83248
Description	<i>Reports and replies via iOS devices.</i>
Total Messages (Android)	37408
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	7953

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



Office of the
**INDEPENDENT
POLICE AUDITOR**

BAY AREA RAPID TRANSIT DISTRICT

MONTHLY REPORT

April 2019

Issue date: May 13, 2019

This report is filed pursuant to the BART Citizen Oversight Model, Chapter 1-05 (B), which requires the Office of the Independent Police Auditor (OIPA) to submit reports to the BART Police Citizen Review Board (BPCRB). This report provides information for the period **April 1, 2019 through April 30, 2019.**¹

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 ²	Open Cases ³	OIPA Investigations Concluded ⁴	Cases Appealed to OIPA ⁵	Cases Appealed by BPCRB ⁶
April 2018	13	49	0	0	0
May 2018	6	51	1	0	0
June 2018	10	56	0	0	0
July 2018	8	54	0	0	0
August 2018	14	64	1	0	0
September 2018	9	69	1	0	0
October 2018	10	69	1	0	0
November 2018	13	69	1	0	0
December 2018	5	62	0	0	0
January 2019	15	64	1	0	0
February 2019	12	60	1	0	0
March 2019	14	57	1	0	0
April 2019	14	57	0	0	0

TYPES OF CASES FILED

Citizen Complaints (Formal)	7
Informal Complaints ⁷	4
Administrative Investigations	0
Inquiries ⁸	3
TOTAL	14

CITIZEN COMPLAINTS RECEIVED PER DEPARTMENT⁹

OIPA	4
BART Police Department	3
TOTAL	7

COMPLAINTS/INVESTIGATIONS INITIATED DURING REPORTING PERIOD

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

Complaint # (IA Case #)	Nature of Complaint	Action Taken	Days Elapsed Since Complaint Filed
1 (OIPA #19-15) (IA2019-054)	Officers #1-2: <ul style="list-style-type: none"> • Force • Policy/Procedure • Conduct Unbecoming an Officer 	OIPA initiated an investigation.	26
2 (OIPA #19-16) (IA2019-055)	Employee #1: <ul style="list-style-type: none"> • Performance of Duty 	OIPA notified BPD, which initiated an investigation.	22
3 (OIPA #19-12) (IA2019-057)	Officers #1-4: <ul style="list-style-type: none"> • Bias-Based Policing • Arrest/Detention • Policy/Procedure • Conduct Unbecoming an Officer 	OIPA initiated an investigation.	21
4 (OIPA #19-14) (IA2019-045)	Undetermined Number of Officers: <ul style="list-style-type: none"> • Arrest/Detention • Conduct Unbecoming an Officer 	OIPA notified BPD, which categorized complaint as Informal.	40

During April 2019, **2 Citizen Complaints (Formal)** were received by BPD:

Complaint # (IA Case #)	Nature of Complaint	Action Taken	Days Elapsed Since Complaint Filed
1 (IA2019-052)	Officers #1-2: <ul style="list-style-type: none"> • Force • Conduct Unbecoming an Officer 	BPD initiated an investigation.	27
2 (IA2019-053)	Employee #1: <ul style="list-style-type: none"> • Bias-Based Policing 	BPD initiated an investigation.	26

During April 2019, **4 Informal Complaints** were received by BPD:

Complaint # (IA Case #)	Nature of Allegations	Action Taken	Days Elapsed Since Investigation Initiated
1 (IA2019-047)	Employee #1: <ul style="list-style-type: none"> • Conduct Unbecoming 	BPD initiated a Supervisor Referral. ¹⁰	34
2 (IA2019-049)	Officer #1: <ul style="list-style-type: none"> • Conduct Unbecoming an Officer 	BPD initiated a Supervisor Referral.	31

3 (IA2019-051)	Officers #1-2: • Courtesy	BPD initiated a Supervisor Referral.	28
4 (IA2019-056)	Employee #1: • Courtesy		
	Unknown Officers #1-3: • Performance of Duty • Conduct Unbecoming an Officer	BPD initiated a Supervisor Referral.	13

Also during the month of April 2019, BPD classified each of the following intakes as an **Inquiry**: #IA2019-033 (after the complainant was contacted by a BPD supervisor and concerns were addressed), #IA2019-048 (Complaint was based on a misunderstanding of applicable law/rule), #IA2019-050 (No complaint was articulated).¹¹

COMPLAINTS/INVESTIGATIONS INITIATED DURING A PRIOR REPORTING PERIOD

During February 2019, **1 Citizen Complaint (Formal)** was received by BPD but not previously reported:

Complaint # (IA Case #)	Nature of Complaint	Action Taken	Days Elapsed Since Complaint Filed
1 (IA2019-043)	Officers #1-2: • Force	BPD initiated an investigation.	89

COMPLAINTS/INVESTIGATIONS CONCLUDED DURING REPORTING PERIOD

During April 2019, **6 Citizen Complaints (Formal)** were concluded by BPD:

Complaint # (IA Case #)	Nature of Complaint	Disposition	Days Elapsed Since Complaint Filed	Days Taken to Complete Investigation
1 (IA2018-072)	Officer provided inaccurate information to complainant regarding BPD video retrieval capabilities.	Officer #1: • Performance of Duty – Administratively Closed	263	221

2 (IA2018-084)*	One officer improperly detained a subject, used profane language, and failed to properly document a law enforcement contact, and two officers used excessive or unnecessary force during arrest.	Officers #1-2: • Force – Exonerated Officer #2: • Arrest/Detention – Exonerated • Conduct Unbecoming an Officer – Sustained • Policy/Procedure (AXON Camera) – Sustained	227	158
3 (IA2018-088)	Officer harassed complainant by issuing numerous unwarranted parking citations.	Officer #1 • Policy/Procedure – Sustained	215	187
4 (IA2018-094)	Officer used excessive force during arrest.	Officer #1 • Force – Unfounded	202	174
5 (IA2018-096)	Employee was unprofessional and improperly issued a citation to complainant.	Employee #1: • Conduct Unbecoming – Administratively Closed	194	152
6 (IA2018-102)	Officer poked complainant and swatted at complainant's property. Officer also failed to activate body-worn camera.	Officer #1: • Conduct Unbecoming an Officer – Not Sustained • Policy/Procedure (AXON Camera) – Sustained	189	175

During April 2019, **4 Informal Complaints** were addressed by BPD:

Complaint # (IA Case #)	Nature of Complaint	Disposition	Days Elapsed Since Complaint Filed	Days Taken to Complete Investigation
1 (IA2019-030)	Officers operated a patrol vehicle in an unsafe manner.	Officers #1-2: • Policy/Procedure – Supervisor Referral	65	24
2 (IA2019-035)	Officer operated a patrol vehicle in an unsafe manner.	Officer #1: • Conduct Unbecoming an Officer – Supervisor Referral	61	35

* This case was deferred to OIPA by BPD and was investigated and completed in March 2019. It remained pending for Internal Affairs prior to presentation of the report to the BART Police Citizen Review Board at its March 2019 regular meeting.

3 (IA2019-040)	Officer was rude, threatening, demeaning, and unprofessional during a law enforcement contact.	Officer #1: • Conduct Unbecoming an Officer – Supervisor Referral	47	9
4 (IA2019-047)	Employee did not take appropriate enforcement action during a call for service.	Employee #1: • Conduct Unbecoming – Supervisor Referral	34	8

During April 2019, **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 (IA2018-070)	Officer was dishonest and prevented another officer from properly performing duties.	Officer #1: • Conduct Unbecoming an Officer – Unfounded	265	226

Also during the month of April 2019, BPD classified case #IA2019-026 (BPD Internal Audit of evidence handling) as a **Service Review**¹², and each of #IA2019-044 (Officer improperly handled subject's pet) and #IA2019-046 (Customer was unsatisfied with proof of payment efforts) as an **Inquiry** and Administratively Closed the investigations.

DISCIPLINE ISSUED DURING REPORTING PERIOD

During April 2019, BPD took the following actions in cases where one or more allegations of misconduct were sustained:

Case #	Nature of Sustained Allegation(s)	Classification of Sustained Allegation(s)	Action Taken
1	Officer used profane language and failed to properly document a law enforcement contact.	Officer #1: • Policy/Procedure (General Conduct) • Policy/Procedure (AXON Camera)	Officer #1: • Non-Documented
2	Officer failed to properly document a law enforcement contact.	Officer #1: • Policy/Procedure (AXON Camera)	Officer #1: • Letter of Discussion

ADDITIONAL NOTES

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

complaints and investigations, the following chart includes some of the pending cases in which OIPA is involved as of the end of this reporting period.

Investigations Being Conducted	10
Complainant-Initiated Appeals	0
BPD-Initiated Appeals	0
Investigations Being Monitored	22
Investigations Reviewed During Current Month	18†

† 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.¹³

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

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

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

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

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

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

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

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

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

¹⁰ 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.

¹¹ Administrative Closure refers to allegations that are received and documented; however the Chief of Police or his/her designee determines, based on a preliminary investigation, that further investigation is not warranted. Under these circumstances, the complaint will be Administratively Closed and documented in a summary memorandum to the case file. Employees will be documented as witnesses only, not as subjects to the complaint. Internal Affairs will send a letter to the complainant notifying them that the case was closed following a preliminary investigation.

¹² A Service Review refers to an instance when a citizen/patron raises a concern pertaining to a global practice throughout the Department such as Department policies, procedures and/or tactics. When appropriate, a Service Review may be conducted by Internal Affairs or by a designated review committee, who in turn will make recommended changes to the Chief of Police for approval.

¹³ 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.