

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

NOTICE OF MEETING AND AGENDA
BART POLICE CITIZEN REVIEW BOARD

December 14, 2020
4:00 p.m.

A regular meeting of the BART Police Citizen Review Board (BPCRB) will be held on Monday, December 14, 2020 at 4:00 p.m.

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

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

You may listen to the Meeting by calling 1-833-827-2778 and entering access code 731 127 402#.

We strongly encourage public comments to be submitted via email. **You may submit comments via email to CitizenReviewBoard@bart.gov using "public comment" as the subject line.** Your comment will be provided to the Board and will become a permanent part of the file. Please submit your comments as far in advance as possible. Emailed comments must be received before 2:00 p.m. in order to be included in the record.

Individuals may also be given an opportunity by the moderator to speak on any item on the agenda by calling (833) 827-2778 and entering access code 731 127 402# in advance of the item. Public comment will be limited to three (3) minutes per person. Your phone will be muted until you are called upon.

AGENDA

1. Call to Order.
 - a. Roll Call.
 - b. Pledge of Allegiance.
2. [Approval of Minutes of the Meeting of November 16, 2020.](#) For Discussion and Action.
3. Chief of Police's Report. For Discussion and Action.
 - a. [BART Police Department's Monthly Reports for October 2020.](#)
4. Independent Police Auditor's Report. For Discussion and Action.
 - a. [Office of the Independent Police Auditor \(OIPA\) Monthly Report for November 2020.](#)
5. Senate Bill 230 (Caballero), Law Enforcement: Use of Deadly Force, Training Policies (Member Perezvelez's Request) (continued from the November 16, 2020 meeting). For Discussion.
6. [BART Police Citizen Review Board \(BPCRB\) Meeting Calendar for 2021.](#) For Discussion.

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.
 - a. To Consider Public Employee Discipline/Dismissal/Release in OIPA Case #20-06. Govt. Code §54957.
9. Adjournment

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

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

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

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

BART Police Citizen Review Board Meeting Minutes
Monday, November 16, 2020

A regular meeting of the BART Police Citizen Review Board (BPCRB) was held Monday, November 16, 2020, convening at 4:04 p.m. via teleconference, pursuant to Governor Gavin Newsom's Executive Order N-29-20 and the California Shelter-in-Place mandate. The meeting was called to order by Chairperson David Rizk; Mag Tatum, Recording Secretary.

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

1. Call to Order.

The regular meeting was convened at 4:04 p.m. by Vice Chairperson Armstrong.

Members Present:

Members Erin Armstrong, Zachary Bruno, Todd Davis, Kenneth Loo, George Perezvelez, Darren White, William White, and David Rizk.

Absent:

Members Christina Gomez, Pete Longmire, and Les Mensinger

The Pledge of Allegiance was recited.

2. Approval of Minutes of the Meeting of October 19, 2020.

Member Armstrong moved that the Minutes of the Meeting of October 19, 2020 be approved. Member Rizk seconded the motion, which carried by a unanimous roll call vote. Ayes – 7: Members Armstrong, Bruno, Davis, Perezvelez, D. White and W. White and Rizk. Noes – 0. Abstain – 1: Member Loo. Absent – 3: Members Gomez, Longmire, and Mensinger.

3. Chief of Police's Reports.

a. BPD Monthly Reports for September 2020.

Chief of Police Ed Alvarez presented the BPD Monthly Reports for September 2020. The reports were discussed.

Les Mensinger entered the meeting.

4. Use of Force Annual Report – 2019 (continued from the October 19, 2020 meeting).

Deputy Chief Lance Haight presented the Use of Force Annual Report 2019. The report was discussed.

5. Update on BART Police Model Enhancements (continued from the October 19, 2020 meeting).

Chairperson Rizk gave an Update on BART Police Model Enhancements. The report was discussed.

6. Independent Police Auditor's Report.

a. Office of the Independent Police Auditor (OIPA) Monthly Report for October 2020.

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

7. Policy Standing Committee Updates. (continued from the September 14, 2020 meeting).

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

1. Lexipol Policy 300 – Use of Force
2. Lexipol Policy 306 – Handcuffing and Restraints
3. Lexipol Policy 310 – Officer-Involved Shootings and Deaths
4. Lexipol Policy 312 – Firearms
5. Lexipol Policy 314 – Vehicle Pursuits
6. Lexipol Policy 332 – Missing Persons
7. Lexipol Policy 334 – Public Alerts
8. Lexipol Policy 380 – Child and Dependent Adult Safety
9. Lexipol Policy 448 – Mobile Data Computer Use
10. Lexipol Policy 521 – Parking Enforcement
11. Lexipol Policy 602 – Sexual Assault Investigation (Member Perezvelez's Request)
12. Lexipol Policy 710 – Cash Handling, Security and Management (Member Perezvelez's Request)
13. Lexipol Policy 1010 – Employee Convictions
14. Lexipol Policy 1020 – Personnel Complaints (Member Perezvelez's Request)
15. Lexipol Policy 1044 – Personal Appearance Standards
16. Lexipol Policy 1054 – Temporary Modified-Duty Assignments

Chairperson Rizk moved that the Policy Standing Committee Updates (total of sixteen Policies) be approved. Member Mensinger seconded the motion, which carried by a unanimous roll call vote. Ayes – 9: Members Armstrong, Bruno, Davis, Loo, Mensinger, Perezvelez, D. White, W. White, and Rizk. Noes – 0. Abstain – 0. Absent – 2: Members Gomez and Longmire.

8. Senate Bill 230 (Caballero), Law Enforcement: Use of Deadly Force, Training Policies (Member Perezvelez's Request).

The item will be continued to the next meeting.

9. Public Comment.

Chairperson Rizk called for Public Comment. No Public Comments were received.

Chairperson Rizk announced that the Board would enter closed session under Item 10-A (Public Employee Discipline/Dismissal/Release in OIPA Cases #19-46 and #19-52 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 4:50 p.m.

The Meeting reconvened in Closed Session at 4:50 p.m.

10. Closed Session.

- a. To reconsider Public Employee Discipline/Dismissal/Release in OIPA Cases #19-46 and #19-52 Govt. Code §54957.

Members Present:

Members Erin Armstrong, Zachary Bruno, Todd Davis, Kenneth Loo, Les Mensinger, George Perezvelez, Darren White, William White, and David Rizk.

Absent:

Members Christina Gomez and Pete Longmire.

Adjournment.

The Meeting reconvened in Open Session at 5:10 p.m.

Chairperson Rizk announced that the Board voted unanimously to accept the findings in OIPA Case #19-46 and Case# 19-52.

The Meeting adjourned at 5:15 p.m.

BART POLICE DEPARTMENT



October 2020

MONTHLY REPORT

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

IA#:	DATE OCC'D	DATE REC'D	ALLEGATION	MISC	INVESTIGATOR	STATUS	5 Month Date	Due Date
IA2018-001	1/3/2018	1/3/2018	Force (OIS)		Sgt. T. Salas	Tolled	6/4/2018	
IA2018-043	6/6/2018	6/6/2018	Force		Sgt. Spears	Tolled	11/5/2018	
IA2018-060	7/22/2018	7/23/2018	Service Review		Lt. Franklin	Tolled	12/23/2018	
IA2020-017	2/15/2020	2/15/2020	Force		Sgt. Spears	Tolled	7/16/2020	2/15/2021
IA2019-124	10/24/2019	10/24/2019		Deferred to OIPA #19-46	OIPA	OIPA Investigation	3/24/2020	10/24/2020
IA2019-125	11/13/2019	11/13/2019	CUBO, POD, Policy/ Procedure	Deferred to OIPA #19-52	OIPA	OIPA Investigation	12/11/2019	11/13/2020
IA2019-133	11/21/2019	12/17/2019	Force		Sgt. McNack	In Progress	6/21/2020	12/17/2020
IA2020-015	2/12/2020	2/12/2020	Force, Arrest/Detention	Deferred to OIPA #20-07	OIPA	OIPA Investigation	7/13/2020	2/12/2021
IA2020-018	2/1/2020	2/1/2020	CUBO, Policy/Procedure		Sgt. McNack	In Progress	7/2/2020	2/1/2021
IA2020-019	2/5/2020	2/5/2020	Arrest/detention, Policy/Procedure, Search/seizure	Deferred to OIPA #20-06	OIPA	OIPA Investigation	7/6/2020	2/5/2021
IA2020-020	3/6/2021	2/20/2020	Force	OIPA Intake #20-10	Sgt. Spears	In Progress	7/21/2020	2/20/2021

IA2020-022	2/19/2020	2/21/2020	Force, Arrest/Detention, Bias Based Policing, Search or seizure	Deferred to OIPA #20-11	OIPA	OIPA Investigation	7/22/2020	2/21/2021
IA2020-023	2/29/2020	2/29/2020	Axon, Bias Based Policing		Sgt. McNack	In Progress	7/30/2020	3/1/2021
IA2020-024	2/15/2020	3/7/2020	Force, CUBO Arrest/Detention	OIPA Intake #20-13	Sgt. Spears	In Progress	8/6/2020	3/7/2021
IA2020-026	3/5/2020	3/9/2020	Arrest/Detention, BBP, Axon Policy/Procedure	Deferred to OIPA #20-14	OIPA	OIPA Investigation	7/30/2020	3/9/2021
IA2020-027	11/10/2019	3/12/2020	POD, Supervision		Sgt. T. Salas	In Progress	4/10/2020	3/12/2021
IA2020-028	3/12/2020	3/12/2020	Force		Sgt. T. Salas	In Progress	8/11/2020	3/12/2021
IA2020-031	3/11/2020	3/14/2020	CUBO		Sgt. Spears	In Progress	8/13/2020	3/14/2021
IA2020-035	4/26/2020	4/26/2020	BBP,CUBO, Axon	Formal/Admin Investigation	Sgt. T. Salas	In Progress	9/25/2020	4/26/2021
IA2020-036	Unk	4/30/2020	Arrest/Detention, POD, Axon	OIPA Intake #20-17	Sgt. Spears	In Progress	9/29/2020	4/30/2021
IA2020-037	Unk	4/30/2020	POD	OIPA Intake #20-18	Sgt. T. Salas	In Progress	10/3/2020	4/30/2021
IA2020-038	5/4/2019	5/13/2020	POD	Clear by Video	Sgt. T. Salas	In Progress	10/12/2020	5/13/2021
IA2020-039	5/14/2019	5/14/2020	POD		Sgt. T. Salas	In Progress	10/12/2020	5/14/2021

IA2020-040	5/12/2020	5/12/2020	Force, Arrest/Detention		Sgt. McNack	In Progress	10/11/2020	5/12/2021
IA2020-042	6/2/2020	6/3/2020	Arrest/Detention		Sgt. T. Salas	In Progress	11/2/2020	6/3/2021
IA2020-044	6/4/2020	6/5/2020	CUBO, Courtesy, Policy/Procedure	Deferred to OIPA #20-19	OIPA	In Progress	11/4/2020	6/5/2021
IA2020-046	6/8/2020	6/8/2020	BBP, CUBO		Sgt. T. Salas	In Progress	11/7/2020	6/8/2021
IA2020-047	6/11/2020	6/12/2020	CUBO	Clear by Video	Sgt. T. Salas	In Progress	11/11/2020	6/12/2021
IA2020-048	7/23/2020	7/23/2020	Force		Sgt. T. Salas	In Progress	12/22/2020	7/23/2021
IA2020-050	7/7/2020	8/17/2020	Arrest/Detention		Sgt. McNack	In Progress	1/16/2021	8/17/2021
IA2020-051	8/18/2020	8/21/2020			Sgt. Spears	In Progress	1/20/2021	8/21/2021
IA2020-056	8/29/2020	8/31/2020	CUBO		Sgt. T. Salas	In Progress	1/30/2021	8/31/2021
IA2020-057	8/12/2020	8/27/2020	CUBO	Deferred to OIPA #20-22	OIPA	In Progress	1/26/2021	8/27/2021
IA2020-058	9/2/2020	9/3/2020	Force, CUBO	Deferred to OIPA #20-23	OIPA	In Progress	2/2/2021	9/3/2021
IA2020-059	9/4/2020	9/4/2020	POD, CUBO		Sgt. McNack	In Progress	2/3/2021	9/4/2021
IA2020-060	9/9/2020	9/11/2020	POD, CUBO, Force, Policy/Procedure		Sgt. T. Salas	In Progress	2/10/2021	9/11/2021
IA2020-061	9/9/2020	9/17/2020	CUBO, Courtesy, Axon		Sgt. T. Salas	In Progress	2/16/2021	9/17/2021

IA2020-062	5/21/2020	9/17/2020	Bias Based Policing		Sgt. McNack	In Progress	2/21/2021	9/17/2021
IA2020-063	9/18/2020	9/18/2020	Policy/Procedure, CUBO		Sgt. McNack	In Progress	2/22/2021	9/18/2021
IA2020-065	9/14/2020	9/14/2020	Force, CUBO		Sgt. McNack	In Progress	2/13/2021	9/14/2021
IA2020-066	9/17/2020	9/18/2020	Force, CUBO, Bias, POD, Axon		Sgt. McNack	In Progress	2/17/2021	9/18/2021
IA2020-069		10/14/2020	POD	Deferred to OIPA #20-26	OIPA	OIPA Investigation	3/15/2021	10/14/2021
IA2020-070	10/20/2020	10/21/2020	Force, Arrest/Detention, Search/Seizure	OIPA Intake #20-28	Sgt. Spears	In Progress	3/22/2021	10/21/2021
IA2020-071	10/15/2020	10/16/2020	Courtesy, POD		Sgt. Spears	In Progress	3/17/2021	10/16/2021
IA2020-074	10/20/2020	10/27/2020	Courtesy		Sgt. Spears	In Progress	11/26/2020	10/27/2021
IA2020-075	10/23/2020	10/23/2020	BBP, Courtesy		Sgt. Spears	In Progress	3/24/2021	10/23/2021
IA2020-076	10/27/2020	10/29/2020	Arrest/Detention, CUBO, POD, Axon		Sgt. Spears	In Progress	4/3/2021	10/29/2021



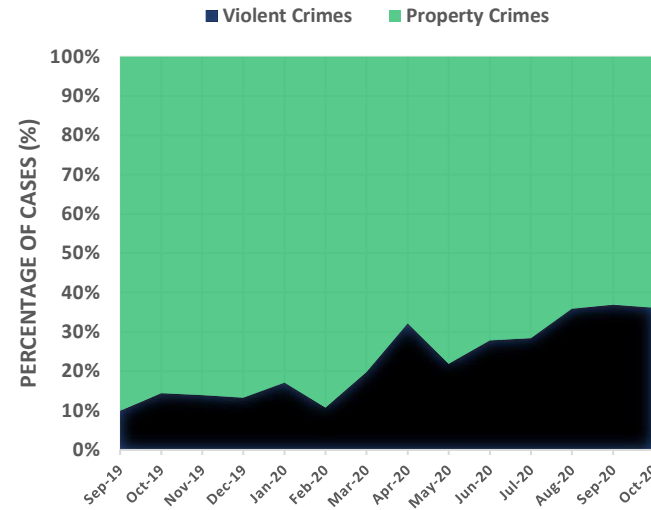
Bay Area Rapid Transit Police Department

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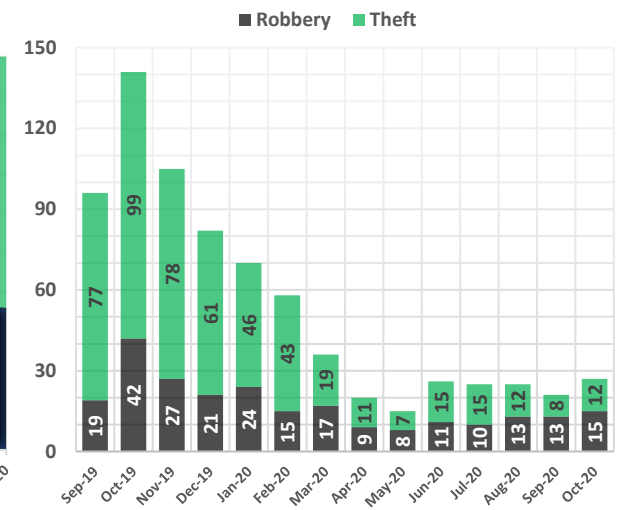
October 2020 Performance Measurement Review - **Systemwide**

PART 1 UCR Crime	2014	2015	2016	2017	2018	2019	YTD 2019	YTD 2020	PCT %
Homicide	0	1	1	0	3	2	1	0	-100%
Rape	2	3	4	8	3	7	6	3	-50%
Robbery	153	161	232	290	345	378	316	211	-33%
Aggravated Assault	71	73	93	125	130	112	96	85	-11%
Violent Crime Subtotal	226	238	330	423	481	499	419	299	-29%
Burglary (Structural)	7	4	12	15	18	16	14	11	-21%
Larceny & Auto Burglary	2,597	2,325	2,217	2,593	2,565	3,177	2,719	914	-66%
Auto Theft	522	480	480	420	348	247	201	91	-55%
Arson	0	0	1	4	4	4	3	4	+33%
Property Crime Subtotal	3,126	2,809	2,710	3,032	2,935	3,444	2,937	1,020	-65%
TOTAL	3,352	3,047	3,040	3,455	3,416	3,943	3,356	1,319	-61%

PART 1 CRIME OVERALL



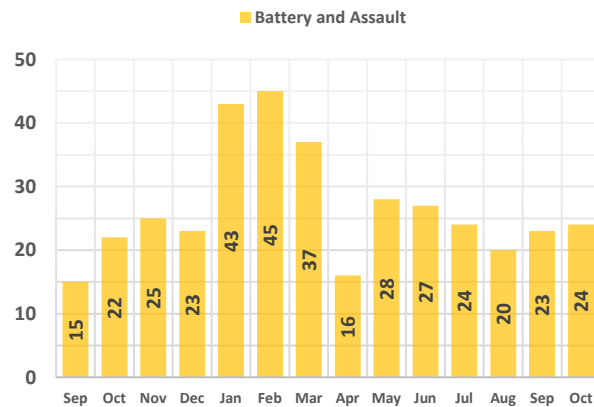
ELECTRONIC THEFT



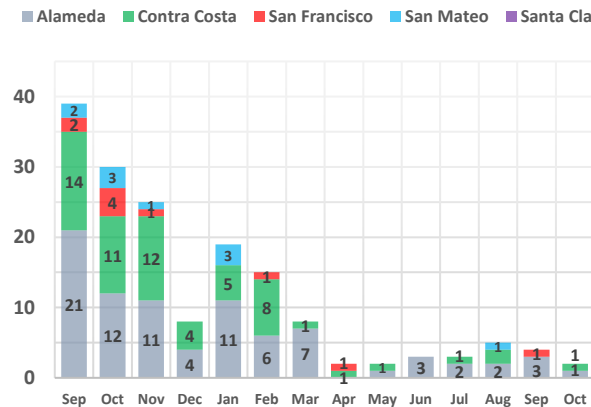
Part 1 Crimes: Top Five Stations

October 2020: R60/RIS M20/MOS M16/EMS A20/FVS M60/TFS
 Full Year 2019: A30/COS A60/HAS M10/OWS A20/FVS A40/SLS

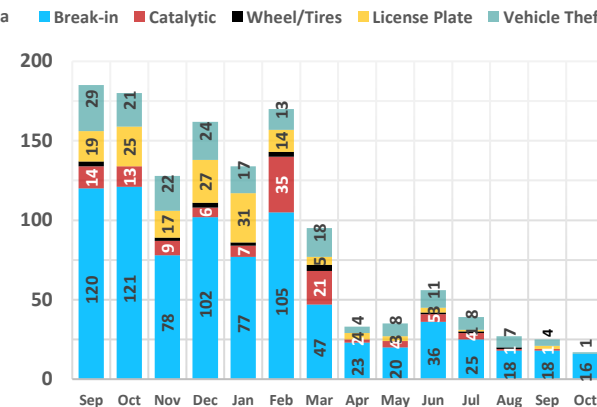
BATTERY & ASSAULT ON BART



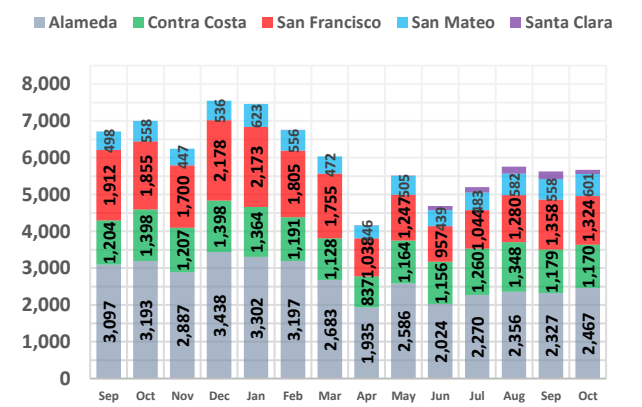
BICYCLE THEFT



VEHICLE CRIME



CALLS TO DISPATCH



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

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

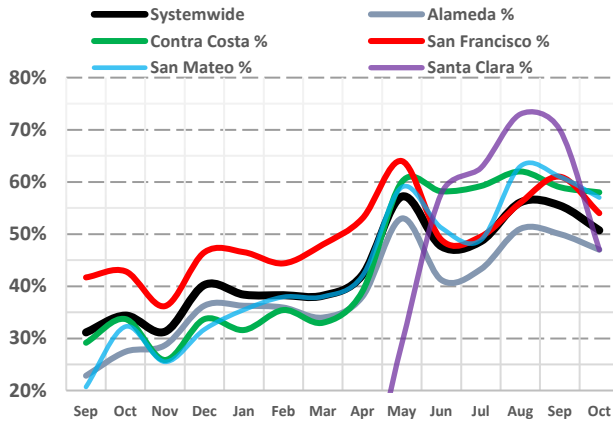


Bay Area Rapid Transit Police Department

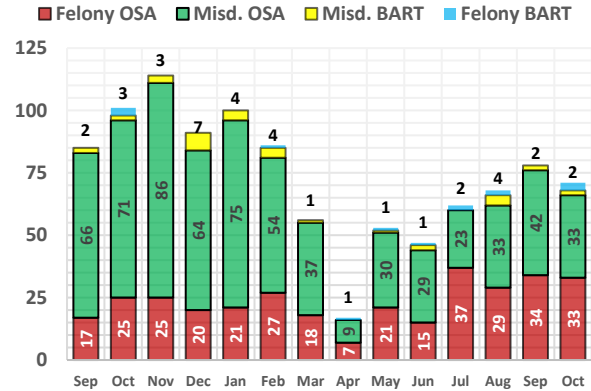
101 8th St, Oakland, CA, 94607 (510) 464-7000 www.bart.gov/police

October 2020 Performance Measurement Review - **Systemwide**

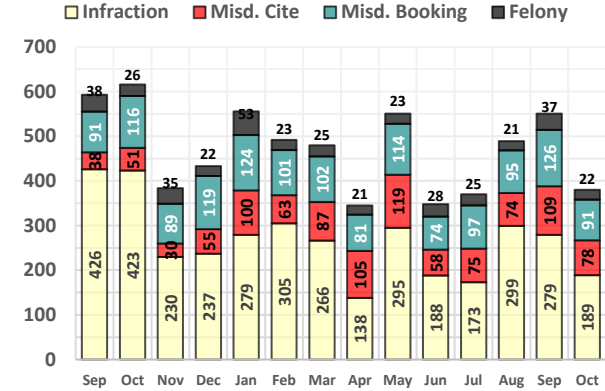
OFFICER-INITIATED INCIDENTS



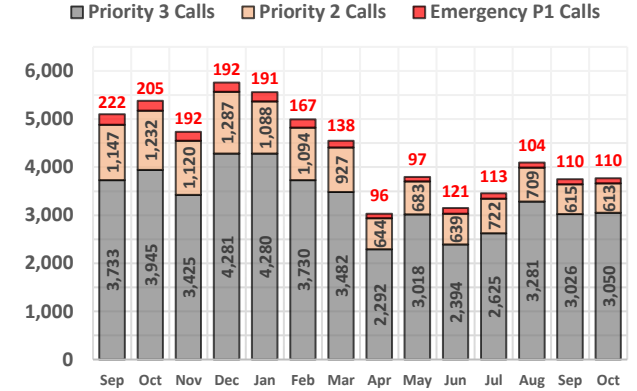
WARRANT ARRESTS



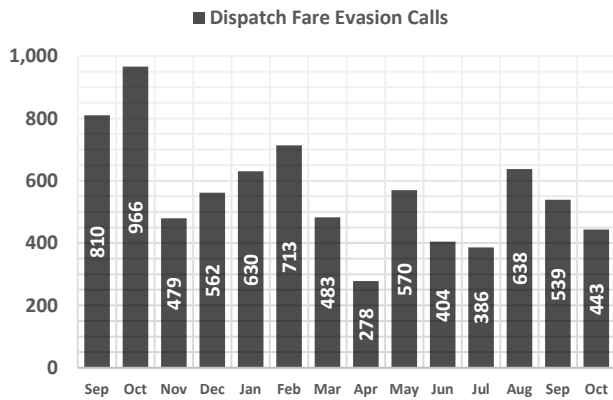
ALL BOOKINGS & ARRESTS



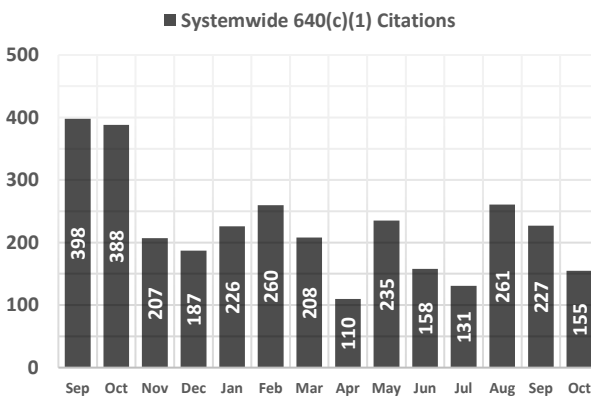
PRIORITY TYPE 1 - 3 CALLS



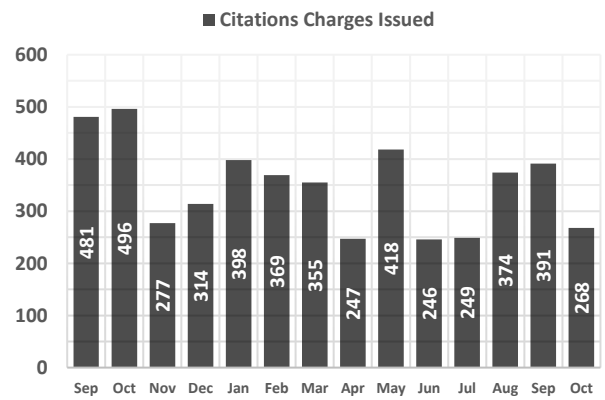
FARE EVASION CAD CALLS



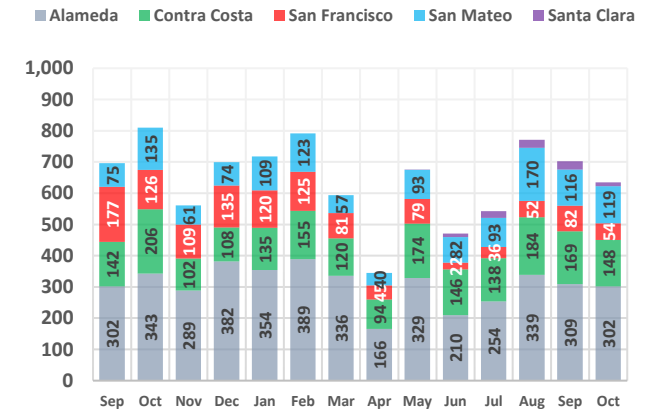
FARE EVASION CITATIONS



ALL CITATIONS



FIELD INTERVIEWS



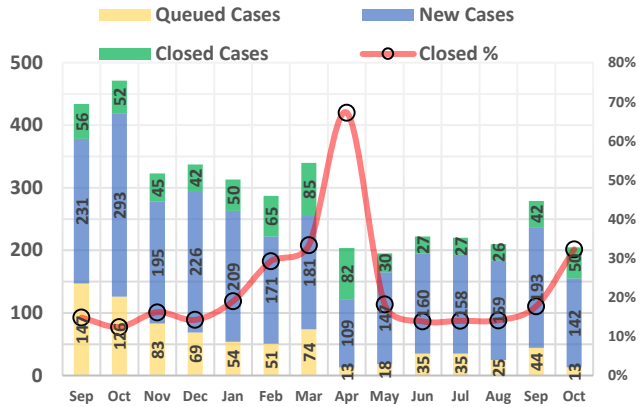


Bay Area Rapid Transit Police Department

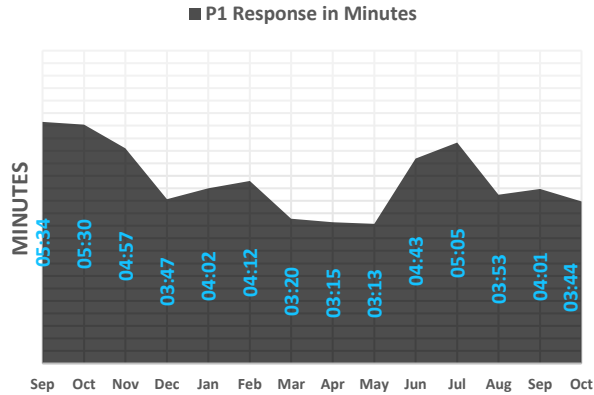
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October 2020 Performance Measurement Review - **Systemwide**

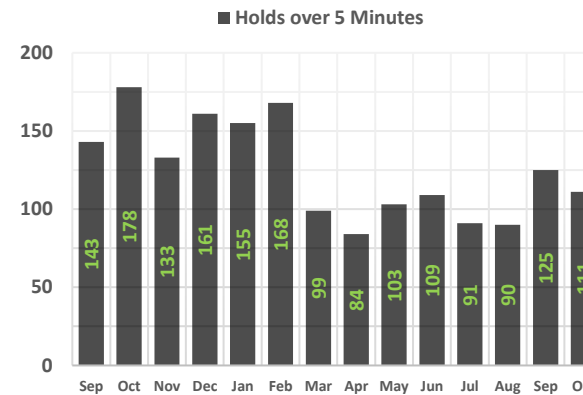
INVESTIGATIONS CASELOAD %



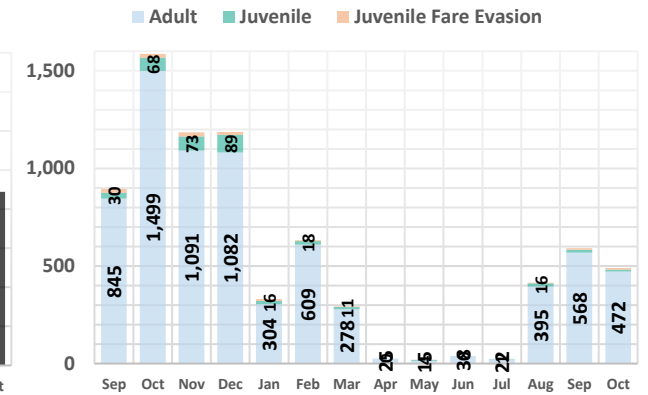
SYSTEM RESPONSE TIME (P1) AVG



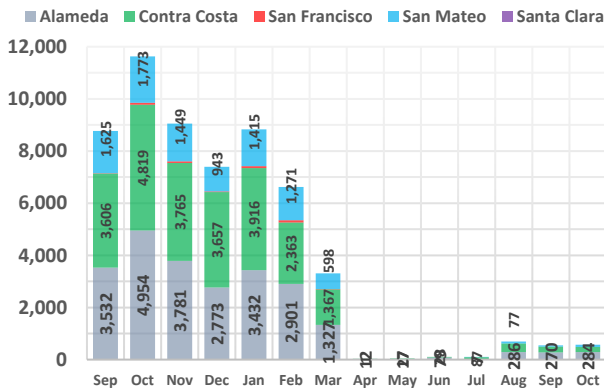
POLICE TRAIN HOLDS



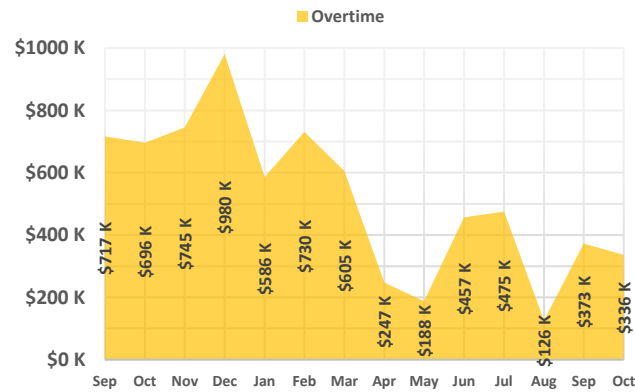
PROOF OF PAYMENT CITATIONS



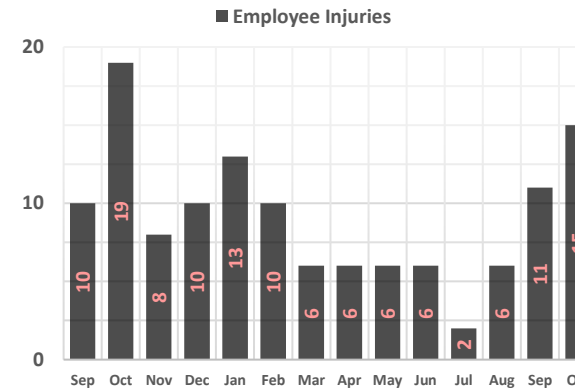
PARKING CITATIONS



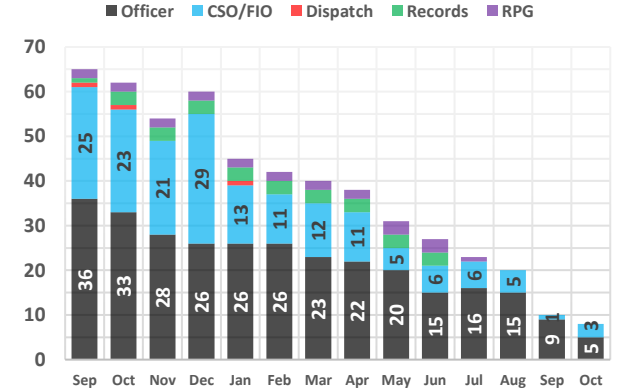
OVERTIME UTILIZATION (IN THOUSANDS)



EMPLOYEE INJURIES



VACANCIES



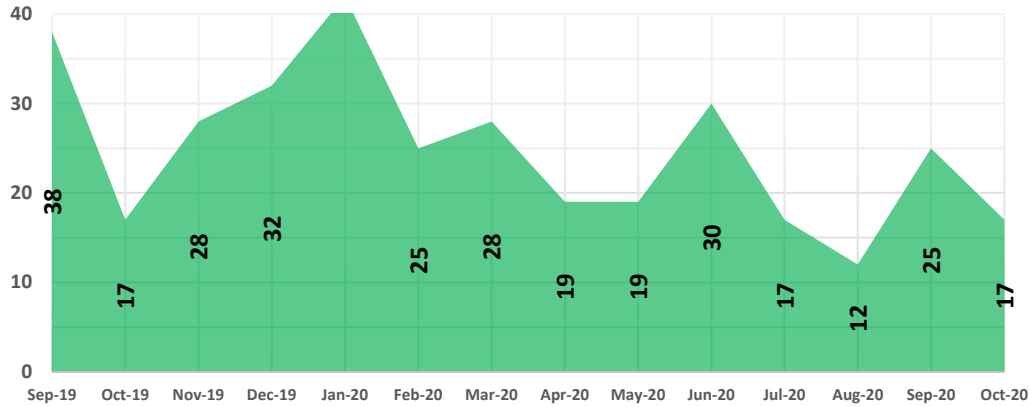


Bay Area Rapid Transit Police Department

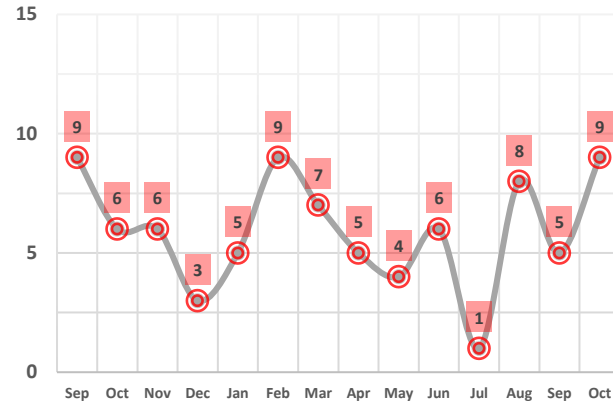
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October 2020 Performance Measurement Review - **Systemwide**

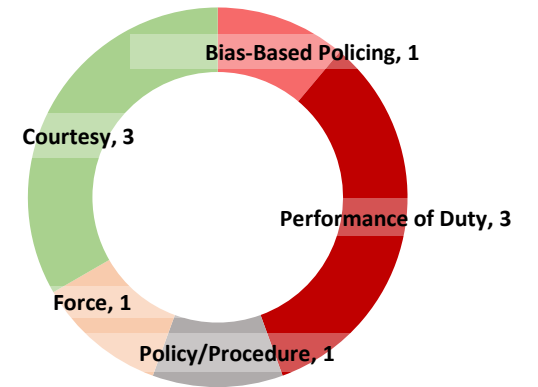
AB716 - PROHIBITION ORDERS



INTERNAL AFFAIRS COMPLAINTS

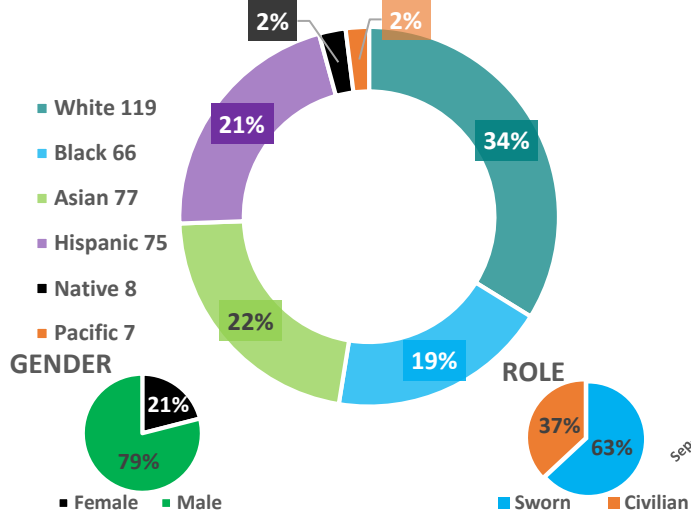


IA COMPLAINTS RECEIVED¹

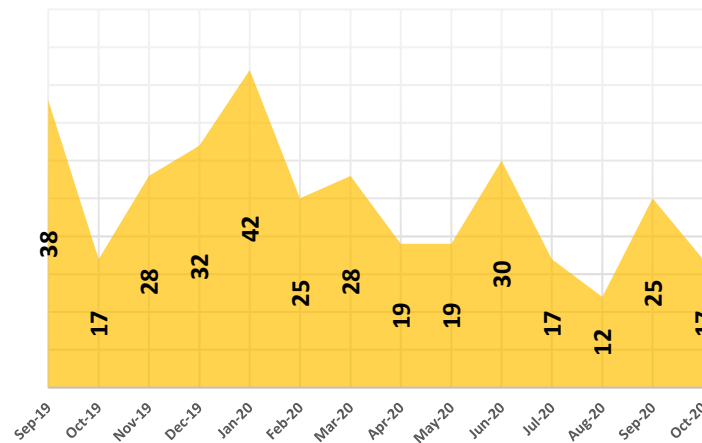


1: Each incident could contain more than one allegation. This chart reflects the most significant allegation per incident.

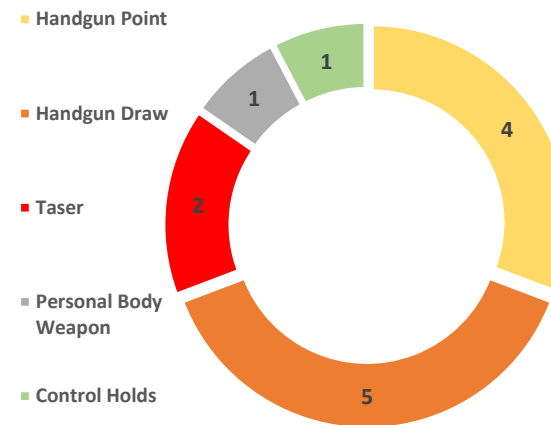
DEPARTMENT ETHNIC DIVERSITY



USE OF FORCE INCIDENTS

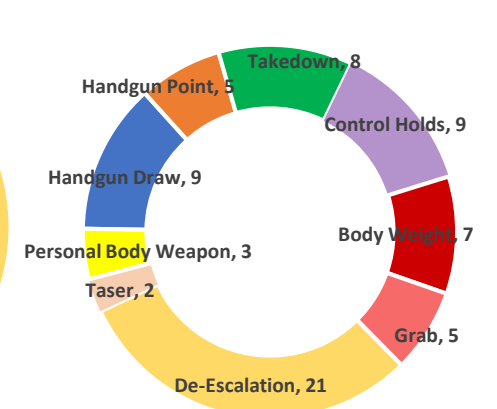


INCIDENT FORCE OPTIONS USED²



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

TYPES OF FORCE USED³



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



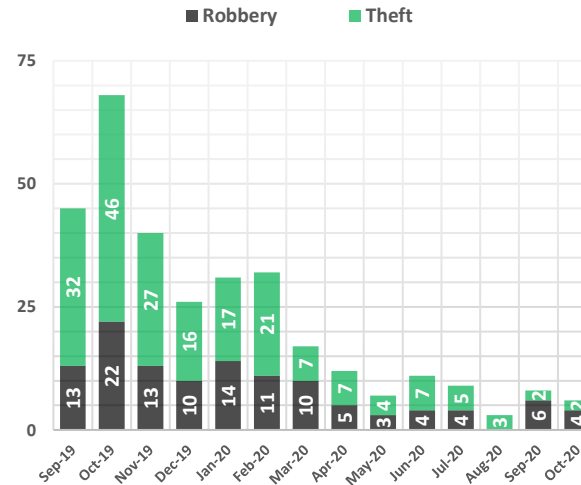
Bay Area Rapid Transit Police Department

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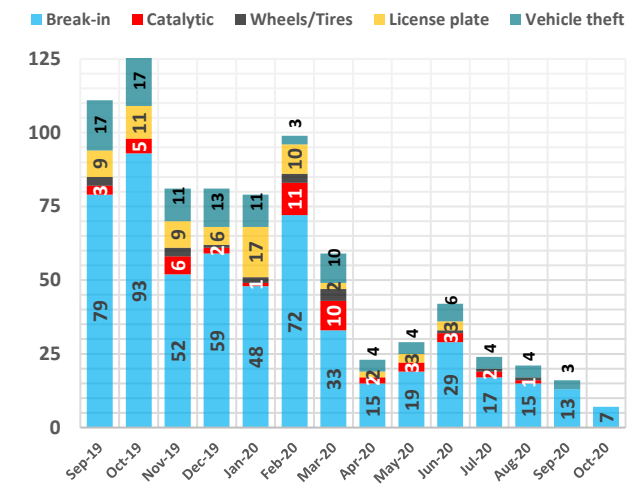
October 2020 Performance Measurement Review - Alameda County

PART 1 UCR Crime	2017	2018	2019	YTD 2019	YTD 2020	PCT %
Homicide	0	2	1	1	0	-100%
Rape	6	3	2	2	3	+50%
Robbery	191	211	229	196	109	-44%
Aggravated Assault	73	87	52	46	47	+2%
Violent Crime Subtotal	270	303	284	245	159	-35%
Burglary (Structural)	8	11	13	12	9	-25%
Larceny & Auto Burglary	1,471	1,262	1,634	1,424	532	-63%
Auto Theft	266	201	149	125	49	-61%
Arson	2	3	5	4	2	-50%
Property Crime Subtotal	1,747	1,477	1,801	1,565	592	-62%
TOTAL	2,017	1,780	2,085	1,810	751	-59%

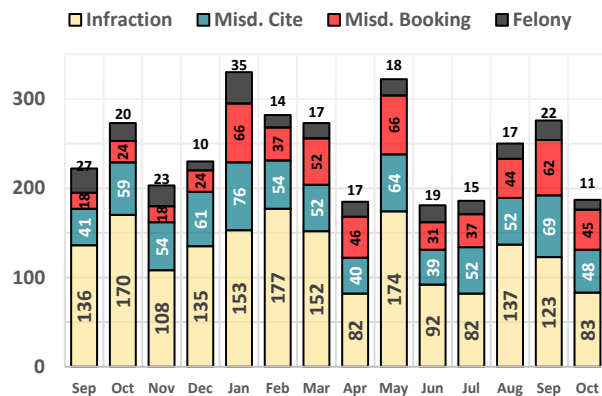
ALAMEDA ELECTRONIC THEFT



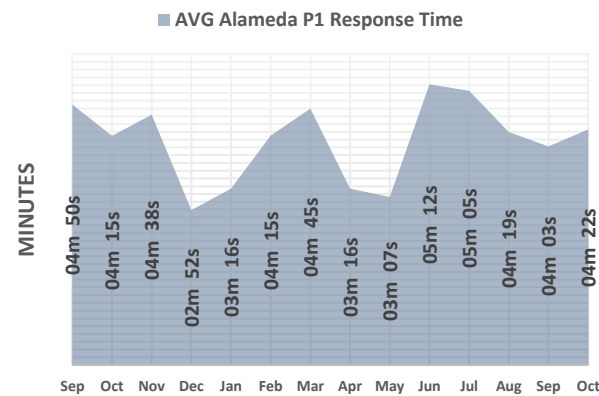
ALAMEDA VEHICLE CRIME



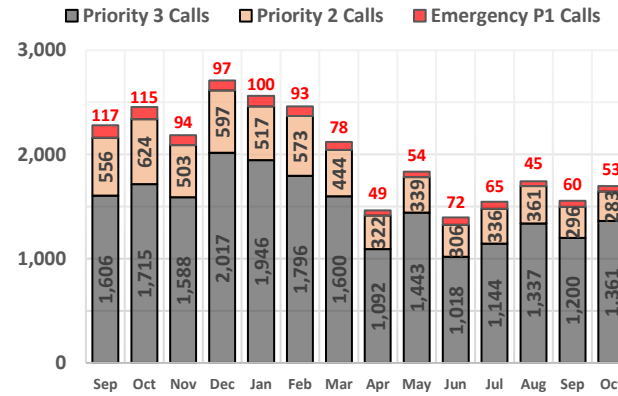
ALAMEDA ARRESTS & CITATIONS



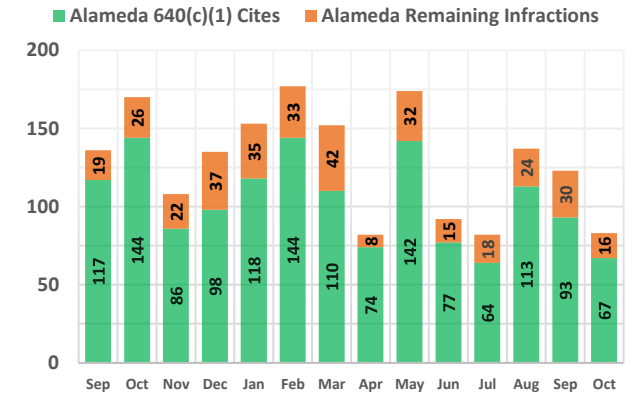
RESPONSE TIME (P1) AVG



ALAMEDA PRIORITY 1 - 3 CALLS



ALAMEDA FARE EVASION



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

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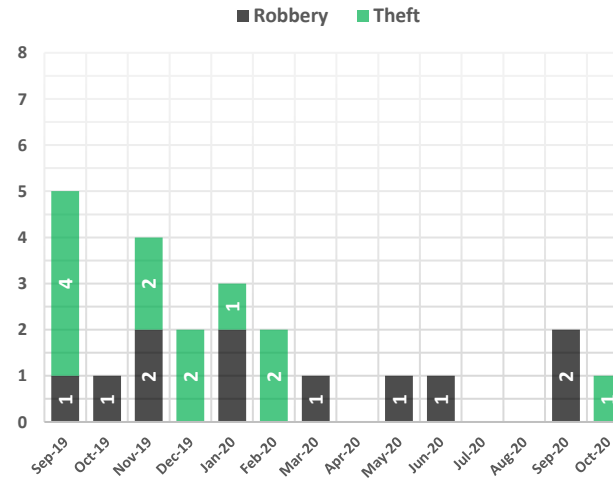
Bay Area Rapid Transit Police Department

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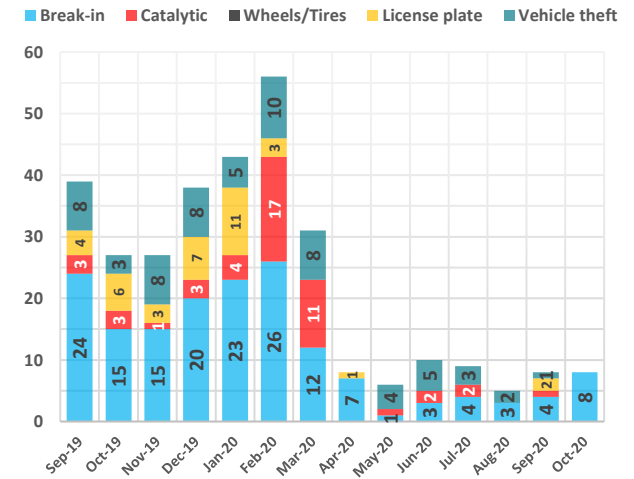
October 2020 Performance Measurement Review - Contra Costa County

PART 1 UCR Crime	2017	2018	2019	YTD 2019	YTD 2020	PCT %
Homicide	0	1	0	0	0	-%
Rape	1	0	4	4	0	-100%
Robbery	35	29	34	29	18	-38%
Aggravated Assault	23	20	23	16	15	-6%
Violent Crime Subtotal	59	50	61	49	33	-33%
Burglary (Structural)	2	1	2	2	0	-100%
Larceny & Auto Burglary	675	669	592	512	180	-65%
Auto Theft	134	124	81	65	38	-42%
Arson	3	1	0	0	0	-%
Property Crime Subtotal	814	795	675	579	218	-62%
TOTAL	873	845	736	628	251	-60%

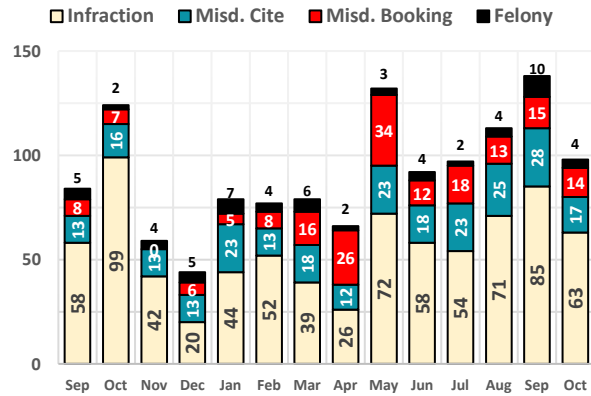
CONTRA COSTA ELECTRONIC THEFT



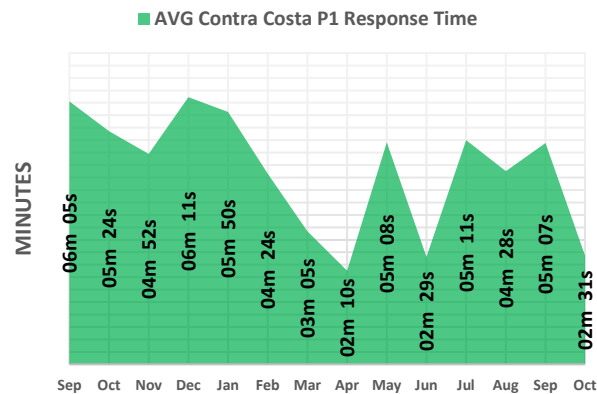
CONTRA COSTA VEHICLE CRIME



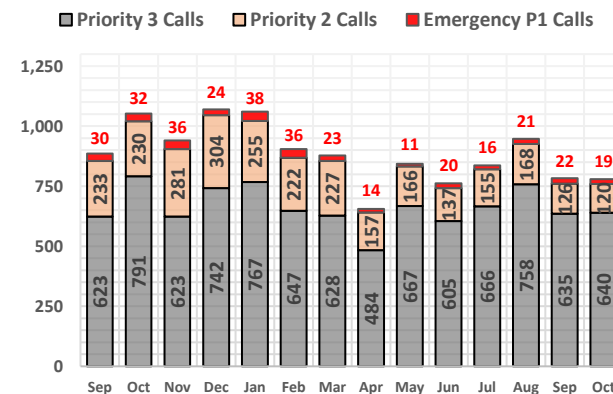
COCO ARRESTS & CITATIONS



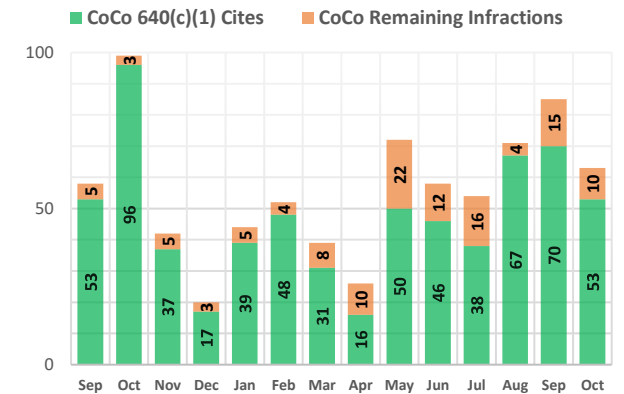
RESPONSE TIME (P1) AVG



COCO PRIORITY 1 - 3 CALLS



COCO FARE EVASION



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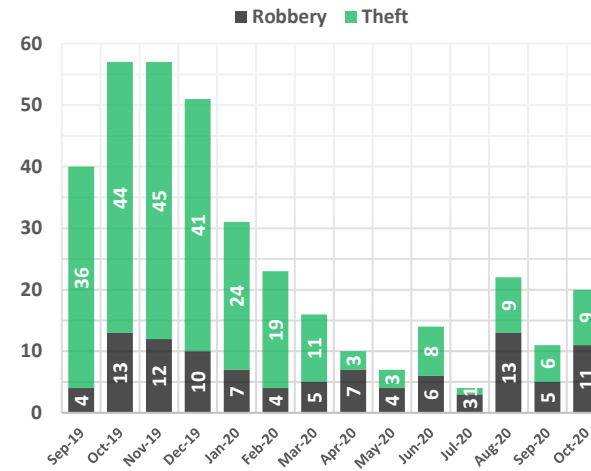
Bay Area Rapid Transit Police Department

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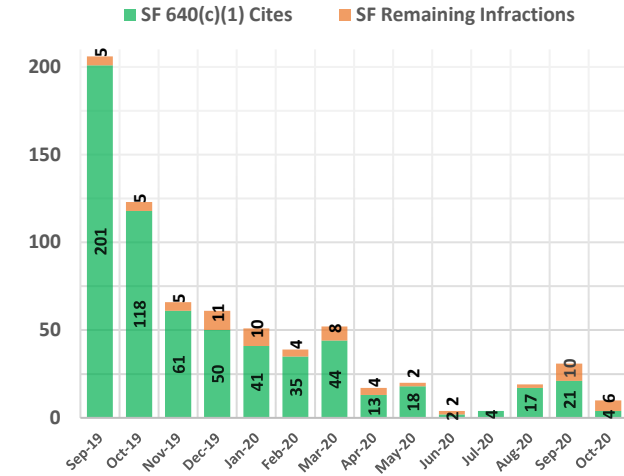
October 2020 Performance Measurement Review - San Francisco County

PART 1 UCR Crime	2017	2018	2019	YTD 2019	YTD 2020	PCT %
Homicide	0	0	0	0	0	-%
Rape	0	0	0	4	3	-25%
Robbery	49	97	104	79	80	+1%
Aggravated Assault	23	18	28	28	18	-36%
Violent Crime Subtotal	72	115	132	111	101	-9%
Burglary (Structural)	5	6	4	3	1	-67%
Larceny & Auto Burglary	244	473	619	512	156	-70%
Auto Theft	2	1	1	1	0	-100%
Arson	0	0	0	0	1	-%
Property Crime Subtotal	251	480	624	516	158	-69%
TOTAL	323	595	756	627	259	-59%

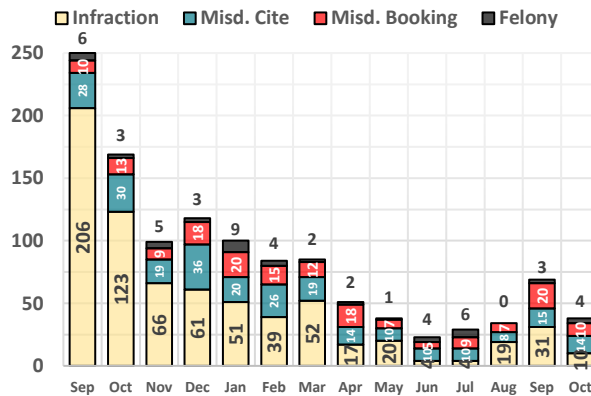
SAN FRANCISCO ELECTRONIC THEFT



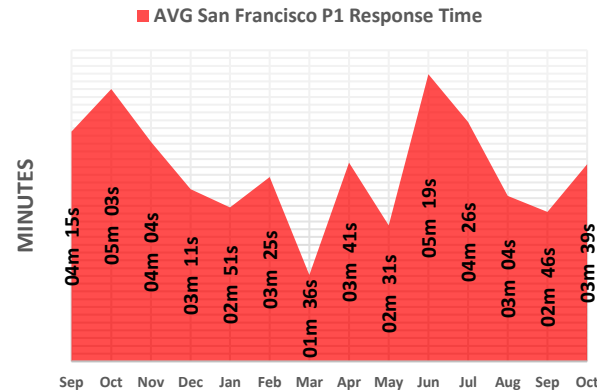
SAN FRANCISCO FARE EVASION



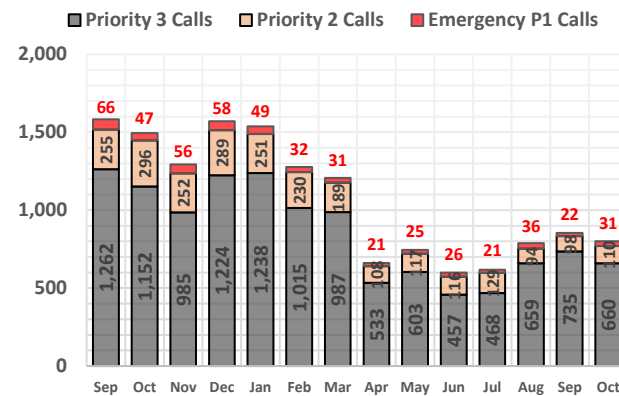
SF ARRESTS & CITATIONS



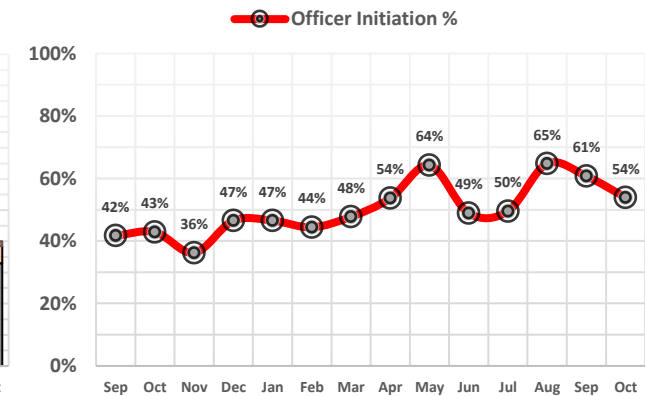
RESPONSE TIME (P1) AVG



SF PRIORITY 1 - 3 CALLS



SF OFFICER-INITIATED INCIDENTS



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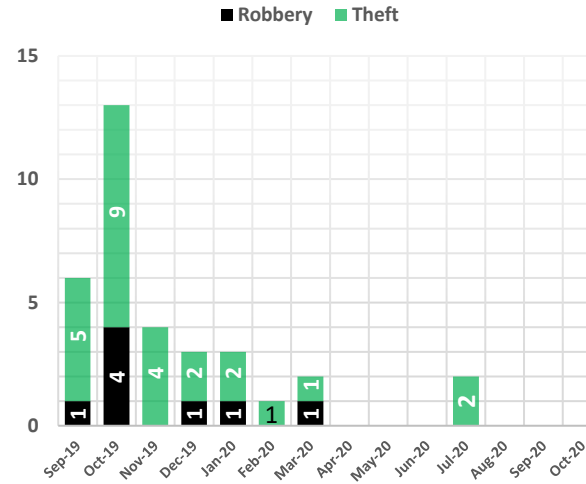
Bay Area Rapid Transit Police Department

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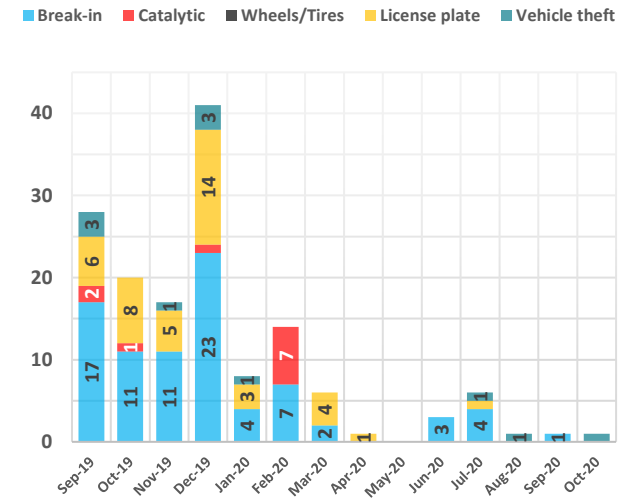
October 2020 Performance Measurement Review - San Mateo County

PART 1 UCR Crime	2017	2018	2019	YTD 2019	YTD 2020	PCT %
Homicide	0	0	0	0	0	-%
Rape	1	0	1	0	0	-%
Robbery	15	8	13	12	4	-67%
Aggravated Assault	6	5	8	5	3	-40%
Violent Crime Subtotal	22	13	22	17	7	-59%
Burglary (Structural)	0	0	0	0	1	-%
Larceny & Auto Burglary	208	161	332	278	62	-78%
Auto Theft	18	19	13	9	4	-56%
Arson	0	0	0	0	1	-%
Property Crime Subtotal	226	180	345	287	68	-76%
TOTAL	248	193	367	304	75	-75%

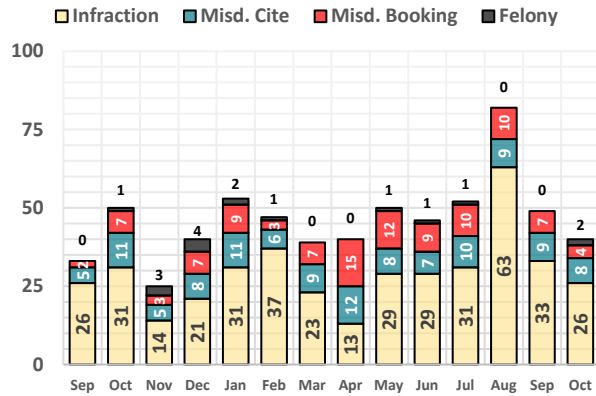
SAN MATEO ELECTRONIC THEFT



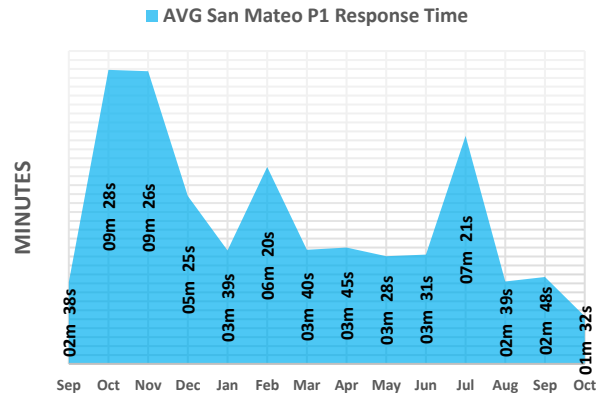
SAN MATEO VEHICLE CRIME



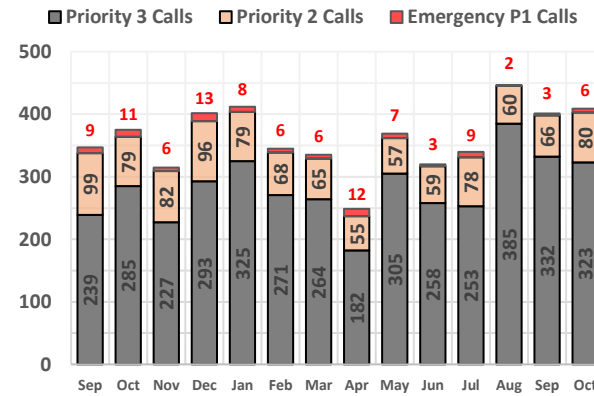
SMC ARRESTS & CITATIONS



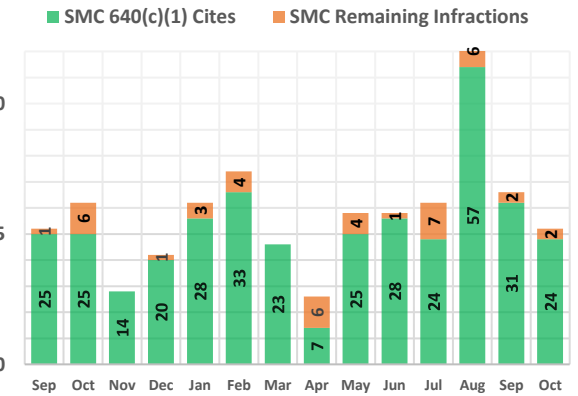
RESPONSE TIME (P1) AVG



SMC PRIORITY 1 - 3 CALLS



SMC FARE EVASION



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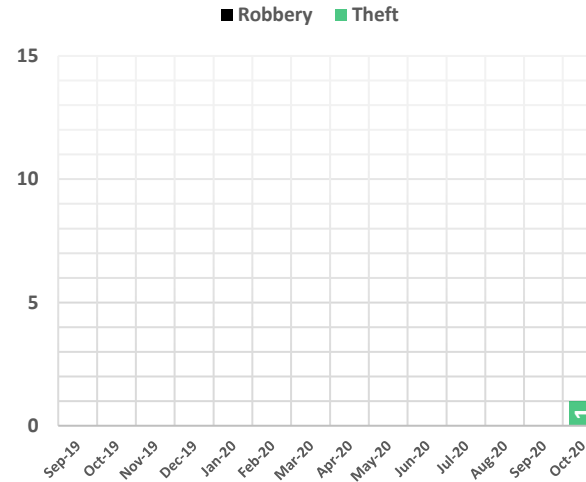
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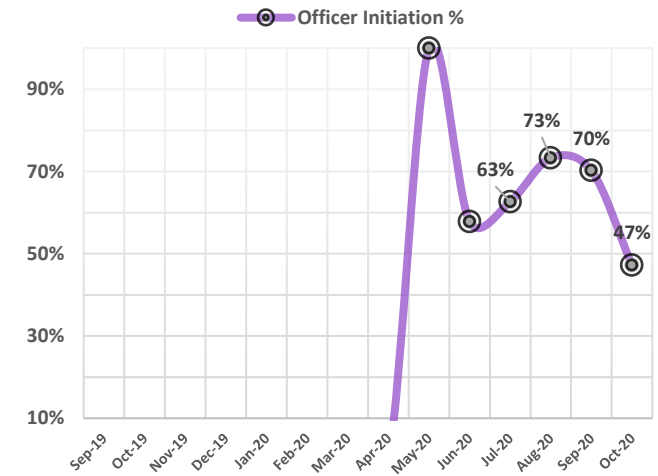
October 2020 Performance Measurement Review - Santa Clara County

PART 1 UCR Crime	2017	2018	2019	YTD 2019	YTD 2020	PCT %
Homicide	-	-	-	0	0	-%
Rape	-	-	-	0	0	-%
Robbery	-	-	-	0	0	-%
Aggravated Assault	-	-	-	0	1	-%
Violent Crime Subtotal	0	0	0	0	1	-%
Burglary (Structural)	-	-	-	0	0	-%
Larceny & Auto Burglary	-	-	-	0	0	-%
Auto Theft	-	-	-	0	0	-%
Arson	-	-	-	0	0	-%
Property Crime Subtotal	0	0	0	0	0	-%
TOTAL	0	0	0	0	1	-%

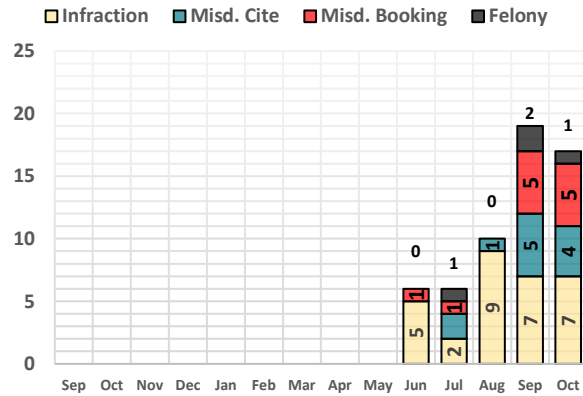
SANTA CLARA ELECTRONIC THEFT



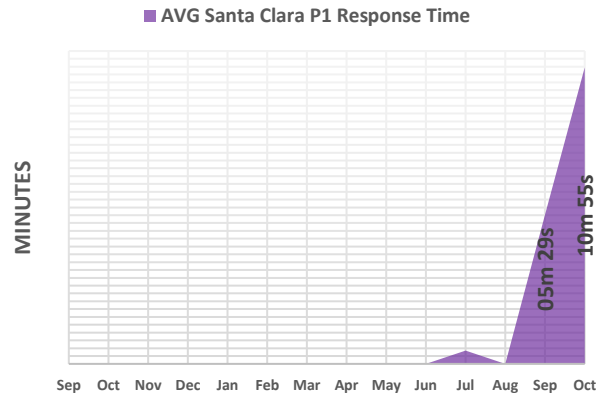
SCC OFFICER-INITIATED INCIDENTS



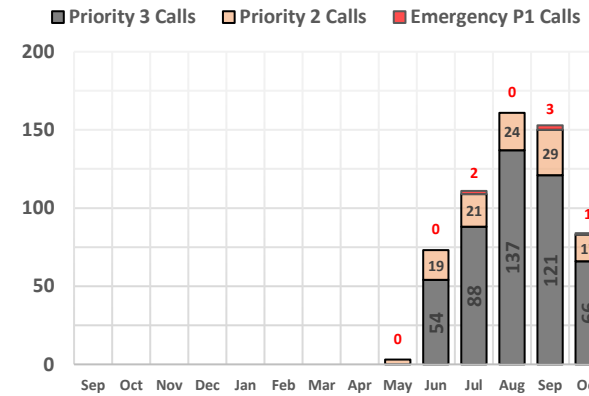
SCC ARRESTS & CITATIONS



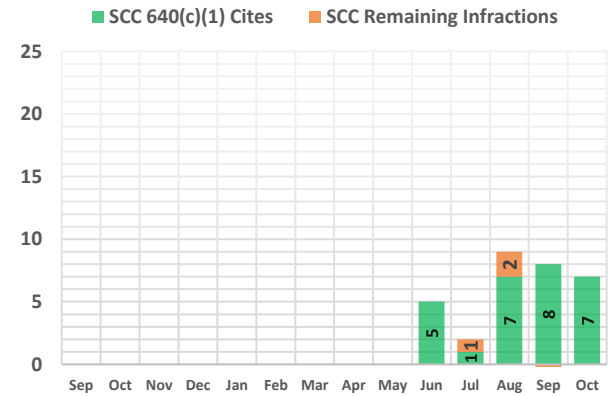
RESPONSE TIME (P1) AVG



SCC PRIORITY 1 - 3 CALLS



SCC FARE EVASION



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BART Watch - 2020

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Crime in Progress	53	60	32	17	9	17	16	16	16	13			249
Disruptive Behavior	589	593	352	78	86	114	140	146	140	182			2,420
Drug Use	294	222	155	38	52	64	62	71	62	79			1,099
Human Trafficking	2	0	0	3	1	0	1	0	0	0			7
Illegally Parked Vehicle	16	22	1	1	2	2	2	2	0	6			54
Aggressive Panhandling	40	42	15	3	5	3	4	9	5	5			131
Report a Crime Tip	22	28	10	4	13	29	14	4	11	14			149
Robbery/Theft	18	13	10	5	6	5	1	6	0	2			66
Sexual Assault/Lewd Behavior	20	17	35	246	137	327	2	6	12	3			805
Suspicious Activity	82	71	58	28	17	28	19	18	27	36			384
Unattended Bag or Package	28	25	9	2	5	6	3	2	2	4			86
Unsecure Door	11	2	4	4	3	2	0	1	5	6			38
Vandalism	64	55	21	18	6	21	15	10	12	17			239
Welfare Check	144	121	91	27	29	39	50	36	34	36			607
Total	1383	1271	793	474	371	657	329	327	326	403			6,334
Text-a-Tip	-	-	-	-	-	-	-	20	414	833			1,267

Total Downloads: 89,955



Office of the
**INDEPENDENT
POLICE AUDITOR**

BAY AREA RAPID TRANSIT DISTRICT

MONTHLY REPORT

November 2020

Issue date: December 14, 2020

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

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

QUANTITATIVE REPORT

	Cases Filed ²	Open Cases ³	Investigations Resolved	OIPA Investigations Concluded ⁴	Cases Appealed to OIPA ⁵	Cases Appealed by BPCRB ⁶
November 2019	10	59	2	1	0	0
December 2019	6	58	6	1	0	0
January 2020	8	53	13	2	0	0
February 2020	15	56	10	0	0	0
March 2020	9	54	11	1	0	0
April 2020	6	44	18	1	1	0
May 2020	4	40	6	1	0	0
June 2020	7	44	4	0	0	0
July 2020	1	41	3	1	0	0
August 2020	9	43	5	1	0	0
September 2020	10	45	8	1	0	0
October 2020	10	48	9	2	0	0
November 2020	11	51	7	2	0	0

TYPES OF CASES FILED

Citizen Complaints (Formal)	7
Informal Complaints ⁷	0
Administrative Investigations	4
Inquiries ⁸	0
TOTAL	11

CITIZEN COMPLAINTS RECEIVED PER DEPARTMENT⁹

OIPA	1
BART Police Department	6
TOTAL	7

COMPLAINTS/INVESTIGATIONS INITIATED DURING REPORTING PERIOD

During November 2020, **1 Citizen Complaint** was received by OIPA:

Complaint # (OIPA Case #) (IA Case #)	Nature of Complaint	Action Taken	Days Elapsed Since Complaint Filed
1 (OIPA #20-29) (IA2020-077)	Officers #1-3: <ul style="list-style-type: none"> • Conduct Unbecoming an Officer Officers #2-3 <ul style="list-style-type: none"> • Force • Arrest or Detention 	OIPA initiated an investigation.	35

During November 2020, **5 Citizen Complaints (Formal)** were received by BPD:

(IA Case #)	Nature of Complaint	Action Taken	Days Elapsed Since Complaint Filed
1 (IA2020-078)	Employees #1-4: <ul style="list-style-type: none"> • Courtesy 	BPD initiated an investigation.	31
2 (IA2020-079)	Officers #1-2: <ul style="list-style-type: none"> • Performance of Duty 	BPD initiated an investigation.	35
3 (IA2020-082)	Employee #1: <ul style="list-style-type: none"> • Bias-Based Policing • Conduct Unbecoming 	BPD initiated an investigation.	27
4 (IA2020-083)	Officer #1: <ul style="list-style-type: none"> • Bias-Based Policing • Conduct Unbecoming an Officer • Policy/Procedure (AXON Camera) 	BPD initiated an investigation.	25
5 (IA2020-084)	Employee #1: <ul style="list-style-type: none"> • Performance of Duty • Conduct Unbecoming 	BPD initiated an investigation.	21

During November 2020, **3 Administrative Investigations** were initiated by BPD:

(IA Case #)	Nature of Investigation	Action Taken	Days Elapsed Since Investigation Initiated
1 (IA2020-081)	Officer #1: <ul style="list-style-type: none"> • Conduct Unbecoming an Officer 	BPD initiated an investigation.	26
2 (IA2020-085)	Officer #1: <ul style="list-style-type: none"> • Conduct Unbecoming an Officer • Policy/Procedure (AXON Camera) 	BPD initiated an investigation.	14
3 (IA2020-086)	Officer #1: <ul style="list-style-type: none"> • Performance of Duty • Policy/Procedure (AXON Camera) 	BPD initiated an investigation.	19

COMPLAINTS/INVESTIGATIONS INITIATED DURING A PRIOR REPORTING PERIOD

During October 2020, **1 Citizen Complaint (Formal)** was received by BPD but not previously reported:

(IA Case #)	Nature of Complaint	Action Taken	Days Elapsed Since Complaint Filed
1 (IA2020-080)	Officer #1: • Arrest or Detention	BPD initiated an investigation.	49

During October 2020, **1 Administrative Investigation** was initiated by BPD but not previously reported:

(IA Case #)	Nature of Investigation	Action Taken	Days Elapsed Since Investigation Initiated
1 (IA2020-076)	Officer #1: • Arrest or Detention • Conduct Unbecoming an Officer • Performance of Duty • Policy/Procedure (AXON Camera)	BPD initiated an investigation.	46

COMPLAINTS/INVESTIGATIONS CONCLUDED DURING REPORTING PERIOD

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

Complaint # (IA Case #)	Nature of Complaint	Disposition	Days Elapsed Since Complaint Filed	Days Taken to Complete Investigation
1 (OIPA #19-52) (IA2019-125)	Officer did not respond appropriately to a misconduct complaint, attempted to intimidate complainant, and improperly used a law enforcement database to collect personal information about complainant.	Officer #1: • Policy/Procedure (Database Misuse) – Unfounded • Conduct Unbecoming an Officer – Unfounded • Performance of Duty – Unfounded	397	358

During November 2020, **2 Citizen Complaints (Formal)** were concluded by BPD:

Complaint # (IA Case #)	Nature of Complaint	Disposition	Days Elapsed Since Complaint Filed	Days Taken to Complete Investigation
1 (IA2020-018)	Officer improperly ejected complainant from the system.	Officer #1: • Conduct Unbecoming an Officer – Not Sustained	317	292
2 (IA2020-040)	Officer improperly detained complainant, did not properly supervise a trainee, did not properly document the contact, and used excessive force during the detention.	Officer #1: • Force – Sustained • Performance of Duty – Sustained • Arrest or Detention – Sustained • Policy/Procedure (AXON Camera) – Exonerated	216	190

During November 2020, **1 Administrative Investigation** was concluded by BPD:

Complaint # (IA Case #)	Nature of Complaint	Disposition	Days Elapsed Since Complaint Filed	Days Taken to Complete Investigation
1 (IA2019-133)	Officer improperly detained subject, improperly applied the Proof of Payment Ordinance and used excessive force during the detention.	Officer #1: • Force (Taser) – Sustained • Arrest or Detention – Sustained • Policy/Procedure (Proof of Payment) – Sustained	363	336

During November 2020, **2 Informal Complaints** were addressed by BPD:

Complaint # (IA Case #)	Nature of Complaint	Disposition	Days Elapsed Since Complaint Filed	Days Taken to Complete Investigation
1 (IA2020-073)	Employees were speaking too loudly in close proximity to complainant.	Officers #1-3: • Courtesy – Administratively Closed ¹⁰	49	9
2 (IA2020-074)	Officer was dismissive and did not take appropriate action upon request.	Officer #1: • Courtesy – Supervisor Referral	48	7

COMPLAINTS/INVESTIGATIONS CONCLUDED DURING A PRIOR REPORTING PERIOD

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

Complaint # (IA Case #)	Nature of Complaint	Disposition	Days Elapsed Since Complaint Filed	Days Taken to Complete Investigation
1 (OIPA #19-46) (IA2019-124)*	Officers intimidated passengers by invading personal space and officers harassed a passenger while requesting proof of payment.	Officers #1-3: • Conduct Unbecoming an Officer – Administratively Closed	417	323

DISCIPLINE ISSUED DURING REPORTING PERIOD

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

Case #	Nature of Sustained Allegation(s) †	Classification of Sustained Allegation(s)	Action Taken
1	Officer improperly detained subject, improperly applied the Proof of Payment Ordinance and used excessive force during the detention.	Officer #1: • Force (Taser) • Arrest or Detention • Policy/Procedure (Proof of Payment)	Officer #1: • Written Reprimand
2	Officer engaged in off-duty solicitation.	Officer #1: • Conduct Unbecoming an Officer	Officer #1: • Suspension Held in Abeyance (40 hours)‡

*This case remained on the list of open cases for BPD pending presentation to the BPCRB at their regular meeting in November 2020.

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

‡A suspension held in abeyance provides that the suspension will be imposed if any similar misconduct allegations are sustained within 2 years of this issuance.

3	One officer acted unprofessionally, used force and did not properly document or report the use of force. One officer failed to properly document the contact and failed to intercede.	Officer #1: <ul style="list-style-type: none"> • Force • Policy/Procedure (Reporting Use of Force) • Policy/Procedure (AXON Camera) • Conduct Unbecoming an Officer Officer #2 <ul style="list-style-type: none"> • Policy/Procedure (AXON Camera) • Policy/Procedure (Duty to Intercede and Report) 	Officer #1: <ul style="list-style-type: none"> • Letter of Discussion Officer #2 <ul style="list-style-type: none"> • Letter of Discussion
4	Officer did not properly document a law enforcement contact.	Officer #1: <ul style="list-style-type: none"> • Policy/Procedure (AXON Camera) 	Officer #1: <ul style="list-style-type: none"> • Letter of Discussion
5	Officer did not properly document a law enforcement contact.	Officer #1: <ul style="list-style-type: none"> • Policy/Procedure (AXON Camera) 	Officer #1: <ul style="list-style-type: none"> • 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	58
Investigations Reviewed During Current Month	20†

†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 addressed by BPD. The OIPA Monthly Report will reflect information regarding monitored or reviewed cases with detail not to exceed that which is allowable under state law.

The BPD Internal Affairs investigations and Supervisor Use of Force Reports (SUFRs) reviewed by OIPA during the period generated recommendations for policy/practice revisions and requests for additional action.¹¹

OIPA review of SUFRs, which are generated as required by BPD Policy 300 (Use of Force), prompted OIPA to recommend referrals to the BPD Office of Internal Affairs.

These referrals were related to:

- Unreported force
- AXON camera activation
- Incomplete supervisory review
- Application of the BART Proof of Payment (PoP) Ordinance
- Discourtesy and Conduct Unbecoming an Officer

BPD Chief Alvarez and his command staff were receptive to the OIPA recommendations related to the issues listed above. Each unaddressed potential policy violation was properly routed or addressed, and Chief Alvarez updated instructions to BPD personnel related to performance in the listed areas.

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 previously completed cases that have been re-opened during the current reporting period.

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

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

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

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

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

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

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

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

¹¹ OIPA may submit recommendations to IAB 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.

**BART POLICE CITIZEN REVIEW BOARD
BPCRB Meeting Calendar - 2021**

All Meetings are via Teleconference unless stated otherwise.

January 11, 2021	4:00 PM
February 8, 2021	4:00 PM
March 8, 2021	4:00 PM
April 12, 2021	4:00 PM
May 10, 2021	4:00 PM
June 14, 2021	4:00 PM
July 12, 2021	4:00 PM
August 9, 2021	4:00 PM
September 13, 2021	4:00 PM
October 18, 2021	4:00 PM
November 8, 2021	4:00 PM
December 13, 2021	4:00 PM

Date moved due to Columbus Day Holiday.