

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**

May 11, 2020

A regular meeting of the BART Police Citizen Review Board (BPCRB) will be held on Monday, May 11, 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 890 129 862.

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

Individuals may also be given an opportunity by the moderator to speak on any item on the agenda by calling (833) 827-2778 and entering access code 890 129 862 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 March 9, 2020. For Discussion and Action.
3. Chief of Police’s Report. For Discussion and Action.
 - a. BART Police Department (BPD) Monthly Reports for February 2020 and March 2020.
 - b. Assembly Bill 392: Use of Force.
4. Independent Police Auditor’s Report. For Discussion and Action.
 - a. Office of the Independent Police Auditor (OIPA) Monthly Reports for March 2020 and April 2020.
5. Policy Standing Committee Updates. For Discussion and Action.
 1. Lexipol Policy 208 – Training Policy
 2. Lexipol Policy 312 – Firearms
 3. Lexipol Policy 314 – Vehicle Pursuits
 4. Lexipol Policy 336 – Victim and Witness Assistance
 5. Lexipol Policy 344 – Report Preparation
 6. Lexipol Policy 372 – Mandatory Employer Notification
 7. Lexipol Policy 389 – Gun Violence Restraining Orders
 8. Lexipol Policy 400 – Operations Functions
 9. Lexipol Policy 405 – Use of Electric Personal Vehicles
 10. Lexipol Policy 428 – Immigration Violations

11. Lexipol Policy 432 – Patrol Rifle Operator Program
12. Lexipol Policy 436 – Field Training Officer Program
13. Lexipol Policy 448 – Mobile Data Computer Use
14. Lexipol Policy 451 – Body Worn Camera
15. Lexipol Policy 469 – Radiation/Chemical (CBRNE) Detection Operations
16. Lexipol Policy 500 – Traffic Function and Responsibility
17. Lexipol Policy 521 – Parking Enforcement
18. Lexipol Policy 601 – Criminal Investigation Administration
19. Lexipol Policy 602 – Sexual Assault Investigations
20. Lexipol Policy 610 – Eyewitness Identification
21. Lexipol Policy 804 – Property and Evidence
22. Lexipol Policy 806 – Records Division
23. Lexipol Policy 810 – Records Maintenance and Release
24. Lexipol Policy 1035 – Lactation Break Policy
25. Lexipol Policy 1042 – Occupational Disease and Work-Related Injury Reporting
26. Lexipol Policy 1043 – Personnel Inspections
27. Lexipol Policy 1044 – Personal Appearance Standards
28. Lexipol Policy 1055 – Departure from Employment

6. Public Comment. (Limited to 3 minutes per speaker.)
(An opportunity for members of the public to address the BPCRB on matters under their jurisdiction and not on the agenda.)

7. Closed Session.

- a. To Consider Public Employee Discipline/Dismissal/Release in OIPA Cases #19-19 and #19-40.

8. 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, March 9, 2020

A regular meeting of the BART Police Citizen Review Board (BPCRB) was held Monday, March 9, 2020, at 4:01 p.m. in the following locations: BART Board Room, 2040 Webster Street, Oakland, California; and Lincoln Child Center, 1266 14th Street, Oakland, California. The meeting was called to order by Chairperson David Rizk; Mag Tatum, Recording Secretary.

1. Call to Order.

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

Members Present in Oakland, CA: Members Erin Armstrong, Zachary Bruno, Christina Gomez, Kenneth Loo, Les Mensinger, George Perezvelez, Robert Pirone, William White, and David Rizk.

Member Present in Oakland, CA: Member Darren White.

Absent: Member Pete Longmire.

The Pledge of Allegiance was recited.

2. Approval of Minutes of the Meeting of February 10, 2020.

Member Mensinger moved that the Minutes of the Meeting of February 10, 2020 be approved; Member Loo seconded the motion, which carried by a unanimous roll call vote. Ayes – 9: Members Armstrong, Bruno, Gomez, Loo, Mensinger, Perezvelez, Pirone, D. White, and Rizk. Noes – 0. Abstain – 1: Member W. White. Absent – 1: Member Longmire.

3. Chief of Police's Reports.

a. BART Police Department's Monthly Reports for January 2020.

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

4. Independent Police Auditor's Report.

a. Office of the Independent Police Auditor (OIPA) Monthly Reports for February 2020.

Independent Police Auditor Russell Bloom presented the OIPA Monthly Reports. The reports were discussed.

5. Public Comment.

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

Chairperson Rizk announced that the Board would enter closed session under Item 6-A (Public Employee Discipline/Dismissal/Release in OIPA Cases #19-17 (continued from the February 10, 2020 meeting)) 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 4:22 p.m.

The Meeting reconvened in Closed Session at 4:28 p.m.

6. Closed Session.

- a. To reconsider Public Employee Discipline/Dismissal/Release in OIPA Case #19-17 Govt. Code §54957.

Members Present in Oakland, CA: Members Erin Armstrong, Zachary Bruno, Christina Gomez, Kenneth Loo, Les Mensinger, George Perezvelez, Robert Pirone, William White, and David Rizk.

Members Present in Oakland, CA: Member Darren White.

Absent: Member Pete Longmire.

Member Darren White left the meeting via teleconference.

**Password
Adjournment.**

The Meeting reconvened in Open Session at 5:15 p.m.

Chairperson Rizk announced that the Board voted unanimously to accept the findings in OIPA Cases #19-17.

The Meeting was adjourned at 5:16 p.m.

BART POLICE DEPARTMENT



February 2020

MONTHLY REPORT



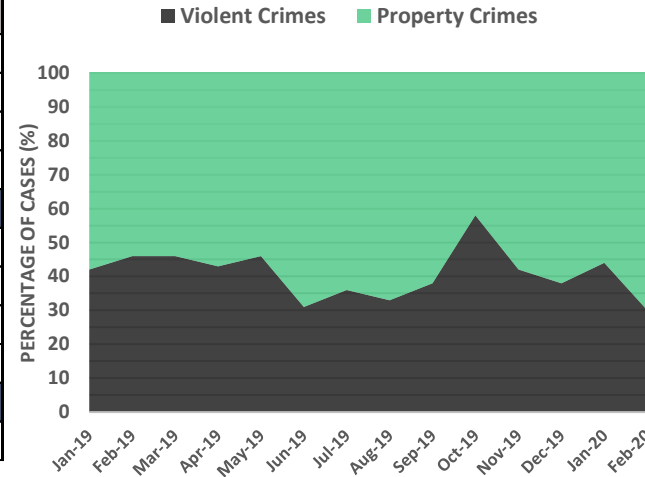
Bay Area Rapid Transit Police Department

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

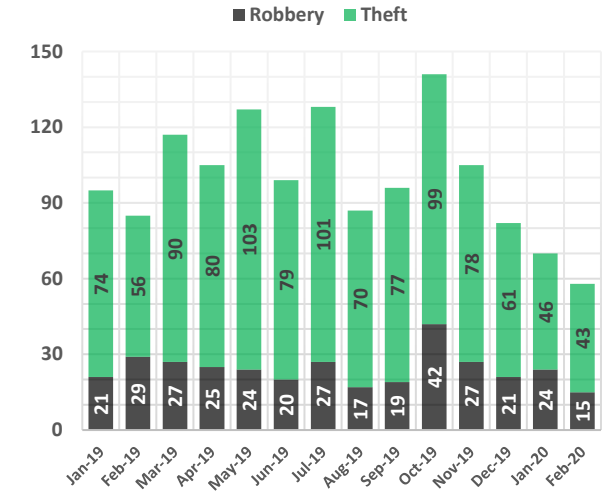
February 2020 Performance Measurement Review - **Systemwide**

PART 1 UCR Crime	2014	2015	2016	2017	2018	2019	YTD 2019	YTD 2020	PCT %
Homicide	0	1	1	0	3	2	0	0	-%
Rape	2	3	4	8	3	7	2	1	-50%
Robbery	153	161	232	290	345	378	66	56	-15%
Aggravated Assault	71	73	93	125	130	112	20	17	-15%
Violent Crime Subtotal	226	238	330	423	481	499	88	74	-16%
Burglary (Structural)	7	4	12	15	18	16	3	3	0%
Larceny & Auto Burglary	2,597	2,325	2,217	2,593	2,565	3,177	458	429	-6%
Auto Theft	522	480	480	420	348	247	28	30	+7%
Arson	0	0	1	4	4	4	0	1	-%
Property Crime Subtotal	3,126	2,809	2,710	3,032	2,935	3,444	489	463	-5%
TOTAL	3,352	3,047	3,040	3,455	3,416	3,943	577	537	-7%

PART 1 CRIME OVERALL



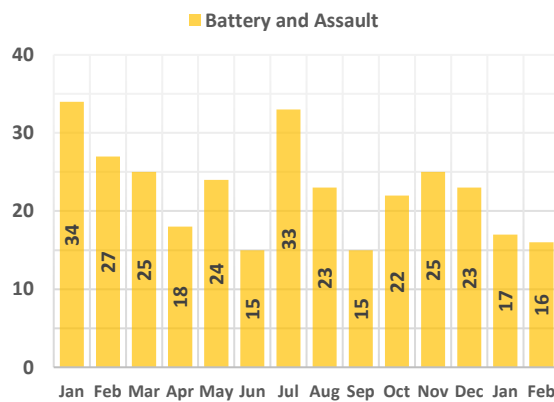
ELECTRONIC THEFT



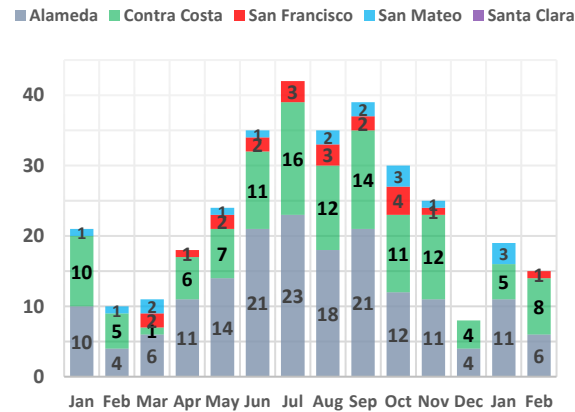
Part 1 Crimes: Top Five Stations

February 2020 A30/COS A60/HAS A50/BFS A20/FVS M10/OWS
 Full Year 2019 A30/COS A60/HAS M10/OWS A20/FVS A40/SLS

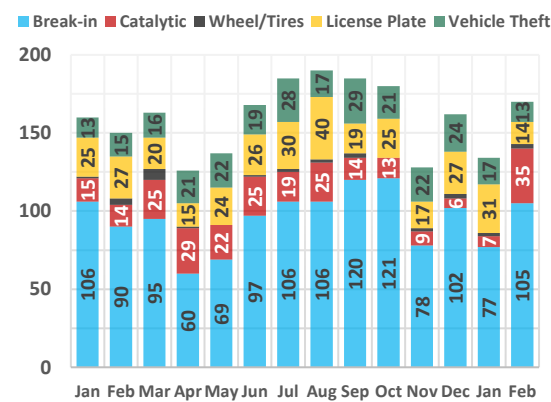
BATTERY & ASSAULT ON BART



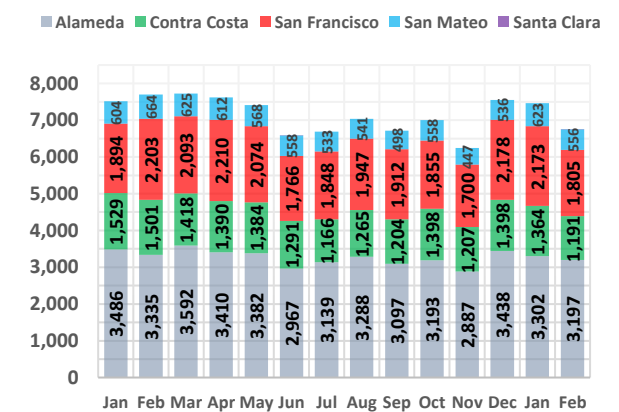
BICYCLE THEFT



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.

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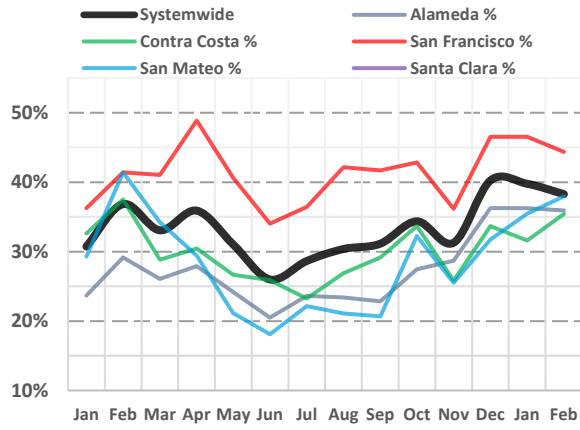


Bay Area Rapid Transit Police Department

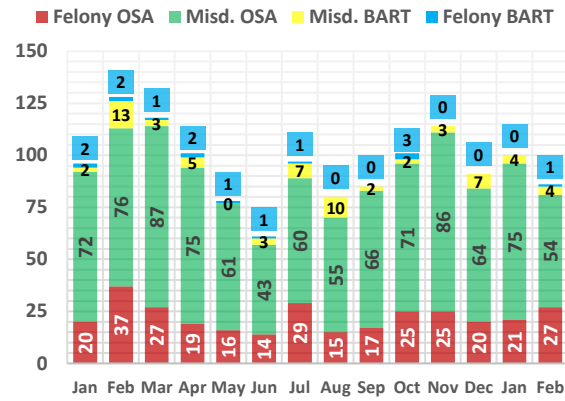
101 8th St, Oakland, CA, 94607 (510) 464-7000 www.bart.gov/police

February 2020 Performance Measurement Review - **Systemwide**

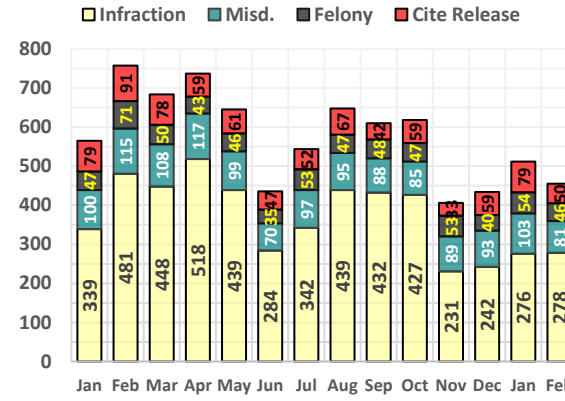
OFFICER-INITIATED INCIDENTS



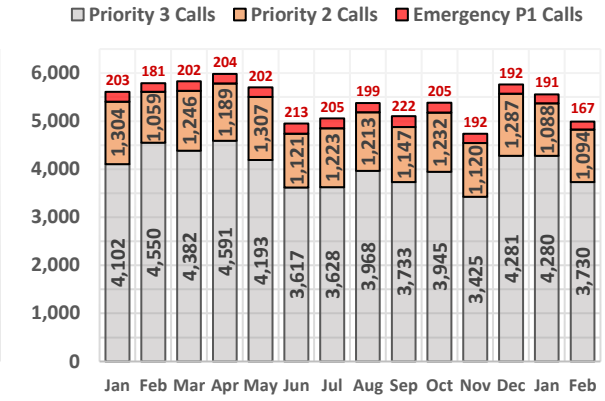
WARRANT ARRESTS



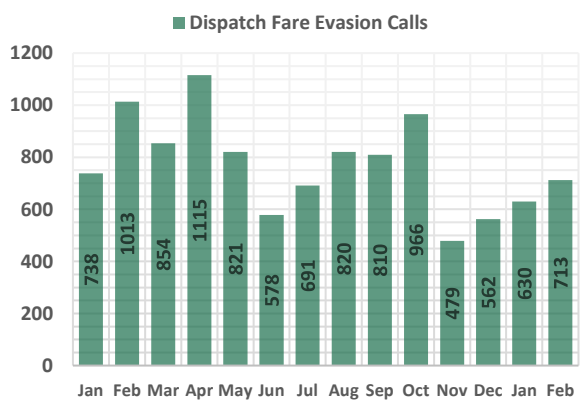
ALL BOOKINGS & ARRESTS



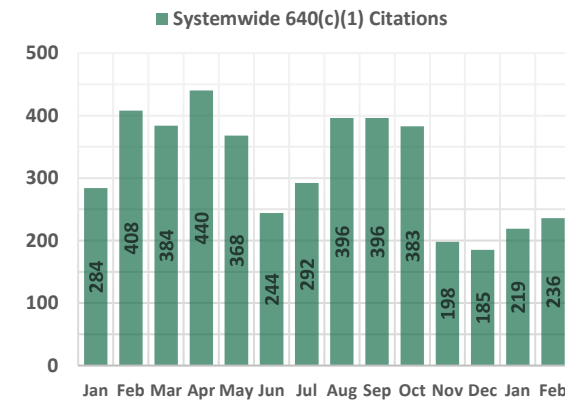
PRIORITY TYPE 1 - 3 CALLS



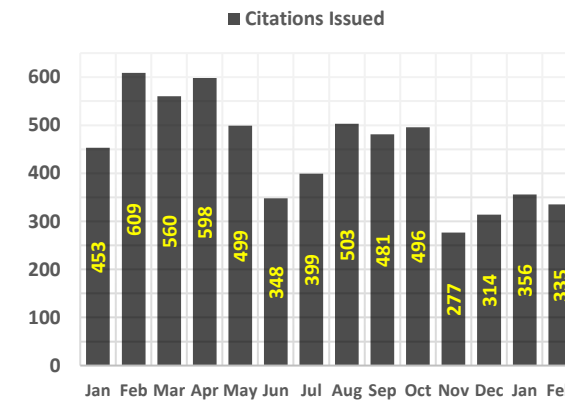
FARE EVASION CAD CALLS



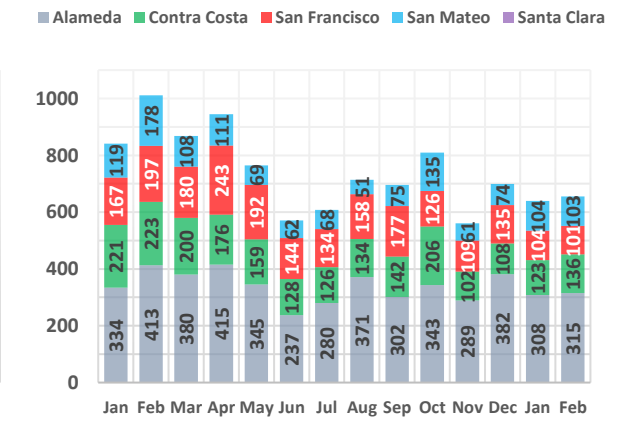
FARE EVASION CITATIONS



ALL CITATIONS



FIELD INTERVIEWS



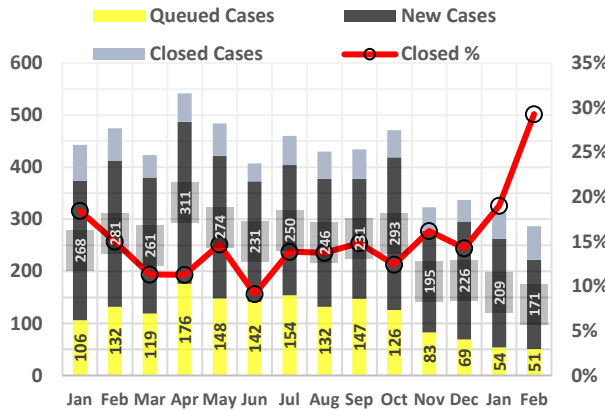


Bay Area Rapid Transit Police Department

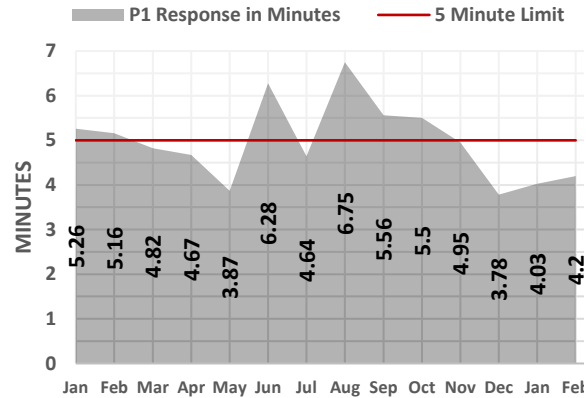
101 8th St, Oakland, CA, 94607 (510) 464-7000 www.bart.gov/police

February 2020 Performance Measurement Review - **Systemwide**

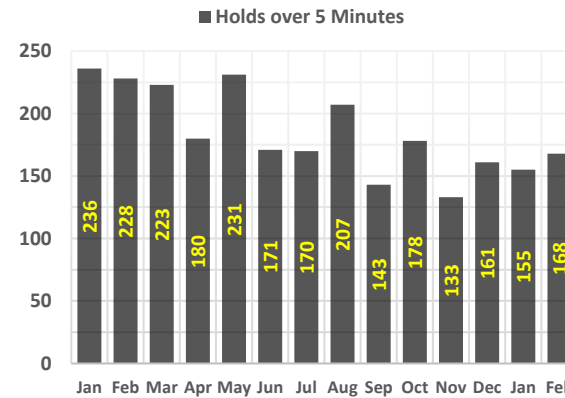
INVESTIGATIONS CASELOAD %



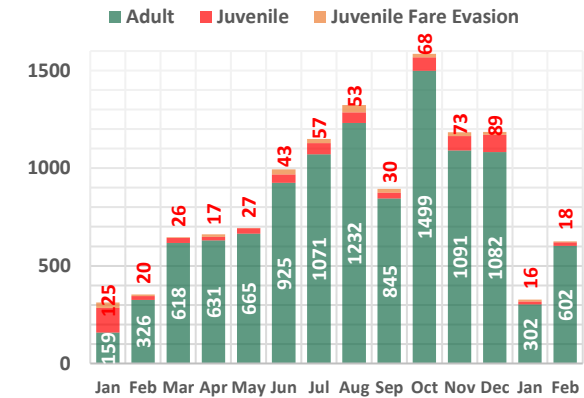
SYSTEM RESPONSE TIME (P1) AVG



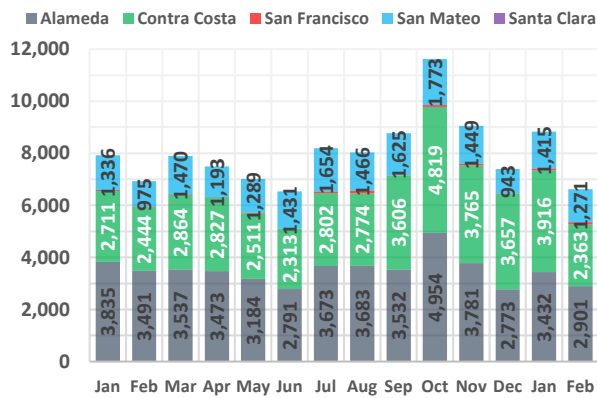
POLICE TRAIN HOLDS



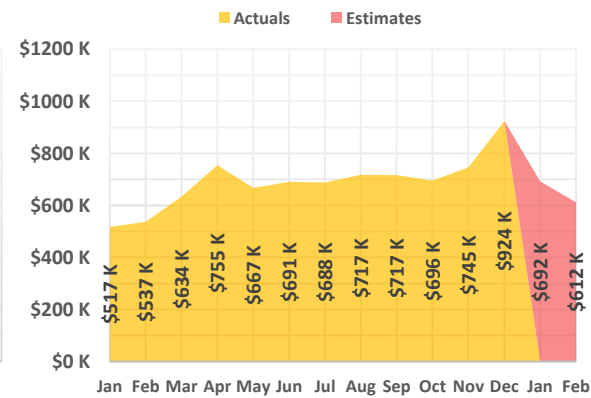
PROOF OF PAYMENT CITATIONS



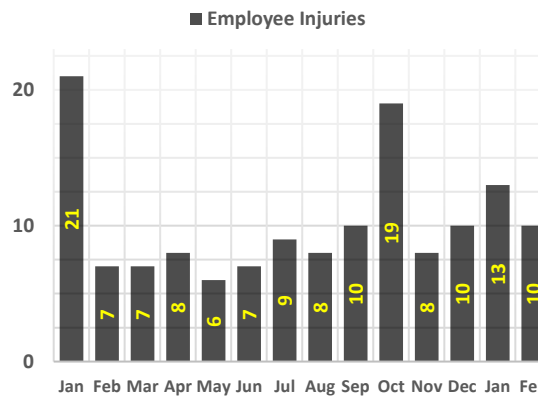
PARKING CITATIONS



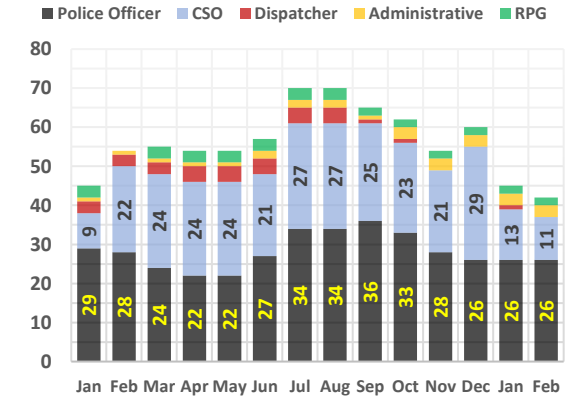
OVERTIME UTILIZATION (IN THOUSANDS)



EMPLOYEE INJURIES



VACANCIES



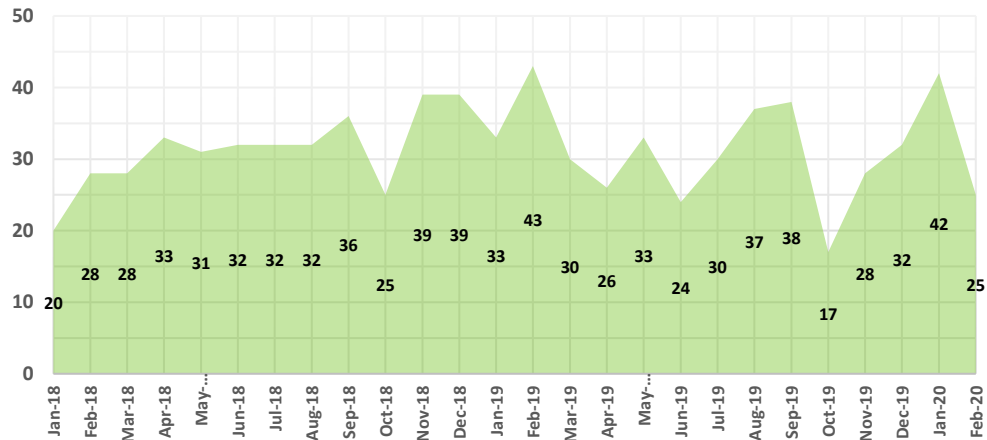


Bay Area Rapid Transit Police Department

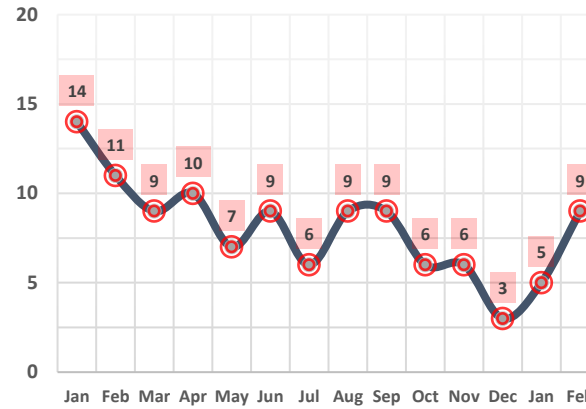
101 8th St, Oakland, CA, 94607 (510) 464-7000 www.bart.gov/police

February 2020 Performance Measurement Review - **Systemwide**

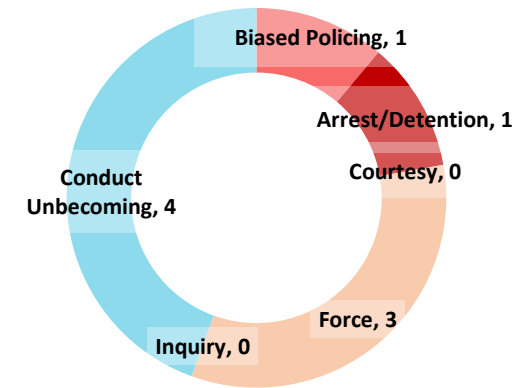
AB716 - PROHIBITION ORDERS



INTERNAL AFFAIRS COMPLAINTS

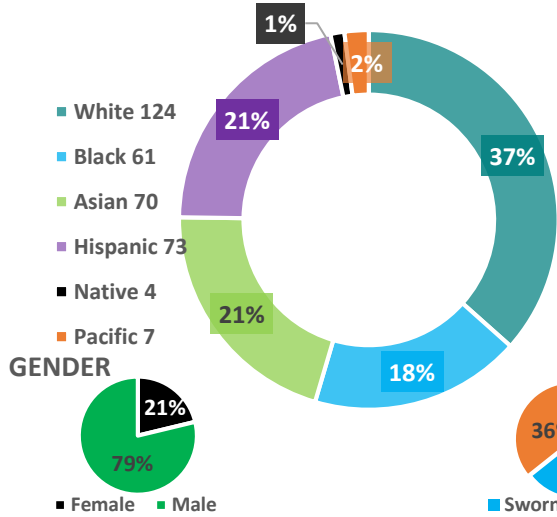


IA COMPLAINTS RECEIVED¹

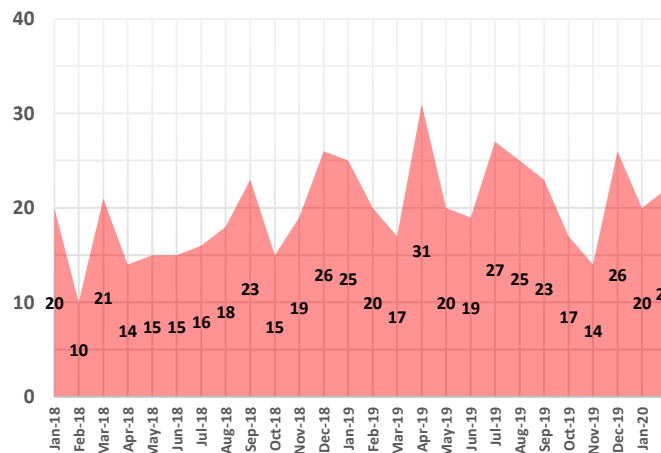


1: Each incident could contain more than one allegation. This chart reflects the most significant allegation per

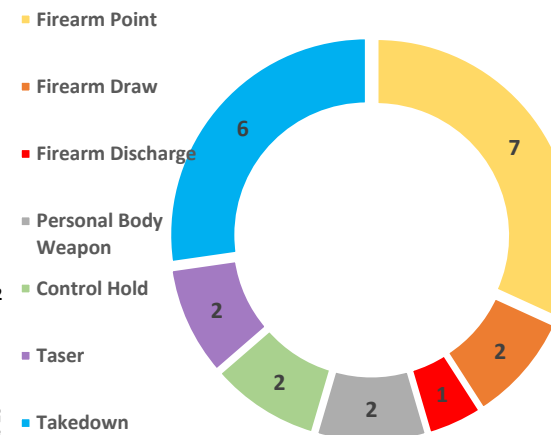
DEPARTMENT ETHNIC DIVERSITY



USE OF FORCE INCIDENTS

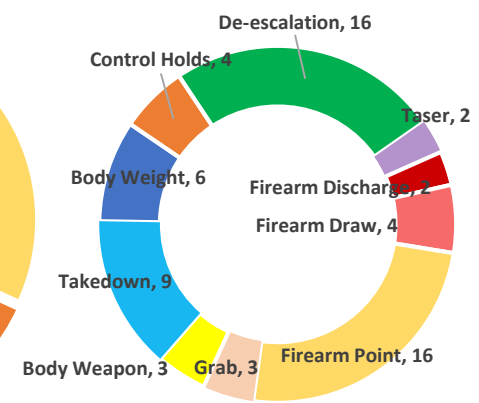


INCIDENT FORCE OPTIONS USED²



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

TYPES OF FORCE USED³



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



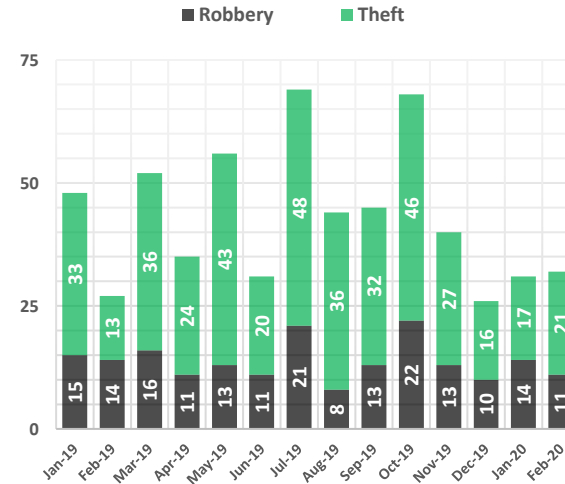
Bay Area Rapid Transit Police Department

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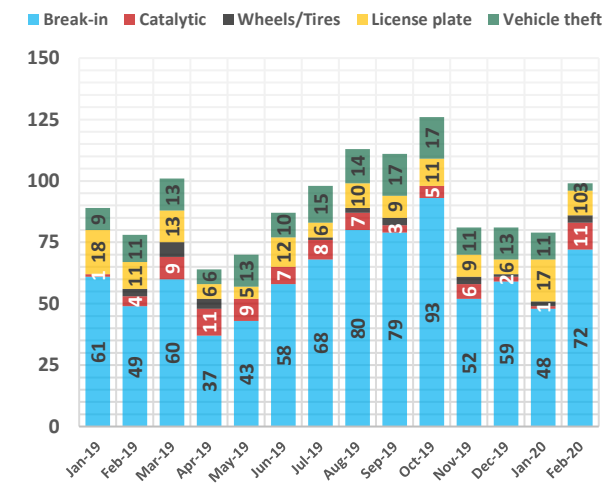
February 2020 Performance Measurement Review - Alameda County

PART 1 UCR Crime	2017	2018	2019	YTD 2019	YTD 2020	PCT %
Homicide	0	2	1	0	0	-%
Rape	6	3	2	0	1	-%
Robbery	191	211	229	38	37	-3%
Aggravated Assault	73	87	52	9	9	0%
Violent Crime Subtotal	270	303	284	47	47	0%
Burglary (Structural)	8	11	13	1	2	+100%
Larceny & Auto Burglary	1,471	1,262	1,634	223	248	+11%
Auto Theft	266	201	149	20	14	-30%
Arson	2	3	5	0	0	-%
Property Crime Subtotal	1,747	1,477	1,801	244	264	+8%
TOTAL	2,017	1,780	2,085	291	311	+7%

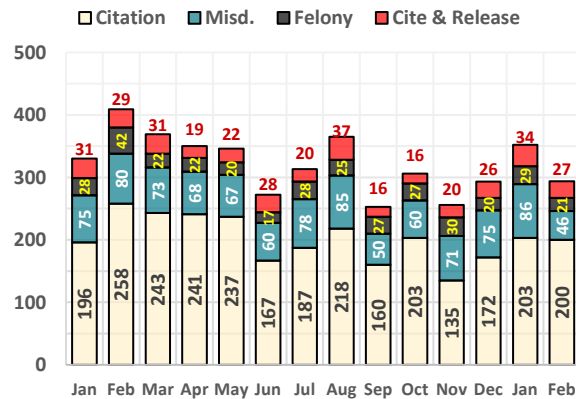
ALAMEDA ELECTRONIC THEFT



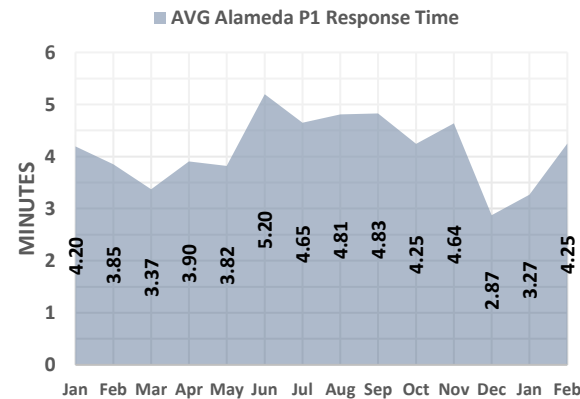
ALAMEDA VEHICLE CRIME



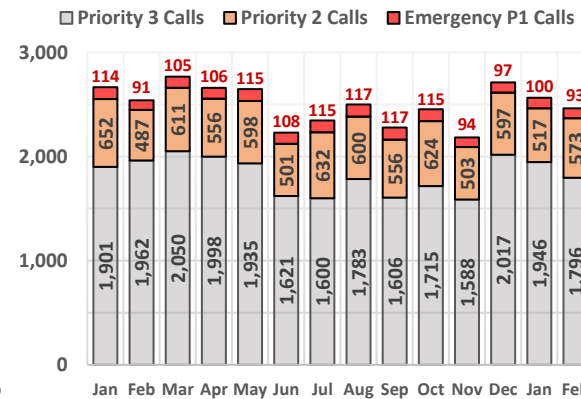
ALAMEDA ARRESTS & CITATIONS



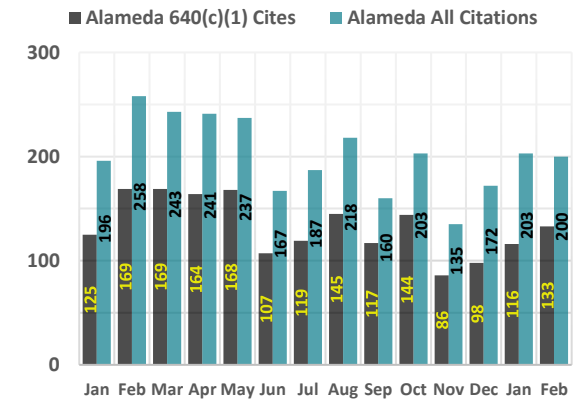
RESPONSE TIME (P1) AVG



ALAMEDA PRIORITY 1 - 3 CALLS



ALAMEDA FARE EVASION



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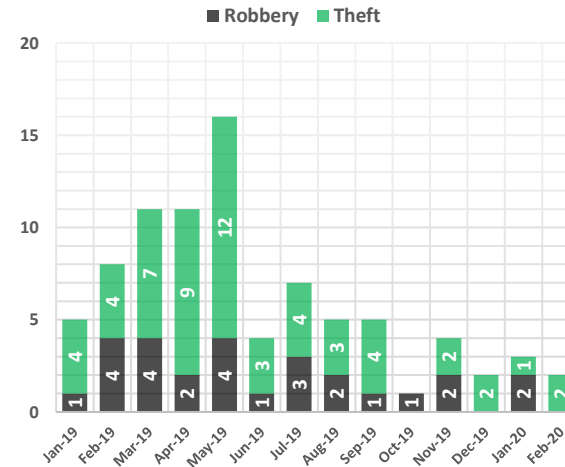
Bay Area Rapid Transit Police Department

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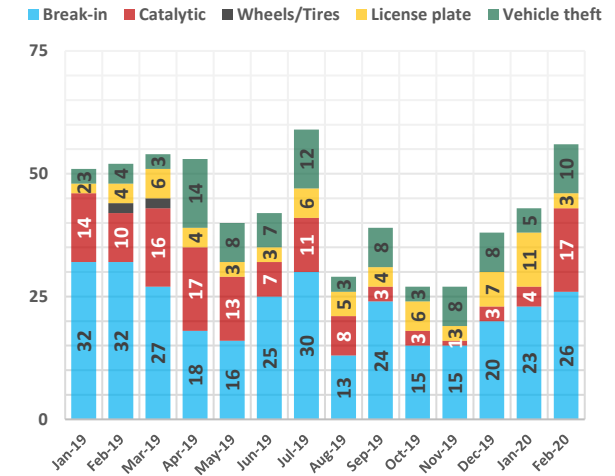
February 2020 Performance Measurement Review - **Contra Costa County**

PART 1 UCR Crime	2017	2018	2019	YTD 2019	YTD 2020	PCT %
Homicide	0	1	0	0	0	-%
Rape	1	0	4	1	0	-100%
Robbery	35	29	34	7	5	-29%
Aggravated Assault	23	20	23	2	1	-50%
Violent Crime Subtotal	59	50	61	10	6	-40%
Burglary (Structural)	2	1	2	0	0	-%
Larceny & Auto Burglary	675	669	592	107	95	-11%
Auto Theft	134	124	81	7	15	+114%
Arson	3	1	0	0	0	-%
Property Crime Subtotal	814	795	675	114	110	-4%
TOTAL	873	845	736	124	116	-6%

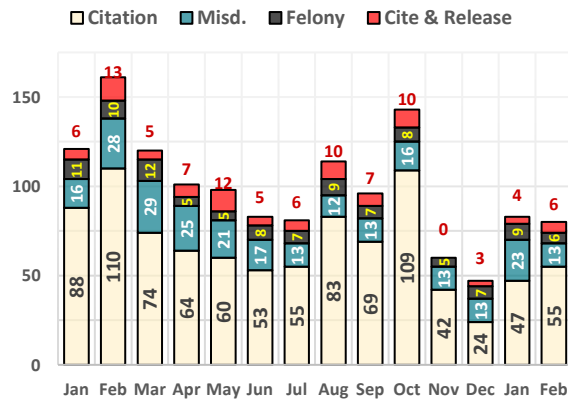
CONTRA COSTA ELECTRONIC THEFT



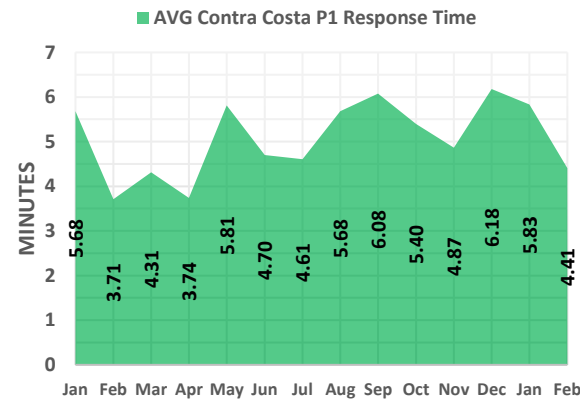
CONTRA COSTA VEHICLE CRIME



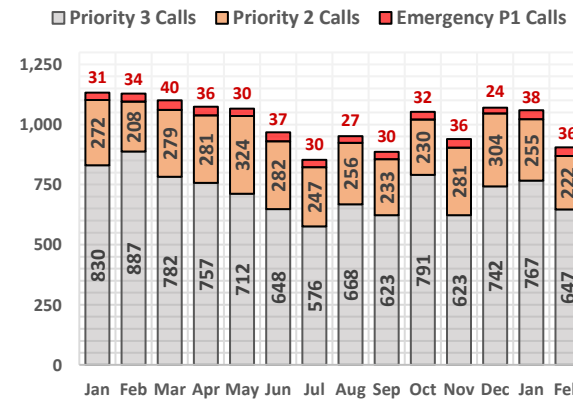
COCO ARRESTS & CITATIONS



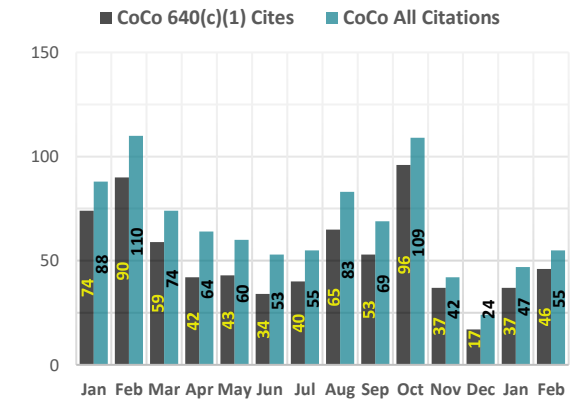
RESPONSE TIME (P1) AVG



COCO PRIORITY 1 - 3 CALLS



COCO FARE EVASION



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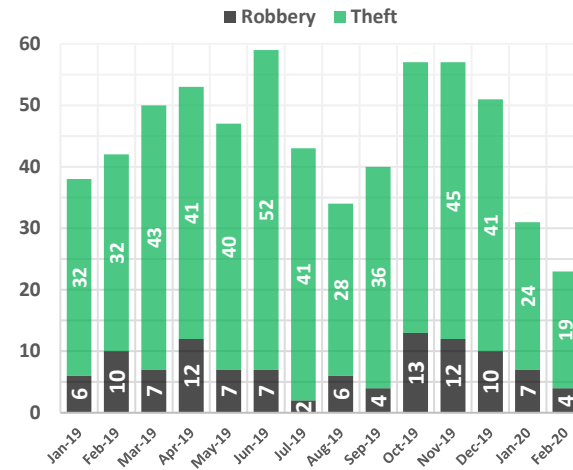
Bay Area Rapid Transit Police Department

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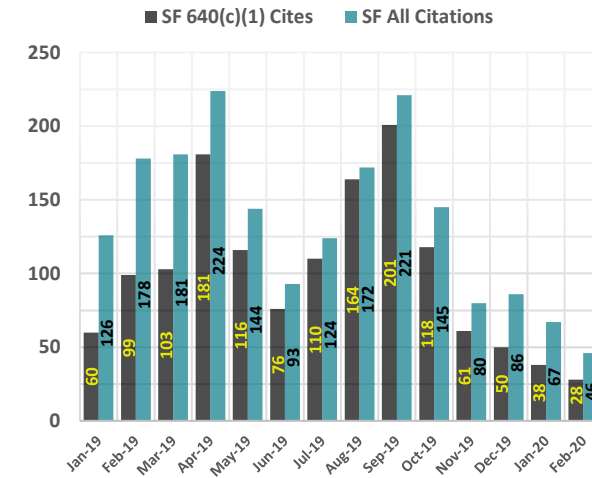
February 2020 Performance Measurement Review - San Francisco County

PART 1 UCR Crime	2017	2018	2019	YTD 2019	YTD 2020	PCT %
Homicide	0	0	0	0	0	-%
Rape	0	0	0	1	0	-100%
Robbery	49	97	104	17	13	-24%
Aggravated Assault	23	18	28	8	5	-38%
Violent Crime Subtotal	72	115	132	26	18	-31%
Burglary (Structural)	5	6	4	0	1	-%
Larceny & Auto Burglary	244	473	619	107	72	-33%
Auto Theft	2	1	1	0	0	-%
Arson	0	0	0	0	0	-%
Property Crime Subtotal	251	480	624	107	73	-32%
TOTAL	323	595	756	133	91	-32%

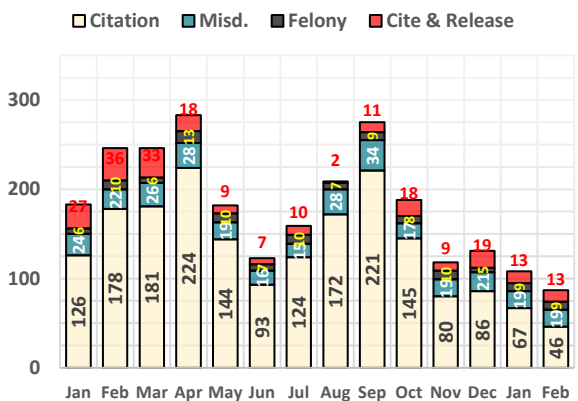
SAN FRANCISCO ELECTRONIC THEFT



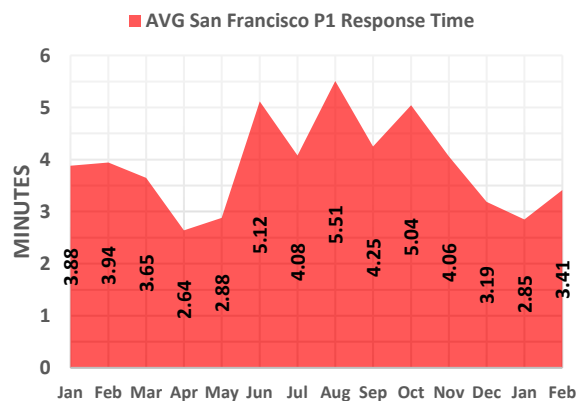
SAN FRANCISCO FARE EVASION



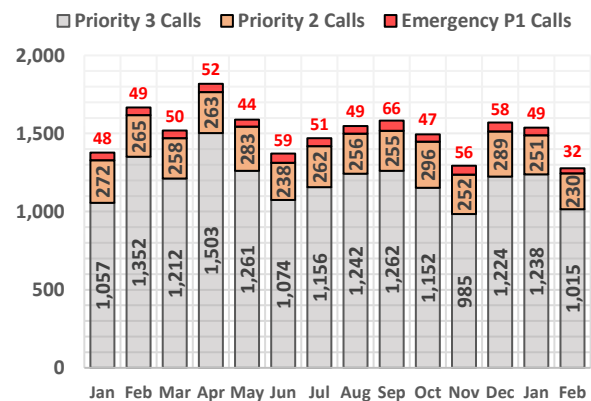
SF ARRESTS & CITATIONS



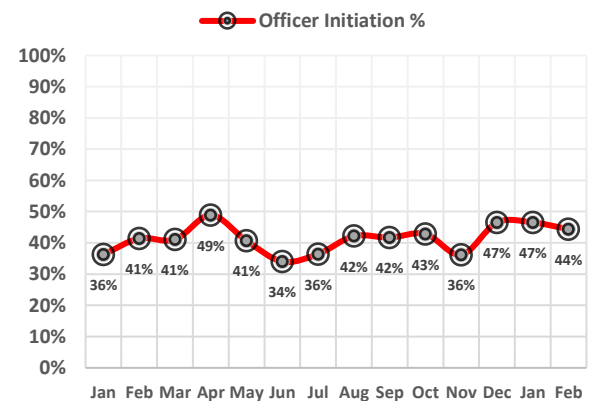
RESPONSE TIME (P1) AVG



SF PRIORITY 1 - 3 CALLS



SF OFFICER-INITIATED INCIDENTS



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



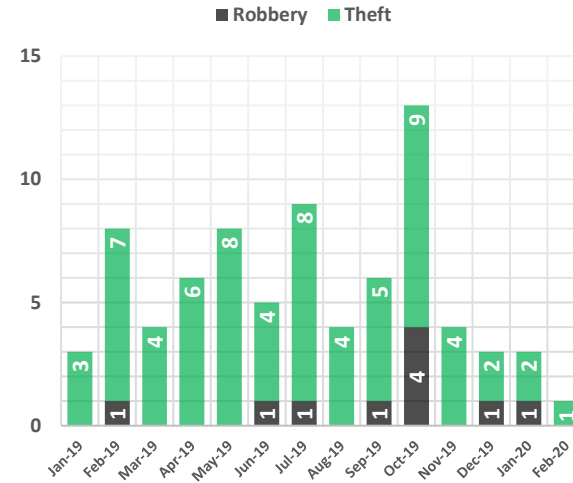
Bay Area Rapid Transit Police Department

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

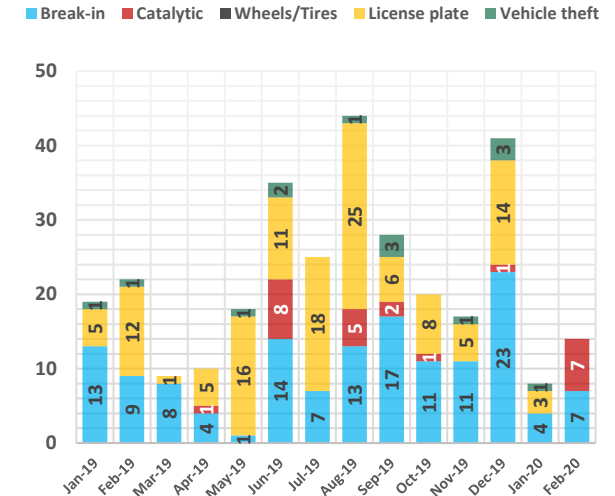
February 2020 Performance Measurement Review - San Mateo County

PART 1 UCR Crime	2017	2018	2019	YTD 2019	YTD 2020	PCT %
Homicide	0	0	0	0	0	-%
Rape	1	0	1	0	0	-%
Robbery	15	8	13	4	1	-75%
Aggravated Assault	6	5	8	0	2	-%
Violent Crime Subtotal	22	13	22	4	3	-25%
Burglary (Structural)	0	0	0	0	0	-%
Larceny & Auto Burglary	208	161	332	50	30	-40%
Auto Theft	18	19	13	2	1	-50%
Arson	0	0	0	0	1	-%
Property Crime Subtotal	226	180	345	52	32	-38%
TOTAL	248	193	367	56	35	-38%

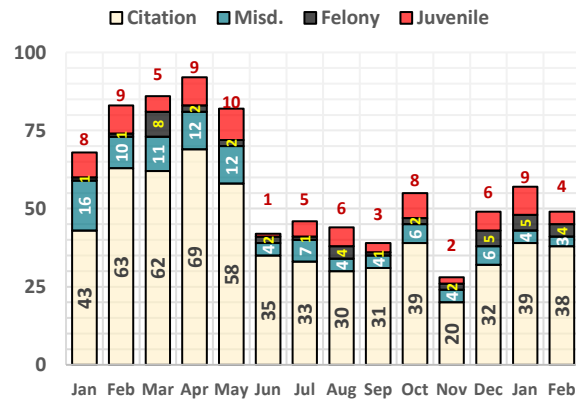
SAN MATEO ELECTRONIC THEFT



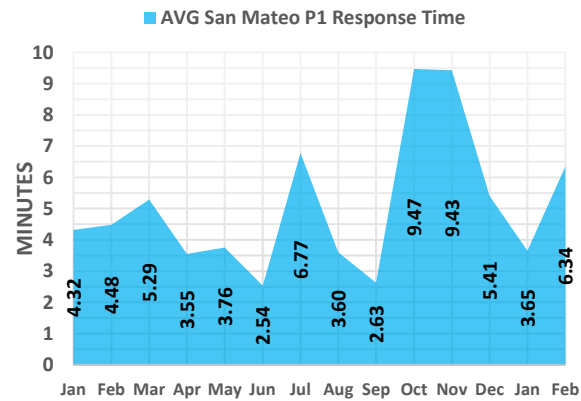
SAN MATEO VEHICLE CRIME



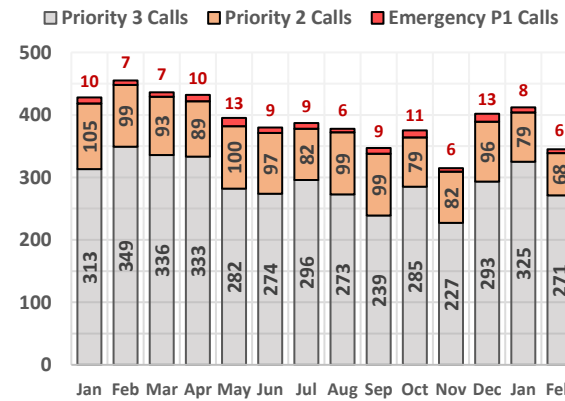
SMC ARRESTS & CITATIONS



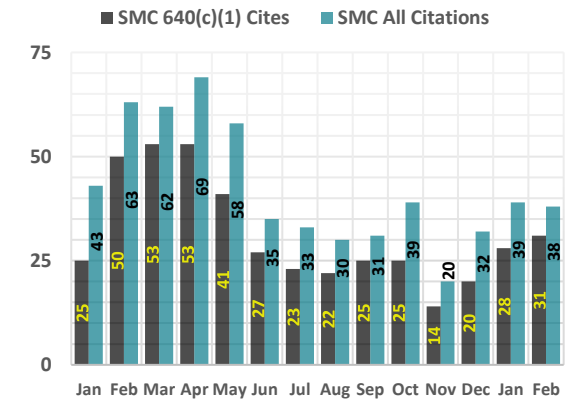
RESPONSE TIME (P1) AVG



SMC PRIORITY 1 - 3 CALLS



SMC FARE EVASION



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

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

BART Police Department - Office of Internal Affairs

Investigation Log

IA#:	DATE OCC'D	DATE REC'D	ALLEGATION	MISC	INVESTIGATOR	STATUS	5 Month Date	Due Date
IA2018-001	1/3/2018	1/3/2018	Force (OIS)		Sgt. T. Salas	Tolled	6/4/2018	
IA2018-032	UNK	4/20/2018	BBP, POD, CUBO	Deferred to OIPA #18-16	OIPA	Tolled	9/23/2018	
IA2018-043	6/6/2018	6/6/2018	Force		Sgt. McNack	Tolled	11/5/2018	
IA2018-060	7/22/2018	7/23/2018	Service Review		Lt. Franklin	Tolled	12/23/2018	
IA2019-050	4/11/2019		Per Chief regarding how department handled call for service.		Sgt. T. Salas	Awaiting training recommendation	8/28/2019	12/31/1900
IA2019-052	4/16/2019	4/16/2019	Force, CUBO		Sgt. McNack	Awaiting training recommendation	9/15/2019	4/16/2020
IA2019-053	4/17/2019	4/17/2019	CUBO, BBP	Admin Closure	Sgt. McNack	In Progress	9/16/2019	4/17/2020
IA2019-057	4/29/2019	4/29/2019	Arrest/Detention BBP, CUBO	Deferred to OIPA #19-17	OIPA	OIPA Investigation	9/28/2019	4/29/2020
IA2019-060	4/8/2019	5/6/2019	Arrest/Detention Force, Axon, CUBO	Deferred to OIPA #19-19	OIPA	OIPA Investigation	9/10/2019	5/6/2020
IA2019-063	5/7/2019	5/16/2019	Force		Lt. Franklin	In Progress	10/15/2019	5/16/2020
IA2019-068	6/3/2019	6/3/2019	Force		Sgt. McNack	In Progress	11/2/2019	6/3/2020
IA2019-070	6/6/2019	6/6/2019	POD	OIPA Intake #19-21	Sgt. McNack	In Progress	10/15/2019	6/6/2020

IA2019-072	6/5/2019	6/6/2019	Force		Sgt. McNack	In Progress	11/12/2019	6/6/2020
IA2019-073	6/13/2019	6/14/2019	Bias-Based Policing	OIPA Intake #19-22	Sgt. McNack	In Progress	11/13/2019	6/14/2020
IA2019-079	4/20/2019	7/2/2019	CUBO		Sgt. T. Salas	In Progress	12/1/2019	7/2/2020
IA2019-080	6/28/2019	7/1/2019	Bias-Based Policing	Admin Closure	Sgt. T. Salas	In Progress	11/30/2019	7/1/2020
IA2019-082	7/5/2019	7/5/2019	Force		Sgt. McNack	In Progress	12/4/2019	7/5/2020
IA2019-083	4/27/2019	6/17/2019	BBP		Sgt. McNack	In Progress	7/17/2019	6/17/2020
IA2019-088	7/30/2019	7/30/2019	Courtesy		Sgt. McNack	In Progress	12/29/2019	7/30/2020
IA2019-089	8/7/2019	8/13/2019	Force, Courtesy, Arrest or Detention	OIPA Intake #19-23 Admin Closure	Sgt. T. Salas	In Progress	1/12/2020	8/13/2020
IA2019-090	8/11/2019	8/11/2019	Policy/Procedure		Sgt. T. Salas	In Progress	1/10/2020	8/11/2020
IA2019-098	9/2/2019	9/3/2019	Policy/Procedure Force, CUBO Arrest/Detention		Sgt. McNack	In Progress	2/2/2020	9/3/2020
IA2019-099	8/29/2019	8/30/2019	Arrest/Detention Force Policy/Procedure	OIPA Intake #19-35 Clear by Video	Sgt. T. Salas	In Progress	1/29/2020	8/30/2020
IA2019-101	9/1/2019	9/1/2019	CUBO		Sgt. T. Salas	In Progress	1/28/2020	9/1/2020
IA2019-107	9/12/2019	9/12/2019	POD	Clear by Video	Sgt. T. Salas	In Progress	10/3/2019	9/12/2020
IA2019-108	8/26/2019	9/20/2019	Force Arrest/Detention Policy/Procedure	Deferred to OIPA #19-40	OIPA	OIPA Investigation	10/3/2019	9/20/2020

IA2019-109	9/18/2019	9/19/2019	POD		Sgt. McNack	In Progress	10/19/2019	9/19/2020
IA2019-111	10/1/2019	10/2/2019	Force, CUBO, Search or Seizure	Deferred to OIPA #19-41	OIPA	In Progress	3/2/2020	10/2/2020
IA2019-112	9/20/2019	10/4/2019	Force, CUBO, POD, Supervision, Policy/Procedure	Deferred to OIPA #19-42	OIPA	OIPA Investigation	3/4/2020	10/4/2020
IA2019-113	10/11/2019	10/14/2019	Bias, CUBO, Axon (admin)		Sgt. T. Salas	In Progress	3/14/2020	10/14/2020
IA2019-117	11/4/2019	11/4/2019	Bias	OIPA Intake #19-49	Sgt. McNack	In Progress	4/4/2020	11/4/2020
IA2019-119	11/5/2020	11/5/2020	BBP, Force, CUBO	Deferred to OIPA #19-50	OIPA	In Progress	4/5/2020	11/5/2021
IA2019-120	11/8/2019	11/4/2020			OIPA	OIPA Investigation	4/8/2020	11/4/2021
IA2019-122	11/11/2019	11/11/2019	CUBO	OIPA Intake #19-48	Sgt. T. Salas	In Progress	12/11/2019	11/11/2020
IA2019-124	10/24/2019	10/24/2019		Deferred to OIPA #19-46	OIPA	OIPA Investigation	3/24/2020	10/24/2020
IA2019-125	11/13/2019	11/13/2019	CUBO, POD, Policy/ Procedure	Deferred to OIPA #19-52	OIPA	OIPA Investigation	12/11/2019	11/13/2020
IA2019-129	12/11/2019	12/13/2019	Policy/Procedure		Sgt. McNack	In Progress	5/13/2020	12/13/2020
IA2019-130	10/31/2019	10/31/2019	Courtesy		Sgt. McNack	In Progress	3/31/2020	10/31/2020
IA2019-132	12/31/2019	1/1/2020	CUBO	ADMIN	Sgt. McNack	In Progress	6/1/2020	1/1/2021

IA2020-002	1/10/2020	1/10/2020	Bias Based Policing		Sgt. T. Salas	In Progress	6/10/2020	1/10/2021
IA2020-004	11/21/2019	12/17/2019	Force		Sgt. McNack	In Progress	6/21/2020	12/17/2020
IA2020-005	11/21/2019	1/22/2020	CUBO	S.R.	Sgt. T. Salas	In Progress	2/21/2020	1/22/2021
IA2020-006	1/18/2020	1/27/2020	Force		Sgt. T. Salas	In Progress	6/27/2020	1/27/2021
IA2020-008	1/18/2020	1/27/2020		OIPA Intake #20-01	Sgt. T. Salas	In Progress	6/29/2020	1/27/2021
IA2020-009	1/30/2020	1/31/2020	POD	OIPA Intake #20-04	Sgt. T. Salas	In Progress	7/1/2020	1/31/2021
IA2020-010	1/28/2020	1/28/2020	POD	OIPA Intake #20-03	Sgt. T. Salas	In Progress	2/27/2020	1/28/2021
IA2020-011	2/3/2020	2/3/2020	CUBO	OIPA Intake #20-05 Admin Closure		In Progress	7/4/2020	2/3/2021
IA2020-013	2/2/2020	2/12/2020	CUBO, Courtesy		Sgt. T. Salas	In Progress	7/13/2020	2/12/2021
IA2020-014	2/11/2020	2/11/2020	CUBO		Sgt. McNack	In Progress	7/12/2020	2/11/2021
IA2020-015	2/12/2020	2/12/2020	Force, Arrest/Detention	Deferred to OIPA #20-07	OIPA	OIPA Investigation	7/13/2020	2/12/2021
IA2020-016	2/12/2020	2/13/2020	CUBO		Sgt. T. Salas	In Progress	3/14/2020	2/13/2021
IA2020-017	2/15/2020	2/15/2020	Force		Sgt. McNack	In Progress	7/16/2020	2/15/2021
IA2020-018	2/1/2020	2/1/2020	CUBO, Policy/Procedure		Sgt. McNack	In Progress	7/2/2020	2/1/2021

IA2020-019	2/5/2020	2/5/2020	Arrest/detention, Policy/Procedure, Search/seizure	Deferred to OIPA #20-06	OIPA	OIPA Investigation	7/6/2020	2/5/2021
IA2020-020	3/6/2021	2/20/2020	Force	OIPA Intake #20-10	Sgt. McNack	In Progress	7/21/2020	2/20/2021
IA2020-021	3/6/2021	2/20/2020	POD, Policy/Procedure		Sgt. McNack	In Progress	7/21/2020	2/20/2021
IA2020-022	2/19/2020	2/21/2020	Force, Arrest/Detention, Bias Based Policing, Search or seizure	OIPA Intake #20-11	Sgt. McNack	In Progress	7/22/2020	2/21/2021
IA2020-023	2/29/2020	2/29/2020	Bias Based Policing		Sgt. McNack	In Progress	7/30/2020	3/1/2021

Statistics

Statistics	Six Week Average	03/23-03/29	03/16-03/22	03/09-03/15	03/02-03/08	02/24-03/01	02/17-02/23
Alerts Sent	0.17	0	1	0	0	0	0
Description	<i>The total number of alerts sent.</i>						
Incoming Reports	261.00	102	105	262	406	374	317
Description	<i>The number of reports sent from users.</i>						
Replies to Reports	424.50	130	162	403	658	648	546
Description	<i>The number of replies sent to users from ELERTS EPICenter console.</i>						

Report Type	# of Reports (all time)	
Disruptive Behavior (A)	32270	41.24%
[none selected]	9277	11.85%
Suspicious Activity (A)	5992	7.66%
Panhandling (D)	5456	6.97%
Drug Use (A)	4025	5.14%
Crime in Progress (A)	4005	5.12%
Other (D)	3082	3.94%
Vandalism (A)	2643	3.38%
Welfare Check (A)	2455	3.14%
Panhandling or Disruptive Behavior (D)	1967	2.51%
Unattended Bag or Package (A)	1774	2.27%
Report a Crime Tip (A)	1368	1.75%
Sexual Assault / Lewd Behavior (A)	1201	1.53%
Illegally Parked Vehicle (A)	1077	1.38%
Robbery / Theft (A)	927	1.18%
Unsecure Door (A)	456	0.58%
Aggressive Panhandling (A)	179	0.23%
Human Trafficking (A)	89	0.11%
Text-a-Tip (A)	13	0.02%
Total	78256	100 %

(A) Active | Disabled (D)

Identification	Total
Anonymous	40.51 %
Description	<i>Reports sent anonymously.</i>
Non-Anonymous	59.49 %
Description	<i>Reports sent non-anonymously.</i>

App Statistics (including tests)	
Total Messages (iOS)	114699
Description	<i>Reports and replies via iOS devices.</i>
Total Messages (Android)	48658
Description	<i>Reports and replies via Android devices.</i>
Total Messages (SMS)	13
Description	<i>Reports and replies via SMS.</i>

TEST-THIS IS ONLY A TEST	# of Reports (all time)
TEST Report Total	8878

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

BART Watch - 2020

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Crime in Progress	53	60											
Disruptive Behavior	589	593											
Drug Use	294	222											
Human Trafficking	2	0											
Illegally Parked Vehicle	16	22											
Aggressive Panhandling	40	42											
Report a Crime Tip	22	28											
Robbery/Theft	18	13											
Sexual Assault/Lewd Behavior	20	17											
Suspicious Activity	82	71											
Unattended Bag or Package	28	25											
Unsecure Door	11	2											
Vandalism	64	55											
Welfare Check	144	121											
Total	1383	1271											

Total Downloads: 87,803

Total Reports Made

Anonymous: 40.52%

Non-Anonymous: 59.48%

BART POLICE DEPARTMENT



March 2020
MONTHLY REPORT



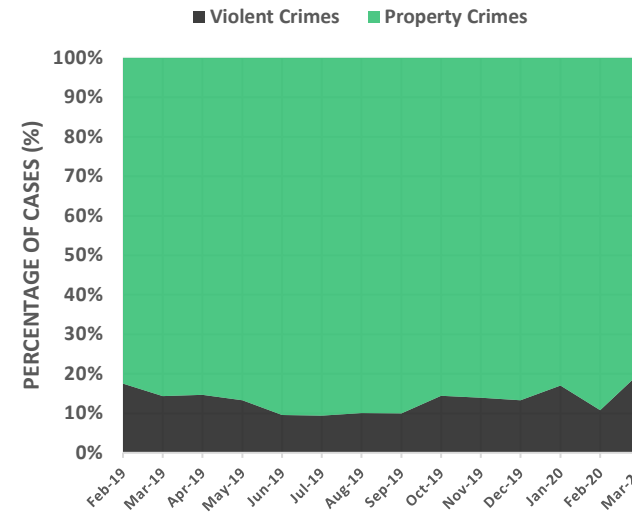
Bay Area Rapid Transit Police Department

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

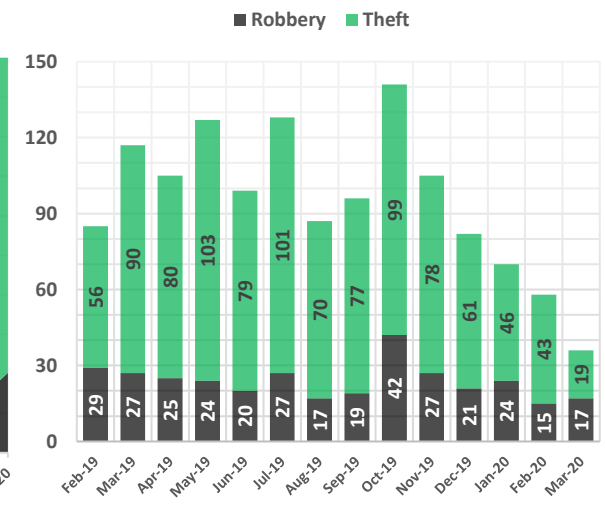
March 2020 Performance Measurement Review - **Systemwide**

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	5	3	-40%
Robbery	153	161	232	290	345	378	95	82	-14%
Aggravated Assault	71	73	93	125	130	112	33	23	-30%
Violent Crime Subtotal	226	238	330	423	481	499	134	108	-19%
Burglary (Structural)	7	4	12	15	18	16	3	6	+100%
Larceny & Auto Burglary	2,597	2,325	2,217	2,593	2,565	3,177	717	541	-25%
Auto Theft	522	480	480	420	348	247	44	48	+9%
Arson	0	0	1	4	4	4	0	2	-%
Property Crime Subtotal	3,126	2,809	2,710	3,032	2,935	3,444	764	597	-22%
TOTAL	3,352	3,047	3,040	3,455	3,416	3,943	898	705	-21%

PART 1 CRIME OVERALL



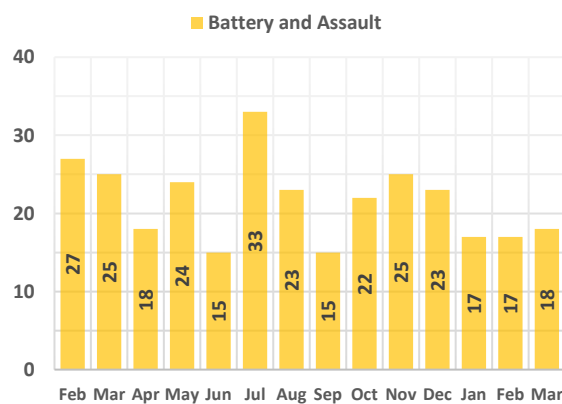
ELECTRONIC THEFT



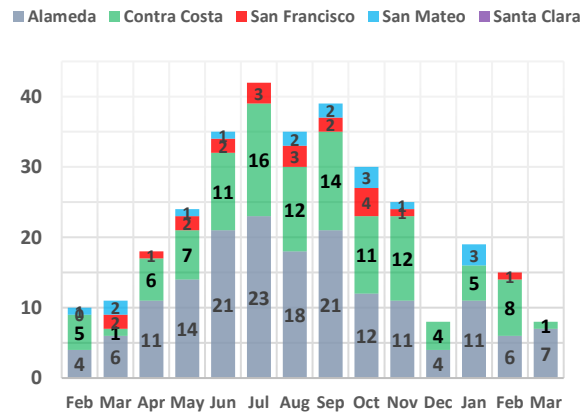
Part 1 Crimes: Top Five Stations

March 2020: A60/HAS A30/COS A40/SLS A10/LMS K30/MAS
 Full Year 2019: A30/COS A60/HAS M10/OWS A20/FVS A40/SLS

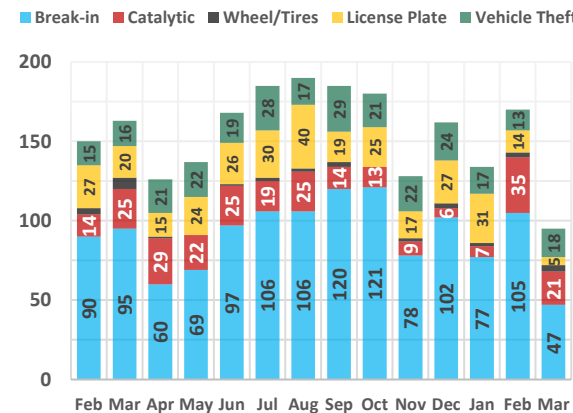
BATTERY & ASSAULT ON BART



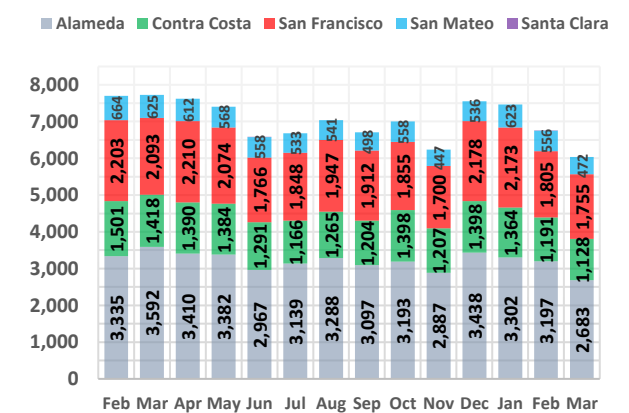
BICYCLE THEFT



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.

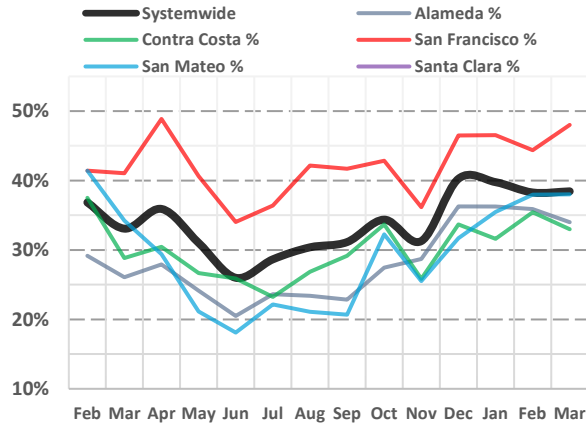


Bay Area Rapid Transit Police Department

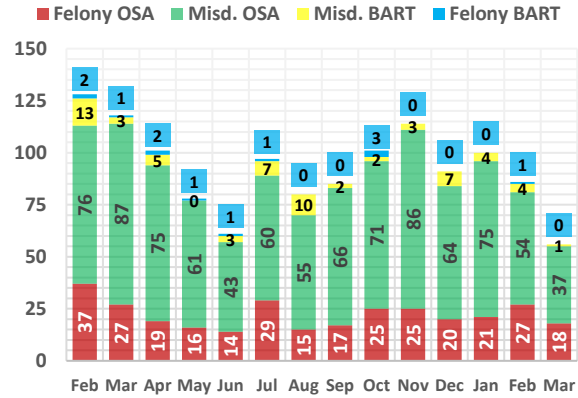
101 8th St, Oakland, CA, 94607 (510) 464-7000 www.bart.gov/police

March 2020 Performance Measurement Review - **Systemwide**

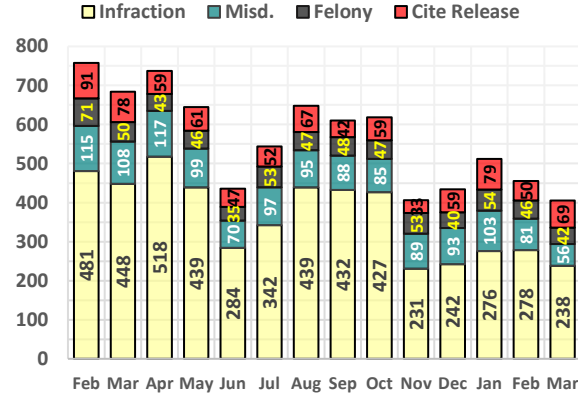
OFFICER-INITIATED INCIDENTS



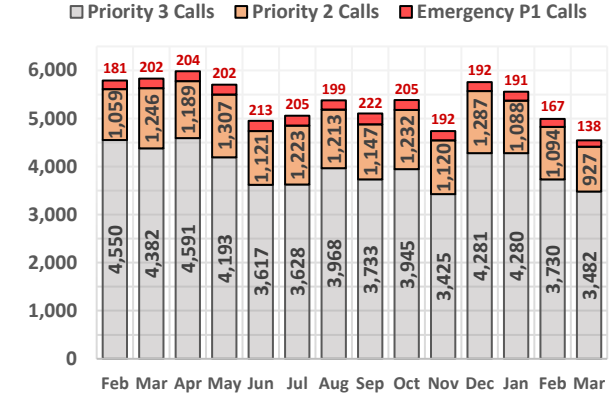
WARRANT ARRESTS



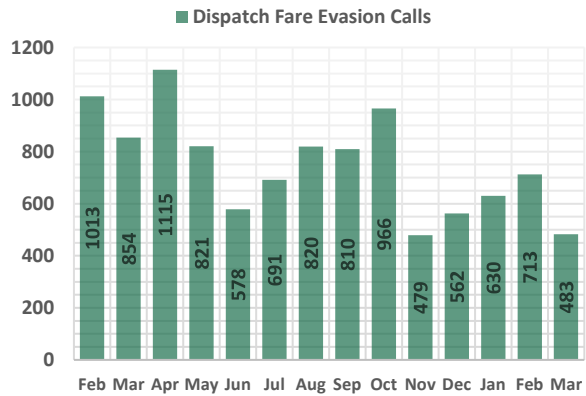
ALL BOOKINGS & ARRESTS



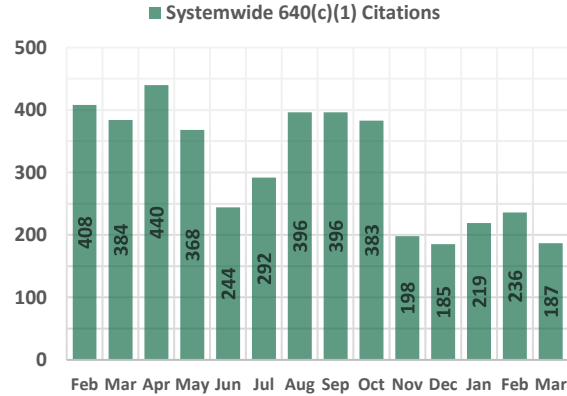
PRIORITY TYPE 1 - 3 CALLS



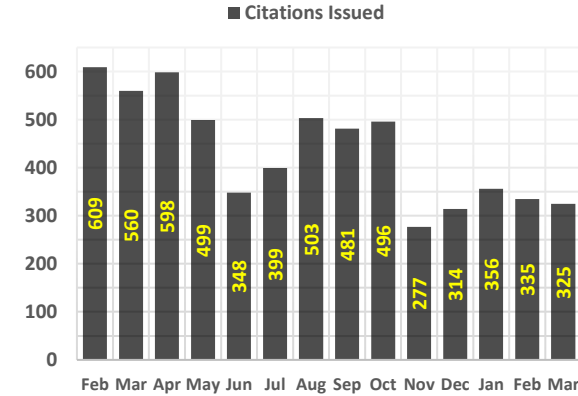
FARE EVASION CAD CALLS



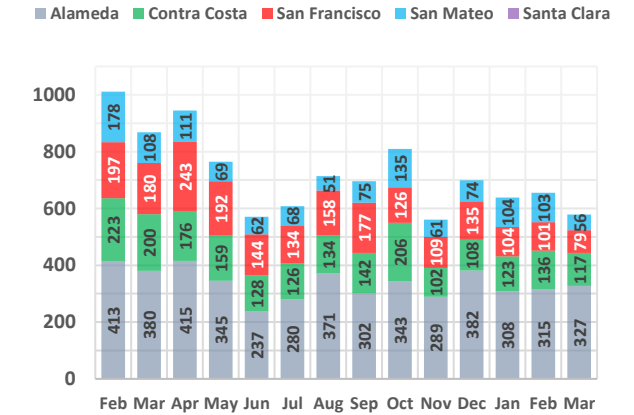
FARE EVASION CITATIONS



ALL CITATIONS



FIELD INTERVIEWS



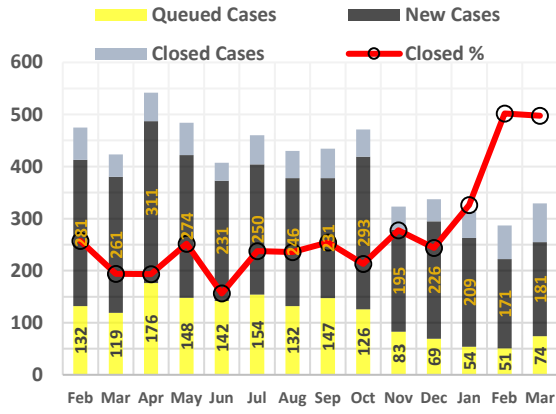


Bay Area Rapid Transit Police Department

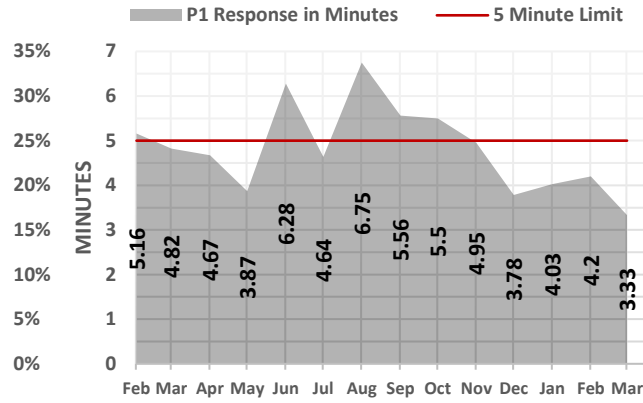
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March 2020 Performance Measurement Review - **Systemwide**

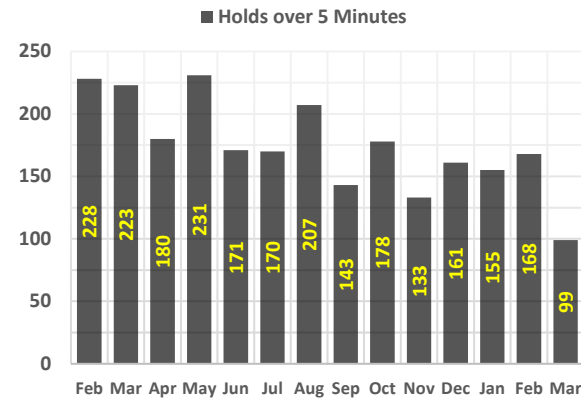
INVESTIGATIONS CASELOAD %



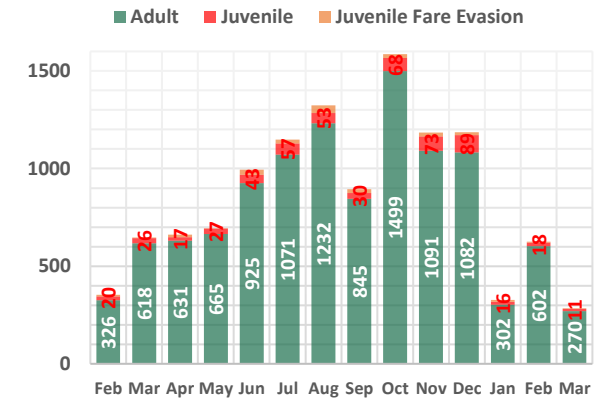
SYSTEM RESPONSE TIME (P1) AVG



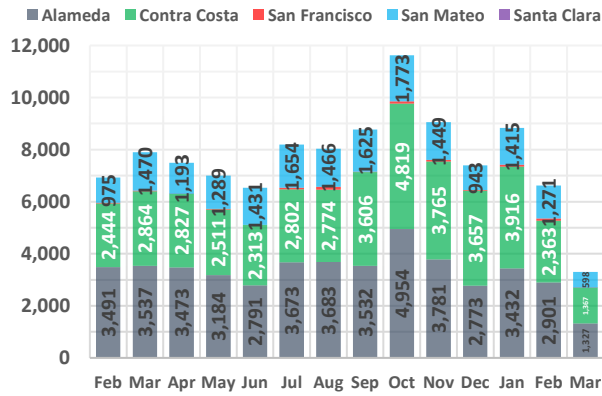
POLICE TRAIN HOLDS



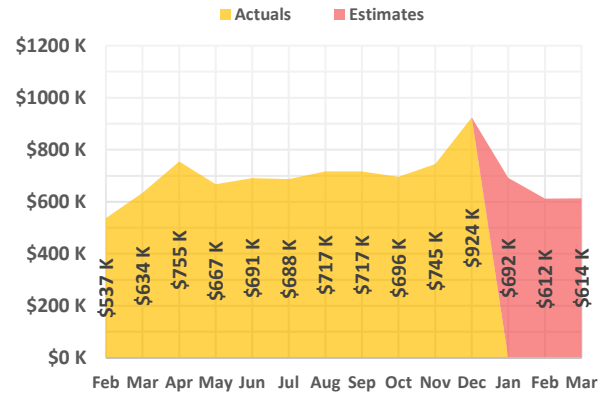
PROOF OF PAYMENT CITATIONS



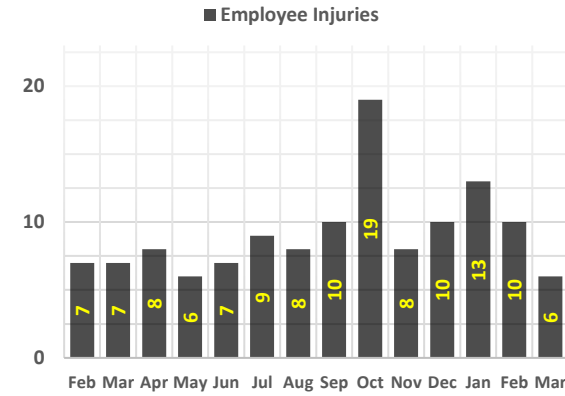
PARKING CITATIONS



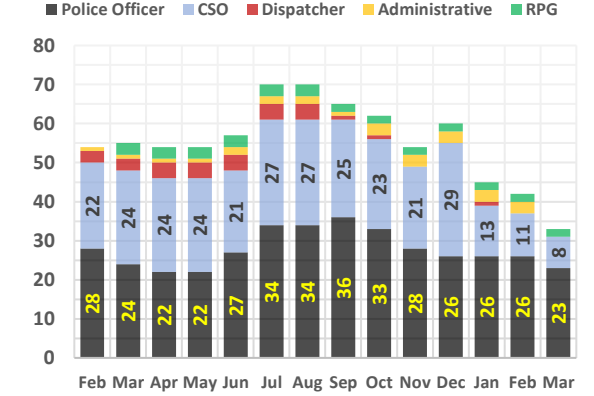
OVERTIME UTILIZATION (IN THOUSANDS)



EMPLOYEE INJURIES



VACANCIES



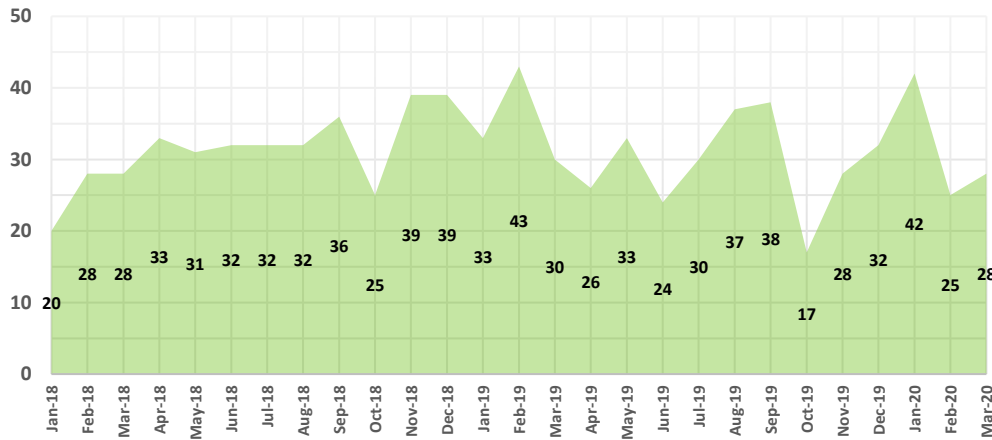


Bay Area Rapid Transit Police Department

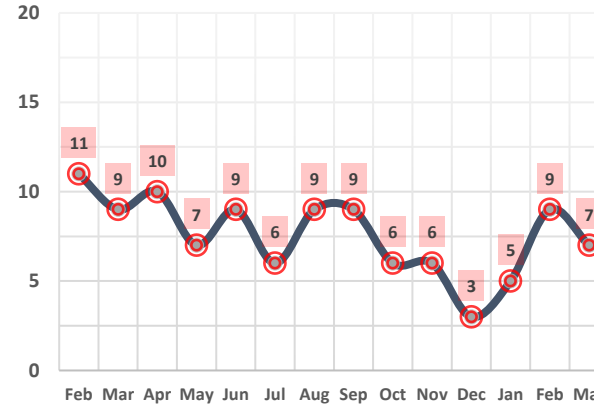
101 8th St, Oakland, CA, 94607 (510) 464-7000 www.bart.gov/police

March 2020 Performance Measurement Review - **Systemwide**

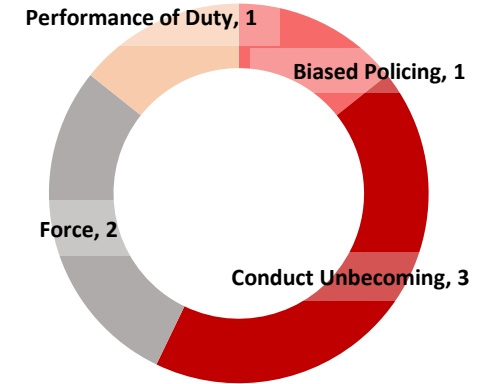
AB716 - PROHIBITION ORDERS



INTERNAL AFFAIRS COMPLAINTS

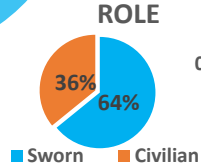
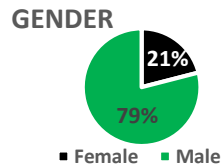
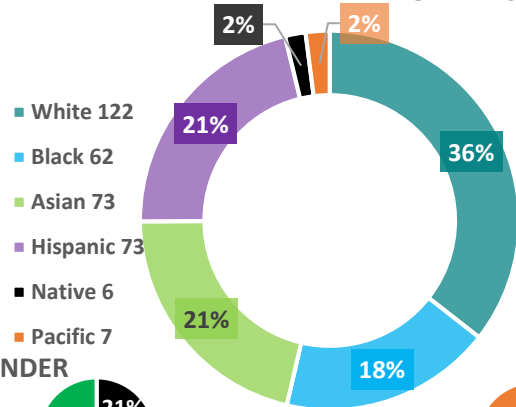


IA COMPLAINTS RECEIVED¹

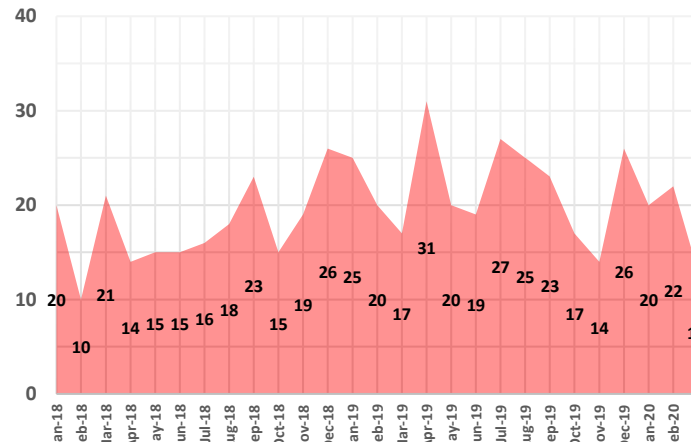


1: Each incident could contain more than one allegation. This chart reflects the most significant allegation per

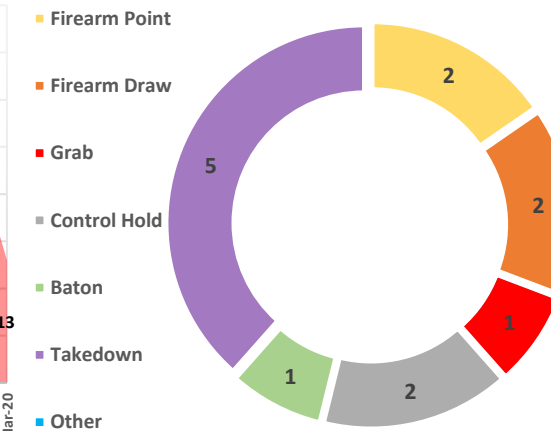
DEPARTMENT ETHNIC DIVERSITY



USE OF FORCE INCIDENTS

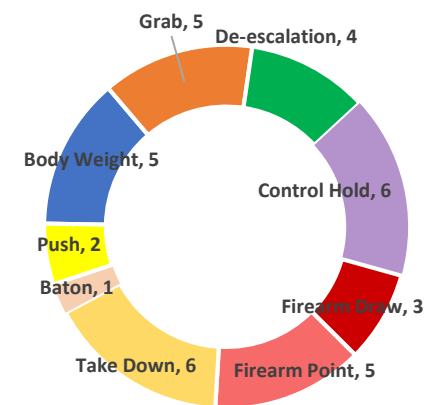


INCIDENT FORCE OPTIONS USED²



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

TYPES OF FORCE USED³



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



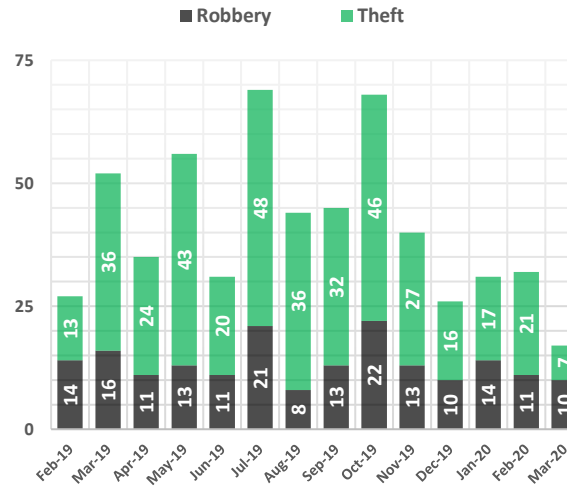
Bay Area Rapid Transit Police Department

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

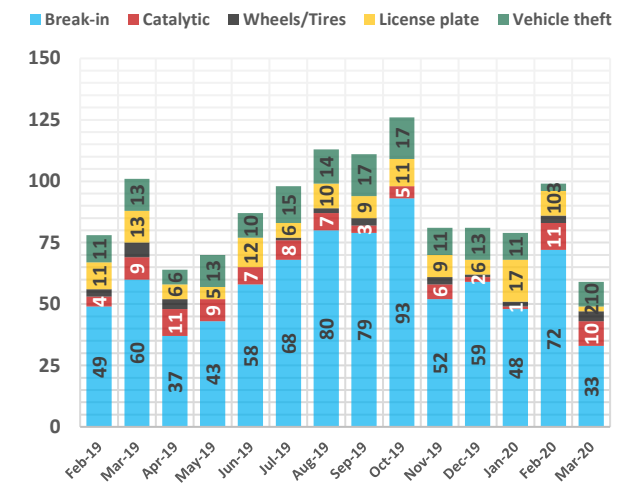
March 2020 Performance Measurement Review - Alameda County

PART 1 UCR Crime	2017	2018	2019	YTD 2019	YTD 2020	PCT %
Homicide	0	2	1	1	0	-100%
Rape	6	3	2	1	3	+200%
Robbery	191	211	229	57	54	-5%
Aggravated Assault	73	87	52	15	12	-20%
Violent Crime Subtotal	270	303	284	74	69	-7%
Burglary (Structural)	8	11	13	2	5	+150%
Larceny & Auto Burglary	1,471	1,262	1,634	363	310	-15%
Auto Theft	266	201	149	33	24	-27%
Arson	2	3	5	0	1	-%
Property Crime Subtotal	1,747	1,477	1,801	398	340	-15%
TOTAL	2,017	1,780	2,085	472	409	-13%

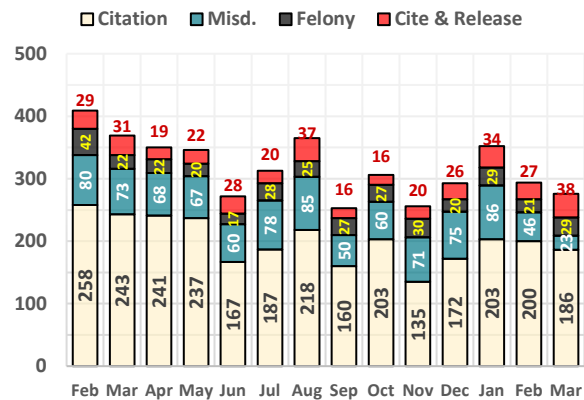
ALAMEDA ELECTRONIC THEFT



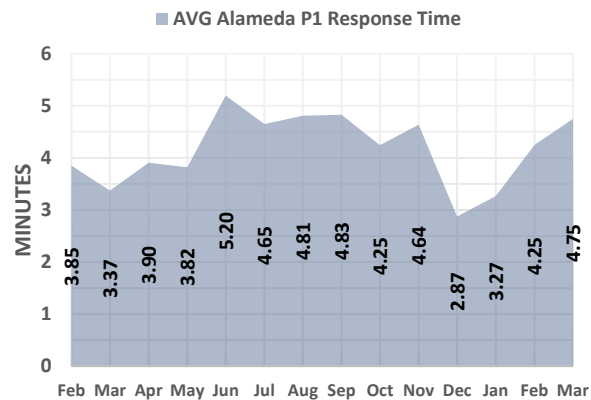
ALAMEDA VEHICLE CRIME



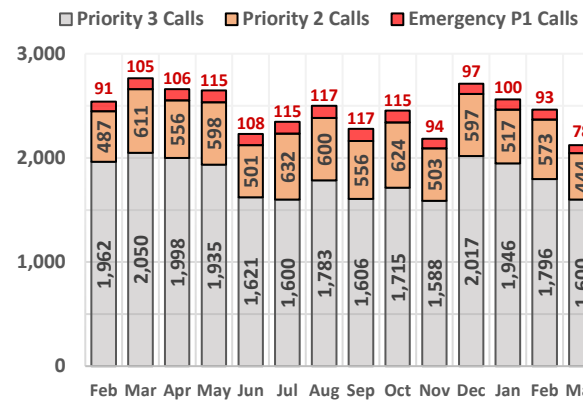
ALAMEDA ARRESTS & CITATIONS



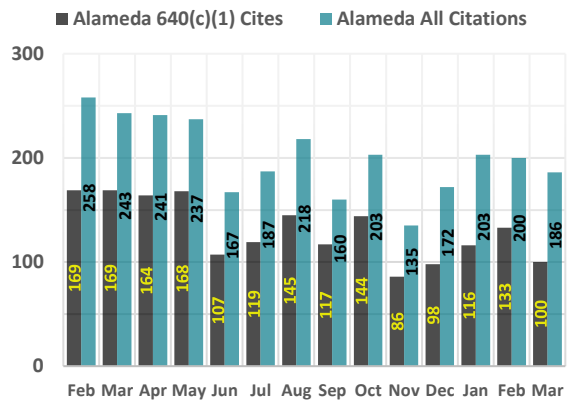
RESPONSE TIME (P1) AVG



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



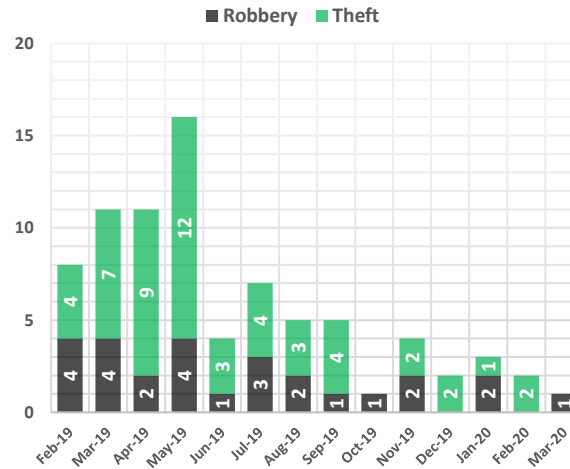
Bay Area Rapid Transit Police Department

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

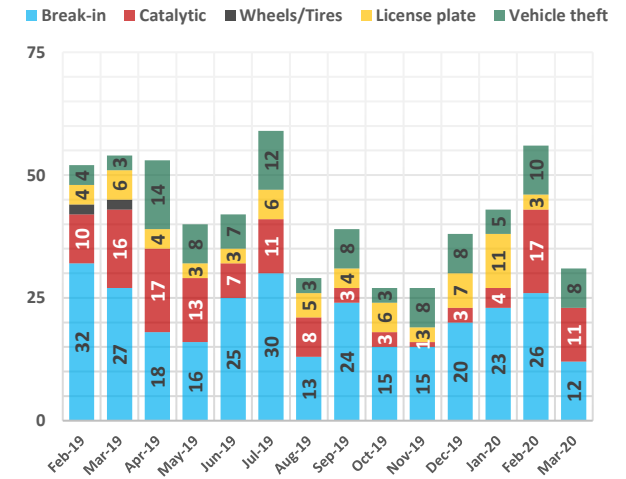
March 2020 Performance Measurement Review - **Contra Costa County**

PART 1 UCR Crime	2017	2018	2019	YTD 2019	YTD 2020	PCT %
Homicide	0	1	0	0	0	-%
Rape	1	0	4	3	0	-100%
Robbery	35	29	34	10	7	-30%
Aggravated Assault	23	20	23	5	4	-20%
Violent Crime Subtotal	59	50	61	18	11	-39%
Burglary (Structural)	2	1	2	1	0	-100%
Larceny & Auto Burglary	675	669	592	157	117	-25%
Auto Theft	134	124	81	10	23	+130%
Arson	3	1	0	0	0	-%
Property Crime Subtotal	814	795	675	168	140	-17%
TOTAL	873	845	736	186	151	-19%

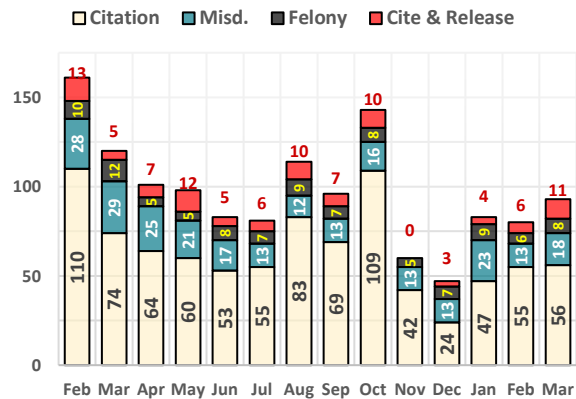
CONTRA COSTA ELECTRONIC THEFT



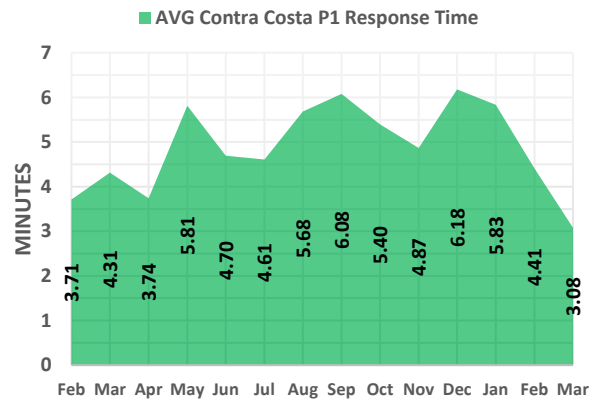
CONTRA COSTA VEHICLE CRIME



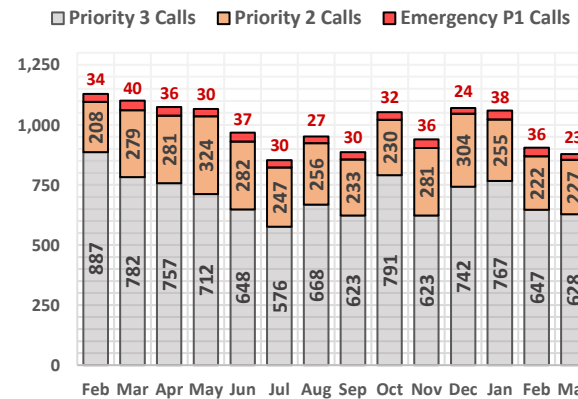
COCO ARRESTS & CITATIONS



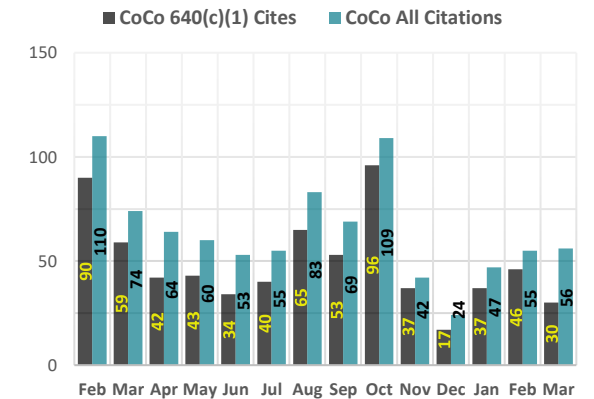
RESPONSE TIME (P1) AVG



COCO PRIORITY 1 - 3 CALLS



COCO FARE EVASION



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



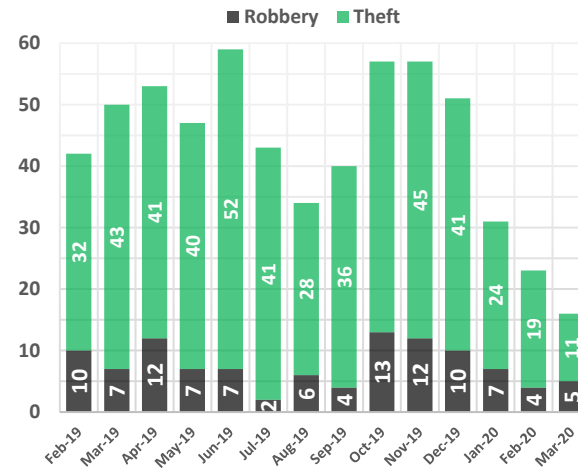
Bay Area Rapid Transit Police Department

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

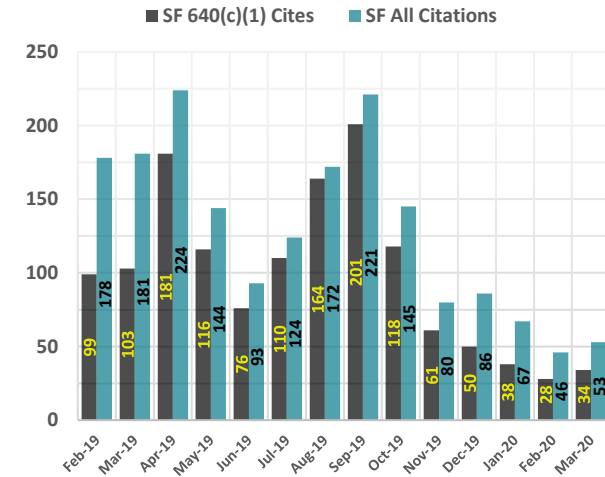
March 2020 Performance Measurement Review - San Francisco County

PART 1 UCR Crime	2017	2018	2019	YTD 2019	YTD 2020	PCT %
Homicide	0	0	0	0	0	-%
Rape	0	0	0	3	0	-100%
Robbery	49	97	104	24	17	-29%
Aggravated Assault	23	18	28	10	5	-50%
Violent Crime Subtotal	72	115	132	37	22	-41%
Burglary (Structural)	5	6	4	0	1	-%
Larceny & Auto Burglary	244	473	619	157	92	-41%
Auto Theft	2	1	1	0	0	-%
Arson	0	0	0	0	0	-%
Property Crime Subtotal	251	480	624	157	93	-41%
TOTAL	323	595	756	194	115	-41%

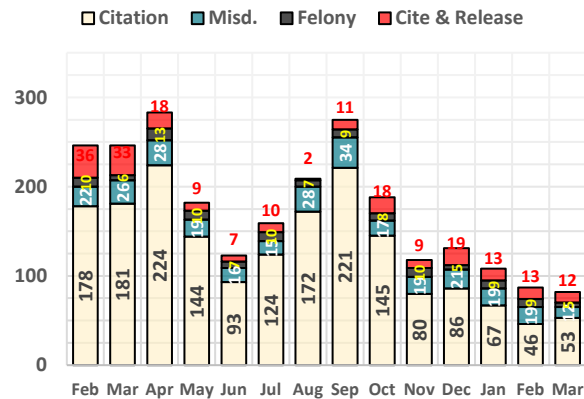
SAN FRANCISCO ELECTRONIC THEFT



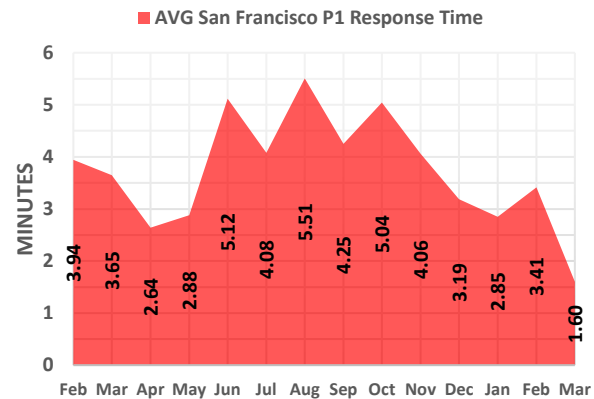
SAN FRANCISCO FARE EVASION



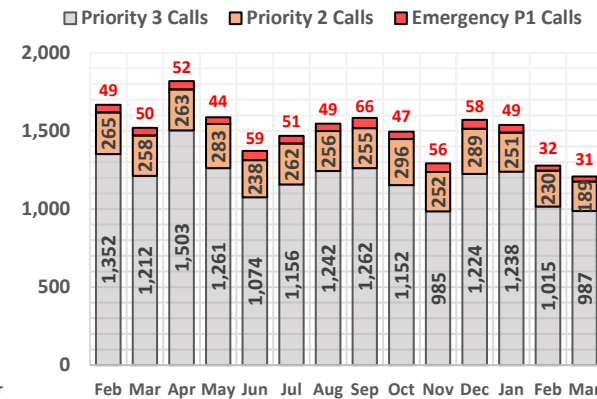
SF ARRESTS & CITATIONS



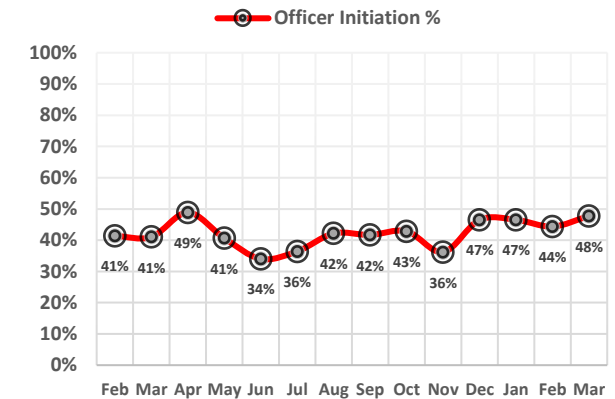
RESPONSE TIME (P1) AVG



SF PRIORITY 1 - 3 CALLS



SF OFFICER-INITIATED INCIDENTS



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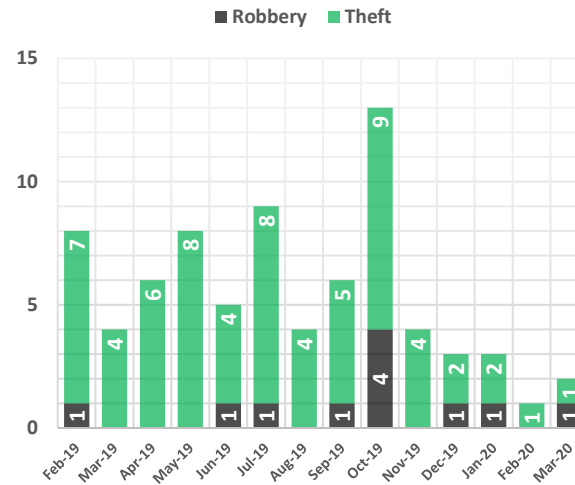
Bay Area Rapid Transit Police Department

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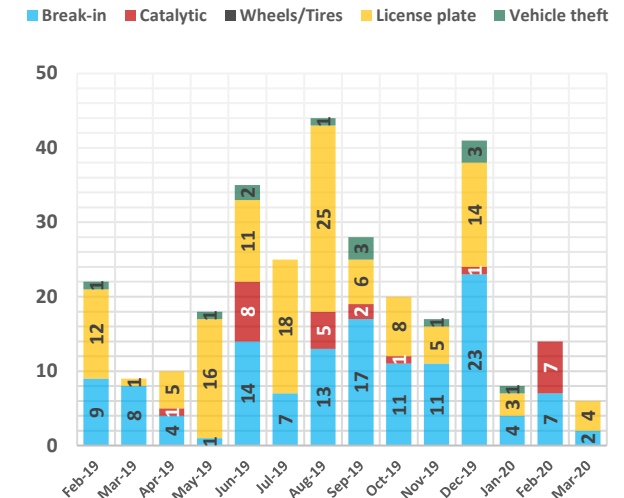
March 2020 Performance Measurement Review - **San Mateo County**

PART 1 UCR Crime	2017	2018	2019	YTD 2019	YTD 2020	PCT %
Homicide	0	0	0	0	0	-%
Rape	1	0	1	0	0	-%
Robbery	15	8	13	4	4	0%
Aggravated Assault	6	5	8	1	2	+100%
Violent Crime Subtotal	22	13	22	5	6	+20%
Burglary (Structural)	0	0	0	0	0	-%
Larceny & Auto Burglary	208	161	332	63	38	-40%
Auto Theft	18	19	13	2	1	-50%
Arson	0	0	0	0	1	-%
Property Crime Subtotal	226	180	345	65	40	-38%
TOTAL	248	193	367	70	46	-34%

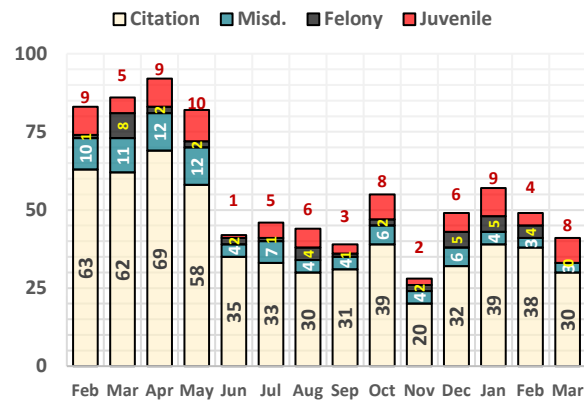
SAN MATEO ELECTRONIC THEFT



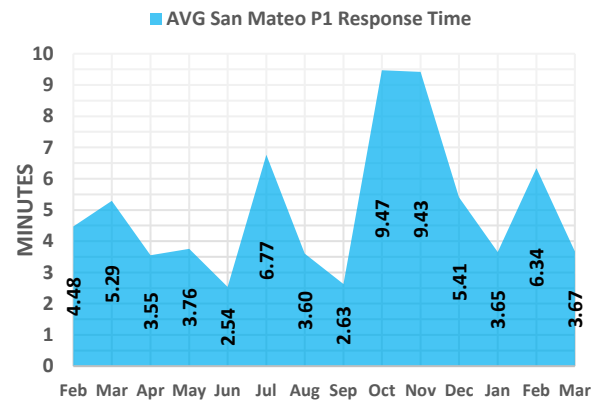
SAN MATEO VEHICLE CRIME



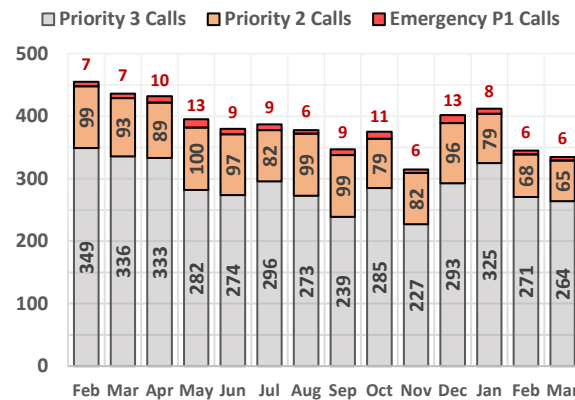
SMC ARRESTS & CITATIONS



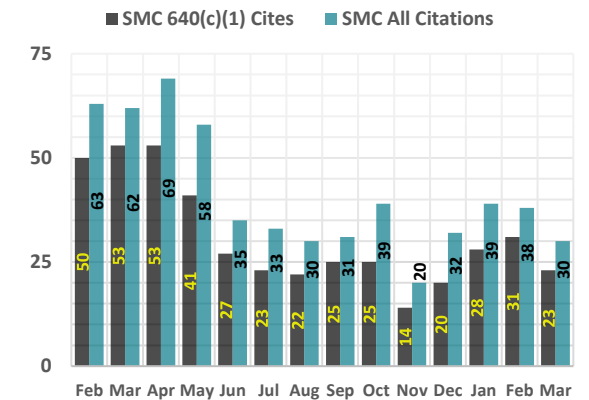
RESPONSE TIME (P1) AVG



SMC PRIORITY 1 - 3 CALLS



SMC FARE EVASION



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

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

IA#:	DATE OCC'D	DATE REC'D	ALLEGATION	MISC	INVESTIGATOR	STATUS	5 Month Date	Due Date
IA2018-001	1/3/2018	1/3/2018	Force (OIS)		Sgt. T. Salas	Tolled	6/4/2018	
IA2018-032	UNK	4/20/2018	BBP, POD, CUBO	Deferred to OIPA #18-16	OIPA	Tolled	9/23/2018	
IA2018-043	6/6/2018	6/6/2018	Force		Sgt. McNack	Tolled	11/5/2018	
IA2018-060	7/22/2018	7/23/2018	Service Review		Lt. Franklin	Tolled	12/23/2018	
IA2019-050	4/11/2019		Per Chief regarding how department handled call for service.		Sgt. T. Salas	Awaiting training recommendation	8/28/2019	12/31/1900
IA2019-060	4/8/2019	5/6/2019	Arrest/Detention Force, Axon, CUBO	Deferred to OIPA #19-19	OIPA	OIPA Investigation	9/10/2019	5/6/2020
IA2019-063	5/7/2019	5/16/2019	Force		Lt. Franklin	Awaiting training recommendation	10/15/2019	5/16/2020
IA2019-068	6/3/2019	6/3/2019	Force		Sgt. McNack	In Progress	11/2/2019	6/3/2020
IA2019-070	6/6/2019	6/6/2019	POD	OIPA Intake #19-21	Sgt. McNack	In Progress	10/15/2019	6/6/2020
IA2019-072	6/5/2019	6/6/2019	Force		Sgt. McNack	In Progress	11/12/2019	6/6/2020
IA2019-073	6/13/2019	6/14/2019	Bias-Based Policing	OIPA Intake #19-22	Sgt. McNack	In Progress	11/13/2019	6/14/2020

IA2019-080	6/28/2019	7/1/2019	Bias-Based Policing	Admin Closure	Sgt. T. Salas	Awaiting training recommendation	11/30/2019	7/1/2020
IA2019-082	7/5/2019	7/5/2019	Force		Sgt. McNack	In Progress	12/4/2019	7/5/2020
IA2019-088	7/30/2019	7/30/2019	Courtesy		Sgt. McNack	In Progress	12/29/2019	7/30/2020
IA2019-089	8/7/2019	8/13/2019	Force, Courtesy, Arrest or Detention	OIPA Intake #19-23 Admin Closure	Sgt. T. Salas	In Progress	1/12/2020	8/13/2020
IA2019-098	9/2/2019	9/3/2019	Policy/Procedure Force, CUBO Arrest/Detention		Sgt. McNack	In Progress	2/2/2020	9/3/2020
IA2019-099	8/29/2019	8/30/2019	Arrest/Detention Force Policy/Procedure	OIPA Intake #19-35 Clear by Video	Sgt. T. Salas	In Progress	1/29/2020	8/30/2020
IA2019-101	9/1/2019	9/1/2019	CUBO		Sgt. T. Salas	In Progress	1/28/2020	9/1/2020
IA2019-107	9/12/2019	9/12/2019	POD	Clear by Video	Sgt. T. Salas	In Progress	10/3/2019	9/12/2020
IA2019-108	8/26/2019	9/20/2019	Force Arrest/Detention Policy/Procedure	Deferred to OIPA #19-40	OIPA	OIPA Investigation	10/3/2019	9/20/2020
IA2019-109	9/18/2019	9/19/2019	POD		Sgt. McNack	In Progress	10/19/2019	9/19/2020
IA2019-111	10/1/2019	10/2/2019	Force, CUBO, Search or Seizure	Deferred to OIPA #19-41	OIPA	In Progress	3/2/2020	10/2/2020

IA2019-112	9/20/2019	10/4/2019	Force, CUBO, POD, Supervision, Policy/Procedure	Deferred to OIPA #19-42	OIPA	OIPA Investigation	3/4/2020	10/4/2020
IA2019-113	10/11/2019	10/14/2019	Bias, CUBO, Axon (admin)		Sgt. T. Salas	In Progress	3/14/2020	10/14/2020
IA2019-117	11/4/2019	11/4/2019	Bias Based Policing	OIPA Intake #19-49	Sgt. McNack	In Progress	4/4/2020	11/4/2020
IA2019-119	11/5/2020	11/5/2020	BBP, Force, CUBO	Deferred to OIPA #19-50	OIPA	In Progress	4/5/2020	11/5/2021
IA2019-120	11/8/2019	11/4/2020			OIPA	OIPA Investigation	4/8/2020	11/4/2021
IA2019-122	11/11/2019	11/11/2019	CUBO	OIPA Intake #19-48, S.R.	Sgt. T. Salas	In Progress	12/11/2019	11/11/2020
IA2019-124	10/24/2019	10/24/2019		Deferred to OIPA #19-46	OIPA	OIPA Investigation	3/24/2020	10/24/2020
IA2019-125	11/13/2019	11/13/2019	CUBO, POD, Policy/ Procedure	Deferred to OIPA #19-52	OIPA	OIPA Investigation	12/11/2019	11/13/2020
IA2019-129	12/11/2019	12/13/2019	Policy/Procedure		Sgt. McNack	In Progress	5/13/2020	12/13/2020
IA2019-130	10/31/2019	10/31/2019	Courtesy	S.R.	Sgt. McNack	In Progress	3/31/2020	10/31/2020
IA2019-132	12/31/2019	1/1/2020	CUBO	ADMIN	Sgt. McNack	In Progress	6/1/2020	1/1/2021
IA2020-002	1/10/2020	1/10/2020	Bias Based Policing	Possible Clear by Video	Sgt. T. Salas	In Progress	6/10/2020	1/10/2021

IA2020-004	11/21/2019	12/17/2019	Force		Sgt. McNack	In Progress	6/21/2020	12/17/2020
IA2020-006	1/18/2020	1/27/2020	Force		Sgt. T. Salas	In Progress	6/27/2020	1/27/2021
IA2020-008	1/18/2020	1/27/2020		OIPA Intake #20-01	Sgt. T. Salas	In Progress	6/29/2020	1/27/2021
IA2020-009	1/30/2020	1/31/2020	POD	OIPA Intake #20-04	Sgt. T. Salas	In Progress	7/1/2020	1/31/2021
IA2020-010	1/28/2020	1/28/2020	POD	OIPA Intake #20-03	Sgt. T. Salas	In Progress	2/27/2020	1/28/2021
IA2020-013	2/2/2020	2/12/2020	CUBO, Courtesy		Sgt. T. Salas	In Progress	7/13/2020	2/12/2021
IA2020-014	2/11/2020	2/11/2020	CUBO		Sgt. McNack	In Progress	7/12/2020	2/11/2021
IA2020-015	2/12/2020	2/12/2020	Force, Arrest/Detention	Deferred to OIPA #20-07	OIPA	OIPA Investigation	7/13/2020	2/12/2021
IA2020-016	2/12/2020	2/13/2020	CUBO	S.R., Awaiting Outley to return from leave	Sgt. T. Salas	In Progress	3/14/2020	2/13/2021
IA2020-017	2/15/2020	2/15/2020	Force		Sgt. McNack	In Progress	7/16/2020	2/15/2021
IA2020-018	2/1/2020	2/1/2020	CUBO, Policy/Procedure		Sgt. McNack	In Progress	7/2/2020	2/1/2021
IA2020-019	2/5/2020	2/5/2020	Arrest/detention, Policy/Procedure, Search/seizure	Deferred to OIPA #20-06	OIPA	OIPA Investigation	7/6/2020	2/5/2021
IA2020-020	3/6/2021	2/20/2020	Force	OIPA Intake #20-10	Sgt. McNack	In Progress	7/21/2020	2/20/2021

IA2020-021	3/6/2021	2/20/2020	Policy/Procedure		Sgt. McNack	Awaiting training recommendation	7/21/2020	2/20/2021
IA2020-022	2/19/2020	2/21/2020	Force, Arrest/Detention, Bias Based Policing, Search or seizure	Deferred to OIPA #20-11	OIPA	OIPA Investigation	7/22/2020	2/21/2021
IA2020-023	2/29/2020	2/29/2020	Axon, Bias Based Policing		Sgt. McNack	In Progress	7/30/2020	3/1/2021
IA2020-024	2/15/2020	3/7/2020	Force, Arrest/Detention	Deferred to OIPA #20-13	OIPA	OIPA Investigation	7/30/2020	3/7/2021
IA2020-025	2/28/2020	2/29/2020	BPD providing private taxi services	Inquiry	Sgt. McNack	In Progress	3/30/2020	3/1/2021
IA2020-026	3/5/2020	3/9/2020	Arrest/Detention, BBP, Axon Policy/Procedure	Deferred to OIPA #20-14	OIPA	OIPA Investigation	7/30/2020	3/9/2021
IA2020-027	11/10/2019	3/12/2020	POD		Sgt. T. Salas	In Progress	4/10/2020	3/12/2021
IA2020-028	3/12/2020	3/12/2020	Force		Sgt. T. Salas	In Progress	8/11/2020	3/12/2021
IA2020-029	3/12/2020	3/13/2020	CUBO	S.R. for Zone	Sgt. T. Salas	In Progress	8/12/2020	3/13/2021
IA2020-030	2/16/2020	3/16/2020	CUBO	Admin Close if non-responsive	Sgt. T. Salas	In Progress	8/15/2020	3/16/2021

IA2020-031	3/11/2020	3/14/2020	CUBO		Sgt. McNack	In Progress	8/13/2020	3/14/2021
IA2020-033	4/1/2020	4/1/2020	Force		Sgt. T. Salas	In Progress		4/1/2021

BART Watch - 2020

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

Total Downloads: 88,016

Total Reports Made

Anonymous: 40.69%

Non-Anonymous: 59.31%

Statistics

Statistics	Six Week Average	04/20-04/26	04/13-04/19	04/06-04/12	03/30-04/05	03/23-03/29	03/16-03/22
Alerts Sent	0.17	0	0	0	0	0	1
Description	<i>The total number of alerts sent.</i>						
Incoming Reports	117.67	71	237	119	72	102	105
Description	<i>The number of reports sent from users.</i>						
Replies to Reports	111.00	73	106	127	68	130	162
Description	<i>The number of replies sent to users from ELERTS EPICenter console.</i>						

Report Type	# of Reports (all time)	
Disruptive Behavior (A)	32345	41.08%
[none selected]	9300	11.81%
Suspicious Activity (A)	6019	7.64%
Panhandling (D)	5456	6.93%
Drug Use (A)	4063	5.16%
Crime in Progress (A)	4022	5.11%
Other (D)	3082	3.91%
Vandalism (A)	2660	3.38%
Welfare Check (A)	2482	3.15%
Panhandling or Disruptive Behavior (D)	1967	2.50%
Unattended Bag or Package (A)	1776	2.26%
Sexual Assault / Lewd Behavior (A)	1445	1.84%
Report a Crime Tip (A)	1372	1.74%
Illegally Parked Vehicle (A)	1078	1.37%
Robbery / Theft (A)	932	1.18%
Unsecure Door (A)	460	0.58%
Aggressive Panhandling (A)	182	0.23%
Human Trafficking (A)	92	0.12%
Text-a-Tip (A)	13	0.02%
Total	78746	100 %
(A) Active Disabled (D)		

Identification	Total
Anonymous	40.69 %
Description	<i>Reports sent anonymously.</i>
Non-Anonymous	59.31 %
Description	<i>Reports sent non-anonymously.</i>

App Statistics (including tests)	
Total Messages (iOS)	114988
Description	<i>Reports and replies via iOS devices.</i>
Total Messages (Android)	49130
Description	<i>Reports and replies via Android devices.</i>
Total Messages (SMS)	13
Description	<i>Reports and replies via SMS.</i>

TEST-THIS IS ONLY A TEST	# of Reports (all time)
TEST Report Total	8883

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

Assembly Bill 392

Briefing Presentation



Assembly Bill 392 Information



Assembly Bill 392: Use of Force Effective January 1, 2020

- ▶ Use of force bill goes into effect January 1, 2020
 - Revisions to 196 PC and 835a PC
 - 196 PC removes specific instances of uses of force and refers to 835a PC
 - 835a PC is extensively amended with many similarities but important differences
 - The changes to 196 PC and 835a PC were enacted by the state assembly to reaffirm priority of protecting the life of the public and officers.
 - It is a response to a public concern about police use of deadly force, especially in regards to people with mental illness and disabilities.



De-escalation



USE OF FORCE



- ▶ May use deadly force only when ***necessary***
 - Shall evaluate each situation in light of the particular circumstances of each case.
 - Applies to “any use of force” that creates substantial risk of death or GBI.
 - **Shall** use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer.
 - *Only required to use non-deadly force if it is **reasonably safe** and **feasible** for the officer to do so without endangering officer’s life or the lives of others.*



Mindset at time of Shooting



- ▶ Decision to use force shall be evaluated
 - From the perspective of a reasonable officer in same situation
 - Based on *totality of circumstances* known to/perceived by the officer
 - Rather than with the benefit of hindsight
 - Totality of circumstances shall account for officers being forced to make quick judgments about using force

- ▶ Incorporates many of the standards currently in *Graham v. Connor*



When Force May Be Used

- ▶ **Deadly force** may be used by a police officer only when officer reasonably believes, based on ***totality of the circumstances***, that such force is necessary for the following
 - To defend against ***imminent threat*** of death or serious bodily injury to the officer or another person.
 - To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believed that the person would cause death or serious bodily injury to another unless immediately apprehended.
 - *Similar to Tennessee v. Garner*
 - When feasible, ID self and warn deadly force may be used



Totality of Circumstances



- All facts known to the peace officer at the time, including the conduct of the officer and the subject *leading up to the use of deadly force*
- Incorporates Hayes v. County of San Diego into state law
 - Negligent conduct by officers could result in criminal charges and/or civil liability.



Imminent Threat



- Reasonable officer in same situation
- Would believe a person had the present ability, opportunity, and apparent intent
- To **immediately** cause death or serious bodily injury to the officer or another person
- Not merely a fear of future harm but is one that, from appearances ***must be instantly confronted and addressed***



Retreat or Desist



- ▶ A peace officer who makes or attempts to make an arrest need not retreat or desist from their efforts by reason of the resistance or threatened resistance of the person being arrested.

“Retreat” does not mean tactical repositioning or other de-escalation tactics



Considerations



- ▶ Individuals with physical, mental health, developmental, or intellectual disabilities
 - May be less likely to understand or comply with commands
 - Involved in an “estimated one-third to one-half of all fatal encounters”

- ▶ Deadly force prohibited against a person based on the danger that person poses to themselves when they do not pose a threat to officer/public.



Summary

- ▶ Incorporates into state law the longstanding legal principles established by *Graham v. Connor* and *Tennessee v. Garner* under which California law enforcement has been operating for a significant period of time.
- ▶ Integrates *Hayes v. County of San Diego* into California statutory law, too.
- ▶ Companion SB 230 will be providing additional POST funds for training.



– End of Slides –

Thank You!





Office of the
**INDEPENDENT
POLICE AUDITOR**

BAY AREA RAPID TRANSIT DISTRICT

MONTHLY REPORT

March 2020

Issue date: April 13, 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 **March 1, 2020 through March 31, 2020**.¹

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

QUANTITATIVE REPORT

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

TYPES OF CASES FILED

Citizen Complaints (Formal)	7
Informal Complaints ⁷	0
Administrative Investigations	0
Inquiries ⁸	2
TOTAL	9

CITIZEN COMPLAINTS RECEIVED PER DEPARTMENT⁹

OIPA	2
BART Police Department	5
TOTAL	7

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

COMPLAINTS/INVESTIGATIONS INITIATED DURING REPORTING PERIOD

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

Complaint # (IA Case #)	Nature of Complaint	Action Taken	Days Elapsed Since Complaint Filed
1 (OIPA #20-13) (IA2020-024)	Officer #1: <ul style="list-style-type: none"> • Force • Arrest/Detention 	OIPA notified BPD which initiated an investigation.	37
2 (OIPA #20-14) (IA2020-026)	Officers #1-2: <ul style="list-style-type: none"> • Bias-Based Policing • Arrest/Detention • Policy/Procedure • Policy/Procedure (AXON Camera) 	OIPA notified BPD which initiated an investigation.	35

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

Complaint # (IA Case #)	Nature of Complaint	Action Taken	Days Elapsed Since Complaint Filed
1 (IA2020-027)	Officer #1: <ul style="list-style-type: none"> • Performance of Duty 	BPD initiated an investigation.	32
2 (IA2020-028)	Officer #1: <ul style="list-style-type: none"> • Force 	BPD initiated an investigation.	32
3 (IA2020-029)	Officer #1: <ul style="list-style-type: none"> • Conduct Unbecoming an Officer 	BPD initiated an investigation.	33
4 (IA2020-030)	Officer #1: <ul style="list-style-type: none"> • Conduct Unbecoming an Officer 	BPD initiated an investigation.	36
5 (IA2020-031)	Officer #1: <ul style="list-style-type: none"> • Conduct Unbecoming an Officer 	BPD initiated an investigation.	38

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

Complaint # (IA Case #)	Nature of Complaint	Action Taken	Days Elapsed Since Investigation Initiated
1 (IA2020-031)	Officer #1: <ul style="list-style-type: none"> • Conduct Unbecoming an Officer 	BPD initiated an investigation.	34

COMPLAINTS/INVESTIGATIONS INITIATED DURING A PRIOR REPORTING PERIOD

During February 2020, **2 Inquiries** were received by BPD (IA2020-025 and IA2020-032) but were not previously reported.

COMPLAINTS/INVESTIGATIONS CONCLUDED DURING REPORTING PERIOD

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

Complaint # (OIPA Case #) (IA Case #)	Nature of Complaint	Disposition	Days Elapsed Since Complaint Filed	Days Taken to Complete Investigation
1 (OIPA #19-17) (IA2019-057)	Officers racially profiled, improperly detained, harassed, and disrespected a group of detainees.	Officers #1-5: <ul style="list-style-type: none"> • Bias-Based Policing – Unfounded • Arrest or Detention – Exonerated 	350	311

During March 2019, **3 Citizen Complaints (Formal)** were concluded by BPD:

Complaint # (IA Case #)	Nature of Complaint	Disposition	Days Elapsed Since Complaint Filed	Days Taken to Complete Investigation
1 (IA2019-053)	Officer contacted complainant based on complainant's race.	Officer #1: <ul style="list-style-type: none"> • Bias-Based Policing – Administratively Closed¹⁰ • Conduct Unbecoming an Officer – Administratively Closed 	362	331
2 (IA2019-080)	Officer contacted complainant based on complainant's race.	Officer #1: <ul style="list-style-type: none"> • Bias-Based Policing – Unfounded 	287	274
3 (IA2020-011)	Employee improperly cited subject for illegal parking.	Employee #1: <ul style="list-style-type: none"> • Conduct Unbecoming – Administratively Closed 	70	57

During March 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 (IA2019-083)	Officer attempted to non-verbally intimidate complainant and did so because of complainant's race. Officer was also parked illegally.	Officer #1: <ul style="list-style-type: none"> • Conduct unbecoming an Officer – Unfounded 	301	288

2 (IA2020-005)	Officers yelled at complainant during a law enforcement contact.	Officers #1-2: • Conduct Unbecoming an Officer – Supervisor Referral ¹¹	82	47
3 (IA2019-131)	Officer refused to provide identification to complainant.	Officer #1: • Conduct Unbecoming an Officer – Supervisor Referral	86	54

During March 2020, **4 Administrative Investigations** were concluded by BPD:

Investigation # (IA Case #)	Nature of Allegations	Disposition	Days Elapsed Since Investigation Initiated	Days Taken to Address Allegation
1 (IA2019-079)	Officer improperly detained subject, used unnecessary force during the contact, failed to report a use of force, used unprofessional language, and failed to document a TASER deployment.	Officer #1: • Force – Not Sustained • Arrest or Detention – Unfounded • Conduct Unbecoming an Officer – Sustained • Policy/Procedure (Reporting Force)– Not Sustained • Policy/Procedure (Reporting TASER)– Not Sustained	291	260
2 (IA2019-063)	Officers used excessive force and failed to use required de-escalation tactics. One officer insufficiently documented the contact, failed to properly initiate a review of the use of force, and failed to provide sufficient care.	Officers #1-2: • Conduct Unbecoming an Officer – Sustained Officer #1: • Force – Exonerated • Force (De-escalation) – Not Sustained Officer #2: • Force – Not Sustained • Force (De-escalation) – Sustained • Force (Reporting) – Sustained • Force (Reporting to Supervisor) – Sustained	333	306
3 (IA2019-090)	Officer fell asleep while on duty.	Officer #1: • Conduct Unbecoming an Officer – Sustained	246	233

4 (1A2020-021)	Officers insufficiently reviewed a use of force.	Officers #1-2: • Policy/Procedure – Sustained	53	18
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BPD also categorized case #IA2020-032 (regarding fare enforcement practices and the performance of a BPD dispatcher) as an **Inquiry** and closed the complaint.

DISCIPLINE ISSUED DURING REPORTING PERIOD

During March 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 did not properly document a law enforcement contact.	Officer #1: • Policy/Procedure (AXON Camera)	Officer #1: • Oral Counseling
2	Officer did not properly document a law enforcement contact.	Officer #1: • Policy/Procedure (AXON Camera)	Officer #1: • Oral Counseling
3	Officer did not properly document a law enforcement contact.	Officer #1: • Policy/Procedure (AXON Camera)	Officer #1: • Written Reprimand

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	11
Complainant-Initiated Appeals	0
BPD-Initiated Appeals	0
Investigations Being Monitored	47
Investigations Reviewed During Current Month	12†

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

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

¹ In addition to reporting on complaints received by the BART Police Department, the Citizen Oversight Model requires reporting on all complaints received by the "Citizen Board, Office of the District Secretary, and other District departments."

As complaints received by the BART Police Citizen Review Board are customarily directed to OIPA for further action, such complaints are included in the Quantitative Report above; OIPA is also made aware of additional complaints about the BART Police Department by the Office of the District Secretary or other District departments.

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

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

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

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

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

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

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

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

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

¹¹ A Supervisor Referral refers to an instance involving an Inquiry or an Informal Complaint. An assigned supervisor addresses the issue informally with the involved employee and documents the content of the conversation with a memorandum to IA.

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

Summary
3/2/2020 05:54:15

Differences exist between documents.

New Document:	Old Document:
New Policy	OLD Policy
5 pages (278 KB)	5 pages (278 KB)
3/2/2020 05:54:14	3/2/2020 05:54:14

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Training Policy

208.1 PURPOSE AND SCOPE

It is the policy of this department to administer a training program that will provide for the professional growth and continued development of its personnel. By doing so, the Department will ensure its personnel possess the knowledge and skills necessary to provide a professional level of service that meets the needs of the community.

208.2 PHILOSOPHY

The Department seeks to provide continued professional training and encourages all personnel to seek out other training opportunities and formal education on their own. Training is provided within the confines of funding, requirements of a given assignment, staffing levels and legal mandates. Whenever possible, the Department will use courses certified by the California Commission on Peace Officer Standards and Training. Training should be consistent with the agency's mission and values as well as its goals and objectives. Agency training functions should be the responsibility of the training committee, which shall be accountable for developing and administering training programs. Training program development should provide for input from several sources, including agency personnel in general, a training committee, the inspections function, the Deputy Chief of Police, and the Chief of Police.

208.3 OBJECTIVES

The objectives of the Training Program are to:

- (a) Enhance the level of law enforcement service to the public
- (b) Increase the technical expertise and overall effectiveness of our personnel
- (c) Provide for continued professional development of Department personnel

208.4 TRAINING COMMITTEE

The Personnel and Training Lieutenant shall establish a Training Committee, which will serve to assist with identifying training needs for the Department. The training committee should be minimally composed of the following personnel: Professional Standards and Training Deputy Chief (or designee), Personnel and Training Lieutenant, Training Sergeant, the Training officer, and a Department instructor,

The Training Committee shall report to the Personnel and Training Lieutenant. Any member of the training committee may be removed from the committee by the Personnel and Training Lieutenant, Deputy Chief of Police, or the Chief of Police for failure to remain in good standing with the Department.

The training committee shall be responsible for establishing a prioritized listing of training programs and courses for the department, and should meet at least quarterly. The training committee will also conduct an annual training needs assessment of the Department. The needs assessment

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will be reviewed by the Department's command staff. Upon approval by the command staff, the needs assessment will form the basis for the training plan for the upcoming fiscal year.

The Training Committee should review certain incidents to determine whether training would likely improve future outcomes or reduce or prevent the recurrence of the undesirable issues related to the incident. Specific incidents the Training Committee should review include, but are not limited to:

- (a) Any incident involving the death or serious injury of an employee.
- (b) Incidents involving a high risk of death, serious injury or civil liability.
- (c) Incidents identified by a supervisor as appropriate to review to identify possible training needs.

The Training Committee should convene as determined by the Personnel and Training Lieutenant to review the identified incidents. The committee shall determine by consensus whether a training need exists and then submit recommendations of its findings to the Personnel and Training Lieutenant. The recommendation should not identify specific facts of any incidents, such as identities of employees involved or the date, time and location of the incident, but should focus on the type of training being recommended.

The Personnel and Training Lieutenant will consider the recommendations of the committee and determine what training should be addressed, taking into consideration the mission of the Department and available resources.

208.5 TRAINING PLAN & COURSE LESSON PLANS

A continual two year department training plan is maintained by the Personnel and Training Division. It is the responsibility of the Personnel and Training Division to maintain, review, and update the training plan on an annual basis. The plan will address the following areas:

- Legislative Changes
- State Mandated Training
- Critical Issues Training
- California POST Training Network (CPTN)
- Code of Ethics/Ethics Training (This training can be reviewed in the form of classroom, shift briefing, computer based training and bulletins, or any combination of methods as determined by this Agency.)

Courses that are developed within the BART Police Department should routinely be sent to POST for certification. The department requires lesson plans for all training courses that are conducted to include:

1. A statement of performance and job-related objectives;
2. The content of the training and specification of the appropriate instructional techniques;

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3. A list of resources used in the development of the curriculum;
4. A list of resources required in the delivery of the program;
5. A process for approval of lesson plans; and
6. The identification of any tests used in the training process.

208.5.1 TRAINING DOCUMENTATION

The training department shall document the nature of the instruction and the identity of those attending the sessions.

Every instructor/monitor should complete a roster of attendees and have each participant sign the roster which will certify completion of the instruction. The form should be sent to the training department where the information should be entered into each participant's training record and the sign-in sheet stored in accordance with records retention standards.

The department shall maintain records of all training to include, at a minimum:

1. course content (lesson plans)
2. names of attendees
3. performance of individual attendees as measured by tests, if administered.

Departmental range scores shall be maintained by the Range Master

208.6 TRAINING ATTENDANCE

All employees assigned by the department to attend training, whether on or off BART District property, shall attend as scheduled unless previously excused by their immediate supervisor. Each participant must sign the attendance roster for the day of the training. Departmental instructors are responsible for generating and submitting each day's roster to the training officer. When an outside instructor is present, the instructor's point of contact will be responsible for generating and submitting each day's roster and instructor evaluation to the training officer.

There will be no discretionary time off granted for officers on their scheduled training date(s). No mutual exchanges are allowed.

The current department attendance procedures are outlined in Policy #1014 "Sick Leave and Attendance Control." Excused absences from mandatory training should be limited to the following:

1. Court appearances
2. Guaranteed vacation
3. Sick leave / FMLA
4. Physical limitations preventing the employee's participation.
5. Supervisor approved emergency situations

When an employee is unable to attend mandatory training, that employee shall:

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1. Notify his/her supervisor or the Watch Commander no later than 45 minutes prior to the start of training.
2. Document his/her absence in a memorandum to his/her supervisor.
3. Make arrangements through his/her supervisor to attend the required training on an alternate date, if an alternate date is available.

Corrective disciplinary action may be taken for personnel who miss their scheduled training without proper authorization.

208.7 NEW HIRE ORIENTATION

All newly appointed sworn and non-sworn personnel shall receive training information regarding:

1. The agency's role, purpose, goals, policies, and procedures;
2. Working conditions and regulations; and
3. The responsibilities and rights of employees.

208.8 IMMEDIATE REMEDIAL TRAINING


Any employee who acts in a grossly unsafe manner or demonstrates dangerous and/or extremely poor decision making skills in the deployment of and/or application of any use of force related task while on duty, may be required to attend immediate remedial training prior to returning to full duty status.

If in the opinion of the supervisor/primary instructor the on duty employee's actions/decision making are so unsafe that if the employee were returned to full duty the employee may be a safety hazard to him or herself, fellow employees, and/or the public, the supervisor/primary instructor shall recommend immediate remedial training for the employee. The supervisor/primary instructor shall contact the employee's lieutenant, or in his/her absence, the on duty Watch Commander as soon as practicable and make the recommendation for immediate remedial training.

If the request for immediate remedial training is approved by a Deputy Chief or the Chief of Police, the employee shall be removed from an on duty patrol capacity and placed into a temporary administrative position until such time as that employee satisfactorily completes the immediate remedial training. Failures to correct such deficiencies may result in implementation of the progressive discipline system.

Nothing in this policy precludes the department from requiring an employee to successfully complete remedial training to correct lesser safety violations and/or marginal tactical decision making skills without the employee first being removed from full duty status.

208.9 TRAINING REQUESTS

Department personnel wishing to attend any law enforcement related training shall complete a department Training Request Form, and submit it to the training department coordinator via the 

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chain of command for approval. The training order must identify the description of the required training and training requirements.

Training requests deemed essential or desirable for personnel in special assignments for the purpose of developing and enhancing the skills, knowledge, and abilities particular to the specialized assignment (i.e. investigations, field training officers, identification technicians) shall also be submitted to the training department coordinator via the chain of command for approval. The manager of the specialized assignment will be responsible for ensuring that persons assigned to the assignment receive their allotted annual hours of training established by the training committee for their position.

All training requests will be reviewed on a case-by-case basis and approved by the training coordinator and the Chief of Police, Deputy Chief of Police, or his/her designee.

208.10 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) is a web-accessed system that provides training on the Bay Area Rapid Transit Police Department Policy Manual and other important topics. Generally, one training bulletin is available for each day of the month. Personnel assigned to participate in DTBs should only use the password and login name assigned to them by the Support Services Lieutenant. Personnel should not share their password with others and should frequently change their password to protect the security of the system. After each session, employees should log off the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of the Department.

Employees who are assigned to participate in the DTB program should complete each DTB at the beginning of their shift or as otherwise directed by their supervisor. Employees should not allow uncompleted DTBs to build up over time. Personnel may be required to complete DTBs missed during extended absences (e.g., vacation, medical leave) upon returning to duty. Although the DTB system can be accessed from any Internet active computer, employees shall only take DTBs as part of their on-duty assignment unless directed otherwise by a supervisor.

Supervisors will be responsible for monitoring the progress of personnel under their command to ensure compliance with this policy.

Summary
3/2/2020 06:00:54

Differences exist between documents.

New Document:	Old Document:
New Policy	OLD Policy
14 pages (305 KB)	12 pages (301 KB)
3/2/2020 06:00:53	3/2/2020 06:00:52

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Firearms

312.1 PURPOSE AND SCOPE

This policy provides guidelines for issuing firearms, the safe and legal carrying of firearms, firearms maintenance and firearms training.

This policy does not apply to issues related to the use of firearms that are addressed in the Use of Force or Officer-Involved Shootings and Deaths policies.

This policy only applies to those members who are authorized to carry firearms.

312.1.1 PERSONNEL AUTHORIZED TO POSSESS FIREARMS WHILE ON-DUTY

- (a) All sworn personnel who have successfully completed a department authorized course of firearms instruction and qualified with the firearm at a department firearms qualification.
- (b) Other police department employees performing the duties of Revenue Protection Guard and after successful completion of the PC 832 course of firearms instruction and qualified with the firearm at a department firearms qualification.

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The Bay Area Rapid Transit Police Department will equip its members with firearms to address the risks posed to the public and department members by violent and sometimes well-armed persons. The Department will ensure firearms are appropriate and in good working order and that relevant training is provided as resources allow.

312.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Members shall only use firearms that are issued or approved by the Department and have been thoroughly inspected by the Rangemaster. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that firearm at an authorized department range.

All other weapons not provided by the Department, including but not limited to edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by department policy, may not be carried by members in the performance of their official duties without the express written authorization of the member's Division Commander. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

312.3.1 DUTY HANDGUNS

The authorized departmental issued handgun is the Sig Sauer P320 chambered in 9mm parabellum. The department will issue weapons only to personnel who will carry the Sig Sauer P320 as their primary duty weapon while in uniform and/or plainclothes assignments. Members of the Range Staff may be issued Sig Sauer P320 pistols for training purposes.

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Personnel may select and have issued an appropriate sized Sig Sauer grip module to obtain a satisfactory firing grip on the P320 pistol (subject to availability).

(a) Duty Handgun Modifications:

Department issued P320 firearms shall not be altered in any way to change its general appearance or function without written Rangemaster approval. A copy of the written approval will be kept in the employees' personnel file. This includes modifications of the grip module, change or modification of the Fire control unit (i.e. Sig Sauer flat/straight triggers), change or addition of sights (including laser sights), slide or any mechanism. All modifications will be at the expense of the desiring officer. Any department firearm returned to the department must be returned in its original configuration.

Modifications that will not be approved include:

1. A polymer frame with any finish other than black.
2. A barrel length that has been altered from the original manufacturer's specifications.
3. The surface engraved, etched, or inlaid with other than a personal alpha/numeric identifier unless approved by the Rangemaster.

Only department armorers may remove the firing control unit from the grip module and change sights. Any substitution of the grip module must be performed by a Department Armorer.

Any substitution of the grip module or other change to the P320 will require personnel to conduct a test fire of the firearm at a department approved range.

b. Authorized Optional Duty Handguns:

1. Personnel who requested and were authorized (2018 and prior) to carry an optional duty handgun may continue to carry their previously authorized duty weapon, however any personnel hired after 2017 will only be authorized to carry a department issued Sig Sauer P320 as a duty weapon. Personnel choosing not to carry the department issued pistol may carry any 9mm, .40 S&W, or .45 ACP caliber pistol approved by the Support Services Deputy Chief. Authorized manufacturers include: Beretta, Glock, Heckler & Koch, Sig Sauer, Smith & Wesson, Colt, Kimber, Springfield Armory, Para Ordinance, STI, Walther, and others as approved by the Rangemaster. A copy of the authorization will be kept in the employees personnel file.

2. The pistol may be a single-action or double-action/safe-action type, semi-automatic, capable of carrying at least seven (7) rounds in its magazine. Personnel may carry a single-action type pistol after successfully completing a departmental single-action pistol training course or equivalent training and successfully completing a duty qualification course.

- i. Authorized finishes include blue, black, parkerized, nickel or stainless steel.
- ii. Personnel primarily assigned to administrative assignments may (subject to availability) be issued an additional Sig p320 pistol but in a compact size. Compact pistol

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configurations shall be returned to the department when member concludes service in the administrative assignment.

All expenses incurred with regards to the optional firearm will be borne by the member choosing to carry the weapon, except for duty ammunition and a reasonable amount of practice ammunition annually.

Any firearm used during an officer-involved shooting, may be retained as evidence for at least one year without compensation to the employee.

312.3.2 SECONDARY (BACK-UP) HANDGUNS ARE NOT AUTHORIZED BY THIS DEPARTMENT

312.3.3 SHOTGUNS

The department-issued shotgun is a Remington Model 870 pump action 12-gauge shotgun. Shotguns, when carried in police vehicles or District armored vehicles, must be secured in locking gun racks. The shotgun shall be carried in the "cruiser-ready" configuration (magazine tube loaded to capacity with 12-gauge, double-ought (00) buckshot, hammer forward on an empty chamber, and safety on). Additional rounds of double-ought buckshot shall be carried in the side saddle ammunition carrier attached to the weapon. Personnel shall carry only department authorized ammunition. Authorized ammunition is Federal Premium 00 Buck. Use of the police shotgun in enforcement situations shall be guided by officer/revenue guard discretion when warranted by the seriousness and hazards of the situation confronting the officer/revenue protection guard.

Shotguns will be removed from vehicles whenever the vehicle will not be driven on the on-coming shift.

312.3.4 PATROL RIFLES

The authorized department-issued patrol rifles are the Colt 6920 .223 and Sig Sauer M400 chambered in .223 and/or 5.56 mm.

Members may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

- (a) Situations where the member reasonably anticipates an armed encounter.
- (b) When a member is faced with a situation that may require accurate and effective fire at long range.
- (c) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.
- (d) When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
- (e) When a member reasonably believes that a suspect may be wearing body armor.
- (f) When authorized or requested by a supervisor.

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- (g) When needed to euthanize an animal.

When not deployed, the patrol rifle shall be properly secured consistent with department training in a locking weapons rack in the patrol vehicle.

312.3.5 AUTHORIZED OFF-DUTY FIREARMS

The carrying of firearms by members while off-duty is permitted by the Chief of Police but may be rescinded should circumstances dictate (e.g., administrative leave). Members who choose to carry a firearm while off-duty, based on their authority as peace officers, will be required to meet the following guidelines:

- (a) The member may use his/her duty firearm or may use a personally owned firearm that is carried and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy. A member carrying his/her duty firearm will be deemed to have complied with (c), (d) and (e) of this section.
 1. The purchase of the personally owned firearm and ammunition shall be the responsibility of the member.
- (b) The firearm shall be carried concealed at all times and in such a manner as to prevent accidental unintentional cocking, discharge or loss of physical control.
- (c) It will be the responsibility of the member to submit the firearm to the Rangemaster for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Rangemaster.
- (d) Prior to carrying any off-duty firearm, the member shall demonstrate to the Rangemaster that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.
- (e) The member will successfully qualify with the firearm prior to it being carried.
- (f) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Rangemaster, who will maintain a list of the information.
- (g) If a member desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.
- (h) Members shall only carry department-authorized ammunition.
- (i) When armed, officers shall carry their badges and Bay Area Rapid Transit Police Department identification cards under circumstances requiring possession of such identification.

312.3.6 AMMUNITION

Members shall carry only department-authorized ammunition. Members shall be issued fresh duty ammunition in the specified quantity for all department-issued firearms during the member's firearms qualification. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Rangemaster when needed, in accordance with established policy.

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The department authorized handgun ammunition is 9mm Federal Premium HST 147 grain, .40 caliber Federal Premium HST 180 grain and .45 caliber Federal Premium HST 230 grain.

The only authorized ammunition for the 12 gauge shotgun is Federal Premium 00 Buck.

The only authorized ammunition for the AR15 platform is Federal Premium Hi-Shok SP 64 grain and Federal Premium Bonded SP 62 grain.

Members carrying personally owned authorized firearms of a caliber differing from department-issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above, at their own expense.

312.3.7 SPECIAL WEAPONS AND TACTICS (SWAT) WEAPONS AND EQUIPMENT

Members assigned to SWAT may modify and utilize firearms, ammunitions, and accessories other than those listed in the previous sections of this policy manual with Team Commander and Department Rangemaster approval. Said weapons, modifications, and accessories may be utilized on patrol as well as in a SWAT capacity.

- SWAT members are allowed to utilize firearms chambered in .308.
 - Said members must successfully complete a semi-annual Department approved SWAT Sniper Qualification Course.
 - The department approved and issued .308 caliber ammunitions are the Ruag Swiss P Styx 167 grain, Tactical 164 grain, and Amour Piercing (AP) 196 grain.
- SWAT members are allowed to utilize weapons of various colors as long as it serves a tactical purpose as approved by the Department Rangemaster.
- Members who have been assigned to SWAT are authorized to utilize variable power optics, night vision devices (including visible and infrared lasers), thermal imaging devices, and suppressors other than the Sig Sauer SRD556.

312.4 EQUIPMENT

Firearms carried on- or off-duty shall be maintained in a clean, serviceable condition. Maintenance and repair of authorized personally owned firearms are the responsibility of the individual member.

312.4.1 REPAIRS OR MODIFICATIONS

Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or the Rangemaster.

Firearms that are the property of the Department or personally owned firearms that are approved for department use may be repaired or modified only by a person who is department-approved and certified as an armorer or gunsmith in the repair of the specific firearm. Such modification or repair must be authorized in advance by the Rangemaster.

Any repairs or modifications to the member's personally owned firearm shall be done at his/her expense and must be approved by the Rangemaster.

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312.4.2 HOLSTERS

Only department-approved holsters shall be used and worn by members. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

312.4.3 TACTICAL WEAPON MOUNTED LIGHTS

Tactical lights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Rangemaster. Once the approved tactical lights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

Personnel may utilize weapon-mounted lights on their duty and off-duty firearms. Weapon-mounted lights are intended to be used for searching, threat assessment, and target acquisition of potentially dangerous persons. Weapon-mounted lights shall not be used as ordinary flashlights for routine lighting purposes.

Authorized brands include Blackhawk, Surefire, Streamlight, and any others approved by the Rangemaster.

Weapon-mounted lights are subject to the following requirements:

- (a) Personnel must demonstrate proficiency with the weapon-mounted light prior to carrying it in an on-duty capacity.
- (b) The weapon shall be carried with the light affixed to it. This will require a holster designed to accommodate the weapon and light combination.
- (c) Personnel equipped with a weapon-mounted light shall also have a handheld light readily available to them at all times while on-duty.

312.5 SAFE HANDLING, INSPECTION AND STORAGE

Members shall maintain the highest level of safety when handling firearms and shall consider the following:

- (a) Members shall not unnecessarily display or handle any firearm.
- (b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Members shall not dry fire or practice quick draws except as instructed by the Rangemaster or other firearms training staff.
- (c) Members shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present.
- (d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle, using clearing barrels.
- (e) Members shall not place or store any **firearm, ammunition,** or other weapon on department **premises, or at any other location,** except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when

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securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.

- (f) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.
- (g) Any firearm authorized by the Department to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Department or a Rangemaster approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Rangemaster will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

312.5.11 FIREARMS RANGE

The Department utilizes firearms ranges located throughout the Bay Area open to law enforcement use. Range training is held in order to improve and enhance public and officer safety. The annual training shall include marksmanship, weapon manipulation, qualifications, low light operation, mindset, officer safety, use of force, less lethal application, communication, stress inoculation, weapon transitions, active shooter, tactical first aid other tactical topics.

Weapons used during departmental range training may consist of departmental issued and/or authorized platforms: pistol, rifle, shotgun, LLIMS, and TASER. Targets used at department ranges will be approved by the Rangemaster

Range restrictions depend on the various rules of ranges used and will be determined by the range owner. All officers attending department training shall abide by the four basic firearms safety rules:

- (a) Consider all guns to be loaded unless positively confirmed otherwise.
- (b) Never let the muzzle cover anything you are not prepared to shoot.
- (c) Keep finger off trigger until sights are on the target and you have made a conscious decision to shoot.
- (d) Be sure of your target (positive I.D.) and what is beyond it.

Firearms Safety rules shall be reviewed at all department firearms training by range staff. Staff shall also identify the locations of the trauma and first aid kit with all attendees.

Most types of new factory ammunition for the above weapon platforms are approved for range use. The only exceptions are tracer rounds and armor piercing rounds (unless on SWAT). Caution should also be used when using metal targets. Instructors should ensure proper safety measures have been addressed (i.e. distance, safety glasses for students, target/shooter angle). Minimum range safety equipment shall include eye protection, ear protection, trauma kit, first aid kit, and cell phone for communication with 911.

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312.5.2 RANGE STAFF DUTIES

Members of the Range Staff will be assigned to assist the Rangemaster and/or Range Sergeants in conducting the established training program and will report directly to the Rangemaster or Range Sergeant. The range officers, under the direction of the Rangemaster or Range Sergeant, shall have authority to enforce rules and policies established by the Chief of Police.

At the range, the senior firearms instructor shall serve as the range supervisor if no range sergeant is present. It will be the responsibility of the range sergeant/supervisors to ensure range safety protocols are being followed.

All firearms instructors are required to attend basic firearms instructor school. Firearms instructor update training and Tactical Medicine Training is recommended every 5 years. Firearm Instructors may also serve as Department armorers. Armorers are required to re-certify every three years to maintain their armorer status.

312.5.3 INSPECTION AND STORAGE

All Department firearms will be inspected annually by the Rangemaster a qualified armorer, weapons instructor or designee.

Handguns shall be inspected regularly and upon access or possession by another person. Shotguns and rifles shall be inspected at the beginning of the shift by the member to whom the weapon is issued. The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the shotgun and rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels.

Firearms may be safely stored in lockers at the end of the shift. Handguns may remain loaded if they are secured in an appropriate holster. Shotguns and rifles shall be unloaded in a safe manner outside the building and then stored.

If a firearm fails any field function test, it will be deemed unsafe and taken out of service. As soon as possible, notification should be made to the Rangemaster. A replacement firearm will be issued and a qualification (if applicable) be conducted as soon as possible. The unsafe firearm(s) will be stored unloaded in a police department safe as to not be re-issued until an inspection by the Rangemaster or designee. The firearm shall not be returned to service until inspected by the Rangemaster or designee.

312.5.4 INVENTORY

An accurate inventory of all department firearms shall be maintained by the Department Rangemaster and quartermaster. The data collection mechanisms include TMS (Training Management System), Armorerlink and Excel.

312.5.5 STORAGE AT HOME

Members shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control, and in a manner that will keep them inaccessible to children and others who should not have access. Members shall not permit department-issued firearms to be handled by anyone not authorized by the Department to do so.

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Members should be aware that negligent storage of a firearm could result in civil and criminal liability (Penal Code § 25100).

312.5.6 STORAGE IN VEHICLES

When leaving a handgun in an unattended vehicle, members shall ensure that it is locked in the trunk, or in a locked container that is placed out of view, or in a locked container that is permanently affixed to the vehicle's interior and not in plain view, or in a locked toolbox or utility box permanently affixed to the vehicle (Penal Code § 16850; Penal Code § 25140; Penal Code § 25452).

If the vehicle does not have a trunk or a locked container, then the firearm should be locked within the center utility console that can be locked with a padlock, keylock, combination lock, or other similar locking device (Penal Code § 25140).

Officers are exempt from these requirements during circumstances requiring immediate aid or action in the course of official duties (Penal Code § 25140).

312.5.7 ALCOHOL AND DRUGS

Firearms shall not be carried by any member, either on- or off-duty, who has consumed an amount of an alcoholic beverage, taken any drugs or medication, or has taken any combination thereof that would tend to adversely affect the member's senses or judgment.

312.6 FIREARMS TRAINING AND QUALIFICATIONS

All members who carry a firearm while on-duty are required to successfully complete training semi-annually with their duty firearms. In addition to semi-annually training, all members will qualify at least annually with their duty firearms. Members will qualify with off-duty firearms at least once a year. Training and qualifications must be on an approved range course.

At least annually, all members carrying a firearm should receive practical training designed to simulate field situations including low-light shooting.

312.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

If any member fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status or scheduling conflict, that member shall submit a memorandum to his/her immediate supervisor prior to the end of the required training or qualification period.

Those who fail to meet minimum standards or qualify on their first shooting attempt shall be provided remedial training and will be subject to the following requirements:

- (a) Additional range assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.
- (b) Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.
- (c) No range credit will be given for the following:
 1. Unauthorized range make-up

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2. Failure to meet minimum standards or qualify after remedial training

Members who repeatedly fail to meet minimum standards will be removed from field assignment and may be subject to disciplinary action.

312.6.2 FAILURE TO QUALIFY WITH DUTY HANDGUN

Personnel who are unable to qualify by the end of their scheduled shift or the conclusion of the training day (whichever comes first) shall be reassigned to a non-armed administrative position and prohibited from carrying a firearm off-duty. The Rangemaster or on-site Range Sergeant shall, as soon as practicable, notify the on-duty Watch Commander of the failure to qualify. Progressive discipline may be implemented at the level of a Letter of Discussion. The Rangemaster or designee shall arrange for a 4-hour remedial firearms training session as soon as practicable for the non-qualifying personnel

Personnel who are unable to qualify by the conclusion of the first remedial firearms training session, shall remain assigned to a non-armed administrative position, restricted from carrying a firearm off-duty and shall be scheduled to attend a second 4-hour remedial firearms training session. Personnel will progress to the next level in progressive discipline, not less than an oral counseling.

Personnel who are unable to qualify by the conclusion of the second remedial firearms training session, shall remain assigned to a non-armed administrative position, restricted from carrying a firearm off-duty, and a third 4-hour remedial firearms training session will be scheduled. Personnel will progress to the next level in the discipline system, not less than a written reprimand.

Personnel that are unable to qualify by the conclusion of the third remedial firearms training session, shall remain assigned to a non-armed administrative position and restricted from carrying a firearm off-duty. Another opportunity to qualify will be scheduled. Personnel will progress to the next level in progressive discipline, not less than a pay-step reduction. The member/employee should be examined by a District medical doctor to ensure no medical condition exists that prevents the employee from qualifying.

Personnel who are unable to qualify by the conclusion of their fourth remedial firearms training session, shall remain assigned to a non-armed administrative position, restricted from carrying a firearm off-duty, and subject to the next step in progressive discipline, suspension without pay.

Personnel who are unable to qualify by the conclusion of their fifth remedial firearms training session, shall remain assigned to a non-armed administrative position, restricted from carrying a firearm off-duty, and are subject to the fourth level of progressive discipline, demotion, or the final level of discipline, termination.

312.6.3 FAILURE TO QUALIFY WITH OFF-DUTY HANDGUN

Sworn personnel that fail to annually qualify with their secondary and/or off-duty handguns shall be prohibited from carrying those firearms until they successfully complete the required departmental qualification course.

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312.6.4 PATROL RIFLE QUALIFICATION

(applies to Patrol Rifle Operators only, refer to policy 432)

- Day Light and Low Light: annually

312.6.5 FAILURE TO QUALIFY WITH SHOTGUN OR RIFLE

Personnel who fail to attain the minimum passing qualification score with the shotgun or rifle shall be allowed a minimum of one additional opportunity to qualify during that training day. Those personnel that are still unable to qualify may receive additional firearms training that day if training time and a sufficient number of Range Staff are available. In situations involving personnel that are unable to qualify by the end of their scheduled shift or the conclusion of the training day (whichever comes first), the Rangemaster or on-site Range Sergeant shall, as soon as practicable, notify the employee's immediate supervisor or the on-duty Watch Commander of the failure to qualify.

Non-qualifying personnel shall not be authorized to deploy the shotgun or rifle in the performance of their duties until they are able to demonstrate acceptable proficiency and achieve a passing qualification score. Progressive discipline will be implemented at the level of a Letter of Discussion.

The Rangemaster or designee shall arrange for a 4-hour remedial shotgun or rifle training session as soon as practical for the non-qualifying personnel. Personnel that are unable to qualify by the conclusion of the first remedial firearms training session, shall not be authorized to deploy the shotgun or rifle in the performance of their duties, and a second 4-hour remedial shotgun or rifle training session will be scheduled. Progressive discipline will be administered in the same manner as described under the Failure to Qualify with Duty Handgun section.

Personnel who are unable to qualify by the conclusion of the second remedial firearms training session, shall not be authorized to deploy the shotgun or rifle in the performance of their duties, and a third 4-hour remedial shotgun or rifle training session will be scheduled. The member/employee should be examined by a District medical doctor to ensure no medical condition exists that prevents the employee from qualifying. Progressive discipline will move to the next step.

Personnel who are unable to qualify by the conclusion of the third remedial firearms training session, shall not be authorized to deploy the shotgun or rifle in the performance of their duties. The employee may, at the discretion of the Chief of Police, progress to the next level in progressive discipline.

312.7 REMEDIAL TRAINING

Any employee who handles a firearm in a grossly unsafe manner, demonstrates dangerous and/or extremely poor decision-making skills in the deployment of and/or application of any use of force-related task, in the field or in training, may be required to attend mandatory remedial training prior to returning to full-duty status.

If in the opinion of the supervisor/primary trainer at the site of the training, the employee's actions/decision-making is so unsafe that if they were returned to full duty, the employee may be a safety hazard to themselves, fellow employees, and/or the public; the supervisor/primary trainer shall recommend mandatory remedial training for the employee. The primary trainer shall contact the

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on-duty Watch Commander as soon as practicable and make the recommendation for mandatory remedial training.

If the request for mandatory remedial training is approved, the employee shall be removed from a firearm-carrying capacity and placed into a temporary administrative position until such time as that employee satisfactorily completes the mandatory remedial training.

Repeated failures to correct such deficiencies may result in implementation of progressive discipline.

Nothing in this policy precludes the department from requiring an employee to successfully complete remedial training to correct lesser safety violations and/or marginal tactical decision-making skills, without the employee first being removed from full-duty status.

312.8 FIREARM DISCHARGE

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shootings and Deaths Policy. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

In all other cases, written reports shall be made as follows:

- (a) If on-duty at the time of the incident, the member shall file a written report with his/her Division Commander or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.
- (b) If off-duty at the time of the incident, the member shall file a written report or provide a recorded statement no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

312.8.1 DANGEROUS ANIMALS

Members are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, department members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, TASER® device, oleoresin capsicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

312.8.2 INJURED ANIMALS

With the approval of a supervisor, a member may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical (Penal Code § 597.1(e)).

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Injured animals (with the exception of dogs and cats) may only be euthanized after a reasonable search to locate the owner has been made (Penal Code § 597.1(b)). Injured dogs and cats found without their owners shall be taken to an appropriate veterinarian for determination of whether they should be treated or humanely destroyed.

312.8.3 WARNING AND OTHER SHOTS

Generally, warning shots or shots fired for the purpose of summoning aid are discouraged.

Warning shots are only allowed when lethal force is justifiable.

312.9 RANGEMASTER DUTIES

The rangemaster falls under the Personnel and Training Division and reports to the Personnel and Training Division Lieutenant.

The range will be under the exclusive control of the Rangemaster. All members attending will follow the directions of the Rangemaster. The Rangemaster will maintain a roster of all members attending the range and will submit the roster to the Personnel and Training Lieutenant after each range date. Failure of any member to sign in and out with the Rangemaster may result in non-qualification.

The range shall remain operational and accessible to Department members during hours established by the Department.

The Rangemaster has the responsibility of making periodic inspection, at least once a year, of all duty firearms carried by members of this department to verify proper operation. The Rangemaster has the authority to deem any department-issued or personally owned firearm unfit for service. The member will be responsible for all repairs to his/her personally owned firearm and it will not be returned to service until inspected by the Rangemaster.

The Rangemaster has the responsibility for ensuring each member meets the minimum requirements during training shoots and, on at least a yearly basis, can demonstrate proficiency in the care, cleaning and safety of all firearms the member is authorized to carry. At a minimum, the Rangemaster shall conduct a semiannual inventory of all firearms under the Department's control.

The Rangemaster shall complete and submit to the Personnel and Training Lieutenant documentation of the training courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided and, on a form that has been approved by the Department, a list of each member who completes the training. The Rangemaster should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Personnel and Training Lieutenant.

312.10 ALCOHOL & DRUGS

Firearms shall not be carried by any personnel who have consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect the employee's senses or judgment.

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312.11 RETIREES

The Office of the Chief shall issue honorably retired sworn personnel an identification card with a CCW endorsement, see Policy Manual § 220.

Summary
3/2/2020 06:02:00

Differences exist between documents.

New Document:	Old Document:
New Policy	OLD Policy
10 pages (294 KB)	11 pages (295 KB)
3/2/2020 06:01:59	3/2/2020 06:01:59

Used to display results.


[Get started: first change is on page 1.](#)


No pages were deleted

How to read this report

Highlight indicates a change.

Deleted indicates deleted content.

 indicates pages were changed.

 indicates pages were moved.

Vehicle Pursuits

314.1 PURPOSE AND SCOPE

Vehicle pursuits expose innocent citizens, law enforcement officers and fleeing violators to the risk of serious injury or death. The primary purpose of this policy is to provide officers with guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law. Another purpose of this policy is to reduce the potential for pursuit-related collisions. Vehicular pursuits require officers to exhibit a high degree of common sense and sound judgment. Officers must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing officers.

Deciding whether to pursue a motor vehicle is a critical decision that must be made quickly and under difficult and unpredictable circumstances. In recognizing the potential risk to public safety created by vehicular pursuits, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a vehicular pursuit because of the risk involved. This includes circumstances where department policy would permit the initiation or continuation of the pursuit. It is recognized that vehicular pursuits are not always predictable and decisions made pursuant to this policy will be evaluated according to the totality of the circumstances reasonably available at the time of the pursuit.

Officers must remember that the most important factors to the successful conclusion of a pursuit are proper self-discipline and sound professional judgment. Officer's conduct during the course of a pursuit must be objectively reasonable; that is, what a reasonable officer would do under the circumstances. An unreasonable individual's desire to apprehend a fleeing suspect at all costs has no place in professional law enforcement.

314.1.1 VEHICLE PURSUIT DEFINED

A vehicle pursuit is an event involving one or more law enforcement officers attempting to apprehend a suspect, who is attempting to avoid arrest while operating a motor vehicle by using high-speed driving or other evasive tactics, such as driving off a highway, turning suddenly, or driving in a legal manner but willfully failing to yield to an officer's signal to stop.

314.2 OFFICER RESPONSIBILITIES

It shall be the policy of this department that a vehicle pursuit shall be conducted only with red light and siren as required by Vehicle Code § 21055 for exemption from compliance with the rules of the road. The following policy is established to provide officers with guidelines for driving with due regard and caution for the safety of all persons using the highway as required by Vehicle Code § 21056.

314.2.1 WHEN TO INITIATE A PURSUIT

Officers are authorized to initiate a pursuit when it is reasonable to believe that a suspect is attempting to evade arrest or detention by fleeing in a vehicle.

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The following factors individually and collectively shall be considered in deciding whether to initiate a pursuit:

- (a) Seriousness of the known or reasonably suspected crime and its relationship to community safety.
- (b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists and others.
- (c) Apparent nature of the fleeing suspects (e.g., whether the suspects represent a serious threat to public safety).
- (d) The identity of the suspects has been verified and there is comparatively minimal risk in allowing the suspects to be apprehended at a later time.
- (e) Safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic and the speed of the pursuit relative to these factors.
- (f) Pursuing officers familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher/supervisor and the driving capabilities of the pursuing officers under the conditions of the pursuit.
- (g) Weather, traffic and road conditions that substantially increase the danger of the pursuit beyond the worth of apprehending the suspect.
- (h) Performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.
- (i) Vehicle speeds.
- (j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).
- (k) Availability of other resources such as helicopter assistance.
- (l) The police unit is carrying passengers other than police officers. Pursuits should not be undertaken with a prisoner in the police vehicle.

314.2.2 WHEN TO TERMINATE A PURSUIT

Pursuits should be discontinued whenever the totality of objective circumstances known or which reasonably ought to be known to the officer or supervisor during the pursuit indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect's escape.

The factors listed in When to Initiate a Pursuit of this policy are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists and themselves when electing to continue a pursuit. In

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the context of this policy, the term “terminate” shall be construed to mean discontinue or to stop chasing the fleeing vehicle.

In addition to the factors listed in When to Initiate a Pursuit of this policy, the following factors should also be considered in deciding whether to terminate a pursuit:

- (a) Distance between the pursuing officers and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time and/or distance.
- (b) Pursued vehicle’s location is no longer definitely known.
- (c) Officer’s pursuit vehicle sustains any type of damage that renders it unsafe to drive.
- (d) Extended pursuits of violators for misdemeanors not involving violence or risk of serious harm (independent of the pursuit) are discouraged.
- (e) There are hazards to uninvolved bystanders or motorists.
- (f) If the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit, officers should strongly consider discontinuing the pursuit and apprehending the offender at a later time.
- (g) Pursuit is terminated by a supervisor.

314.2.3 SPEED LIMITS

The speed of a pursuit is a factor that should be evaluated on a continuing basis by the officer and supervisor. Evaluation of vehicle speeds shall take into consideration public safety, officer safety and the safety of the occupants of the fleeing vehicle.

Should high vehicle speeds be reached during a pursuit, officers and supervisors shall also consider these factors when determining the reasonableness of the speed of the pursuit:

- (a) Pursuit speeds have become unreasonably unsafe for the surrounding conditions.
- (b) Pursuit speeds have exceeded the driving ability of the officer.
- (c) Pursuit speeds are beyond the capabilities of the pursuit vehicle thus making its operation unsafe.

314.2.4 TERMINATING A PURSUIT

The primary officer, monitoring supervisor, or watch commander may terminate a vehicle pursuit at anytime. The primary officer shall terminate a pursuit when any of the criteria for terminating a pursuit, listed in this policy, have been met, or when directed by a supervisor.

Pursuits should be discontinued whenever the totality of objective circumstances known or which reasonably ought to be known to the officer or supervisor during the pursuit indicates that the present risks (i.e., the immediate danger to bystanders, other motorists, or involved officers) of

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continuing the pursuit reasonably appear to be greater than the potential danger resulting from the suspect(s) remaining at large.

The factors listed in this policy are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists and themselves when electing to continue a pursuit. In the context of this policy, the term "terminate" shall be construed to mean discontinue or to stop chasing the fleeing vehicle(s).

In addition to the factors listed in this policy the following factors should also be considered in deciding whether to terminate a pursuit:

- Distance between the pursuing officers and the fleeing vehicle(s) is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time and/or distance
- Pursued vehicle's location is no longer definitely known
- Officer's pursuit vehicle sustains any type of damage that renders it unsafe to drive
- The suspect can be identified to the point where later apprehension will likely be accomplished, and the pursuing officers reasonably believe that the public and/or victim are not placed in greater danger by the suspect remaining at large

314.2.5 PROTOCOL FOR TERMINATING A PURSUIT

Whenever a pursuit is terminated, the termination shall be broadcast over the police radio. All officers involved in the pursuit shall acknowledge the broadcast and immediately deactivate all emergency equipment, while returning to normal driving, unless otherwise advised by the monitoring supervisor or Watch Commander.

314.2.6 PROTOCOL AT PURSUIT TERMINATION POINT

When a pursuit ends, the primary officer is responsible for notification to the Communications Center so that other responding units can shut down their emergency equipment if necessary.

When the pursued vehicle is lost, the primary unit should broadcast pertinent information to assist other units in locating suspects. The primary unit will be responsible for coordinating any further search for the pursued vehicle.

If the pursuit ends because the suspect vehicle stops, the primary officer is responsible for coordinating the response of other units until relieved by a supervisor. Coordinating the response of other units entails giving updates as to the status of the suspect(s), direction of flight if fleeing on foot, whether or not other units need to continue Code-3, and to broadcast any assignments and/or resources that are needed.

The monitoring supervisor shall proceed directly to the termination point of any pursuit to confer with the primary officer and provide supervision/coordination at the scene.

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314.3 PURSUIT UNITS

Pursuit units should be limited to three vehicles (two units and a supervisor); however, the number of units involved will vary with the circumstances. An officer or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would be insufficient to safely arrest the suspects. All other officers should stay out of the pursuit, but should remain alert to its progress and location. Any officer who drops out of a pursuit may then, if necessary, proceed to the termination point at legal speeds, following the appropriate rules of the road.

314.3.1 SECONDARY UNIT RESPONSIBILITIES

The secondary officer(s) in the pursuit is responsible for the following:

- (a) Immediately notify the dispatcher of entry into the pursuit
- (b) Remain a safe distance behind the primary unit unless directed to assume the role of primary officer, or if the primary unit is unable to continue the pursuit
- (c) Broadcasting the progress of the pursuit unless the situation indicates otherwise

314.3.2 PRIMARY UNIT RESPONSIBILITIES

The initial pursuing unit will be designated as the primary pursuit unit and will be responsible for the conduct of the pursuit unless it is unable to remain reasonably close enough to the violator's vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspects without unreasonable danger to him/herself or other persons.

Notify Integrated Security Response Center that a vehicle pursuit has been initiated and as soon as practicable provide information including, but not limited to:

- (a) Reason for the pursuit.
- (b) Location and direction of travel.
- (c) Speed of the fleeing vehicle.
- (d) Description of the fleeing vehicle and license number, if known.
- (e) Number of known occupants.
- (f) The identity or description of the known occupants.
- (g) Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards.

Unless relieved by a supervisor or secondary unit, the officer in the primary unit shall be responsible for the broadcasting of the progress of the pursuit. Unless practical circumstances indicate otherwise, and in order to concentrate on pursuit driving, the primary officer should relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit or aircraft joining the pursuit.

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314.3.3 SECONDARY UNITS RESPONSIBILITIES

The second officer in the pursuit is responsible for the following:

- (a) The officer in the secondary unit should immediately notify the dispatcher of entry into the pursuit.
- (b) Remain a safe distance behind the primary unit unless directed to assume the role of primary officer, or if the primary unit is unable to continue the pursuit.
- (c) The secondary officer should be responsible for broadcasting the progress of the pursuit unless the situation indicates otherwise.

314.3.4 PURSUIT DRIVING TACTICS

The decision to use specific driving tactics requires the same assessment of considerations outlined in the factors to be considered concerning pursuit initiation and termination. The following are tactics for units involved in the pursuit:

- (a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.
- (b) Because intersections can present increased risks, the following tactics should be considered:
 - 1. Available units not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
 - 2. Pursuing units should exercise due caution when proceeding through controlled intersections.
- (c) As a general rule, officers should not pursue a vehicle driving left of center (wrong way) on a freeway. In the event that the pursued vehicle does so, the following tactics should be considered:
 - 1. Requesting assistance from an air unit.
 - 2. Maintaining visual contact with the pursued vehicle by paralleling it on the correct side of the roadway.
 - 3. Requesting other units to observe exits available to the suspects.
- (d) Notifying the California Highway Patrol (CHP) and/or other jurisdictional agency if it appears that the pursuit may enter their jurisdiction.
- (e) Officers involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the primary unit.

314.4 SUPERVISORY CONTROL AND RESPONSIBILITY

It is the policy of this department that available supervisory and management control will be exercised over all vehicle pursuits involving officers from this department.

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The field supervisor of the officer initiating the pursuit, or if unavailable, the nearest field supervisor will be responsible for the following:

- (a) Upon becoming aware of a pursuit, immediately ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit in order to ensure that the pursuit is conducted within established department guidelines.
- (b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.
- (c) Exercising management and control of the pursuit even if not engaged in it.
- (d) Ensuring that no more than the number of required police units needed are involved in the pursuit under the guidelines set forth in this policy.
- (e) Directing that the pursuit be terminated if, in his/her judgment, it is unjustified to continue the pursuit under the guidelines of this policy.
- (f) Ensuring that aircraft are requested if available.
- (g) Ensuring that the proper radio channel is being used.
- (h) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.
- (i) Controlling and managing BART PD units when a pursuit enters another jurisdiction.
- (j) Preparing post-pursuit critique and analysis of the pursuit for training purposes.

314.4.1 WATCH COMMANDER RESPONSIBILITY

Upon becoming aware that a pursuit has been initiated, the Watch Commander should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. The Watch Commander has the final responsibility for the coordination, control and termination of a vehicle pursuit and shall be in overall command.

The Watch Commander shall review all pertinent reports for content and forward to the Division Commander.

314.5 COMMUNICATIONS

If the pursuit is confined within the District limits, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or communications dispatcher. If the pursuit leaves the jurisdiction of this department or such is imminent, involved units should, whenever available, switch radio communications to an emergency channel most accessible by participating agencies and units.

314.5.1 COMMUNICATION CENTER RESPONSIBILITIES

Upon notification that a pursuit has been initiated, Integrated Security Response Center will:

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- (a) Coordinate pursuit communications of the involved units and personnel.
- (b) Notify and coordinate with other involved or affected agencies as practicable.
- (c) Ensure that a field supervisor is notified of the pursuit.
- (d) Assign an incident number and log all pursuit activities.
- (e) Broadcast pursuit updates as well as other pertinent information as necessary.
- (f) Notify the Watch Commander as soon as practicable.

314.6 INTER-JURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to request the other agency to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary officer or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist.

314.6.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Units originally involved will discontinue the pursuit when advised that another agency has assumed the pursuit and assistance of the Bay Area Rapid Transit Police Department is no longer needed. Upon discontinuing the pursuit, the primary unit may proceed upon request, with or at the direction of a supervisor, to the termination point to assist in the investigation.

The role and responsibilities of officers at the termination of a pursuit initiated by this department shall be coordinated with appropriate consideration of the units from the agency assuming the pursuit.

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific. Because of communication limitations between local agencies and CHP units, a request for CHP assistance will mean that they will assume responsibilities for the pursuit. For the same reasons, when a pursuit leaves the freeway and a request for assistance is made to this department, the CHP should relinquish control.

314.6.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from this department should not join a pursuit unless specifically requested to do so by the agency whose officers are in pursuit. The exception to this is when a single unit from the initiating agency is in pursuit. Under this circumstance, a unit from this department may join the pursuit until sufficient units from the initiating agency join the pursuit.

When a request is made for this department to assist or take over a pursuit from another agency that has entered this jurisdiction, the supervisor should consider these additional following factors:

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- (a) Ability to maintain the pursuit
- (b) Circumstances serious enough to continue the pursuit
- (c) Adequate staffing to continue the pursuit
- (d) The public's safety within this jurisdiction
- (e) Safety of the pursuing officers

As soon as practicable, a supervisor or the Watch Commander should review a request for assistance from another agency. The Watch Commander or supervisor, after consideration of the above factors, may decline to assist in, or assume the other agency's pursuit.

Assistance to a pursuing allied agency by officers of this department will terminate at the District limits provided that the pursuing officers have sufficient assistance from other sources. Ongoing participation from this department may continue only until sufficient assistance is present.

In the event that a pursuit from another agency terminates within this jurisdiction, officers shall provide appropriate assistance to officers from the allied agency including, but not limited to, scene control, coordination and completion of supplemental reports and any other assistance requested or needed.

314.7 PURSUIT INTERVENTION

Pursuit intervention is an attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through tactical application of technology, road spikes, blocking, boxing, PIT (Pursuit Intervention Technique), ramming or roadblock procedures. In this context, ramming shall be construed to mean maneuvering the police unit into contact with the pursued vehicle to mechanically disable or forcibly position it such that further flight is not possible or practicable. Pursuit interventions are not authorized by this department.

314.7.1 USE OF FIREARMS

The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Officers should not utilize firearms during an ongoing pursuit unless the conditions and circumstances dictate that such use reasonably appears necessary to protect life. Nothing in this section shall be construed to prohibit any officer from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

314.7.2 APPREHENSION OF SUSPECTS

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Officers shall use only that amount of force, which reasonably appears necessary under the circumstances, to properly perform their lawful duties.

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Unless relieved by a supervisor the primary officer should coordinate efforts to apprehend the suspect(s) following the pursuit. Officers should consider safety of the public and the involved officers when formulating plans to contain and capture the suspect.

314.8 REPORTING REQUIREMENTS

The following reports should be completed upon conclusion of all pursuits:

- (a) The primary officer should complete appropriate crime/arrest reports.
- (b) The **zone sergeant, or designated supervisor,** shall ensure that an Allied Agency Vehicle Pursuit Report (form CHP 187A) is filed with the CHP not later than 30 days following the pursuit (Vehicle Code § 14602.1).
- (c) The **zone sergeant, or designated supervisor, is responsible for completing the use-of-force report.**

314.8.1 REGULAR AND PERIODIC PURSUIT TRAINING

In addition to initial and supplementary Police Officer Standard Training (POST) training on pursuits required by Penal Code § 13519.8, all sworn members of this department will participate no less than annually in regular and periodic department training addressing this policy and the importance of vehicle safety and protecting the public at all times, including a recognition of the need to balance the known offense and the need for immediate capture against the risks to officers and others (Vehicle Code § 17004.7(d)).

314.8.2 POLICY REVIEW

Each sworn member of this department shall certify in writing that they have received, read and understand this policy initially and upon any amendments. The POST attestation form, or an equivalent form, may be used to document the compliance and should be retained in the member's training file.

314.9 APPLICATION OF VEHICLE PURSUIT POLICY

This policy is expressly written and adopted pursuant to the provisions of Vehicle Code § 17004.7, with additional input from the POST Vehicle Pursuit Guidelines.

Summary
3/2/2020 06:03:27

Differences exist between documents.

New Document:	Old Document:
New Policy	OLD Policy
5 pages (281 KB)	5 pages (280 KB)
3/2/2020 06:03:26	3/2/2020 06:03:26

Used to display results.


[Get started: first change is on page 1.](#)


No pages were deleted

How to read this report

Highlight indicates a change.

Deleted indicates deleted content.

 indicates pages were changed.

 indicates pages were moved.

Victim and Witness Assistance

336.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

336.2 POLICY

The Bay Area Rapid Transit Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the Bay Area Rapid Transit Police Department will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

336.2.1 SUMMARY OF CRIME VICTIM/WITNESS RIGHTS

This is an overview of constitutional and statutory rights provided to victims/witnesses:

- (a) **Right to Keep Address Confidential** - In cases of child abuse, spousal abuse and sex crimes, victims/witnesses have a right to have their addresses kept confidential. Their addresses may be given only to the attorney for the defendant, but will not appear on any forms or public documents. (Penal Code § 293; Government Code § 6254(f) (2) et seq.).
- (b) **Right Not to be Threatened or Intimidated** - If anyone threatens a victim or witness, law enforcement has the responsibility to investigate such threat or intimidation. It is a crime for anyone to attempt to dissuade or prevent a victim or witness from assisting law enforcement agencies or prosecutors or from attending or giving testimony at any trial or proceeding authorized by law. It is a felony if any such efforts involve coercion, threats or force, or are done for financial gain.
- (c) **Right to be Present at Sentencing and Parole Hearings** - Crime victims/witnesses are entitled to appear at the sentencing hearing and to speak on matters concerning the crime, the penalty and the need for restitution.
- (d) **Right to be Informed of the Sentence Recommended by the Probation Officer** - Victims/ witnesses have a right to make a statement at parole hearings.
- (e) **Right to Restitution and Return of Property** - Victims/witnesses have a right to restitution from the person who is convicted of a misdemeanor or felony where the victim/witness suffered economic loss a result of the offender's conduct, as well as the return of their property when no longer needed as evidence in a court proceeding.

336.2.2 VICTIM/WITNESS INDEMNIFICATION

Law Enforcement agencies are charged with the responsibility of notifying victims/witnesses of violent crimes of their right to indemnification. For the purpose of indemnification by the State of California, the definition of victim shall include (Government Code § 13950 et seq.):

- (a) A person who sustains injury or death as a direct result of a crime.

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- (b) A person legally dependent for support upon a person who sustains injury or death as a direct result of a crime.
- (c) A family member or any person in close relationship to a victim who was present during the commission of the crime and whose treatment or presence during treatment of the victim is required for successful medical treatment.
- (d) Any individual who legally assumes the obligation or who voluntarily pays the medical or burial expenses incurred as a direct result of a death caused by a crime.

336.2.3 THREATS AND/OR INTIMIDATION OF VICTIMS/WITNESSES

- (a) It shall be the policy of the Bay Area Rapid Transit Police Department to provide appropriate assistance to victims/witnesses within our jurisdiction who have been threatened or who express specific, credible reasons for fearing intimidation or further victimization.
- (b) Appropriate assistance may include referral to the local district attorney's office for consideration of protective custody, referral for safety planning by a victim advocate, and/ or offering words of support.
- (c) If an employee of the Bay Area Rapid Transit Police Department becomes aware of danger to a victim or witness, that employee shall promptly notify a supervisor so that appropriate notifications can be made to the victim/witness and the appropriate law enforcement agency.
- (d) When notifying another agency of possible danger to a victim/witness within their jurisdiction, the notifying Bay Area Rapid Transit Police employee shall inform the agency of the danger and request that the agency take reasonable precautions.

336.3 CRIME VICTIM LIAISON

The Chief of **Police shall** appoint a member of the Department to serve as the crime victim liaison (2 CCR 649.36). The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Bay Area Rapid Transit Police Department regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

336.3.1 CRIME VICTIM LIAISON DUTIES

The crime victim liaison is specifically tasked with the following:

- (a) Developing and implementing written procedures for notifying and providing forms for filing with the California Victim Compensation Board (CalVCB) to crime victims, their dependents, or family. **Access to information or an application for victim compensation shall not be denied based on the victim's or derivative victim's designation as a gang member, associate, or affiliate, or on the person's documentation or immigration status (Government Code § 13962; 2 CCR 649.35; 2 CCR 649.36).**
- (b) Responding to inquiries concerning the procedures for filing a claim with CalVCB (2 CCR 649.36).

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- (c) Providing copies of crime reports requested by CalVCB or victim witness assistance centers. Disclosure of reports must comply with the Records Maintenance and Release Policy.
- (d) Annually providing CalVCB with his/her contact information (Government Code § 13962).
- (e) Developing in consultation with sexual assault experts a sexual assault victim card explaining the rights of victims under California law (Penal Code § 680.2).
 1. Ensuring that sufficient copies of the rights of sexual assault victim card are provided to each provider of medical evidentiary examinations or physical examinations arising out of sexual assault in the Bay Area Rapid Transit Police Department jurisdiction (Penal Code § 680.2).

336.4 CRIME VICTIMS

Officers should provide all victims with the applicable victim information handouts and information about the subsequent steps in the processing of the case.

Officers should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written department material or available victim resources.

Members should provide a phone number that the victim may use to report additional information about the case or to obtain information about the status of the case.

336.4.1 FOLLOW-UP INVESTIGATIONS

Members conducting follow-up investigations should explain to victims/witnesses the procedures involved in the prosecution of their cases and their role in those procedures.

The victim/witness should be recontacted periodically to determine whether their needs are being met, if in the opinion of this agency, the impact of a crime on a victim/witness has been unusually severe.

When feasible, line-ups, interviews, and other required appearances should be scheduled at the convenience of the victim/witness.

336.4.2 VICTIMS OF HUMAN TRAFFICKING

Officers investigating or receiving a report involving a victim of human trafficking shall inform the victim, or the victim's parent or guardian if the victim is a minor, that upon the request of the victim the names and images of the victim and his/her immediate family members may be withheld from becoming a matter of public record until the conclusion of the investigation or prosecution (Penal Code § 293).

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336.5 VICTIM INFORMATION

The Support Services Supervisor shall ensure that victim information handouts are available and current. These should include as appropriate:

- (a) Shelters and other community resources for victims of domestic violence.
- (b) Community resources for victims of sexual assault.
- (c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, **storage**, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109; Penal Code § 13823.95(a)).
- (d) An explanation that victims of sexual assault who seek a **standardized** medical evidentiary examination shall not be required to participate or agree to participate in the criminal justice system, either prior to the examination or at any other time (Penal Code § 13823.95(b)).
- (e) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (f) A clear explanation of relevant court orders and how they can be obtained.
- (g) Information regarding available compensation for qualifying victims of crime (Government Code § 13962).
- (h) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
- (i) Notice regarding U **visa** and T **visa** application processes.
- (j) Resources available for victims of identity theft.
- (k) A place for the officer's name, badge **number**, and any applicable case or incident number.
- (l) The "Victims of Domestic Violence" card containing the names, phone **numbers**, or local county hotlines of local shelters for battered women and rape victim counseling centers within the county and their 24-hour counseling service telephone numbers (Penal Code § 264.2).
- (m) The rights of sexual assault victims card with the required information as provided in Penal Code § 680.2.
- (n) Any additional information required by state law (Penal Code § 13701; Penal Code § 679.02; Penal Code § 679.04; Penal Code § 679.05; Penal Code § 679.026).

336.6 WITNESSES

Officers should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

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Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

Property taken as evidence from a witness shall be promptly returned, except for contraband, disputed property, and weapons used in the course of the crime, where permitted by law or rules of evidence if feasible.

336.7 NOTIFICATIONS AND RELATIONSHIPS

The Bay Area Rapid Transit Police Department will make every effort to inform the public and media about the agency's victim/witness assistance services. The Department will also maintain a strong relationship with other agencies and organizations versed with victim/witness assistance.

The Bay Area Rapid Transit Police Department maintains an operational agreement for victim/witness assistance with the Alameda County District Attorney's Victim/Witness Assistance Division. Through this cooperative agreement, the Alameda County District Attorney's Victim/Witness Assistance Division will provide appropriate comprehensive services as mandated by law (13835.5 Penal Code) including, but not limited to: crisis intervention, emergency assistance, resource and referral counseling, assistance in filing for State Compensation, property return, orientation to the criminal justice system, court support, case status and disposition. The Alameda County District Attorney's Victim/Witness Assistance Division will deploy the Advocate Crisis Response team upon receiving instructions from the Alameda County District Attorney, Chief of Inspectors, or Assistant Chief of Inspectors if requested by the Bay Area Rapid Transit Police Department to assist victims and families in the immediate aftermath of a crime related or disaster related mass casualty/victimization incident. The Alameda County District Attorney's Victim/Witness Assistance Division may be available to assist with incidents outside of Alameda County if local resources for victim/witness assistance are insufficient or overwhelmed in the event of a major incident. The Watch Commander or Incident Commander may request assistance from the Alameda County District Attorney's Victim/Witness Assistance Division by telephone via the Alameda County Sheriff Office Emergency Services Dispatch Center (510-667-7721).

Summary
3/2/2020 06:05:46

Differences exist between documents.

New Document:	Old Document:
New Policy	OLD Policy
19 pages (320 KB)	19 pages (320 KB)
3/2/2020 06:05:44	3/2/2020 06:05:44

Used to display results.


[Get started: first change is on page 1.](#)


No pages were deleted

How to read this report

Highlight indicates a change.

Deleted indicates deleted content.

 indicates pages were changed.

 indicates pages were moved.

Report Preparation

344.1 PURPOSE AND SCOPE

Report preparation is a major part of each officer's job. The purpose of reports is to document sufficient information to refresh the officer's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized training and on-the-job training.

344.1.1 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held. Employees shall not approve their own reports.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

344.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate department approved form unless otherwise approved by a supervisor.

344.2.1 CRIMINAL ACTIVITY

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution. Activity to be documented in a written report includes:

- (a) All arrests
- (b) All felony crimes
- (c) Non-Felony incidents involving threats or stalking behavior
- (d) Situations covered by separate policy. These include:
 1. Use of Force Policy

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2. Domestic Violence Policy
3. Child Abuse Policy
4. Adult Abuse Policy
5. Hate Crimes Policy
6. Suspicious Activity Reporting Policy

- (e) All misdemeanor crimes where the victim desires a report

Misdemeanor crimes where the victim does not desire a report shall be documented using the department-approved alternative reporting method (e.g., dispatch log).

344.2.2 NON-CRIMINAL ACTIVITY

The following incidents require the preparation of a written report:

- (a) When an officer points a firearm at any person, or deploys a firearm, CEW or LLIMS launcher in the presence of bystanders to defend, detain, or take any person into custody
- (b) Reported missing persons (regardless of jurisdiction)
- (c) Found contraband and found evidence
- (d) All incidents involving the death of a human being (see Policy Manual § 360 Death Investigations)
- (e) Traffic collisions above minimum reporting level
- (f) Suspicious Persons or Circumstances where a CAD entry would not be sufficient to explain the incident
- (g) Hazardous Material incidents where a CAD entry would not be sufficient to explain the incident
- (h) Illnesses or injuries meeting criteria of section 344.2.4 or section 344.2.5

344.2.3 DEATH CASES

Cases of obvious suicide must be investigated and completed by the officer. If the officer is unable to determine the manner of death, he/she shall proceed as though it is a homicide.

The on-call detective will be notified in all unattended death cases. Detectives may respond to the scene to assist the reporting officer with the investigation.

344.2.4 INJURY OR DAMAGE BY DISTRICT PERSONNEL

Reports shall be taken if an injury occurs that is a result of an act of a District employee. Additionally, reports shall be taken involving significant damage to District property or District equipment.

344.2.5 MISCELLANEOUS INJURIES

Any injury that is reported to this department shall require a report when:

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- (a) The injury/illness is a result of drug overdose
- (b) Attempted suicide
- (c) The injury or illness is major/serious, whereas death could result
- (d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event
- (e) The injury occurred on District property or the illness is attributed to the District.

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary. Illnesses not attributed to the District and/or injuries not occurring on District property may be documented in the Call for Service on the TriTech CAD/Mobile software. When documenting in the Call for Service, employees will ensure the name of the individual has been added to the supplemental information and the location the injured or sick person was transported to is entered into the call notes.

344.2.6 MANDATORY REPORTING OF JUVENILE GUNSHOT INJURIES

A report shall be taken when any incident in which a child 18 years or younger suffered an unintentional or self-inflicted gunshot wound. The Records Division shall notify the California Department of Public Health (CDPH) of the incident as required by CDPH (Penal Code § 23685).

344.2.7 MANDATORY REPORTING OF JUVENILE DETENTIONS

Welfare and Institutions Code section 210.2(b) requires the tracking of all juvenile detentions which occur in any police facilities that contain any secure or non-secure detention rooms. Officers will document juvenile detention information on the BART Police Juvenile Detention log. This information will then be compiled by the Records Section and forwarded to the Board of Corrections.

344.2.8 EVENTS WHICH DO NOT REQUIRE A WRITTEN REPORT

The following events may be cleared by a dispatch CADS entry without a written report:

- (a) Infraction citation of an adult
- (b) Traffic infraction citation where the violation occurred on or off BART property
- (c) 647(g) PC cases where the subject is taken to detox
- (d) 911 calls, hang-ups and call box alarms with no evidence of criminal activity, no one detained and there is no property damage or personal injury
- (e) Reports of police radio problems (PRIP)
- (f) Misplaced vehicles with no evidence of tampering
- (g) Parking complaints with no property damage or personal injury
- (h) Misdemeanor/Infraction violations where an unidentified suspect is gone on the officer's arrival and there is no victim wishing to file a report
- (i) Unsecured doors and gates to District facilities with no evidence of criminal activity
- (j) Prisoner transports for warrants that are handled without incident

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- (k) Monthly emergency exit checks
- (l) Miscellaneous service calls of a non-criminal nature that do not require follow-up, such as motorist/citizen assists and patron/fare disputes that do not result in the detention or identification of anyone by officers.

In order to document detentions of adults for infraction violations or on-property traffic stops where the suspect received a verbal warning, the officer shall complete a Field Interview Card. The information from the card will be entered into a Field Interview Report in the TriTech system by the reporting officer.

344.3 GENERAL POLICY OF EXPEDITIOUS REPORTING

In general, all officers and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

344.3.1 GENERAL POLICY OF HANDWRITTEN REPORTS

Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports where an arrest is made or when there is a long narrative should be typed or dictated.

Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports of any nature for department consistency.

344.4 REPORT CORRECTIONS


Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should promptly return the report to the author for correction, stating the reasons for rejection. The report should be resubmitted for approval as soon as practical. It shall be the responsibility of the originating officer to ensure that any report returned for correction is processed in a timely manner.

344.5 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Division for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Division may be corrected or modified by the authoring officer only with the knowledge and authorization of the reviewing supervisor.

344.6 CASE ASSIGNMENTS

The following types of reports will be forwarded to the Criminal Investigations Division by the approving supervisor selecting "Investigations" in the Division box under the Case Management Section of the employee's report:

- Felonies **Cases and Felony Arrests** 

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- Except property crimes with no witnesses, video requests, leads, or evidence
- Except stand-alone Felony warrant arrests
- Misdemeanors Arrests and Citations
 - Except stand-alone misdemeanor warrant arrests
- Sex Crimes
- All employee related assaults or batteries
- Coroner's Cases
- Sick/Injured persons cases where the illness/injury may result in death
- Missing Person Cases
- Domestic Violence Cases

Cases that do not meet the above criteria shall not be forwarded to the Criminal Investigations Division and should be handled at the patrol level until leads are exhausted or it is no longer practical to investigate the case. Any exceptions to the above criteria must be approved by the Criminal Investigations Division sergeant prior to forwarding the cases.

Supervisors shall ensure the case is forwarded and the "Arrest Report" is completed by no later than 0500 hours the morning after the arrest. If this threshold cannot be met, the supervisor shall verbally notify the Criminal Investigations Division of the delay. If verbal notification is not possible, an email shall be sent to the on-call detective.

All cases that contain a video request will be forwarded to the Video Recovery Unit by the approving supervisor selecting "Video Recovery" in the Division box under the Case Management Section of the employee's report.

344.7 COMPUTERIZED REPORT USAGE AND COMPLETION GUIDELINES

344.7.1 COMPUTERIZED REPORT TYPES

The TriTech system provides the following types of reports separated by county jurisdiction:

Incident Report - This is the standard format for criminal and non-criminal reports. The Incident Report should include the suspects/victims, associated vehicles involved in the incident and any guns, drugs, property or evidence seized by the primary reporting officer.

Supplemental - This report is used to document actions by assisting officers who were not assigned the primary role in an incident. It should also be used to record the results of follow-up investigation and to document facts discovered after the primary report has been submitted. Supplemental reports should not include offenses, suspects, victims, persons, vehicles, property, guns or drugs documented in the initial Incident Report unless the supplemental is providing updated information for those entries. Supplemental reports should include any property/evidence seized by the assisting officer.

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Arrest Report - This report is a supplemental report to an Incident Report when the suspect is arrested, issued a misdemeanor citation or a notice to appear citation for an outstanding warrant.

Field Interview Report - This report is used to document detentions of adults for infraction violations or on-property traffic stops where the suspect received a verbal warning or was contacted for suspicious activity. Officers should attempt to fully identify the suspect, the violation and any identifiers such as scars, marks, tattoos, piercings, clothing, and license plate(s) etc... Entering this information in the Field Interview Report allows the suspect and vehicle to be searched for prior contacts.

Police Report Dispositions - In order to maintain accurate records of final dispositions of events and cases, it is imperative that the correct disposition is communicated between officers and dispatchers. When communicating via police radio, mobile data computer (MDC) or telephone with police dispatch, all police personnel will give the final disposition of their events and cases for data input. The final dispositions are:

- Arrest
- Able to care
- Assistance to citizen (non-criminal contacts)
- Citation
- Field interview
- Information
- No merit
- Outside agency assist
- Reassign
- Report (any written case report, excluding an arrest)
- Secure (emergency exit checks)
- Transport
- UTL/GOA (Unable to locate/Gone on arrival)
- Cancel (used by Dispatch when appropriate)

344.7.2 COMPLETING NARRATIVES IN TRITECH WEB RMS

Before beginning the narrative portion of the report, the following information should be listed if applicable:

- Video Request
- Any cross-referenced cases
- Description of injuries
- Outside agency case number (San Francisco)

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- Laboratory number (San Francisco)
- List of on-scene personnel
- Mobile video recorder activation information

The narrative should provide a chronological account of what transpired during the incident, in as much detail as possible. The following items must be addressed in the narrative, if applicable:

- Use of force
- Application of handcuffs and leg restraints (officers should note that the restraints were checked for proper fit and double locked)
- Drawing of firearm (when firearm is drawn in the presence of the public and/ or is used to accomplish a detention or take a suspect into custody) or other weapon. This includes pistol, shotgun, patrol rifle and LLIMS launcher, as well as the TASER.

344.8 HAND-WRITTEN REPORTS

This department uses a number of hand-written forms to document officers' activities. These documents should be completed and listed in the "Related Documents" field of the Management page, where appropriate. The forms should be turned into the Records section after being approved by a supervisor, where needed.

344.8.1 DOMESTIC VIOLENCE REPORT/SUPPLEMENTAL

This form is used to document pertinent details of domestic violence incidents. This includes details of the relationships between the suspect and victim, prior domestic violence history, restraining order status, suspect and victim demeanor, medical treatment received, victim assistance provided and diagrams of injuries. This form should be attached as a related document in domestic violence cases.

344.8.2 REPORT OF NON-RELEASE MISDEMEANOR ARREST

This form may be completed in order to document the circumstances whereby a suspect arrested for a misdemeanor violation was not cited and released. This form is only required if the receiving jail facility requests it be completed. Most facilities incorporate this non-release information on their unique booking forms, or have their own non-release forms that must be completed at the time of booking. If completed, this form should be attached as a related document. In any event, the circumstances surrounding the non-release should be explained in the report narrative by the arresting officer.

344.8.3 SUSPECT STATEMENT

This form is used to document suspect statements. All boxes at the top of the form should be completed. The statement form includes the Miranda Admonition and Waiver. The Miranda rights should be read to the suspect prior to beginning any questioning, and the suspect's responses (yes/no) should be circled. When completing the waiver portion, the suspect's verbatim responses should be included on the lines following each waiver question, and the suspect should sign the

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form and note the date and time. If the suspect invokes his rights to counsel or to remain silent, this should be indicated on the form, which should be booked into evidence. _____

Generally speaking, the officer taking the statement should interview the suspect in order to obtain sufficient details regarding the incident to write the suspect's version of events on the statement form, using the first-person from the suspect's point of view. The statement should use the suspect's words and phraseology as much as possible. The completed statement should be shown and read to the suspect for any corrections necessary. The suspect should then sign at the end of the statement, and initial next to any corrections. The BART Police Report page 2 form may be used as additional pages if the suspect statement will not fit on the Suspect Statement form. If the suspect refuses to sign the form after giving a statement, the officer should write "refused" where the signature would normally be and book the form into evidence.

When completed and signed, the reporting officer should photocopy the statement and attach the copy as a related document to the report. The original suspect statement should be placed into evidence.

A summary of the suspect's statement should be included in the narrative portion of the crime report.

344.8.4 POLICE REPORT PAGE 2

This form may be used to document victim and witness statements and as continuation pages for suspect statements. Victim and witness statements should be taken in the same manner as suspect statements, with the exception of Miranda warnings and waivers. The completed forms should be listed as related documents on the crime report. The statements should be summarized in the narrative portion of the crime report. Victim and witness statements are not booked into evidence. They should be turned in to records for inclusion in the case file.


344.8.5 PRIVATE PERSON (CITIZEN'S) ARREST REPORT

This form is used to document private person arrests. All information pertaining to the arrestee, the complainant and the crime should be completed. The pink copy of the form should be given to the person making the arrest. The form should be listed as a related document on the crime report. See Policy 364 for further details regarding private person arrests.

344.8.6 CERTIFICATE OF RELEASE

This form is used to document incidents where a subject has been detained for investigation of a crime, then released per the requirements of 849(b) PC. All such releases should be approved by a supervisor. The pink copy of the certificate should be given to the person released. The white and yellow copies should be forwarded to Records and should be listed as a related document on the police report.

344.8.7 STATEMENT PURSUANT TO 821 & 822 PC

This form is used to document situations where a suspect arrested on a warrant waives his right to be booked in the county of arrest, and is transported to the county which issued the warrant for 

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booking. The arrestee should sign the form, which is listed as a related document on the police report.

344.8.8 CONFIDENTIALITY NOTIFICATION

This form is used to document the victim's desires regarding confidentiality in cases qualifying for confidentiality under 293 PC. Qualifying crimes are: 220, 261, 261.5, 262, 264, 264.1, 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285, 286, 288, 288a, 288.2, 288.3, 288.4, 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6. The law requires victims of the above offenses be informed of their right to have their name kept confidential. The victim's information should be completed and their desire to request or decline confidentiality should be checked. The form should be listed in the report as a related document.

344.8.9 APPLICATION FOR EMERGENCY PROTECTIVE ORDER

This form is used to obtain an emergency protective order. All portions of the form should be completed once a judicial officer has granted the protective order. The proof of service should be completed when the restrained party is notified of the order. **The order should be entered into CLETS** by the communications center and the form should be listed on the crime report as a related document. The CLETS entry information should be included in the narrative portion of the crime report.

344.8.10 VERBAL NOTICE OF PEACE OFFICER (DL-310)

This form is used to document verbal notice by an officer of the suspension of a person's driver license. The suspension information should be inserted and the license should be confiscated by the officer, if the subject is in possession of the license. The pink copy of the DL-310 form should be given to the driver at the scene. The license should be attached to the white and yellow copies of the DL-310 and forwarded to the Traffic Officer so the license can be returned to the DMV. The DL-310 form should be listed as a related document in the police report.

344.8.11 NOTICE TO APPEAR

The notice to appear (citation) form is used to document an infraction or misdemeanor violation where the suspect is to appear in court to answer the charges. All pertinent boxes should be completed as accurately as possible. In the case of on-viewed infraction violations, the citation requires no accompanying police report. The citation stands alone and is forwarded to records. The citing officer should complete the reverse of the citation, making sufficient notes so that the incident can be recalled accurately in court at a later date.

In the case of private person (citizen's) arrests for infractions and misdemeanor violations, a police report is required in addition to the citation itself. Juveniles may be issued notices to appear for infraction violations only. A police report is required whenever a juvenile is issued a citation, or detained for a crime. The suspect should be given the yellow copy of the citation form. Citations should be listed as related documents when a police report is completed. ▲

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344.8.12 NOTICE TO APPEAR - CONTINUATION FORM

This form is used to document additional charges that will not fit in the violations box of the standard citation. More than one continuation form may be used if necessary. The suspect should be given the yellow copy of the citation form. Continuation forms should be listed as related documents when a police report is completed.

344.8.13 UNIFORM JUVENILE CITATION

This form is used to provide juvenile suspects notice to appear on felony and misdemeanor violations, where the juvenile is not booked into a juvenile detention facility. The form should be completed as thoroughly as possible. The parent/guardian accepting custody of the juvenile should sign the citation form, as well as the juvenile arrestee. The parent/guardian should be given the pink copy of the juvenile citation form. The citation should be listed as a related document on the police report.

344.8.14 NOTICE OF CORRECTION & PROOF OF SERVICE (CITATION CORRECTION FORM)

This form is used to correct a Notice to Appear that was issued to a suspect. The form should be completed to indicate the required change and the affected court. The pink proof of service portion of the form should be completed and mailed to the suspect at their mailing address. The original form should be forwarded to Records for transmission to the affected court. The form should be listed as a related document on the crime report.

344.8.15 BOOKING SHEETS/CARDS

County booking sheets or cards and juvenile intake forms are used to document a suspect being booked into an adult or juvenile detention facility. Each county has unique requirements for their booking paperwork, and this department will abide by each county's policies regarding the completion of booking paperwork. A copy of the booking forms should be listed as a related document on the police report.

344.8.16 JUVENILE INTAKE FORMS

Each county has unique requirements for documenting juvenile arrests and contacts. This department will abide by each county's policies regarding the completion of booking/contact paperwork.

Alameda County requires that a Juvenile Intake Disposition Form be completed when booking a juvenile into Juvenile Hall. The completed form must be turned in to the facility, along with a copy of the completed police report, at the time the juvenile is booked into Juvenile Hall.

Contra Costa County requires the completion of their Juvenile Admission Form, if the officer is citing the juvenile for a misdemeanor or felony. If the juvenile is being booked into Juvenile Hall, a probable cause declaration must be completed in the ARIES system at time of booking. These forms are in addition to the reports normally completed by the officer. The forms provide information related specifically to juvenile offenders and provides space for a statement of probable cause. The department's probable cause declaration form should also be completed. 🙏🙏

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San Francisco County requires completion of an Admission Form, in addition to the reports normally completed by the officer. This form provides information related specifically to juvenile offenders booked into the Juvenile Justice Center. For juveniles dropped off at the CARC Center, a Juvenile Detention Disposition Report should be completed. The department's probable cause declaration should also be completed.

San Mateo County requires completion of a Juvenile Contact Report when booking a juvenile into Juvenile Hall. For juvenile offenders 14 years of age or older, who are taken into custody for a felony violation, the county requires completion of their special Promise to Appear (Form #JV-365), rather than the department's Uniform Juvenile Citation. The department's probable cause declaration should also be completed.

344.8.17 PROBABLE CAUSE DECLARATIONS

This form is used to establish probable cause for warrantless arrests. The form should be completed for all misdemeanor and felony arrests (with the exception of warrant only arrests). They should also be completed for any misdemeanor private person (citizen's) arrest citation case. Officers should use the computerized template when completing this form, but the form may be completed by hand if necessary. **Names of victims, witnesses and reporting parties should not be included in the Probable Cause Declaration. If necessary, refer to the person by role, rather than by name.**

In Alameda County the Consolidated Records Information Management System (CRIMS) should be utilized to send an electronic PC Declaration. CRIMS can be found following the URL <https://crims.acgovapp/> or log into CRIMS through the BPD Links folder short cut. For CRIMS log in problems contact the CRIMS help desk anytime at (510)272-3744.

In Contra Costa County the Automated Regional Information Exchange System (ARIES) should be utilized to send an electronic PC Declaration for in-custody arrests. ARIES can be found following the URL <https://ariessystem.us/Main/Login.aspx> or log into ARIES through the BPD Links short cut folder. For ARIES log in problems contact the BART Police ARIES Administrator (currently the BART Police Crime Analyst).

In San Francisco and San Mateo Counties, as well as all out of custody cases in Contra Costa County, the BART Police Probable Cause Declaration form is to be used.

344.8.18 VEHICLE RELEASE

This form is used to provide a vehicle owner a release so their stolen/embezzled vehicle may be retrieved from a towing company. It may be used to release a vehicle that was reported stolen to our department and recovered by another agency, a vehicle reported stolen to another agency and recovered by this department, or a stolen vehicle that was both reported to and recovered by this department. The form should be completed as appropriate with our case number, the outside agency case number, the vehicle information and the releasing officer's information. The vehicle owner should sign the form and the yellow copy of the form should be given to the owner/agent. The original form should be forwarded to records.

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344.8.19 MISSING PERSON REPORTING FORM

This form is used to document reports of missing persons. This department is required by law to accept all reports of missing persons, regardless of the ultimate investigative jurisdiction of the case. All available information should be included on the form to document the report as accurately as possible. The communications center is required by law to enter the information into the MUPS system within 4 hours. This form should be listed as a related document on the report. The Department of Justice Missing Persons report form can be located in the G drive under the Police Forms folder.

344.8.20 DENTAL/SKELETAL X-RAY/PHOTOGRAPH RELEASE FORM

In the case of missing juveniles not located within 30 days, this form should be completed, authorizing doctors and dentists with records pertaining to the juvenile to release them to this department in order to assist the investigation. The form may be completed prior to 30 days, and officers should make an effort to have the parent/ guardian sign the form at the time the initial report is made, so the signed form is available if necessary. This form should be listed as a related document on the report.

344.8.21 11550 H&S NARCOTICS INFLUENCE REPORT

This form is used to document the objective symptoms of a suspect arrested for 11550 H & S. The completed form should be attached to the report as a related document.

344.8.22 VEHICLE REPORT (CHP-180)

This form is intended to accomplish multiple tasks related to vehicles and license plates. As a result, not all boxes will be applicable to each report. However, all boxes that apply to the incident in question should be completed by the reporting officer, using as much detail as possible. It is important to obtain signatures from garage principals, in the case of towed vehicles, and reporting parties, in the case of stolen/ embezzled vehicles and plates.

When towing a vehicle, it is important to document existing damage on the vehicle diagrams on the face of the form. Officers should shade any areas of existing damage, and describe significant damage in the remarks section at the bottom of the face page.

Stolen/Embezzled and Recovery narratives should be documented in a criminal or non-criminal Incident Report (as applicable) in the TriTech Field Based Report system. The narrative should include the SVS entry information, indicating the date and time of the entry and the badge number of the employee who made the entry.

Completed and approved Vehicle Report forms documenting a towed vehicle should be faxed to Administration, at extension 7089, prior to the end of the officer's shift. The form should be listed as a related document on the report.

344.8.23 APPLICATION FOR EMERGENCY PSYCHIATRIC DETENTION (5150 W&I)

This form along with a non-criminal incident report is used to document all incidents where a subject is detained for emergency psychiatric evaluation. All boxes should be completed with as much detail as possible. The reporting officer should document the detainment advisement

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required by 5157 W & I, which is printed on the form. If the advisement was not completed, a brief explanation must be included in the space provided.

All 5150 W & I reports which include a criminal hold, including all warrants, will be treated as an "in custody" and classified in the TriTech report writing system as an "arrest" in the Arrest report. The report, including all supplements, shall be written, submitted and approved by a supervisor prior to the reporting officer(s) going off duty. This shall also apply to arrestees who are transported for medical treatment prior to being booked into a jail facility. These reports cannot be approved by Field Training Officers and must be approved by a supervisor.

When an arrestee is transported from a medical or mental health facility and booked into a jail, the transporting officer shall complete a supplemental report and send an email to all Detectives and the Detective Sergeant advising them of the booking. The email should include the arrestee's name and case number and should be sent as soon as practicable after the transport has been completed.

Psychiatric self-committals will be treated as a sick person (not attributed to BART) and may be documented in the Call for Service on the TriTech CAD/Mobile software. When documenting in the Call for Service, employees will ensure the name of the individual has been added to the supplemental information and the location the injured or sick person was transported to is entered into the call notes.

The narrative section should be completed in enough detail to document the subject's condition and actions, and explain why the reporting officer believed the subject was a danger to him/herself, a danger to others, or was gravely disabled due to a mental condition or inebriation.

In the event that criminal charges will be filed against the subject, the officer should complete the Certification of Criminal Charges portion of the form, indicating who should be notified prior to the subject being released from mental health custody. In this case, an incident report and arrest report must also be completed, in order to document the criminal offense.

Normally all of the green copies of the form should be given to the transporting ambulance and/or the mental health facility. If the transporting ambulance or admitting mental health facility requests the white copy instead, the reporting officer should ensure that the BART case number is legibly written on the remaining green copies for proper filing, as it will not be recorded from the face page. This form should be listed as a related document on the report.

344.8.24 PROPERTY DAMAGE ONLY REPORT (CHP 555-03)

This scanned document is a two-part form used to record traffic collisions which qualify for the PDO report (two or fewer vehicles involved, no injuries, and no intended prosecution). The form should be completed using the standard format found in the CHP Collision Investigation Manual (CIM). All applicable boxes should be completed. The sketch should be done using standard figures as found in the CIM. The narrative should be completed in a non-criminal incident report using the format located in the CIM. ⚠

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The original report should be forwarded to Records. The reporting officer may give each party to the collision a copy of the form. The copy contains the upper portion of the completed report, listing the parties, any witnesses and the sketch of the collision. This form should be listed as a related document.

344.8.25 DRIVING UNDER THE INFLUENCE ARREST INVESTIGATION REPORT (CHP 202)

This handwritten form serves to document the investigation of suspected DUI cases. Each applicable box should be completed in as much detail as possible. This form should be a related document, listed on the TriTech incident report.

The face page of the CHP 202 documents the suspect's information, vehicle details, and witness/passenger/victim information. There is a Miranda admonition printed on the form. The suspect's acknowledgment and waiver or invocation of Miranda rights should be recorded on the form. The suspect should sign the form to document his/ her choices.

The Misdemeanor Incarceration portion of the form should be completed if the suspect is booked. All situations that apply should be checked, to document the reasons for the suspect being booked for a misdemeanor violation, pursuant to 853.6 PC.

The reverse of the form documents the investigation interview, objective symptoms of intoxication and field sobriety test location. There is also a section to document the results of a Preliminary Alcohol Screening test, if applicable. The results of any chemical tests (Breath/Blood) should also be recorded on the form. The final item on the reverse of the form documents the Trombetta Advisement, and the suspect's election regarding additional test samples.

344.8.26 INTOXICATION EVALUATION/ARREST

This form is used to document the results of Field Sobriety Tests (FST's) given to suspects in DUI cases. The form provides boxes to identify the suspect and related vehicle, as well as sections for standard FST's, with diagrams which can be completed to record the suspect's performance on each test. All portions of the form should be completed in enough detail to accurately document the suspect's performance during the FST's. This form supplements the CHP 202 and is a related document in the TriTech incident report.

344.8.27 AGE 21 & OLDER OFFICER'S STATEMENT (DMV 367), UNDER 21 OFFICER'S STATEMENT (DMV 367M), UNDER 21 OFFICER'S STATEMENT - SPANISH (DMV 367M SPANISH)

These forms are used to document the DUI arrest and suspension/revocation of a suspect's license by the arresting officer. This form does not replace the Intoxication Evaluation/Arrest form, but is instead sent to the Department of Motor Vehicles to document the arrest and confiscation of the suspect's driver license. The Over 21 version (gray) of the form is to be used for all suspects 21 years and older. The suspect is provided the pink copy of the form, which provides information regarding the suspension of their license and administrative review procedures conducted by DMV. The Spanish version (red) of the form is printed in English on the face of the document, in order for the officer to document the arrest and confiscation of the license. The pink copy of the

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form, provided to Spanish speaking suspects, explains the hearing issues and DMV formalities in Spanish on the reverse.

The Under 21 (green) version of the form is to be used with suspects under the age of 21, and is similar to the other forms, with the exception of the lower blood alcohol level allowed. Again, the pink copy of the form is provided to the suspect. This form should be listed as a related document on the report.

344.8.28 PURSUIT REPORT (CHP187A)

The pursuit report should be prepared by the responsible supervisor as soon as possible following a pursuit (see also Policy #314). This form should be completed with as much information as is known about the suspects, vehicles involved, and the results of the pursuit. Detailed directions for completion of the form are located on the reverse side of the form. This form should be listed as a related document on the report.

344.8.29 CITIZEN PROPERTY RECEIPT (FORM #1448)

This form is used to provide a receipt for property taken or located by members of this department. The item taken into custody should be described as fully as possible and the storage location **should be noted**. The original of the form should be forwarded to the Property/Evidence bureau. The citizen should be given the yellow copy of the form for their records.

The Property Label (Form #0470) with wire attachments, is used in conjunction with the Property Receipt, and should be used to identify large or bulky items, such as bicycles, that cannot be packaged in standard departmental evidence envelopes/ bags. The hard copy of the form should be attached to the item with the wire. The top copy of the form should be forwarded to the Property/Evidence bureau for their records.

Both forms should be listed as related documents on the report.

344.8.30 EVIDENCE ENVELOPE (FORM #1220)

The manila evidence envelope is the standard container for booking collected evidence items. All portions of the envelope should be completed as appropriate. Officers should check the appropriate box to classify the item inside as either evidence, safekeeping or found property. Officers should also check the box indicating whether the item inside is narcotics, currency, fingerprints, or other. The reporting officer should then complete the boxes for Victim, Case Number, Suspect, Item Number, Location, and Offense. The item should be described as clearly as possible, along with the identity of the recovering officer and the date and time of recovery. The chain of custody is documented using the appropriate section on the evidence envelope. If the envelope contains narcotics, the boxes at the bottom of the envelope should be checked to indicate what drug the substance should be analyzed for. The glue flap should be sealed and evidence tape should be placed over the flap. The sealing officer should write the case number, date and his/her badge number over the tape.

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If the envelope contains currency, the amount of currency and/or coin should be noted in the blocks on the reverse of the envelope. The officer counting the money should place his/her name and badge number, as well as the date and time in the appropriate blocks.

If the envelope contains narcotics or currency, a witness signature is also required, in the witness block.

If the evidence item is too large to fit into the evidence envelope, the pre-printed evidence bag should be used. The bag should be completed in the same manner as the evidence envelope.

344.8.31 TICKET EVIDENCE ENVELOPE (FORM #0720)

This white evidence envelope is intended only to contain BART tickets taken as evidence. It is completed in the same manner as the large evidence envelope.

344.8.32 FORENSIC MEDICAL REPORT: NON-ACUTE (>72 HOURS) CHILD/ADOLESCENT SEXUAL ABUSE EXAMINATION (OCJP 925)

This form must be completed when documenting reported incidents of sexual abuse of children. It is meant to be completed in conjunction with a physician or other medical professional during a medical examination searching for evidence of sexual abuse. The original of the form should be retained as evidence by this department. Copies should be provided to Child Protective Services and the Medical Facility conducting the examination. This form should be listed as a related document on the report.

344.8.33 REPORT OF SUSPECTED DEPENDENT ADULT/ELDER ABUSE (SOC 341)

This form is used to document reports of possible dependent adult/elder abuse received by this department, as required by 15630 and 15658(a)(1) W&I. A "Dependent Adult" is anyone aged 18-64, residing in this state, who has physical or mental limitations that restrict his/her ability to carry out normal activities or to protect his/her rights. An "Elder" is anyone 65 years of age or older, who resides in this state.

Officers of this department are mandated reporters pursuant to 15630(a) W&I. As such, any instance of known or suspected abuse (physical abuse, sexual abuse, financial abuse, abduction, neglect (including self-neglect), isolation, and abandonment involving an elder or a dependent adult must be documented using this form. The original report must be completed and submitted to the Investigations bureau within two working days, if the instance of abuse took place in BART's jurisdiction. The original form should be placed in the case file. The responsible county Adult Protective Services office should be notified as soon as possible, and should be provided a copy of the report form. If the instance of abuse took place in another jurisdiction, the law enforcement agency with jurisdiction and the county Adult Protective Services agency must be notified within two working days of receiving the report, and both agencies should be provided a copy of the form. This form should be listed as a related document on the report.

Failure of a mandated reporter to report abuse of a dependent adult/elder is a misdemeanor offense.

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344.9 SPECIAL CIRCUMSTANCES AND APPLICATIONS

344.9.1 MULTIPLE INCIDENTS/MULTIPLE VICTIM REPORTS

A multiple incident/multiple victim event is one where a suspect commits separate acts against the person or property of others, resulting in multiple victims of the same/similar type of crime, for example, a suspect burglarizes several automobiles at the same station. In order to document this type of event, all involved victims, vehicles, property and evidence will be entered into one report. The narrative of this report will describe the entire investigation completed by the officer.

344.9.2 MULTIPLE VICTIM REPORTS

A multiple victim incident is caused by a suspect's singular act that results in injury or property loss to more than one person, such as a suspect committing an armed robbery of a group of people. Multiple victim reports should be documented in one case, listing all victims and involved parties in the same report.

344.9.3 HATE MOTIVATED CRIMES

Hate motivated crimes are any criminal act or attempt to cause physical injury, emotional suffering or property damage where there is reasonable cause to believe that the crime was motivated, in whole or in part, by the victim's actual or perceived race, ethnicity, religion, gender, sexual orientation or physical or mental disability. (See Policy 338 for further details regarding Hate Crimes)

The reporting officer should notify a supervisor as soon as possible if he/she believes an incident is a hate crime. The supervisor will notify the on-duty watch commander. The watch commander will determine the need for additional notifications.

344.9.4 CONFIDENTIAL CASES

A Confidential Case is an investigation that may involve a BART employee, BART affiliated contractor or person otherwise associated with BART, where disclosure of the person's identity or affiliation, or other facts could compromise the investigation.

When police personnel receive information regarding employee criminal activity, the investigating officer should discreetly gather sufficient facts to make an oral report to a supervisor. The supervisor will determine the appropriate response. In-progress crimes should be handled by officers as they normally would, with an immediate police response to stabilize the situation and investigate the crime at hand. A supervisor will coordinate the response and preliminary investigation to maintain confidentiality, if at all possible. The supervisor may consider the use of a telephone report or a delayed response if the appearance of uniformed police personnel at the scene might be detrimental to the successful investigation of the crime.

If the initial investigation indicates a more thorough, confidential investigation is warranted, these circumstances should be documented as a Confidential Case and the following procedures should be followed:

- (a) The reporting officer should obtain a case number from the Communications Section and request that the case be classified as "Confidential-Criminal Investigations," or

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"Confidential-Internal Affairs." Confidential reports will be entered directly into the Inform Records Management System and contained in a confidential folder with access granted to only the investigator and/or investigating supervisor.

- (b) The supervisor should notify either the investigations lieutenant, zone lieutenant/watch commander, or Internal Affairs lieutenant, as applicable.
- (c) The supervisor should approve the completed police report, and assign primary responsibility, as appropriate. No copies of the report should be printed.

344.9.5 TELEPHONE REPORTS

Telephone reports may be taken in certain circumstances. Personal follow-ups on telephone reports should be conducted whenever the case appears to warrant it. Telephone reports may be taken in cases that meet any of the following criteria and they should be completed using the appropriate report form as outlined in this policy:

- The nearest officer is not available within a reasonable time.
- The reporting party/victim is unable or unwilling to wait or has already left the scene.
- The call does not require immediate police action. ⚠

⚠ 344.9.6 REPORTS PREPARED BY COMMUNITY SERVICE OFFICERS

Community Service Officers (CSOs) are authorized to prepare police reports if the following criteria are met:

- The suspect has left the scene and cannot be located.
- There is no potential for immediate investigative follow-up which could lead to the identification and/or apprehension of the suspect.
- The **case does not require video surveillance requests and review.**

344.9.7 REPORT REVIEWS

A Report Review form should be used when a police supervisor or manager believes that a documented assessment of a police report is appropriate. As supervisors are responsible for the daily review of police reports generated in their zones, this will normally occur when a police supervisor finds a report to be either exceptional, or deficient. However, any police supervisor or manager may generate a report review. A report review may be challenged through the chain of command. The final decision concerning challenged report reviews will be made by the report writer's Bureau Deputy Chief. The following procedures apply to the preparation and filing of report reviews:

- (a) Preparation:
 1. The supervisor/manager preparing the review should document the facts in the report that make it exceptional or deficient in as much detail as possible. If the report is deficient, the deficiencies should be identified clearly, with required corrective action specifically listed. **The review should be attached to a printed**

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1. copy of the report so that the review comments can be matched to the written document.
 2. Normally, reviews involving report deficiencies should have a due date assigned by the supervisor/manager who initiated the review. If the identified corrections must be made prior to the report being transmitted outside the department, the reviewing supervisor should mark the "immediate" box on the Report Review form. The reporting officer shall then be responsible for making the necessary corrections on his/her next work day. Other deficiencies may have longer due dates assigned by the reviewing supervisor/manager.
- (b) Routing of Report Reviews:
1. When a review is generated, it is the responsibility of the supervisor/ manager preparing the review to route it to the reporting officer via the chain of command. If the reporting officer is assigned to the Field Training Officer program, the report review should be sent to the trainee via the field training chain of command. The supervisor of the reporting officer is responsible for making sure all necessary follow-up is completed and noted deficiencies are corrected.
 2. The supervisor/manager preparing the review is responsible for directing copies of the review to any others that would be concerned with the information (e.g., Criminal Investigations, Records, etc...).
- (c) Filing of Report Reviews:
1. Report reviews should be filed in the report writer's Employee Development Record (EDR) file and may be mentioned in the writer's performance evaluation. Employees should view and initial report review forms that are placed in their EDR file.

Summary
3/2/2020 06:07:17

Differences exist between documents.

New Document:	Old Document:
New Policy	OLD Policy
2 pages (272 KB)	2 pages (272 KB)
3/2/2020 06:07:16	3/2/2020 06:07:16

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No pages were deleted

How to read this report

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Mandatory Employer Notification

372.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the requirements and procedures to follow when a public or private school employee (teacher and non-teacher) has been arrested under certain circumstances.

372.2 MANDATORY SCHOOL EMPLOYEE ARREST REPORTING

In the event a school employee is arrested for any offense enumerated below, the Chief of Police or his/her designee is required to report the arrest as follows.

372.2.1 ARREST OF PUBLIC SCHOOL TEACHER

In the event a public school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a), or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the teacher and to immediately give written notice of the arrest to the Commission on Teacher Credentialing and to the superintendent of schools in the county where the person is employed (Health and Safety Code § 11591; Penal Code § 291).

372.2.2 ARREST OF PUBLIC SCHOOL NON-TEACHER EMPLOYEE

In the event a public school non-teacher employee is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a), or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the non-teacher and to immediately give written notice of the arrest to the governing board of the school district employing the person (Health and Safety Code § 11591; Penal Code § 291).

372.2.3 ARREST OF PRIVATE SCHOOL TEACHER

In the event a private school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290 or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the private school authority employing the teacher and to immediately give written notice of the arrest to the private school authority employing the teacher (Health and Safety Code § 11591; Penal Code § 291.1).

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372.2.4 ARREST OF COMMUNITY COLLEGE INSTRUCTOR

In the event a teacher or instructor employed in a community college district school is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591.5 or Health and Safety § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(9), or for any of the offenses enumerated in Penal Code § 290 or in Penal Code § 261(a)(1), the Chief of Police or the authorized designee is mandated to immediately notify by telephone the superintendent of the community college district employing the person, and shall immediately give written notice of the arrest to the California Community Colleges Chancellor's Office (Health and Safety Code § 11591.5; Penal Code § 291.5).

372.3 POLICY

The Bay Area Rapid Transit Police Department will meet the reporting requirements of California law to minimize the risks to children and others.

372.4 ARREST OF PERSONS EMPLOYED IN COMMUNITY CARE FACILITIES

In the event an employee of a community treatment facility, a day treatment facility, a group home, a short-term residential therapeutic program or a foster family agency is arrested for child abuse (as defined in Penal Code § 11165.6) and the employee is free to return to work where children are present, the investigating member shall notify the licensee of the charge of abuse (Health and Safety Code § 1522.2).

Summary
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New Document:	Old Document:
New Policy	OLD Policy
5 pages (280 KB)	3 pages (275 KB)
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Gun Violence Restraining Orders

389.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for petitioning and serving gun violence restraining orders and accounting for the firearms obtained pursuant to those **orders (Penal Code § 18108)**.

389.1.1 DEFINITIONS

Definitions related to this policy include:

Gun violence restraining order - Civil restraining order prohibiting a named person from controlling, owning, purchasing, possessing, receiving, or otherwise having custody of any firearms or ammunition, including an ammunition magazine (Penal Code § 18100).

389.2 POLICY

It is the policy of the Bay Area Rapid Transit Police Department to petition and serve gun violence restraining orders in compliance with state law and to properly account for firearms and ammunition obtained by the Department pursuant to such orders.

389.3 GUN VIOLENCE RESTRAINING ORDERS

An officer who reasonably believes a person is a present danger to him/herself or another person by controlling, owning, purchasing, possessing, receiving, or otherwise having custody of a firearm may request permission from his/her supervisor to petition the court for a gun violence restraining order.

Officers petitioning the court should use the forms established by the Judicial Council (Penal Code § 18105). The petition should describe the number, types, and locations of any firearms and ammunition that the officer believes to be possessed or controlled by the person (Penal Code § 18107). The petition should also describe why less-restrictive alternatives are ineffective or inadequate for the circumstances (Penal Code § 18125; Penal Code § 18150; Penal Code § 18175).

If it is not practical under the circumstances to submit a written petition, an officer may orally request an order, and then prepare and sign a declaration under penalty of perjury that recites the oral statements provided to the judicial officer and memorialize the order of the court on the appropriate Judicial Council form (Penal Code § 18140).

389.3.1 ADDITIONAL CONSIDERATIONS

Officers should also consider requesting permission to petition the court for a gun violence restraining order (Penal Code § 18108):

- (a) **When responding to a domestic disturbance where the residence is associated with a firearm registration or record.**
- (b) **When responding to any call or incident when a firearm is present or when one of the involved parties owns or possesses a firearm.**

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- (c) During a contact with a person exhibiting mental health issues, including suicidal thoughts, statements, or actions if that person owns or possesses a firearm.

Officers should consider obtaining a mental health evaluation if the encounter involves a situation where there is a reasonable cause to believe that the person poses an immediate and present danger of causing personal injury to themselves or another person by having custody or control of a firearm (see the Mental Illness Commitments Policy) (Penal Code § 18108).

389.4 SERVICE OF GUN VIOLENCE RESTRAINING ORDERS

An officer

deadly weapon discovered in plain view or pursuant to consent or other lawful search (Penal Code § 18250).

- (a) Inform the restrained person of any scheduled hearing regarding the order (Penal Code § 18160).
- (b) Transmit the original proof of service form to the issuing court as soon as practicable but within one business day (Penal Code § 18115).
- (c) As soon as practicable, but by the end of his/her shift, submit proof of service to the Records Supervisor for prompt entry into the California Restraining and Protective Order System (Penal Code § 18115).

The officer should also inform the restrained person that he/she is required, within 24 hours, to surrender to a law enforcement agency any other firearms and ammunition he/she owns or that are in his/her custody or control or sell them to a firearms dealer. This notification should be documented.

All firearms and ammunition collected shall be handled and booked in accordance with the Property and Evidence Policy.

389.4.1 SERVICE OF ORAL GUN VIOLENCE RESTRAINING ORDERS

If a gun violence restraining order is obtained orally, the officer shall (Penal Code § 18140):

- (a) Serve the order on the restrained person in the manner outlined above, if the restrained person can reasonably be located.
- (b) File a copy of the order with the court as soon as practicable after issuance.
- (c) Ensure the order is provided to the Records Division for entry into the computer database system for protective and restraining orders maintained by the Department of Justice.

389.5 SEARCH WARRANTS

If a person who has been served with a gun violence restraining order refuses to surrender any firearm or ammunition, the officer should consider whether to seek a search warrant. If a search warrant is to be obtained, the preparation and service of the search warrant shall be done in accordance with the Warrant Service Policy. Additionally, (Penal Code § 1542.5):

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- (a) The officer serving the warrant shall take custody of any firearm or ammunition that is controlled, possessed or owned by the person who is the subject of the gun violence restraining order, including any discovered pursuant to the warrant, a consensual search or other lawful search.
- (b) If the location being searched is jointly occupied and the firearm or ammunition is owned by a person other than the restrained person, the firearm or ammunition should not be seized if the following conditions are met:
 - 1. The firearm or ammunition can be stored in a manner that does not allow the restrained person to have control or access.
 - 2. There is no evidence that the owner unlawfully possesses the firearm or ammunition.
- (c) If a locked gun safe belonging to someone other than the subject of a gun violence restraining order is discovered, the officer shall not search the contents of the safe unless the owner consents or there is a valid search warrant for the safe. Any search of the safe must be done in the owner's presence.

389.6 RECORDS SUPERVISOR RESPONSIBILITIES

The Records Supervisor is responsible for ensuring:

- (a) Proof of service of any gun violence restraining order served by an officer or received from the clerk of the court is entered in the computer database system for protective and restraining orders maintained by the Department of Justice within one business day of service if served by an officer, or within one business day of receipt of proof of service if served by a person other than a law enforcement officer (Penal Code § 18115).
- (b) Oral orders are entered into the California Restraining and Protective Order System (Penal Code § 18140).
- (c) Copies of receipts of surrendered firearms or ammunition issued by other agencies for gun violence restraining orders issued by the Department are properly maintained (Penal Code § 18120).
- (d) Any relinquishment of firearm rights form received from the court is entered into the California Restraining and Protective Order System within one business day of receipt (Penal Code § 18115).

389.7 COURT-ORDERED FIREARMS AND AMMUNITION SURRENDERS

Authorized members shall accept firearms and ammunition from any individual who is the subject of a gun violence restraining order. The member receiving any firearm or ammunition shall:

- (a) Record the individual's name, address and telephone number.
- (b) Record the serial number of the firearm.
- (c) Prepare an incident report and property report.
- (d) Provide a property receipt to the individual who surrendered the firearms and ammunition.

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- (e) Package and submit the firearms and ammunition in accordance with the Property and Evidence Policy.

389.8 RELEASE OF FIREARMS AND AMMUNITION

Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be returned to the restrained person upon the expiration of the order and in accordance with Penal Code § 18120 and the Property and Evidence Policy.

389.9 GUN VIOLENCE RESTRAINING ORDER COORDINATOR

The Chief of Police will appoint a gun violence restraining order coordinator. The responsibilities of the coordinator include:

- (a) Developing and maintaining procedures for the filing of a petition for an order or a renewal of an order by department members, also including procedures for requesting and serving (Penal Code § 18108):
 1. A temporary emergency gun violence restraining order.
 2. An ex parte gun violence restraining order.
 3. A gun violence restraining order issued after notice and hearing.
- (b) Developing and maintaining factors to consider when assessing the need to seek an order, including:
 1. Whether threats have been made, and if so, whether the threats are credible and specific.
 2. Whether the potential victim is within close proximity.
 3. Whether the person has expressed suicidal tendencies.
 4. Whether the person has access to firearms.
 5. The criminal history of the person, in particular any history of criminal violence, including whether the person is currently on parole, probation, or monitored release.
 6. The mental health history of the person, in particular whether the person has any history of mental illness or has ever been detained for being a danger to themselves or others.
 7. Any upcoming holidays, anniversaries, or other dates of significance that may serve as a trigger for the person, such as the death of a family member.
 8. Whether the person has any history of drug or alcohol abuse.
- (c) Developing and maintaining procedures for the receipt and service of orders consistent with the requirements of Penal Code § 18115; Penal Code § 18120; Penal Code § 18135; Penal Code § 18140; and Penal Code § 18160. Procedures should include:
 1. Evaluation of an order to determine appropriate service and necessary precautions (see the Warrant Service Policy and the Operations Planning and Deconfliction Policy).

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2. Forwarding orders to the Records Supervisor for recording in appropriate databases and required notice to the court, as applicable.
 3. Preparing or obtaining a search warrant prior to attempting service of an order, when appropriate (Penal Code § 18108).
 4. Seizure procedures of firearms and ammunition at the time of issuance of a temporary emergency gun violence restraining order.
 5. Verification procedures for the removal of firearms and ammunition from the subject of a gun violence restraining order.
- (d) Coordinating with the Personnel and Training Lieutenant to provide officers who may be involved in petitioning for or serving orders with training on such orders. Training should include determining when a petition is appropriate, the process for seeking an order, and the service of such orders.
- (e) Reviewing each petition and any associated court documents for an order prepared by members, for compliance with this policy, department procedures, and state law.
- (f) Developing and maintaining procedures for members to accept voluntarily surrendered prohibited items at times other than when an order is being served by the Department.
1. Procedures should include preparing and providing a receipt identifying all prohibited items to the person surrendering the items.
- (g) Coordinating review of notices of court hearings and providing notice to the appropriate officer of the hearing date and the responsibility to appear (Penal Code § 18108).

389.10 RENEWAL OF GUN VIOLENCE RESTRAINING ORDERS

The Criminal Investigations Division supervisor is responsible for the review of a gun violence restraining order obtained by the Department to determine if renewal should be requested within the time prescribed by law (Penal Code § 18190).

389.11 POLICY AVAILABILITY

The Chief of Police or the authorized designee shall be responsible for making this policy available to the public upon request (Penal Code § 18108).

389.12 TRAINING

The Personnel and Training Lieutenant should ensure that members receive periodic training on the requirements of this policy (Penal Code § 18108).

Summary
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Differences exist between documents.

New Document:	Old Document:
New Policy	OLD Policy
3 pages (275 KB)	3 pages (275 KB)
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Operations Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the patrol function and address intraorganizational cooperation and information sharing.

400.1.1 TERRORISM

It is the goal of the Bay Area Rapid Transit Police Department to make every reasonable effort to investigate and appropriately gather and report any intelligence that may relate incidents of significant security concerns. It is important that information be communicated between federal, state and local agencies. These incidents may or may not be related terrorism. Officers should advise a supervisor as soon as practicable of any activity believed to be of a significant security concern to the District. Such incidents should be thoroughly investigated and documented with a written report. Field interviews (FI) or contacts which may raise significant security concerns should also be reported. The supervisor should notify the watch commander of all the pertinent details and will ensure that all terrorism related reports and FIs are forwarded to the Criminal Investigations Division Supervisor in a timely fashion.

The watch commander is responsible for notifying the Transportation Security Operations Center (TSOC) at 1-866 615-5150 (e-mail TSOC.ST@dhs.gov) and the Operations Bureau Deputy Chief. Refer to policy #471 for further details about notification to TSOC.

400.2 INFORMATION SHARING

To the extent feasible, all information relevant to the mission of the Department should be shared among all bureaus and specialized units on a timely basis. Members should be provided with opportunities on a regular basis to share information during the daily roll calls and to attend roll calls of other bureaus or specialized units.

Additionally, information should be shared with outside agencies and the public in conformance with department policies and applicable laws. Members are encouraged to share information with other units and bureaus.

400.2.1 CRIME REPORTS

A crime report may be completed by any patrol officer who receives criminal information. The report will be processed and forwarded to the appropriate bureau for retention or follow-up investigation.

400.2.2 PATROL BRIEFINGS

Patrol supervisors, the detective sergeant, and special unit sergeants are encouraged to share information as much as possible. All supervisors and/or officers will be provided an opportunity to share information at the daily patrol briefings as time permits.

Operations Function

400.2.3 INFORMATION CLIPBOARDS

Several information clipboards will be maintained in the briefing room and will be available for review by officers from all bureaus within the department. These will include, but not be limited to, the patrol-check clipboard, the wanted-persons clipboard, and the written-directives clipboard.

400.2.4 BULLETIN BOARDS

A bulletin board will be kept in the briefing room for display of suspect information, intelligence reports and photographs. New special orders will be made available to patrol supervisors and will be discussed at briefings and shift meetings. A copy of new special orders will be placed on the briefing-room information clipboard.

400.3 CROWDS, EVENTS AND GATHERINGS

Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action.

Generally, officers should consider seeking compliance through advisements and warnings for minor violations and should reserve greater enforcement options for more serious violations or when voluntary compliance with the law is not achieved.

Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Officers should consider enforcement of applicable state and local laws, such as Penal Code 602.1 (obstructing or intimidating business operators), when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

400.4 FUNCTION

Patrol will generally be conducted by uniformed officers in clearly marked law enforcement vehicles in assigned jurisdictional areas of San Francisco Bay Area Rapid Transit District. The function of patrol is to respond to calls for assistance and reports of criminal activity, act as a deterrent to crime, enforce state and local laws, identify community needs, provide support and assistance to the community and respond to emergencies.

Patrol services include, but are not limited to:

- (a) Responding to emergency calls for service.
- (b) Apprehending criminal offenders.

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Operations Function

- (c) Providing mutual aid and assistance to other agencies for emergency and law enforcement-related activities.
- (d) Preventing criminal acts, traffic violations and collisions, maintaining public order and discovering hazardous situations or conditions.
- (e) Responding to reports of criminal and non-criminal acts.
- (f) Responding to routine calls for service, such as public assistance or public safety.
- (g) Carrying out crime prevention activities such as residential inspections, business inspections and community presentations.
- (h) Carrying out community oriented policing and problem-solving activities including the application of resources to improve or resolve specific problems or situations and contacting or assisting members of the public in a positive way.
- (i) Directing and controlling traffic.

400.5 POLICY

The Bay Area Rapid Transit Police Department provides patrol services 24 hours a day, seven days a week and will prioritize responses to requests for emergency services using available resources to enhance the safety of the public and department members.

Summary
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Differences exist between documents.

New Document:	Old Document:
New Policy	OLD Policy
2 pages (272 KB)	2 pages (272 KB)
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Use of Electric Personal Vehicles

405.1 POLICY

The policy of the Department is that **electric personal vehicle** shall only be operated in a safe and effective manner by fully trained employees.

- (a) Each member selected to participate in **electric personal vehicle operator** training shall successfully complete Department approved **electric personal vehicle** training.
- (b) Duty uniform and equipment requirements are as follows when operating **an electric personal vehicle**:
 1. Wear the respective classification Department uniform;
 2. Wear, at all times while operating the **electric personal vehicle**, the current **Department-issued** bicycle helmet with the chinstrap securely fastened;
 3. Wear a Department-issued high visibility vest;
 4. Do not wear sunglasses while operating the **electric personal vehicle** indoors.
- (c) Operational Requirements
 1. Any **electric personal vehicle** that is malfunctioning or is not properly equipped shall not be placed in service.
 2. Operation of the **electric personal vehicle** shall include the following:
 - (a) Keep both hands on the handlebar except when operating the police radio or giving hand signals;
 - (b) Maintain a safe and cautious speed, based on location and other people.
 - (c) **When feasible, personnel should utilize elevators and not escalators to transport electric personal vehicles between different levels within the stations.**
 - (d) Use caution to not bump into pedestrians/persons in the BART station.
 - (e) Sworn personnel may use the **electric personal vehicle** to pursue suspects who are fleeing on foot, but with due caution.
 - (f) Dismount the **electric personal vehicle** safely, and store the **electric personal vehicle** in a safe position.
 - (g) Members shall use the High Visibility Lighting Device and Audible Warning Device only to safely and effectively light the member's path and audibly announce a police presence. The equipment shall not be used to announce the **electric personal vehicle** as an emergency vehicle.
 - (h) Notify your assigned supervisor of any accident resulting in injury or damage, for documentation. Forward to Accident Review Board when appropriate.
 3. Members shall not operate the **electric personal vehicle** as follows:

Use of Electric Personal Vehicles

- (a) The electric personal vehicle shall not be used as an emergency vehicle to engage in a vehicular pursuit.
- (b) Members shall not transport another person on the electric personal vehicle.

405.2 MAINTENANCE

- (a) Prior to patrolling on an electric personal vehicle, personnel should conduct an inspection of the electric personal vehicle to verify that the tires are properly inflated, that the electric personal vehicle is functioning properly, and that the safety equipment is in place.
- (b) Any electric personal vehicle that is malfunctioning or is not properly equipped shall not be placed in service. Personnel should immediately notify their assigned supervisor of a malfunctioning or improperly equipped electric personal vehicle.
- (c) The Area Commander will assign a member the responsibility for coordinating the repair of, and equipment repair or replacement for, the electric personal vehicle,
- (d) The Area Commander will establish an area within which the electric personal vehicle can be secured and charged.

405.3 SAFETY EQUIPMENT

In compliance with Vehicle Code 21281, Department electric personal vehicle shall be equipped as follows:

- (a) Front, rear, and side reflectors.
- (b) If the electric personal vehicle is operated (outdoors) between one-half hour after sunset and one-half hour before sunrise, a lamp emitting a white light that, while the electric personal vehicle is in motion, illuminates the area in front of the operator and is visible from a distance of 300 feet in front of the electric personal vehicle.
- (c) A sound emitting device that can be activated from time to time by the operator, as appropriate, to alert nearby persons.

Summary
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Immigration Violations

428.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Bay Area Rapid Transit Police Department relating to immigration and interacting with federal immigration officials.

428.1.1 DEFINITIONS

The following definitions apply to this policy (Government Code § 7284.4):

Criminal immigration violation - Any federal criminal immigration violation that penalizes a person's presence in, entry, or reentry to, or employment in, the United States. This does not include any offense where a judicial warrant already has been issued.

Immigration enforcement - Any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, including any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry or reentry to, or employment in the United States.

Judicial warrant - An arrest warrant for a violation of federal criminal immigration law and issued by a federal judge or a federal magistrate judge.

428.2 POLICY

It is the policy of the Bay Area Rapid Transit Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

428.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and without regard to race, ethnicity, or national origin in any way that would violate the United States or California constitutions.

428.4 IMMIGRATION INQUIRIES PROHIBITED

Officers shall not inquire into an individual's immigration status for immigration enforcement purposes (Government Code § 7284.6).

428.4.1 CALIFORNIA LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM (CLETS)

Members shall not use information transmitted through CLETS for immigration enforcement purposes except for criminal history information and only when consistent with the California Values Act (Government Code § 15160).

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Members shall not use the system to investigate immigration violations of 8 USC § 1325 (improper entry) if that violation is the only criminal history in an individual's record (Government Code § 15160).

428.5 DETENTIONS AND ARRESTS

An officer shall not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant (Government Code § 7284.6).

An officer who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of 8 USC § 1326(a) (unlawful reentry) that may be subject to an enhancement due to a previous conviction of an aggravated felony under 8 USC § 1326(b) (2), may detain the person for a reasonable period of time to contact federal immigration officials to verify whether the United States Attorney General has granted the individual permission for reentry and whether the violation is subject to enhancement (Government Code § 7284.6). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has violated 8 USC § 1326(a) and the penalty may be subject to enhancement due to prior conviction for specified aggravated felonies, he/she may arrest the individual for that offense (Government Code § 7284.6).

An officer shall not detain any individual, for any length of time, for any other criminal immigration violation of federal immigration laws (Government Code § 7284.6).

An officer should notify a supervisor as soon as practicable whenever an individual is arrested for violation of 8 USC § 1326(a).

428.6 FEDERAL REQUESTS FOR ASSISTANCE

Absent an urgent issue of officer safety or other emergency circumstances, requests by federal immigration officials for assistance from this department should be directed to a supervisor. The supervisor is responsible for determining whether the requested assistance would be permitted under the California Values Act (Government Code § 7284.2 et seq.).

428.7 INFORMATION SHARING

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373; Government Code § 7284.6):

- (a) Sending information to, or requesting or receiving such information from federal immigration officials
- (b) Maintaining such information in department records
- (c) Exchanging such information with any other federal, state, or local government entity

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Nothing in this policy restricts sharing information that is permissible under the California Values Act.

428.7.1 IMMIGRATION DETAINERS

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 (Government Code § 7284.6).

Notification to a federal authority may be made prior to release of an individual who is the subject of a notification request only if the individual meets one of the following conditions (Government Code § 7282.5; Government Code § 7284.6):

- (a) The individual has been arrested and had a judicial probable cause determination for a serious or violent felony identified in Penal Code § 667.5(c) or Penal Code § 1192.7(c).
- (b) The individual has been arrested and had a judicial probable cause determination for a felony punishable by time in a state prison.
- (c) The individual has been convicted of an offense as identified in Government Code § 7282.5(a).
- (d) The individual is a current registrant on the California Sex and Arson Registry.
- (e) The individual is identified by the U.S. Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

428.7.2 NOTICE TO INDIVIDUALS

Individuals in custody shall be given a copy of documentation received from U.S. Immigration and Customs Enforcement (ICE) regarding a hold, notification, or transfer request along with information as to whether the Bay Area Rapid Transit Police Department intends to comply with the request (Government Code § 7283.1).

If the Bay Area Rapid Transit Police Department provides ICE with notification that an individual is being, or will be, released on a certain date, the same notification shall be provided in writing to the individual and to his/her attorney or to one additional person who the individual may designate (Government Code § 7283.1).

428.7.3 TRANSFERS TO IMMIGRATION AUTHORITIES

Members shall not transfer an individual to immigration authorities unless one of the following circumstances exist (Government Code § 7282.5; Government Code § 7284.6):

- (a) Transfer is authorized by a judicial warrant or judicial probable cause determination.
- (b) The individual has been convicted of an offense as identified in Government Code § 7282.5(a).
- (c) The individual is a current registrant on the California Sex and Arson Registry.
- (d) The individual is identified by the U.S. Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

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428.7.4 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Criminal Investigations Division supervisor shall ensure that data regarding the number of transfers of an individual to immigration authorities, as permitted by Government Code § 7284.6(a)(4), and the offense that allowed for the transfer is collected and provided to the Records Supervisor for required reporting to the DOJ (Government Code § 7284.6(c)(2)(see the Records Division Policy).

428.8 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Criminal Investigations Division supervisor assigned to oversee the handling of any related case. The Criminal Investigations Division supervisor should:

- (a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.
- (b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
- (c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.
 1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
 2. Form I-918 Supplement B certification shall be completed if the victim qualifies under Penal Code § 679.10 (multiple serious offenses). Form I-914 Supplement B certification shall be completed if the victim qualifies under Penal Code § 236.5 or Penal Code § 679.11 (human trafficking).
- (d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.
- (e) Inform the victim liaison of any requests and their status.

428.8.1 TIME FRAMES FOR COMPLETION

Officers and their supervisors who are assigned to investigate a case of human trafficking as defined by Penal Code § 236.1 shall complete the above process and the documents needed for indicating the individual is a victim for the T visa application within 15 business days of the first encounter with the victim, regardless of whether it is requested by the victim (Penal Code § 236.5).

Officers and their supervisors shall complete the above process and the documents needed certifying victim cooperation for a U visa or T visa application pursuant to Penal Code § 679.10

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and Penal Code § 679.11 within 30 days of a request from the victim, victim's family, or authorized representative (as defined in Penal Code § 679.10 and Penal Code § 679.11) related to one of their assigned cases. If the victim is in removal proceedings, the certification shall be processed within seven days of the first business day following the day the request was received.

428.8.2 REPORTING TO LEGISLATURE

The Criminal Investigations Division supervisor or the authorized designee should ensure that certification requests are reported to the Legislature in January of each year and include the number of certifications signed and the number denied. The report shall comply with Government Code § 9795 (Penal Code § 679.10; Penal Code § 679.11).

428.8.3 POLICE REPORTS

Upon request, an officer or supervisor should provide a victim or authorized representative with a copy of the report filed by the victim within seven days of the request (Penal Code § 679.10).

428.9 TRAINING

The Personnel and Training Lieutenant should ensure that all appropriate members receive training on immigration issues.

Training should include:

- (a) Identifying civil versus criminal immigration violations.
- (b) Factors that may be considered in determining whether a criminal immigration violation has been committed.
- (c) Prohibitions contained in the California Values Act (Government Code § 7284 et seq.).

Summary
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Patrol Rifle Operator Program

432.1 PURPOSE AND SCOPE

The members of the Patrol Rifle Operator Program are a cadre of trained personnel with the ability to effectively place accurate rifle fire from close quarters to distances beyond the effective range of pistols and shotguns. The Patrol Rifle Operator Program has been designed with the intent to enhance police officer and public safety. Patrol Rifles may be employed in any situation where police firearms use is justified, taking into account the enhanced range and penetration capabilities of the rifle.

432.2 PATROL RIFLE

The Department-issued patrol rifle is a semi-automatic, AR15-style rifle, chambered for 5.56 mm ammunition. Department Rifles individually assigned to officers are the Colt AR-15 A2/A3/A4 variants as well as the Sig Sauer M400. Department Pool Rifles (rifles assigned to a specific direct report location for shared use) are the Sig Sauer M400. Patrol rifles, when carried in police vehicles, it must be secured in locking gun racks or weapons cases stored in vehicle trunks. The patrol rifle shall be carried in the "cruiser ready" configuration (18 or 28 round magazine inserted in the rifle, hammer forward on an empty chamber, and safety "off").

432.3 SPECIFICATIONS

- Semi-automatic: AR-15 type rifle
- Caliber: .223 and/or 5.56 mm
- Chamber: 5.56 NATO
- Barrel Length: 16"
- Barrel twist rate: 1:7" to 1:9"
- Carry handle: Fixed or detachable (flat top receiver)
- Sights: Metal sights adjustable for elevation and windage (minimum)
- Stocks: Fixed or collapsible
- Slings: Required. Two- or two-point sling from a quality manufacturer (determined by the Rangemaster or designee)
- Magazines: Minimum of 20 round box magazines (minimum two magazines).
- Approved personal Rifle Manufacturers to include, but are not limited to: Armalite, Bushmaster, Colt, JP Enterprises, Lewis Machine and Tool, LWRC, Noveske, Rock River Arms, Sig Sauer and Smith & Wesson (other approved manufacturers will be determined by the Rangemaster). "Kit guns" or other personally assembled rifles are not authorized.
- Authorized Accessories: ↴

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- Optics: Aimpoint, EOTech 500 series or newer, Trijicon ACOG series or Reflex series, Sig Sauer Romeo Series. Other manufacturers may be authorized at the discretion of the Rangemaster or his/her designee. If an optic is attached to the rifle, a backup sighting system is required
- Magnifiers for optics
- Rail-interface systems
- Vertical foregrips/hand stops
- Lights (required) from a quality manufacturer
 - Approved manufacturers to include, but are not limited to Surefire, Streamlight, and Modlite Systems. Other manufacturers may be authorized by the Rangemaster or his/her designee.

Personnel may add approved accessories (at their own expense) to **individually issued** departmental patrol rifles. However, a change of optics and/or sights require passing a departmental qualification course prior to carrying the weapon on duty. The patrol rifle must be returned to its original configuration prior to turn in.

Written approval from the Rangemaster is required for any exceptions to the aforementioned specifications and authorized accessories. **A copy of written approval will be kept in the employees personnel file.**

A personally-owned rifle used in an officer-involved shooting, may be retained as evidence without compensation or issuance of a replacement to the officer-owner.

432.3.1 WEAPON-MOUNTED LIGHTS

Personnel may utilize weapons-mounted lights on their patrol rifles. Weapon-mounted lights are intended to be used for searching, threat assessment, and target acquisition of potentially dangerous persons. Weapon-mounted lights shall not be used as ordinary flashlights for routine lighting purposes. Authorized manufacturers include Pelican, Pentagon Lights, Surefire, and Streamlight.

Weapon-mounted lights are subject to the following requirements:

- (a) Personnel must demonstrate proficiency with the weapon-mounted light prior to carrying it in an on-duty capacity.
- (b) The weapon shall be carried with the light affixed to it.
- (c) Personnel equipped with a weapon-mounted light shall also have a handheld light readily available to them at all times while on-duty.

432.3.2 AMMUNITION

Patrol Rifle Operators shall carry only department-authorized ammunition while on duty. Patrol Rifle Operators shall annually be issued duty ammunition rifle during the semi-annual patrol rifle update and qualification training session. Replacements for unserviceable or depleted ammunition ▲

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issued by the Department shall be dispensed by the Rangemaster when needed in accordance with established policy.

The only authorized ammunition for the AR15 platform is Federal Premium Hi-Shok SP 64 grain and Federal Premium Bonded SP 62 grain.

Required Ammunition (Quantity):

- Patrol Rifle Operators shall carry a minimum of two (2) rifle magazines of department-issued duty ammunition. Additional magazines may be carried in a magazine pouch mounted on the stock, coupled to the magazine in the rifle, and/or carried in a pouch/holder separate from the rifle.

432.4 RIFLE MAINTENANCE

Patrol Rifle Operators are authorized to carry a department-issued patrol rifle, or to carry a personally-owned patrol rifle. Personnel must successfully complete a departmental training course or equivalent (with approval of the Rangemaster), and departmental qualification prior to carrying or using any patrol rifle on duty. The purchase and all expenses related to a personally-owned patrol rifle will be the responsibility of the owner. Duty and practice ammunition for approved training will be provided by the department. Officers who purchase patrol rifles must comply with bureau 12280(g)(2) PC, which requires sworn peace officers to register the weapon with the Department of Justice not later than 90 days after purchase. Decertification of Operations Rifle Operators

Patrol rifle operators may be decertified for any of the following reasons:

- (a) Failure to qualify
- (b) Failure to successfully complete required training.
- (c) Failure to attend training sessions
- (d) Willful and deliberate mistreatment, neglect, or improper use of the patrol rifle.
- (e) Exhibiting a pattern of unsafe tactics during actual rifle deployments.

Patrol Rifle Operators may voluntarily resign from the program by submitting a written request to the Rangemaster.

Active Patrol Rifle Operators may be required to turn-in their assigned Departmental rifles for the following reasons:

- Upon promotion in rank
- Assignment to a non-patrol special assignment
- Qualification with a personally-owned rifle
- Assignment to the SWAT Team
- For the needs of the Department ▲

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Patrol Rifle Operator Program

432.5 TRAINING

Personnel shall not carry or utilize patrol rifles unless they have successfully completed a Departmental patrol rifle operator course or equivalent training (requires Rangemaster approval), in addition to successfully completing the Departmental patrol rifle qualification course.

The Departmental patrol rifle operator course shall consist of a minimum of 16 hours.

Personnel shall thereafter be required to successfully complete semi-annual patrol rifle update and qualification training conducted by the Range Staff.

432.5.1 QUALIFICATION

Patrol Rifle Operators are required to successfully complete: (1) Day Light and (1) Low Light patrol rifle qualification course per year.

432.6 DEPLOYMENT OF THE PATROL RIFLE

Officers may deploy the patrol rifle in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

- (a) Situations where the officer reasonably anticipates an armed encounter.
- (b) When an officer is faced with a situation that may require the delivery of accurate and effective fire at long range.
- (c) Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower.
- (d) When an officer reasonably believes that there may be a need to deliver fire on a barricaded suspect or a suspect with a hostage.
- (e) When an officer reasonably believes that a suspect may be wearing body armor.
- (f) When authorized or requested by a supervisor.
- (g) When needed to euthanize an animal.

432.6.1 PATROL RIFLE DEPLOYMENT REPORTING

Whenever an employee deploys a patrol rifle during the performance of his/her duty in the presence of bystanders or to defend, detain, or to take any person into custody, an account of the incident shall be made in a police report. The employee should include in the narrative of the report how the weapon was used in the incident, as well as justification for such action. The documentation of how the patrol rifle was used should include information on how the weapon was presented. Examples of such documentation include, but are not limited to; the rifle was held at a low-ready position or pointed directly at a person.

432.7 DISCHARGE OF THE PATROL RIFLE

The discharge of the patrol rifle shall be governed by the Department's Deadly Force Policy, Policy Manual § 300.

Patrol Rifle Operator Program

432.8 PATROL READY

Primary responsibility for maintenance of patrol rifles shall fall on the individual patrol rifle operator. No modification shall be made to any patrol rifle without prior written authorization from the Rangemaster or designee.

Any patrol rifle that is found to be malfunctioning or needing service shall not be carried and shall be promptly presented to an armorer-trained member of the range staff for inspection. Any weapon determined to be in need of service or repair during the inspection will be immediately removed from service. If a replacement rifle is available, it may be issued to the individual until the duty weapon is again rendered serviceable. However, the replacement rifle cannot be carried on duty until after the patrol rifle operator qualifies with it.

432.9 RIFLE STORAGE

Patrol rifles shall be stored in the trunk vault or removed from vehicles whenever:

- The vehicle will not be driven on the on-coming shift;
- The on-coming employee is not a patrol rifle or SWAT operator.

When not in use, patrol rifles will be stored in a gun safe or locked locker in the following condition:

- (a) Empty chamber
- (b) Bolt forward with the hammer down
- (c) The safety selector in "off" position
- (d) No magazine in the weapon
- (e) Optics (if equipped) turned off (if applicable)

Summary
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Field Training Officer Program

436.1 PURPOSE AND SCOPE

The Field Training Officer Program is intended to provide a standardized program to facilitate the officer's transition from the academic setting to the actual performance of general law enforcement duties of the Bay Area Rapid Transit Police Department.

It is the policy of this department to assign all new police officers to a structured Field Training Officer Program that is designed to prepare the new officer to perform in a patrol assignment, and possessing all skills needed to operate in a safe, productive, and professional manner.

436.2 FIELD TRAINING OFFICER - SELECTION AND TRAINING

The Field Training Officer (FTO) is an experienced officer trained in the art of supervising, training, and evaluating entry level and lateral police officers in the application of their previously acquired knowledge and skills.

436.2.1 SELECTION PROCESS

FTOs should be selected based on the following minimum requirements:

- (a) Desire to be an FTO
- (b) Minimum of three years of police patrol experience, and off of probation as of the submission deadline indicated on the memorandum of interest bulletin
- (c) Demonstrated ability as a positive role model
- (d) Participate and pass an internal oral interview selection process
- (e) Evaluation by supervisors and current FTOs
- (f) Possess a POST Basic certificate

436.2.2 TRAINING

An officer selected as a Field Training Officer shall successfully complete a POST certified (40-hour) Field Training Officer's Course prior to being assigned as an FTO.

All FTOs must complete a 24-hour Field Training Officer update course every three years while assigned to the position of FTO (11 CCR 1004).

All FTOs must meet any training mandate regarding crisis intervention behavioral health training pursuant to Penal Code § 13515.28.

436.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The FTO Program supervisor should be selected from the rank of sergeant or above by the Operations Division Commander or a designee and should possess, or be eligible to receive, a POST Supervisory Certificate.

The responsibilities of the FTO Program supervisor include the following:

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- (a) Assignment of trainees to FTOs
- (b) Conduct FTO meetings
- (c) Maintain and ensure FTO/trainee performance evaluations are completed
- (d) Maintain, update, and issue the Field Training Manual to each trainee
- (e) Monitor individual FTO performance
- (f) Monitor overall progress of all trainees in the program
- (g) Monitor overall FTO Program
- (h) Maintain liaison with FTO coordinators of other agencies
- (i) Maintain liaison with academy staff on recruit performance during the academy
- (j) Develop ongoing training for FTOs

The FTO Program supervisor will be required to successfully complete a POST-approved Field Training Administrator's Course within one year of appointment to this position (11 CCR 1004(c)).

436.3.1 FIELD TRAINING PROGRAM SUPERVISORS

The Operations Bureau Deputy Chief, or his/her designee, will appoint a sufficient number of FTO supervisors to effectively monitor the daily workings of the FTO program. These supervisors will be selected from the rank of sergeant and shall possess a POST Supervisory Certificate. Ideally, these supervisors will have performed duties as field training officers during their careers and will be well versed in the intricacies of the FTO program.

The FTO supervisor shall review and approve the Daily Trainee Performance Evaluations. The evaluations shall be made available for the field training coordinator to review. Using the daily evaluations, the supervisor will also prepare a statistical report on each assigned trainee, tracking performance in each evaluated category. This report will be used to identify performance trends that need to be addressed while the officer is assigned to the training program.

FTO supervisors will be responsible for the following:

- (a) Assignment of trainees to FTOs. In the event of a field training schedule change, the FTO sergeant shall make notification to the effected zone sergeants, and/or watch commander.
- (b) Review, track, sign trainee evaluations, and make them available to the program coordinator for review. The program coordinator will ensure that the original evaluations are placed into the trainee's personnel file in accordance with department and District rules, regulations, and policies.
- (c) Meet with assigned trainees every four to six weeks for performance discussions or anytime there is a serious performance issue and/or trend. The purpose of the meeting will be to provide guidance, input, retraining, or to place the trainee on notice. Discussions shall be documented in a memo and submitted to the FTO coordinator.
- (d) Administer quizzes and written tests in a timely manner. The FTO supervisor will ensure that any material related to an upcoming quiz has been documented in the

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- ▶▶ trainee's manual prior to the trainee taking the quiz. No quiz shall be faxed or mailed to a location. Quizzes may also be administered by an FTO or sergeant upon approval of the program coordinator.
- (e) Monitor individual FTO performance and conduct within their respective zones. Preparation of quarterly performance evaluations while the trainee is in the FTO program. Once a trainee successfully graduates from the FTO program, their quarterly evaluations shall be completed by their respective assigned patrol sergeant and forwarded to the Personnel and Training Lieutenant. The Personnel and Training Lieutenant will be responsible for keeping track of pending quarterly evaluations and notifying the appropriate sergeant(s).
- (f) Ensure that all sections of the training manual, including all beat/zone orientation checklists, are completed prior to the beginning of the shadow phase of the training period.

436.4 TRAINEE DEFINED

Any entry level or lateral police officer newly appointed to the Bay Area Rapid Transit Police Department who has successfully completed a POST approved Basic Academy.

436.4.1 REPORTS AND EVALUATIONS

FTOs shall follow the report writing guidelines per Policy 344. FTOs are to approve non-in-custody reports which do not involve the use of force for their trainees. All in-custody reports and reports involving the use of force are to be approved by a supervisor.

Unless FTO supervisor approval is granted, all reports generated by the FTO/trainee will be completed and approved by the end of the second work day. Examples: a) if the FTO has a trainee for two days, then reports generated during the first day are to be completed and approved by the end of the second work day; b) if the FTO has a trainee for one day, then the reports are to be completed and approved at the end of that shift.

With supervisor approval, overtime may be granted for the completion and approval of outstanding reports due to calls for service or cases generated toward the end of the shift that occur on the last day.

The FTO shall attach copies of all citations with case numbers, non-Alliance system documents, and the narrative & property/evidence sections of reports from the report writing system to the trainee's evaluation, when deemed appropriate by the FTO.

Evaluations are an important component of the training process and shall be completed as outlined below:

- (a) FTOs shall complete and submit a written evaluation for each day of training, documenting the performance of their assigned trainee, to the assigned FTO supervisor. FTOs will evaluate trainees based on the "solo beat officer" standard. FTOs shall ensure that their evaluations have the correct ratings, and are free of spelling and/or grammatical errors. These performance evaluations shall be prepared on the departmental computerized form, and will cover all aspects of the training provided.

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- (b) All evaluations shall be discussed with the trainee, then signed by the field training officer and the trainee. A completed copy of each evaluation shall be sent via department e-mail to the trainee's field training sergeant and FTO coordinator no later than 48 hours after the evaluation's training date (FTO regular days off excluded).

436.4.2 FIELD TRAINING MANUAL

FTOs shall be responsible for the completion of signing off all topics contained in the Field Training Manual, including the beat/zone orientation checklist, noting the method(s) of learning and evaluating the performance of their assigned trainee. The training officers will also ensure that their name is placed on the POST certificate of completion page in the trainee's manual.

436.4.3 RETENTION

Any member of the field training program may be removed from the program by the Chief of Police. Reasons for removal include:

- Engages in unlawful or unprofessional behavior
- Fails to adhere to the rules and regulations of this policy
- Demonstrates a pattern of unsafe or unacceptable police practices
- Is a principal in any departmental investigation which results in a sustained finding
- Has substandard ratings on departmental performance evaluations
- Voluntarily withdraws from the FTO program

Any FTO or supervisor wishing to withdraw from the program voluntarily should submit a memorandum, via the chain of command, directed to the Operations Bureau Deputy Chief. Those FTOs or supervisors withdrawing voluntarily or involuntarily from the program may be readmitted when new openings occur by going through the selection process again.

The FTO staff will make a recommendation as to whether to reinstate the FTO. The final determination will rest with the Chief of Police. Returning FTOs may be required to participate in a two week patrol orientation with a field training officer prior to being assigned trainees.

The FTO coordinator will make a recommendation to the command staff as to whether to reinstate an FTO supervisor. The final determination will rest with the Chief of Police.

436.4.4 TIME OFF REQUESTS

FTOs will not be granted compensatory time off or discretionary time off while assigned to a trainee unless all of the following conditions are fulfilled:

- The assigned FTO must locate and assign a certified FTO for the date(s) of the time off request. Email or phone message notification must be made to the FTO's supervisor of the change.

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- The FTO must receive permission from his/her supervisor for the time off and make an email or phone message notification to the trainees FTO supervisor of the time off request.

The FTO requesting the time off is solely responsible for completing the aforementioned conditions. Time off requests by the trainee while in the FTO program will be approved by the FTO coordinator on a case-by-case basis.

436.5 REQUIRED TRAINING

Entry level officers shall be required to successfully complete the Field Training Program, consisting of a minimum of 10 weeks (11 CCR 1004; 11 CCR 1005).

The training period for a lateral officer may be modified depending on the trainee's demonstrated performance and level of experience, but shall consist of a minimum of ten weeks, unless determined otherwise by the Deputy Chief of the Professional Standards and Training Bureau.

To the extent practicable, entry level and lateral officers should be assigned to a variety of Field Training Officers, shifts, and geographical areas during their Field Training Program.

436.5.1 FIELD TRAINING MANUAL

Each new officer will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as an officer with the Bay Area Rapid Transit Police Department. The officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

The Field Training Manual will specifically cover those policies, procedures, rules, and regulations adopted by the Bay Area Rapid Transit Police Department.

436.5.2 REQUIRED TRAINING

Entry level officers shall be required to successfully complete the Field Training Program, consisting of a minimum of twelve (12) weeks. The training period for a lateral officers may be modified depending on the trainee's demonstrated performance and level of experience, but shall consist of a minimum of ten (10) weeks, unless determined otherwise by the Deputy Chief of the Professional Standards and Training Bureau.

436.5.3 TRAINEE RESPONSIBILITIES

Trainee officer should review and acknowledge each daily evaluation with his/her assigned FTO. If the trainee has any questions or concerns regarding the content of the evaluation, he/she should indicate on the evaluation that he/she wishes to discuss the matter with the field training supervisor.

At the completion of the Field Training Program, the trainee shall submit a confidential performance evaluation on each of their FTO's and on the Field Training Program.

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436.6 EVALUATIONS

Evaluations are an important component of the training process and are designed to measure competency in the required skills, knowledge, and abilities. Evaluations shall be completed daily, unless approved by an FTO program supervisor.

Summary
3/2/2020 06:14:49

Differences exist between documents.

New Document:	Old Document:
New Policy	OLD Policy
3 pages (274 KB)	3 pages (274 KB)
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Mobile Data Computer Use

448.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Data Computer (MDC) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between department members and Integrated Security Response Center.

448.2 POLICY

Bay Area Rapid Transit Police Department members using the MDC shall comply with all appropriate federal and state rules and regulations and shall use the MDC in a professional manner, in accordance with this policy.

448.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

448.4 RESTRICTED ACCESS AND USE

MDC use is subject to the Information Technology Use and Protected Information policies. The introduction of unauthorized software programs or other files to the MDC is strictly prohibited. The manipulation or alteration of current software running on the MDC, with the exception of adjustments to the display, is also prohibited.

Members shall not access the MDC system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDC by another member to their supervisors or Watch Commanders.

Use of the MDC system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the MDC system is prohibited and may result in discipline.

Messages may be reviewed by supervisors at any time without prior notification. It shall be the responsibility of the supervisors to enforce this policy and to monitor messages being sent by employees to ensure compliance with professional standards and policy.

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDC system.

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unless directed to do so by a supervisor. Members are required to log off the MDC or secure the MDC when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

448.4.1 USE WHILE DRIVING

Use of the MDC by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

448.5 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by the Watch Commander or other department-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the police radio and electronically via the MDC unless security or confidentiality prevents such broadcasting.

MDC and voice transmissions are used to document the member's daily activity. To ensure accuracy:

- (a) All contacts or activity shall be documented at the time of the contact.
- (b) Whenever the activity or contact is initiated by voice, it should be documented by a dispatcher.
- (c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDC.

448.5.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the police radio or through the MDC system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDC when the vehicle is not in motion.

448.5.2 EMERGENCY ACTIVATION

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available officer should respond in accordance with the Officer Response to Calls Policy.

Members should ensure a field supervisor and the Watch Commander are notified of the incident without delay.

Officers not responding to the emergency shall refrain from transmitting on the police radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

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448.6 EQUIPMENT CONSIDERATIONS

448.6.1 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their MDCs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDC could cause some devices to detonate.

448.6.2 MALFUNCTIONING MDC

Whenever possible, members will not use vehicles with malfunctioning MDCs. Whenever members must drive a vehicle in which the MDC is not working, they shall notify their immediate supervisor.

Summary
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Body Worn Camera

451.1 PURPOSE AND SCOPE

The San Francisco Bay Area Rapid Transit District Police Department (BART) is providing each of its sergeants, officers, and fare inspectors with a body worn camera for use while on-duty. **Lieutenants will be issued body worn cameras and are required to wear them when they are expecting to take enforcement action while in uniform.** The body worn camera is designed to record both video and audio activity of members during the course of their official police duties. The body worn camera is intended to assist officers in the performance of their duties by providing an objective, unbiased video and audio record of a contact and/or incident.

The use of the body worn camera provides documentary evidence for criminal investigations, civil litigation, and allegations of officer misconduct. Such evidence shall be maintained by the Police Department as an investigatory record if it supports a criminal investigation based on reason to believe the subject of the investigation is or may be involved in criminal conduct, or for purposes of an administrative investigation on the conduct of a member(s) of the Police Department.

Officers shall utilize the body worn camera in accordance with the provision of this Policy in order to maximize the effectiveness of the device, enhance transparency, and ensure the integrity of evidence.

451.2 DEFINITIONS

- (a) "AXON camera" This refers to the camera system that captures audio and video signals that is individually worn by officers and that includes at a minimum a recorder, microphone, and paired monitoring device.
- (b) "Audio Recording" is the electronic recording of sound. "Evidence.com" is the online web-based digital media storage facility. The virtual warehouse stores digitally-encrypted data (photographs, audio and video recordings) in a highly secure environment. The digital recordings are accessible to authorized personnel based upon a security clearance and maintain an audit trail of user activity.
- (c) "Evidence Transfer Manager" (ETM) is a docking station that simultaneously recharges the AXON camera and uploads all data captured from the camera's point of view during officer's shift to bartpd.evidence.com. The ETM ensures that evidence handling is secured and cannot be altered.
- (d) The AXON camera manages the video compression and storage and is capable of playback via a Bluetooth paired smart device. The AXON camera ensures that evidence handling is secured and cannot be altered. Once plugged into the docking station, the AXON camera will upload digitally-encrypted data through the Evidence Transfer Manager to bartpd.evidence.com.
- (e) "AXON Technician" An employee of the department assigned by the system administrator that will assign, oversees, and tracks Department equipment. The AXON Technician shall oversee needed repairs or replacement of the AXON cameras and Evidence Transfer Manager equipment through AXON representatives.

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- (f) "System Administrator" The Administrative Services Supervisor will be the bartpd.evidence.com system administrator with full access to user rights who controls passwords, coordinates with the AXON Technician, and acts as liaison with AXON representatives.
- (g) "Video Recording" is the electronic recording of visual images with or without audio component.
- (h) "Impound" is the process by which video and audio files are uploaded to Evidence.com by docking the AXON camera to the Evidence Transfer Manager thereby ensuring files are secure and unable to be altered.

451.2.1 CATEGORIES AND RETENTION PERIODS

The BART Police Department has categories to tag and retain our videos in Evidence.com, which can be updated at any time by BPD. The retention period for each category will be determined by the records retention schedule. It should be noted that retention times can be extended at any time by a Supervisor, Internal Affairs, Evidence Specialist, BPD System Administrator for evidence.com, or by the Chief of Police or his/her designee. ⚠

451.3 UNIFORMED OFFICER RESPONSIBILITIES

Prior to going into service, each uniformed patrol officer equipped with a Department issued AXON camera will be responsible for making sure that the AXON camera is in good working order. The AXON camera shall be conspicuously placed on the officer's person and worn in such a way as to provide an unobstructed camera view of officer/citizen contacts. The camera shall be considered mounted correctly if it is mounted using an AXON approved mounting accessory.

Members of the Department that are assigned an AXON camera shall receive mobile video training prior to deployment of the device in an operational setting. At this training, each officer will be provided a standard checklist of steps they are required to complete in order to ensure their AXON camera and mounting systems are in good working order.

451.4 NON-UNIFORMED OFFICER RESPONSIBILITIES

Any officer assigned to a non-uniformed position may carry a Department-issued AXON camera at any time the officer believes that such a device may be utilized in order to assist the officer in the performance of their duties by providing an objective, unbiased video and audio record of a contact and/or incident. However, whenever a non-uniformed officer is working a uniformed patrol assignment he/she shall wear a Department - issued AXON camera in accordance with this policy.

451.5 ACTIVATION OF THE VIDEO/AUDIO RECORDER

Penal Code Section 632 prohibits any individual from surreptitiously recording any conversation (confidential communication) in which any party to the conversation has a reasonable belief that the conversation is private or confidential. This excludes a communication made in a public gathering or in any legislative, judicial, executive or administrative proceeding open to the public, or in any other circumstance in which the parties to the communication may reasonably expect that the communication may be overheard or recorded. However Penal Code Section 633 expressly

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exempts law enforcement from this prohibition during the course of a criminal investigation as follows:

- (a) No member of the Department may surreptitiously record a contact with or conversation of any other member of this Department without the expressed knowledge and consent of all parties present, including the member whose acts or conversation are being recorded. Nothing in this Section is intended to interfere with an officer's right to openly record any interrogation pursuant to Government Code Section 3303(g).
- (b) Any member of the Department may surreptitiously record any conversation during the course of a criminal investigation in which the officer reasonably believes that such a recording will be beneficial to the investigation:
 1. For the purpose of this Policy, any officer contacting an individual suspected of violating any law or during the course of any official, law enforcement-related activity shall be presumed to be engaged in a criminal investigation. This presumption shall not apply to contacts with other employees conducted solely for administrative purposes.
 2. For the purpose of this Policy, it shall further be presumed that any individual contacted by a uniformed officer wearing a conspicuously mounted body worn camera will have knowledge that such a contact is being recorded. This subsection shall not apply to contact between a member of the Department wearing a conspicuously mounted body worn camera and other member(s) of the Department or employees of the BART Office of the Independent Police Auditor. For purposes of this policy, contact between members of this Department is governed by section 451.5(a), and 451.5(b) (1).
- (c) All on-scene officers (inclusive of all initiating and witness officers) equipped with a body worn camera shall activate their cameras prior to making contact with individuals in any of the following circumstances:
 1. **Any law enforcement contact including:**
 - (a) detentions (as outlined in Policy Section 322.3.1),
 - (b) vehicle stops
 - (c) walking stops
 - (d) ejection of a subject from a BART station or train (no immediate voluntary compliance)
 - (e) probation and parole searches
 - (f) service of a search or arrest warrant
 - (g) any contact with a subject suspected for criminal behavior
 - (h) processing, transporting, and booking of all prisoners
 2. Any contact with a subject for a suspicious person

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3. Officers are encouraged to activate their body worn camera on consensual contacts (as outlined in Policy section 322.3) and officers are required to activate their body worn camera anytime a consensual contact becomes a detention.
- (d) Members of the Department are expected to activate their body worn camera any time they reasonably believe that a recording of an on-duty contact with a member of the public may be of future benefit to the Department.
1. At no time should an officer jeopardize his/her safety or the safety of another in order to activate their body worn camera.
 2. Members of the Department are expressly prohibited from utilizing Department recorders and recorded media for personal use.
 3. Members of the Department will not make copies of any recordings for their personal use and are prohibited from using a recording device (such as a phone camera or secondary video camera) to record media from bartpd.evidence.com or the AXON camera unit. Nothing in this policy shall be construed as limiting an officer's right to carry and use a personal device such as a smart-phone, however officers shall not carry or use another mobile video recorder in addition to the District issued body worn camera without express approval of the Chief of Police.
 4. When an equipment malfunction is identified as a reason for a non-activation or late activation, a supervisor must confirm whether the member performed the required equipment test prior to deployment.

451.6 AXON CAMERA OPERATING PROCEDURES

Prior to going into service each officer shall perform an inspection and record a test video, to ensure that his/her AXON camera is operational. If problems are encountered with any component of the system, the AXON camera equipment will not be used. The officer to whom the problematic equipment is assigned shall report the problem to their immediate supervisor upon becoming aware of it. A spare AXON camera shall be issued to that officer through a supervisor prior to the officer going into service. The officer and supervisor shall inform the AXON Technician via email of problems that are occurring with the problem unit as well as what spare AXON camera was assigned to the officer (number of AXON camera unit). The problematic AXON camera shall be routed to the AXON Technician to diagnose and shall reassign a new unit to the affected employee.

- (a) The officers shall report the loss or theft of an AXON camera to their immediate supervisor. The officer shall prepare a memo to be routed via the chain of command to their Bureau Deputy Chief documenting the circumstances surrounding the loss or theft of the device. The AXON technician should be informed via email from the immediate supervisor of the loss. A spare AXON camera shall be issued to the officer through a supervisor prior to going back into service. The officer and supervisor shall inform the AXON Technician via email of what spare was issued (number of AXON camera unit). The AXON Technician shall assign a new unit to the officer as soon as possible after receiving notification of the loss or theft of the camera.

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- (b) Once the AXON camera is activated pursuant to Section 451.5 of this policy, it shall remain on until the event giving rise to the activation has reached a conclusion and/or the officer leaves the scene of the event, whichever occurs first. Officers shall record further interaction with suspects, including searching, processing, transporting, and booking. Any exceptions will be documented in the police report and reported to a supervisor. When the officer reasonably believes the event giving rise to the activation is over, he/she may deactivate the AXON camera from the recording mode. If the event giving rise to the activation resumes following the officer's termination of the AXON camera recording the officer shall reactivate their AXON camera.
- (c) When the AXON camera is used in any incident, investigation, or during a traffic stop, this fact will be documented on any relevant citation and/or report prepared regarding the incident. Conversely, when the AXON camera is not used in any incident, investigation, or during a traffic stop, the reason for non-use will be documented on any relevant citation and/or report prepared regarding the incident. Conversely, whenever the AXON camera is not activated as required by Section 451.5 of this policy, the reason for the lack of activation will be documented on the relevant citation and/or police report prepared regarding the event that otherwise would have given rise to activation. For the purposes of capturing the recording or lack of recording in the police report it should be mentioned at the beginning of the narrative summary.
- (d) Department personnel shall not intentionally erase, alter, reuse, modify or tamper with audio-video recordings, nor shall they attempt to erase, alter, reuse, modify or tamper with audio-video recordings.
- (e) If the AXON camera is accidentally activated, the officer shall inform his or her immediate supervisor requesting the recording be deleted. The request shall be sent via email and routed to the AXON Administrator. Once the video has been reviewed by the supervisor and administrator and deemed to have no evidentiary value the video will be categorized as "ACCIDENTAL" and retained for thirty (30) days prior to deletion. Officers should note accidental recordings by labeling them using their Department issued device prior to download.
- (f) Once an officer has completed a recordable encounter he or she shall label the recording using their Department issued device. The officers shall provide the event number, category, and title of the video. This information will be uploaded along with the video once docked into the ETM at the end of shift. Supervisory personnel shall conduct regular audits to determine whether recordings are labeled in compliance with this section.
- (g) Officers working overtime assignments outside of their direct report locations will ensure they bring their issued AXON camera to the location of their overtime assignment.
- (h) When an officer discovers that his/her AXON camera battery is becoming depleted (as evidenced by a yellow indicator light and/or a sounding tone when recording), the officer shall immediately exchange the camera for a spare located in the Integrated Security Response Center (ISRC). If the officer will be delayed in exchanging the camera, or if the officer is unable to locate a charged spare Axon camera, the officer shall notify a supervisor and the supervisor will locate a charged spare Axon camera for the officer's use as soon as possible. ▲

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451.7 AXON CAMERA IMPOUNDING PROCEDURE

To download the videos from their AXON cameras, officers shall place the AXON camera into an assigned open slot on the Evidence Transfer Manager (docking station). This will allow the data to be transferred from the AXON camera, via the docking station, to bartpd.evidence.com. The data is considered impounded at this point and the AXON camera is cleared of existing data.

Officers will ensure all videos capturing arrests, uses of force, and/or any incident deemed necessary by a supervisor, have been downloaded when not leaving their AXON camera in an ETM at the completion of a work shift. Any exceptions to this requirement will only be made in unusual circumstance and with supervisory approval.

451.8 REVIEW OF RECORDED MEDIA

Recorded files may be reviewed in any of the following situations:

- (a) Officers are given access to review his/her recordings when preparing written reports and/or statements relevant to any incident, to help ensure consistency of accounts. Officers must wait for authorization from the Chief of Police, or his or her designee, prior to reviewing video of critical incidents (e.g. Officer Involved Shootings, In-custody Deaths).
- (b) By a supervisor investigating a specific incident, issue, and/or act of officer conduct.
- (c) By any member of the Department who is authorized to participate in an official investigation in the following type of cases only: personnel complaints, administrative investigations, or criminal investigations.
- (d) Pursuant to a lawful process or by members of the District Attorney's office or court personnel otherwise authorized to review evidence in a related case.
- (e) By the BART Independent Police Auditor and/or his/her authorized personnel..**
- (f) With the expressed permission of the Chief of Police or authorized designee.
- (g) By the "System Administrators" for the purpose of managing the video evidence, quality assurance, and to categorize, label, provide case numbers to videos when needed.

451.9 MOBILE VIDEO RECORDERS

The Department assigned AXON camera shall be the only mobile video recorder allowed for Department employees while on-duty. Any other mobile video recorder shall only be used with the expressed permission of the Chief of Police.

Radiation/Chemical (CBRNE) Detection Operations

469.1 PURPOSE AND SCOPE

Uncontrolled or weaponized radioactive and or chemical materials present a hazard to employees, the public, and/or the environment. Due to the increase of terrorist threats throughout the country, the possibility exists of malicious radioactive and or chemical material use, transport or storage within the State of California. To support early detection and response to radioactive and or chemical threats and potential public safety issues, this Department may employ CBRNE detection systems throughout the jurisdiction. This policy establishes requirements and guidelines for Department CBRNE detection equipment use and response to CBRNE alerts.

469.1.1 DEFINITIONS

Adjudication - The process of identifying, with reasonable certainty, the type or nature of material or device causing a CBRNE detector to alert and assessing the potential threat that the material might pose and the need for further action. The alert adjudication process will result in the alert being classified as a Threat or Non-Threat.

CBRNE - Chemical, Biological, Radiological, Nuclear, or Explosive material

Legitimate radiation/chemical source - Transportation or possession of radioactive and or chemical materials as intended and within regulatory requirements, such as people with nuclear medicine treatments, industrial applications, consumer products, radioactive and or chemical material shipments, and naturally occurring radioactive material (NORM).

CBRNE Detector Alert - Either an audible, vibratory or visual notification from the CBRNE detector indicating the detection and presence or possible presence of CBRNE material.

Radioactive material – Material containing unstable atoms that disintegrate spontaneously, emitting radiation.

TSOC - TSA Transit Security Operations Center. See Policy 471.

469.2 POLICY

It is the policy of the BART Police Department to protect the public and individuals from CBRNE threats and hazards through legal and appropriate use of CBRNE detection equipment and approved CBRNE-alert response and resolution processes.

469.3 AUTHORITY

Where reasonable suspicion of a criminal act is present, Officers may detain for the purpose of conducting a Field Interview in response to a CBRNE detector alert. In justifying the stop, the officer should be able to point to specific facts, when taken together with rational inferences, to reasonably warrant the stop. Officers will request additional resources, as needed, to help resolve a CBRNE alert while being mindful of the search and seizure and legal detention procedures.

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Radiation/Chemical (CBRNE) Detection Operations

A mere CBRNE detector alert does not give reasonable suspicion to warrant a detention. Specific and articulable facts are needed to establish reasonable suspicion to detain or probable cause to arrest persons.

Nothing in this policy is intended to discourage consensual contacts in conjunction with CBRNE detection equipment alerts. Frequent and random casual contacts with consenting individuals are encouraged by the BART Police Department to strengthen our community involvement, community awareness and problem identification.

469.4 CBRNE DETECTION EQUIPMENT

CBRNE detection equipment shall always be operated in a safe manner not to exceed the capabilities of the equipment or the operator. CBRNE detection equipment shall only be used for official business of the Department, not for recreation or other unofficial personal use. Only trained and authorized CBRNE detection operators shall deploy the equipment during regularly scheduled patrols, special events, or operations in conjunction with allied agencies.

CBRNE detection equipment utilized by the BART Police department will only alert personnel to a CBRNE source. Identification, if related to a criminal or suspicious detention or source, will need to be conducted by an outside agency or trained secondary screener with proper CBRNE Detection Equipment.

469.4.1 EQUIPMENT MAINTENANCE

Maintenance of the Department CBRNE detection equipment is critical to safe operation and effective deployment. All CBRNE detection operators shall conduct pre- and post- operations maintenance as required by procedures.

The Critical Asset Patrol Sergeant is responsible for planning, scheduling and ensuring the conduct of regularly scheduled maintenance in accordance with factory equipment manuals and publications. All maintenance, including pre-operation and regularly scheduled maintenance should be documented. CBRNE detection operators should record and/or forward maintenance documentation to the Critical Asset Patrol Sergeant.

All CBRNE detection operators should promptly report equipment defects to the Critical Asset Patrol Sergeant. At no time should CBRNE detection equipment be used when defective or in a condition that could impact its reliability or result confidence.

469.5 CBRNE DETECTION EQUIPMENT OPERATORS

469.5.1 SELECTION

CBRNE detection operators shall be team members from the Critical Asset Patrol team and/or K-9 unit. Being trained and assigned as a Radiation/Chemical Detection Operator is a collateral duty in addition to regularly assigned duties. Additional personnel, regularly assigned to Zone 1 and Zone 4, may be added to future trainings by the Chief or his/her designee.

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Radiation/Chemical (CBRNE) Detection Operations

469.5.2 TRAINING

Radiation detection operators shall initially attend and complete a Department approved preventive radiological/nuclear detection operator's course and all prerequisites associated with the course. After completion of the Department approved course, all CBRNE detection operators shall demonstrate the ability to safely and effectively operate the Department equipment before being authorized to deploy the Department's equipment.

All Department trained and authorized CBRNE detection operators shall receive refresher training covering CBRNE safety, equipment operation, maintenance, and any policy or procedure changes.

469.5.3 RESPONSIBILITIES

1. Conduct pre-operation checks and inspections prior to CBRNE detection equipment deployment.
2. Resolve and report CBRNE detection alerts per this Policy and applicable Department procedures.

469.6 CBRNE ALERT RESPONSE AND RESOLUTION PROCEDURE

During the course of regularly assigned duties, officers may locate legitimate radioactive and/or chemical material, CBRNE material that is out of regulatory control, or the malicious use or transport of CBRNE material. The Officers will practice due diligence to find the source of CBRNE detector alerts and determine if there is a hazard to the public or the environment, and determine if a criminal violation is involved.

Utilizing tactics and techniques learned in training, Officers may detect, verify and localize the source of the elevated radiation or chemicals. Officers may use the totality of the information available to them, including behaviors, interview information, and the nature/location of the possible CBRNE concern to support a preliminary assessment of the alert and determine if there is reasonable suspicion to investigate further.

469.7 DOCUMENTATION AND NOTIFICATION

Operators who make detentions or consensual contacts as the result of a CBRNE detector alert shall document those contacts per department policy. A Suspicious Activity Report to the NCRIC should be completed by a Terrorism Liaison Officer as appropriate. Notification should be made to the BART Police Department Joint Terrorism Task Force liaison, BART Director of Security and TSOC if the CBRNE alert is determined to be non-medical or suspicious in nature.

Summary
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New Document:	Old Document:
New Policy	OLD Policy
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Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions. This Department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

The BART Police Department traffic law enforcement practices will include:

- Visible traffic patrol, whether area, line, or directed;
- Stationary observation, covert and overt;

The use of unmarked or unconventional vehicles solely for traffic law enforcement is prohibited by California Vehicle Code § 40800.

500.1.1 TRAFFIC COMPLAINT AND DATA REVIEW PROCESS

The traffic officer (or designee) will establish a procedure for responding to traffic complaints and coordinate efforts with **District** engineers. The procedure will include the collection and examination of roadway traffic data (speed, volume, time of day) and the accident data to determine the responses to complaints.

The traffic officer (or designee) will ensure that a report is compiled, at minimum quarterly, that includes:

- (a) Traffic collision data;
- (b) Traffic enforcement activities;
- (c) Traffic complaints;
- (d) **Review** of enforcement activities and collisions, by location and primary collision factor to evaluate the efficacy of traffic enforcement activities. Issues noted will be forwarded to the Operations Bureau and/or District engineers as appropriate.

The traffic officer (or designee) will complete a documented annual review of selective traffic enforcement activities.

500.2 AUTHORITY

California Penal Code 830.33(a): The primary duty of a peace officer who is a member of the San Francisco Bay Area Rapid Transit District Police Department appointed pursuant to Section 28767.5 of the Public Utilities Code is the enforcement of the law in or about the properties owned, operated, or administered by the District or when performing necessary duties with respect to patrons, employees, and properties of the District.

Traffic Function and Responsibility

California Vehicle Code 21113(a): No person shall drive any vehicle or animal, nor shall any person stop, park, or leave standing any vehicle or animal, whether attended or unattended, upon the driveways, paths, parking facilities, or the grounds of any public school, state university, state college, unit of the state park system, county park, municipal airport, rapid transit district, transit development board, or transit district.

California Vehicle Code 21113(c): When any governing board, legislative body, or officer permits public traffic upon the driveways, paths, parking facilities, or grounds under their control then, except for those conditions imposed or regulations enacted by the governing board, legislative body, or officer applicable to the traffic, all the provisions of this code relating to traffic upon the highways shall be applicable to the traffic upon the driveways, paths, parking facilities, or grounds.

500.2.1 TRAFFIC RECORDS

The data used to deploy traffic officers may include data stored in the Records Management System regarding traffic collision data, traffic enforcement data and roadway hazard information. The traffic officer (or designee) is responsible to coordinate data distribution to the District's Civil Engineering Department.

500.3 DISTRICT PROPERTY ENFORCEMENT

District property traffic enforcement stops should only be done in police vehicles that are equipped with at least a steady burning red light in the front, amber flashing lights to the rear and a siren.

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of accident causing violations during high accident hours and at locations of occurrence. All officers will take directed enforcement action on request, and random enforcement action when appropriate against violators as a matter of routine. All officers shall maintain high visibility while working general enforcement, especially at high accident locations.

Other factors to be considered for deployment are requests from the public, construction zones or special events.

District property traffic enforcement (other than speed or reckless driving violations) shall only be done for those parking and/or moving violations where appropriate and maintained signage and/or road markings exists that conform to Department of Transportation standards.

District property traffic enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance (Vehicle Code § 41603). The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions: ↴

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Traffic Function and Responsibility

500.3.1 WARNINGS

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

500.3.2 CITATIONS

Citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers should provide the following information at a minimum:

- (a) Explanation of the violation or charge
- (b) Court appearance procedure including the optional or mandatory appearance by the motorist
- (c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court

500.3.3 PHYSICAL ARREST

Physical arrest can be made on a number of criminal traffic offenses outlined in the Vehicle Code or Penal Code. These physical arrest cases usually deal with, but are not limited to:

- (a) Vehicular manslaughter
- (b) Felony and misdemeanor driving under the influence of alcohol/drugs
- (c) Felony or misdemeanor hit-and-run
- (d) Refusal to sign notice to appear
- (e) Any other misdemeanor at the discretion of the officer, such as reckless driving with extenuating circumstances

500.3.4 HANDLING SPECIAL CIRCUMSTANCE - TRAFFIC LAW VIOLATIONS

Foreign Diplomats/Consular Officials will be dealt with in accordance with Policy Manual § 422. Nonresident violators, members of the legislature and military personnel will be processed in the same manner as a private citizen.

Juvenile violators are processed in the same manner as adult violators.

500.3.5 UNIFORM ENFORCEMENT GUIDELINES

Officers should take enforcement action when serious violations are observed or reported. It is the intention of the BART Police Department to take maximum enforcement action when a threat to life and public safety are involved. The following violations are examples of serious:

- Violations involving drug/alcohol impairment
- Drivers with a suspended or revoked license
- Serious speed violations resulting in added danger to the public
- Other hazardous violations including but not limited to reckless driving and speed contests

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- Multiple violations
- Violations resulting in traffic collisions

Officers observing less serious violations are encouraged to take appropriate action. Officers should use discretion in determining enforcement action for things such as:

- Offroad vehicle violations
- Equipment violations
- Public carrier and commercial violations
- Other nonhazardous violations
- Newly enacted laws and/or regulations
- Pedestrian and bicycle violations

500.4 OFF-PROPERTY TRAFFIC ENFORCEMENT

Off-property traffic stops are any stops initiated for violations that occur off the property owned by the District. Any off-property traffic stop will be conducted in a safe manner, keeping the mission, objectives and values of the department in mind. Because enforcement stops initiated for off-property violations keep departmental resources away from the District, police employees shall limit off property enforcement activity to serious, flagrant or life-threatening violations. Officers may conduct traffic enforcement stops for any witnessed violation adjacent to BART stations if they believe the occupants may be involved in criminal activity impacting BART.

Off-property vehicle stops will not be initiated for equipment, registration or other vehicle code moving violations, unless the driving actions constitute a life-threatening hazard to citizens in the area. Examples of off-property vehicle stops that would justify the expenditure of sworn personnel's time away from the District include investigation of driving under the influence of alcohol or drugs, reckless driving or reasonable cause to believe involvement in serious criminal activity. To ensure the safety of sworn personnel and citizens, off-property vehicle stops generally should be initiated with fully-marked police vehicles, minimally equipped with a steady burning red light to the front, amber flashing lights to the rear and a siren.

Officers initiating an off-property vehicle stop, shall use police code "11-95X" to advise dispatch of the stop. At an officer's or supervisor's request, dispatch will contact the local police agency that has primary jurisdiction; however, the officer may choose to handle any necessary citations or warnings without the assistance of the local agency.

Police personnel may stop and render assistance to stranded motorists and assist other public agencies as a cover unit or at an accident scene off District property. Dispatch shall be notified and an event generated. A supervisor may require a report be written documenting the member's actions. 🚓 🚓 🚓

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Traffic Function and Responsibility

500.5 SPEED MEASURING

Officers are authorized to utilize the patrol vehicle speedometer for pacing violator vehicles to enforce speed laws. Officers should consider visual observations of the violator vehicle's speed, distance traveled while pacing the violator, paced speed of violator in excess of speed law, and any other factors while developing reasonable suspicion for an enforcement stop. Unlike other means of speed enforcement, a POST certification course is not required.

Ford Police Interceptor Sedans and Ford Police Interceptor Utility vehicles come with a factory certified calibrated speedometer display head assembly. The speedometer display head in the sedan and utility Police Interceptors are expected to maintain their accuracy (+/- 2 miles per hour) over the useful life of the vehicle. Officers using alternate vehicles for pacing enforcement should ensure the accuracy of the vehicle's speedometer. Officers should be aware that improper tire inflation, tire wear, excessive vehicle loading, etc., may affect speedometer calibration. Any concerns with vehicle maintenance issues, including excessive tire wear or speedometer calibration, should be brought to the attention of their supervisor and the Vehicle Maintenance Unit.

500.6 HIGH-VISIBILITY VESTS

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601; 8 CCR 1598).

Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

Summary
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New Document:	Old Document:
New Policy	OLD Policy
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Parking Enforcement

521.1 PURPOSE AND SCOPE

The purpose of this policy is to delineate the District's parking programs, restricted parking areas, regulations, and departmental parking-enforcement procedures.

It shall be the policy of this department to regularly enforce parking violations in District parking facilities by the issuance of parking citations, parking violation warning notices, or verbal warnings. When parking citations are issued, appropriate BART Resolution or California Vehicle Code sections will be used. Parking citations shall only be issued by sworn personnel and community service officers.

Employee parking is governed by respective union/association contracts, designated parking spaces, and District parking programs and regulations listed herein as applicable.

521.1.1 DEFINITIONS

(a) **District Parking Programs:**

1. **Daily Paid Parking:** Designated stations require a daily parking fee for all spaces, Monday through Friday, excluding designated holidays. This fee may be paid in one of three ways.
 - (a) **Option #1:** After parking, the customer enters the paid area of the station and inserts cash or a valid BART ticket into a Parking Validation Addfare machine in order to make payment for the applicable parking stall. The validation is good for 24-hours of parking only and multiple days of parking cannot be purchased. Payment must be made prior to boarding a train and leaving the station.
 - (b) **Option #2:** At all paid stations, the customer may use pre-purchased a daily, monthly or long term un-reserved permit. This allows a customer to park in available un-reserved areas without having to physically enter a parking stall number and pay the fee each day. The monthly reserved permit must be visible on the dashboard through the parked and permitted vehicle's windshield. These permits are still valid for those who purchased them in the past but are no longer for sale.
 - (c) **Option #3:** A customer may register for and receive a Clipper Card (if not already a card holder) and a vehicle parking ID hang-tag that is to be displayed on the back of the customer's vehicle rear view mirror. After the customer enters the fare gate or paid area of the station, they will proceed to the Clipper Card validation machine reader and touch the Clipper Card to the reader to activate the number on the parking hang-tag for that day. Daily fee parking is required if parking anytime between 04:00 and 15:00.

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A monthly permit may be purchased on-line at bart.gov. Clipper Card information can be found at the bart.gov website.

2. **Single-Day Reserved Parking:** A single-day reserved permit may be purchased at stations that require a daily fee. A single-day permit reserves a space until 10:00, Monday through Friday (excluding designated holidays), in the Monthly Reserved Parking area. Parking with a single-day permit is limited to 24 hours. Single-day reserved permits may be purchased on-line or by contacting bart.gov website
 3. **Monthly Reserved Parking:** Up to 40% of parking spaces at all BART Stations will be allocated for this program. The actual number of reserved spaces at each station will depend on the number of customers who sign-up for the program. These reserved spaces are located in premium parking areas and are designated by signs stating "Monthly Reserved Parking". Spaces are reserved for those in the program until 10:00 each weekday (excluding designated holidays). After 10:00, the spaces are available on a first-come basis. There is a monthly fee for permit holders enrolled in this program and the cost varies from station to station, based on demand and availability. Permits are station specific and must be visible on the dashboard through the windshield of the parked and permitted vehicle or stuck to the windshield. Monthly reserved parking permits may be purchased on-line at bart.gov.
 4. **Airport/Long-Term Parking:** Airport/long-term permitted parking is available at most stations with parking. This permit allows customers to park for periods greater than 24 hours. The number of long-term parking permits is limited and they are available on a first-come basis. Permit holders may park in Monthly Reserved Parking areas, but may also park in any other non-restricted areas. Permits are station specific and must be visible through the windshield of the parked and permitted vehicle. Airport/long-term parking permits may be purchased on line at bart.gov.
- (b) **Restricted Parking:**
- (a) **24-Hour Weekday Time Limit:** There is a 24-hour weekday parking time limit at all BART Stations (airport/long-term parking permit holders excepted). All stations offer parking in excess of 24 hours from as early as the beginning of revenue service on Friday to 06:00 on Monday. Designated holidays are also exempt from the time limit. If a designated holiday falls on a Friday, customers may park as early as the beginning of revenue service on Thursday, until 06:00 on Monday. If a designated holiday falls on a Monday, customers may park as early as the beginning of revenue service on Friday, until 06:00 on Tuesday.
 - (b) **Carpool Parking:** Many of the stations' parking lots contain designated areas for permitted carpoolers between 06:00 and 10:00. These permits require that

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at least two (2) Carpool-to-BART registered carpoolers be in the vehicle upon parking. Minimally, two (2) of the Carpool Parking Permits must be visible on the dashboard through the windshield of the parked and permitted vehicle. Permits may be obtained by calling the Regional Rideshare Program at 5-1-1. There is no-charge for the permits, but customers parking in the Carpool areas are still required to pay for parking at those stations with requisite parking fees.

- (c) **Mid-day Parking:** Some stations have designated Midday parking areas. These areas do not allow for vehicles to be parked prior to 10:00. This leaves spaces available for customers arriving after 10:00. Additionally, monthly reserved spaces and carpool spaces that are not filled after 10:00 convert to daily parking and are available for customers.
- (d) **Disabled Parking Areas: Requirements and Exceptions:** Disabled persons or disabled veterans may park in parking stalls designated for disabled parking. Vehicles parked or standing in these designated stalls must display either a special identification license plate or a distinguishing placard, both issued by the DMV.
 - (a) Officers and Community Service Officers may contact the driver or passenger of a vehicle displaying a disabled placard or license plate to verify eligibility.
 - (b) Vehicles displaying DMV issued license plates or placards are not exempt from parking in red zones, the 24-hour time restriction, or paying of required parking fees: such as daily parking, reserved parking, airport/long-term parking, or any other normally required fees. (Exception: those vehicles displaying DMV issued license plates or placards are not required to pay daily parking fees at the North Berkeley Station due to the fact that the elevator to the platform at this station is located outside of the station.)
- (e) **Attended Vehicle Parking for either 24 hour attended parking or 4:00 to 6:00 p.m. attended parking:** Restricts parking in these designated areas to attended vehicles only from the posted times. Vehicles displaying DMV issued disabled license plates or placards are exempt from this regulation.
- (f) **Red Zones:** Prohibits the stopping, standing, or parking of vehicles along any curb painted red, except for any authorized bus or taxi when the red zones are marked for buses or taxi and are signed accordingly.
- (g) **White Zones:** Restricts stopping, standing, or parking to those picking up or dropping off passengers. By statute, stopping, standing, or parking is limited to (5) minutes.

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- (h) **Yellow Zones:** Restricts stopping, standing, or parking, to commercial vehicles bearing commercial license plates for the purpose of loading and unloading. By statute, stopping, standing, or parking is limited to (15) minutes.
- (i) **Non-Patron Parking:** District parking lots and garages are restricted to use by District customers. A District customer is defined as one who parks a vehicle in a District parking facility and proceeds directly to the paid area of the adjacent BART station. (Exception: the original parking garage at the Pleasant Hill Station is exempt from the restriction limiting use to BART Customers only, as it was built with Federal Highway money and is not restricted to BART Parking only.) All users of the Pleasant Hill Station parking facility must pay the established parking fee.
- (j) **Motorcycle Parking:** Designated motorcycle parking is available at some stations, and, if available, motorcycles are not required to pay for parking if parked in these designated areas. If designated motorcycle parking is not available, and/or if a motorcycle is parked in a car-sized space, payment of the daily fee is required at those stations requiring parking fees. Motorcycles failing to park in a designated motorcycle parking area, if available, shall first be issued a warning notice, prior to being cited. All other requirements and restrictions also apply to motorcycles.
- (k) **Over-sized Vehicles:** Vehicles measuring in excess of 6.5 feet wide and 19 feet long may not be parked in a District parking facility. Prior to being cited, vehicles found in violation shall first be issued a warning notice.
- (l) **Board of Director Permits:**
 - (a) BART Board of Directors are issued hang tag permits which state "BADR." These permits allow Directors to park in restricted areas in all District parking facilities, excluding disabled parking areas and red zones. BART board members may also be issued special BPD permits.
 - (b) Directors employed by the Metropolitan Transportation Commission (MTC) are issued permits by the MTC. Parking for these permitted vehicles is located in the MTC parking lot located at 101-8th Street, Oakland. These vehicles are allowed to park in designated parking areas located beneath the building's overhang. All other vehicles parked in violation of the posted signs designating restricted hours should be issued citations or warning notices as appropriate.
- (m) **Special Permits:** The District's Parking Division, as well as the chief of police, may at times issue special parking permits for various reasons. These permits may allow a vehicle to be legally parked in areas that it may not otherwise be permitted. If in doubt as to the validity or restrictions of any particular permit,

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the citing employee shall contact the Parking Division, the department's traffic officer, or the employee's supervisor for clarification.

- (n) **Warning Notices:** Warning notices shall be issued for a pre-determined length of time to vehicles that are parked illegally but are subject to a modified or newly adopted regulation. The pre-determined length of time will be determined by the department. Warning notices should also be considered if there has been significant disruption in regular enforcement or if markings or signage is not reasonably clear.
- (o) **Verbal Warnings:** Verbal warnings shall be given to drivers who stop and wait in a no-parking zone to drop off or pick-up passengers. Drivers will be told to move their vehicles. Those who refuse to heed the warning should be cited for the parking violation, not for failure to obey traffic control signs. Exceptions would be drivers who clearly violate posted "Do Not Enter" and "Bus Zone" signs.
- (p) **Designated Parking Holidays:** The following days are designated as parking holidays and parking fees are not required: New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, Christmas Day. All other parking restrictions apply except those that specifically state they do not apply on weekends or designated holidays.

521.2 PROCEDURES

521.2.1 ISSUING PARKING CITATIONS

Prior to issuance, parking citations shall be completed in their entirety. Handwritten citations shall be completed using a pen containing black ink only. The Parking Violation Notices are two-part (no carbon required) and the pen must have a hard writing point so that the written information is transferred from the top copy of the citation to the copy below. Once the required date, time observed, time issued location, vehicle identifying information, violation, fine amount, and additional remarks are completed, the issuing employee shall print his/her name and badge number in the space provided. Citations shall be printed clearly and legibly, including the name and ID number of the issuing employee.

Electronically-generated citations may also be issued if authorized handheld electronic units are available. As above, these citations must also be completed in their entirety.

Completed citations shall be left under the vehicle's driver side windshield wiper. If the vehicle does not have windshield wipers, some other secure method of attachment should be utilized and the citation should be placed where it is obvious to the returning driver.

If the issuing employee encounters a situation in which a car is parked in violation of parking restrictions, and it appears to the employee that it may not be clear to a reasonable person that the vehicle was parked in violation (e.g., missing or poorly located signage, very worn curb markings), the employee shall refrain from issuing a citation until the problem is rectified. If it is questionable

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as to the clarity of the signage or marking, a police supervisor may be consulted and/or a warning notice may be issued in lieu of citation.

Specific problems with poor or unclear signage or markings will be reported in writing by memorandum or e-mail to the administrative traffic officer, who will convey the need for corrective measures to the Parking Division and/or other appropriate department.

Handwritten citations shall be turned in by end of the issuing employee's shift and forwarded to LMA for sending to the Citation Processing Center. Electronic citations shall be uploaded by the end of the employee's shift.

521.2.2 VOIDING PARKING CITATIONS

If a citation has been started or completed and prior to issuance mitigating circumstances arise that support that the citation should not be issued, the citation may be voided. To do this, the issuing employee shall write "VOID" in large letters, across the face of the citation. The voided citation shall then be forwarded to LMA for sending to the Citation Processing Center. For electronic citations, the issuing employee should send an email to the citation processing center to request a void of the citation.

Once a parking citation has been completed and secured to the vehicle, employees may not normally void the citation. Even if the issuing employee or supervisor determines that the citation should have not been issued or it should be dismissed in the interest of justice, the only way to have the citation dismissed or voided is for the person receiving the citation to appeal it (see below).

There is an exception to this process. If the citation was issued for BR-2495-4, Sign Violation-Fee Required, the citation may be voided after issuance if it falls within certain parameters. If, after issuance, the person receiving the citation reports that the citation was issued in error and provides a receipt proving that the required parking fee was paid to or in close proximity to the issuance of the citation, then the receiving employee shall collect the citation (Note: "close proximity" as used in the preceding sentence is defined as the few minutes that it would take a customer to park and proceed into the station to pay for parking, while a citation could be issued prior to payment). The citation shall then be voided and forwarded, along with the receipt provided by the person receiving the citation, to LMA for sending to the Citation Processing Center. The receiving employee shall also issue the person a Parking Control Machine Verification Receipt (form #1400).

521.2.3 APPEAL PROCESS

For those receiving a parking citation, 40215(a) CVC allows for an initial review of the citation to determine if the violation did not occur, the registered owner was not responsible for the violation, or that extenuating circumstances make dismissal of the citation appropriate in the interest of justice. If, during the review, any of the above listed reasons are found to be prevailing, the department will contact the Citation Processing Center and instruct them to cancel the citation. The citation review must be received within 21 calendar days of the issuance of the citation or 14 calendar days from the mailing of the notice of delinquent parking violation. The review may be made by telephone, in writing, or in person. Per 40215(b) CVC, if the subject contesting the citation is dissatisfied with the results of the initial review, the person may request an administrative

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hearing of the violation no later than 21 calendar days following the mailing of the results of the initial review. This hearing may take place by mail or in person.

521.2.4 MONTHLY RESERVED PARKING

Both monthly reserved and airport/long term-parking permits are assigned numbers which are printed on the permits. These permit numbers can be input into a cellular telephone equipped with a Web browser provided by Parking Permit vendor in order to check the permit's validity and expiration date. Those CSOs that have access to the enforcement cell phones should regularly check vehicles displaying these permits to assure permit validity.

521.2.5 VEHICLE CODE REGISTRATION AND EQUIPMENT VIOLATIONS

Unattended vehicles may be issued parking citations for registration violations (e.g., expired registration, missing registration tabs. Citations for expired registration will not be issued unless a registration has been expired for more than six (6) months. Unattended vehicles will not be issued citations for equipment violations (e.g., cracked windshields, missing gas cap, no front license plate).

521.2.6 APPLICABLE PARKING ENFORCEMENT CODE SECTIONS

The following BART Resolutions and California Vehicle code sections should be used when applicable (not inclusive):

- BR2495-2 Patron Parking Only
- BR2495-4 Sign Violation-Permit Required 4:00 a.m. to 10:00 a.m. (used for reserved permit, long-term permit, and single-day reserved permit)
- BR2495-4 Sign Violation-Fee Required
- BR2495-4 Other Sign Violation
- BR2495-4a Parking Validation Required
- BR2495-4b Sign Violation-Carpool Only 6:00 a.m. to 10:00 a.m.
- BR2495-4c Sign Violation-No Parking 7:00 a.m. to 10:00 a.m.
- BR2495-4d Sign Violation-Reserved Parking
- BR2495-4e Parking in Excess of 72-hours
- BR2495-4f Sign Violation-24-hour Parking
- BR2495-5(a) Red Zone-No Stopping, Standing, or Parking (except buses parked in bus zones designated by red curb)
- BR2495-5(b) Blocking Crosswalk
- BR2495-5(c) Blocking Driveway
- BR2495-5(d) Within 15' of Fire Hydrant

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- BR2495-5(e) Yellow Zone-Commercial Vehicles Only (15 minutes)
- BR2495-5(f) White Zone-Passenger loading/unloading (5 minutes)
- BR2495-5(g) Disabled Parking Only
- BR2495-5(h) Outside Marked Stall
- BR2495-5(h)a Not Marked for Parking
- BR2495-6 Over-sized Vehicle (exceeds 6.5' wide or 19' long)
- BR2495-7 Motorcycle Parked Outside Motorcycle Area
- BR2495-11(a) Taxi Outside of Taxi Zone
- BR2495-11(b) Taxi Parked Outside of Taxi Zone
- 22500(i) CVC Parked in a Bus Zone
- 22500(l) CVC Blocking Wheelchair Sidewalk Curb Cut
- 22507.8(b) CVC Blocking or Obstructing Disabled Parking Stall or Space
- 22507.8(c)2 CVC Parking in Crosshatched Lines Area Adjacent to Disabled Parking Stall or Space

521.3 TOWING OF VEHICLES FOR PARKING VIOLATIONS

521.3.1 EXCESSIVE OUTSTANDING PARKING CITATIONS

California Vehicle Code Section 22651 (i) allows for the towing and impounding of any vehicle, excluding rental vehicles, that are known to have been issued five (5) or more notices of parking violations to which the owner or person in control of the vehicle has not responded to within 21 calendar days of citation issuance, or 14 calendar days of the mailing of a notice of delinquent parking violations, or the registered owner has not paid the applicable fines, or has failed to appear in court to adjudicate the outstanding citations. It shall be the policy of this department to tow only after (10) or more parking citations are on file. In such cases, the employee seeking to tow and impound of the vehicle in question, shall contact the department's traffic officer for confirmation through DMV and/or Citation Processing Center of the outstanding citations. If the traffic officer cannot confirm that at least 10 outstanding parking citations meet the above criteria, the vehicle shall not be towed. If the vehicle has five (5) confirmed notices of parking violations and is involved in a criminal investigation, it can be towed without exception. All tows done under section 22651(i) CVC must be approved in advance by the zone sergeant.

521.3.2 PARKING WITH REGISTRATION EXPIRED IN EXCESS OF SIX MONTHS

California Vehicle code section 22651(o) allows for the towing and impounding of vehicles in which the registration is expired in excess of six (6) months. ⚠

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Parking Enforcement

521.3.3 PARKING AND ENFORCEMENT INFORMATION CONTACTS

The District's Parking Division may be contacted at (510) 464-6156. This division is responsible for establishing and managing the District's parking programs. the Parking Division is also responsible for managing, ordering, and follow-up on placement and replacement of parking signage.

District parking information may be found at www.bart.gov/guide/parking. This Web site also directs parties to the parking permit vendor. The parking permit vendor stores permit-user databases and collects the fees paid for these programs. Their systems may also be contacted by telephone at (877) 700-PARK (7275).

The Citation Processing Center tabulates issued parking citations, collects fines for parking violations, and administers the citation-dispute process. the Citation Processing Center may be contacted at:

Citation Processing Center-BART

P.O. Box 2730

Huntington Beach, CA 92647-2730

Telephone: (800) 989-2058

Summary
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Criminal Investigation Administration

601.1 PURPOSE AND SCOPE

The purpose of this section is to create a framework for efficient and effective criminal investigations. Criminal investigations can be performed by both uniformed officers or detectives specialized in investigations.

601.2 24-HOUR CRIMINAL INVESTIGATION

The Criminal Investigations Division produces an on-call schedule for the purpose of having assigned investigators available at times other than normal business hours. The on-call schedule will be made available to the communications Center, Watch Commanders, patrol supervisors, administrative staff, and will be posted on the patrol roster. The Criminal Investigations Division Sergeant is responsible for notifying the Watch Commander of any changes to the rosters or to change the roster itself. The on duty Watch Commander will determine need before calling the on-call detective. In determining when to call out Investigative personnel, the Watch Commander should consider the seriousness of the offense, complexity of the case or crime scene, staleness of the crime, available staffing and their expertise. The on-duty Watch Commander has final authority as to whether or not Investigators are called out.

601.2.1 RESPONSIBILITY AT CRIME SCENES

When an Investigator is summoned to a crime scene, the Investigator will confer with the patrol officer and/or Sergeant in charge. The Investigator will assume responsibility as the case officer and have the authority to control the crime scene, direct the investigation and direct those police resources at the scene. Criminal Investigations Division and Patrol Bureau personnel shall endeavor to cooperate to the utmost level, having the solution of the crime and public safety foremost in mind.

601.2.2 INVESTIGATORS ATTENDANCE AT PATROL LINE-UPS

The Criminal Investigations Division Sergeant shall ensure that investigations personnel attend patrol briefings quarterly to share information and the status of cases.

601.3 CASE SCREENING AND INVESTIGATION

Case screening focuses the available work force on the investigation of crimes that have the best chances for a successful conclusion. The Criminal Investigations Division Sergeant(s) screen new cases to decide the course of the investigation, basing his/her decisions on:

- (a) The seriousness of the incident.
- (b) The solvability factors that are present, including:
 1. Suspect Leads
 2. Witnesses
 3. Identifiable Suspect Vehicles

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4. Distinctive Methods of Operation
 5. Available Physical Evidence and/or Lack of Traceable Property
- (c) The Investigative Workload.

Cases should be assigned to available investigators with the special skills, knowledge, or abilities necessary to complete the investigation. The Criminal Investigations Division Sergeant is responsible for recording and monitoring cases assigned to investigators.

601.3.1 SUSPENDING CASES

The suspension of case investigations that are not major cases, e.g., property crimes not involving a criminal ring, may occur with corroboration between the investigator and the Criminal Investigations Division Sergeant. The suspension of major cases may occur only after review by and the approval of the Criminal Investigations Division Sergeant or Lieutenant. Cases may be suspended for reasons that include the following:

- Lack of Workable Leads
- Lack of Corroborative Witnesses
- Lack of Victim Cooperation
- Unavailability of Investigative Resources

601.3.2 COLD CASES

A cold case is any murder, missing person, suspicious death or other crime not subject to a statute of limitation, that is not currently being actively investigated. The Criminal Investigations Division Sergeant will review cold cases at least every other year for potential solvability. Solvability criteria may include DNA evidence, new leads or new technology that is directly related to the case. Cold case murders normally fall into three categories:

- Unsolved: No known suspects.
- Unresolved: Suspect(s) known/suspected but never successfully prosecuted.
- Unidentified: Victim identity unknown (Jane or John Doe).
- All follow up investigative actions and activities shall be documented on a supplemental crime report.

601.4 CASE STATUS CONTROL SYSTEM

Upon screening a potential case, the Criminal Investigations Division Sergeant will decide which investigator will be assigned the case and enter or update the case information in the automated case management system. Minimally, the case management information should include:

- The Investigator's Name
- The Date Assigned
- The Case Number

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- The Crime Offense
- Other Pertinent Information

601.4.1 ADMINISTRATIVE DESIGNATORS

All crimes investigated by the BART Police Department shall have administrative clearance designations that meet the guidelines of the California Department of Justice. Authors of criminal investigation reports shall use the most appropriate designation as to the explanation of clearance.

The clearance designations are:

- Cleared by Arrest
- Cleared by Arrest by Another Agency
- Exceptional Clearance
- Located (Missing Persons)
- Not Cleared

601.4.2 INVESTIGATIONS CASE FILES

When a case is assigned to an Investigator, a temporary case file may be created and stored within the Criminal Investigations Division. This file should only contain copies of the original case as all original case files are maintained within the Records Division and the Records Management System (RMS). Upon completion of the case or upon update of original record, the Investigator shall assure that all relevant and/or discoverable information is transferred from the investigations case file to permanent record and/or the Property/ Evidence Unit.

When the Investigator assigned to a case no longer needs the case file and all pertinent information has been transferred to the permanent record, case notes and work product material may be purged and shredded.

601.4.3 REPORT ACCESSIBILITY

The Records Management System (RMS) allows Department-wide viewing of most case files. Personnel assigned to the Criminal Investigations Division have immediate access to RMS via their desktop or laptop computers 24-hours a day. However, with the approval of a supervisor, general access to the report may be restricted, as in Juvenile reports. Restricted access may limit the number of personnel who can view the report, prohibit changes or modifications, or ban users from printing or forwarding sensitive or classified reports

601.5 PRELIMINARY INVESTIGATIONS

Patrol officers are the first responders and responsible for the preliminary investigation of crimes. Patrol officers conduct the follow-up investigation, if practicable, for cases they are assigned. Patrol officers investigating serious felonies should ask their supervisor if it is appropriate to request an Investigator be called out. Patrol officers shall attempt to follow up on all known investigatory leads until the leads are exhausted. If a Patrol Officer is unable to complete follow-up on a routine case, that case should be forwarded to the Criminal Investigations Division.

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- (a) A preliminary investigation begins when the responding officer or detective arrives at the scene of an incident and first contacts the reporting party, or becomes aware that a crime may have been or is being committed. The initial investigation must continue until the postponement of the investigation or the transfer of investigative responsibility occurs. The preliminary investigation may be sufficient to bring the case to a satisfactory conclusion, thus reducing the amount of work to be done from a follow-up perspective.
- (b) Preliminary investigations usually include, but is not limited to, the following:
1. Observing all conditions, events, and remarks at the scene to find out if an offense has been committed and if so, the exact nature of the offense.
 2. Locating and obtaining complete identification of all witnesses.
 3. Protecting the crime scene to ensure that evidence is not lost or contaminated.
 4. Finding the identity of the suspect and making an arrest if possible either at the scene or through immediate action.
 5. Providing other personnel with descriptions, method and direction of flight, and other relevant information concerning wanted persons or vehicles.
 6. Detecting what information is known by the victims and witnesses.
 7. Identifying the circumstances of the offense.
 8. Arranging for the collection of evidence.
 9. Obtaining statements from victims and witnesses, and the suspect.
 10. Accurately and completely recording all pertinent information in proper form.

601.6 FOLLOW UP INVESTIGATIONS

The Criminal Investigations Division conducts the follow-up investigation on serious and complex cases or those where follow-up by patrol is not practicable. Investigators generally will be requested to handle cases involving the following:

- **Felony Cases and Felony Arrests**
 - **Except property crimes with no witnesses, video requests, leads, or evidence**
 - **Except stand-alone felony warrant arrests**
- Misdemeanor Arrests and Citations
 - **Except stand-alone misdemeanor warrant arrests**
- Sex Crimes
- All employee related assaults or batteries
- Coroner Cases
- **Sick/Injured persons cases where the illness/injury may result in death**
- Missing Person Cases

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- Domestic Violence Cases

It will be the responsibility of field officers to conduct follow-up on all misdemeanor cases assigned to them with exception of those outlined **above**. Field officers are responsible for exhausting all leads, viewing associated surveillance video and completing supplemental reports on their findings. Exceptions to the above criteria may be referred by a patrol supervisor, but must be approved by the Criminal Investigations Division sergeant prior to forwarding the case.

601.6.1 STEPS IN CONDUCTING FOLLOW UP INVESTIGATIONS

After a preliminary investigation has been completed and the case has been routed to criminal investigations, the Detective Sergeant (or designee) will review the case. If there is additional follow-up required, the case will be assigned to a detective as an active case. The detective will be accountable for conducting a thorough and timely follow-up investigation, with the ultimate goal of identifying the responsible party, eliminating innocent parties from suspicion, and presenting the case to the appropriate District Attorney's office for criminal filing.

Investigative steps may include, but are not limited to:

- (a) Each detective will review and analyze all preliminary reports prepared by uniformed officers, departmental records, and laboratory results of any physical evidence collected related to the case under investigation
- (b) Detectives will conduct additional interviews of suspects, victims, witnesses, officers, and informants when necessary
- (c) The detective will ensure that information, which if shared could enhance the chance for a satisfactory conclusion, is passed on to other appropriate personnel including personnel from other criminal justice agencies
- (d) The detective should return to the scene if necessary. This may turn up evidence or leads that might still be available.
- (e) It is the responsibility of the detective to ensure that reports, statements, drawings, sketches and other materials of any kind are organized in such a manner that the prosecutor can successfully present them in court. The detective should become so familiar with the case that he can answer any questions that the prosecutors or supervisors pose, and can testify professionally and knowledgeably
- (f) When developing a suspect, it is the responsibility of the detective to check all available sources to:
 1. Ensure the correct identification of the suspect. Identification of a suspect may occur through photo or stand-up lineups, testimony of witnesses and from physical evidence that identifies a particular suspect
 2. Conduct research into the suspect's involvement in past offenses, through arrest records and criminal history checks
 3. Detectives should utilize crime analyst and prior incidents of a similar nature, to determine if the suspect is involved in other crimes.

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601.7 HABITUAL-SERIOUS OFFENDERS

The Bay Area Rapid Transit Police Department is dedicated to tracking and apprehending those individuals identified as multiple and repeat felony offenders. Commonly known as a Habitual/Serious Offenders, these individuals commit a substantial and disproportionate amount of serious crimes against the patrons of the Bay Area Rapid Transit District.

- (a) A Habitual Offender is an individual who has a history with Bay Area Rapid Transit Police Department and has been arrested for the same offense, or whose criminal history shows three or more convictions.
- (b) A Serious Offender is an individual with two or more felony convictions for the same offense or has caused serious bodily injury or emotional trauma. Some of the categories included for both Habitual and Serious Offenders are: Vehicle Theft, Burglary, Trespassing, Sexual Assault, Vandalism, Domestic Violence, Physical Assaults, and Drug/Alcohol Related offenses.
- (c) It will be the responsibility of the patrol officer when writing their report to make certain the arrestee or subject under investigation is identified as a serious or habitual offender if the conditions exist. If the conditions exist the reporting officer will note this at the start of his narrative.
- (d) When preparing a case to be submitted to the District Attorney's Office for criminal prosecution, investigators or officers will utilize the Crime Analyst for information on prior crimes of a similar nature and criminal history background information to determine if a suspect is a Serious/Habitual Offender. It will be the responsibility of the investigator or officer to include all pertinent information in his/her report to aid the prosecuting attorney when seeking a criminal filing. The prosecutor may utilize this information to decide if special handling of the case is necessary.
- (e) The Crime Analyst will assist in the tracking of Serious/Habitual Offenders based on reading Arrest/Crime reports, information obtained from LEAP, LEADS, Criminal History information and other law enforcement agencies.

Summary
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Sexual Assault Investigations

602.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Adult Abuse policies.

602.1.1 DEFINITIONS

Definitions related to this policy include:

Sexual assault - Any crime or attempted crime of a sexual nature, to include but not limited to offenses defined in Penal Code § 243.4, Penal Code § 261 et seq., and Penal Code § 285 et seq.

Sexual Assault Response Team (SART) - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

602.2 POLICY

It is the policy of the Bay Area Rapid Transit Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

602.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

- (a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.
- (b) Conduct follow-up interviews and investigation.
- (c) Present appropriate cases of alleged sexual assault to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.
- (e) Provide referrals to therapy services, victim advocates and support for the victim.
- (f) Participate in or coordinate with SART.

Sexual Assault Investigations

602.4 REPORTING

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

602.5 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to Integrated Security Response Center, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, a member of SART should be included in the initial victim interviews. An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether the case is unfounded shall be included in the report.

Victims shall not be asked or required to take a polygraph examination (34 USC § 10451; Penal Code § 637.4).

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

602.5.1 VICTIM RIGHTS

Whenever there is an alleged sexual assault, the assigned officer shall accomplish the following:

- (a) Advise the victim in writing of the right to have a victim advocate and a support person of the victim's choosing present at any interview or contact by law enforcement, any other rights of a sexual assault victim pursuant to Penal Code § 680.2, and the right to have a person of the same or opposite gender present in the room during any interview with a law enforcement official unless no such person is reasonably available (Penal Code § 679.04).
- (b) If the victim is transported to a hospital for any medical evidentiary or physical examination, the officer shall immediately cause the local rape victim counseling center to be notified (Penal Code § 264.2).
 1. The officer shall not discourage a victim from receiving a medical evidentiary or physical examination (Penal Code § 679.04).
 2. A support person may be excluded from the examination by the officer or the medical provider if his/her presence would be detrimental to the purpose of the examination (Penal Code § 264.2).

Bay Area Rapid Transit Police Department

BART PD Policy Manual

Sexual Assault Investigations

602.5.2 VICTIM CONFIDENTIALITY

Officers investigating or receiving a report of an alleged sex offense shall inform the victim, or the victim's parent or guardian if the victim is a minor, that his/her name will become a matter of public record unless the victim requests that his/her name not be made public. The reporting officer shall document in his/her report that the victim was properly informed and shall include any related response made by the victim, or if a minor, any response made by the victim's parent or guardian (Penal Code § 293).

Except as authorized by law, members of this department shall not publicly disclose the name of any victim of a sex crime who has exercised his/her right to confidentiality (Penal Code § 293).

602.6 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated, or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

602.6.1 COLLECTION AND TESTING REQUIREMENTS

Members investigating a sexual assault offense should take every reasonable step to ensure that DNA testing of such evidence is performed in a timely manner and within the time periods prescribed by Penal Code § 803(g). SAFE kits should be submitted to the crime lab within 20 days after being booked into evidence (Penal Code § 680).

In order to maximize the effectiveness of such testing and identify the perpetrator of any sexual assault, the assigned officer shall ensure that an information profile for the SAFE kit evidence has been created in the California Department of Justice (DOJ) SAFE-T database within 120 days of collection and should further ensure that the results of any such test have been timely entered into and checked against both the DOJ Cal-DNA database and the Combined DNA Index System (CODIS) (Penal Code § 680.3).

If the assigned officer determines that a SAFE kit submitted to a private laboratory for analysis has not been tested within 120 days after submission, the officer shall update the SAFE-T database to reflect the reason for the delay in testing. The assigned officer shall continue to update the status every 120 days thereafter until the evidence has been analyzed or the statute of limitations has run (Penal Code § 680.3).

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Sexual Assault Investigations

If, for any reason, DNA evidence in a sexual assault case in which the identity of the perpetrator is in issue and is not going to be analyzed within 18 months of the crime, the assigned officer shall notify the victim of such fact in writing no less than 60 days prior to the expiration of the 18-month period (Penal Code § 680).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

602.6.2 DNA TEST RESULTS

A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy.

- (a) Upon receipt of a written request from a sexual assault victim or the victim's authorized designee, members investigating sexual assault cases shall inform the victim of the status of the DNA testing of any evidence from the victim's case (Penal Code § 680).
 1. Although such information may be communicated orally, the assigned officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
 2. Absent a written request, no member of this department is required to, but may, communicate with the victim or the victim's authorized designee regarding the status of any DNA testing.
- (b) Subject to the commitment of sufficient resources to respond to requests for information, sexual assault victims shall further have the following rights (Penal Code § 680):
 1. To be informed if a DNA profile of the assailant was obtained from the testing of the SAFE kit or other crime scene evidence from their case.
 2. To be informed if there is a match between the DNA profile of the assailant developed from the evidence and a DNA profile contained in the DOJ Convicted Offender DNA Database, providing that disclosure would not impede or compromise an ongoing investigation.
 3. To be informed if the DNA profile of the assailant developed from the evidence has been entered into the DOJ Databank of case evidence.
- (c) Provided that the sexual assault victim or the victim's authorized designee has kept the assigned officer informed with regard to current address, telephone number, and email address (if available), any victim or the victim's authorized designee shall, upon request, be advised of any known significant changes regarding the victim's case (Penal Code § 680).

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1. Although such information may be communicated orally, the assigned officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
2. No officer shall be required or expected to release any information which might impede or compromise any ongoing investigation.

602.6.3 STANDARDIZED SEXUAL ASSAULT FORENSIC MEDICAL EVIDENCE KIT

The Property and Evidence Section supervisor should make California standardized sexual assault forensic medical evidence (SAFE) kits available to members who may investigate sexual assault cases. Members investigating a sexual assault should use these SAFE kits when appropriate and follow related usage guidelines issued by the California Clinical Forensic Medical Training Center (Penal Code § 13823.14).

602.7 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Criminal Investigations Division supervisor.

Classification of a sexual assault case as unfounded requires the Criminal Investigations Division supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

602.8 CASE REVIEW

The Criminal Investigations Division supervisor should ensure case dispositions are reviewed on a periodic basis, at least annually, using an identified group that is independent of the investigation process. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

The SART and/or victim advocates should be considered for involvement in this audit. Summary reports on these reviews should be forwarded through the chain of command to the Chief of Police.

602.9 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Criminal Investigations Division supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

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Sexual Assault Investigations

602.10 TRAINING

Subject to available resources, periodic training **should** be provided to:

- (a) Members who are first responders. Training should include:
 - 1. Initial response to sexual assaults.
 - 2. Legal issues.
 - 3. Victim advocacy.
 - 4. Victim's response to trauma.
 - 5. Proper use and handling of the California standardized SAFE kit (Penal Code § 13823.14).
- (b) Qualified **investigators**, who should receive advanced training on additional topics. Advanced training should include:
 - 1. Interviewing sexual assault victims.
 - 2. SART.
 - 3. Medical and legal aspects of sexual assault investigations.
 - 4. Serial crimes investigations.
 - 5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
 - 6. Techniques for communicating with victims to minimize trauma.

Summary
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Eyewitness Identification

610.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques (Penal Code § 859.7).

610.1.1 DEFINITIONS

Definitions related to the policy include:

Eyewitness identification process - Any field identification, live lineup or photographic identification.

Field identification - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

Live lineup - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

Photographic lineup - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

610.2 POLICY

The Bay Area Rapid Transit Police Department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

610.3 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

610.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Criminal Investigations Division supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide (Penal Code § 859.7):

- (a) The date, time and location of the eyewitness identification procedure.
- (b) The name and identifying information of the witness.

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- (c) The name of the person administering the identification procedure.
- (d) If applicable, the names of all of the individuals present during the identification procedure.
- (e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.
- (f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.
- (g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.
- (h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.
- (i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.
- (j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.
- (k) Any other direction to meet the requirements of Penal Code § 859.7, including direction regarding blind or blinded administrations and filler selection.

The process and related forms should be reviewed at least annually and modified when necessary.

610.5 EYEWITNESS IDENTIFICATION

Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case.

Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure should be audio and video recorded and the recording should be retained according to current evidence procedures (Penal Code § 859.7).

610.6 DOCUMENTATION

A thorough description of the eyewitness process and the result of any eyewitness identification should be documented in the case report.

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Eyewitness Identification

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

610.6.1 DOCUMENTATION RELATED TO RECORDINGS

The handling member shall document the reason that a video recording or any other recording of an identification was not obtained (Penal Code § 859.7).

610.6.2 DOCUMENTATION RELATED TO BLIND ADMINISTRATION

If a presentation of a lineup is not conducted using blind administration, the handling member shall document the reason (Penal Code § 859.7).

610.7 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination **show-up** or **one-on-one** identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

- (a) Obtain a complete description of the suspect from the witness.
- (b) Assess whether a witness should be included in a field identification process by considering:
 1. The length of time the witness observed the suspect.
 2. The distance between the witness and the suspect.
 3. Whether the witness could view the suspect's face.
 4. The quality of the lighting when the suspect was observed by the witness.
 5. Whether there were distracting noises or activity during the observation.
 6. Any other circumstances affecting the witness's opportunity to observe the suspect.
 7. The length of time that has elapsed since the witness observed the suspect.
- (c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.
- (d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.
- (e) The person who is the subject of the show-up should not be shown to the same witness more than once.
- (f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time. 🙏🙏

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- (g) The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.
- (h) If a witness positively identifies a subject of the show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.

610.8 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness (Penal Code § 859.7). Techniques to achieve this include randomly numbering photographs, shuffling folders, or using a computer program to order the persons in the lineup.

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup (Penal Code § 859.7).

The member presenting the lineup should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

610.8.1 OTHER SAFEGUARDS

Witnesses should be asked for suspect descriptions as close in time to the incident as possible and before conducting an eyewitness identification. No information concerning a suspect should be given prior to obtaining a statement from the witness describing how certain he/she is of the identification or non-identification. Members should not say anything to a witness that may validate or invalidate an eyewitness' identification. In photographic lineups, writings or information concerning any previous arrest of a suspect shall not be visible to the witness (Penal Code § 859.7).

Summary
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Differences exist between documents.

New Document:	Old Document:
New Policy	OLD Policy
10 pages (295 KB)	10 pages (295 KB)
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Property and Evidence

804.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of custody and those persons authorized to remove, transport, and/or destroy property.

804.2 DEFINITIONS

Property - Includes all items of evidence, items taken for safekeeping and found property.

Evidence - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

Safekeeping - Includes the following types of property:

- Property obtained by the Department for safekeeping such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law (e.g., Welfare and Institutions Code § 5150 (mentally ill persons))

Found property - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

Found property that is not contraband and/or cash exceeding \$500 should be turned into the BART District's Lost and Found via the on-duty station agent when available.

804.3 PROPERTY HANDLING

Any employee who first comes into possession of any property shall retain such property in his/her possession until it is properly labeled and placed in the designated temporary locker or storage room. Care shall be taken to maintain the chain of custody for all evidence.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. The property form (#1448) must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the items. Once completed, the form should be forwarded to the Records Division for filing.

804.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty unless otherwise approved by a supervisor. Employees booking property shall observe the following guidelines:

- (a) Complete the property module in the report writing system describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.

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- (b) Place the property in the proper evidence envelope and/or container. Make sure all the data fields are completely and accurately filled out.
- (c) Print an evidence/property bar code and attach it to each package or envelope in which the property is stored.
- (d) Seal all openings with evidence tape and write your initials/badge number so it is on both the evidence container and evidence tape.
- (e) The original property form shall be submitted to the Records Division to be added to the case report.
- (f) When the property is too large to be placed in a temporary locker, the item(s) shall be brought to the Lake Merritt Police Facility and placed into one of the large item storage rooms available before the end of their shift. The officer shall note the location in the property management system.

804.3.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked separately using the specific county crime lab evidence envelopes and containers. Paraphernalia as defined by Health and Safety Code § 11364 shall also be booked separately.

The officer seizing the narcotics and dangerous drugs shall weigh and measure all drugs prior to booking the items into evidence and shall have a witnessing officer or supervisor sign off on the measurement. The narcotics and or dangerous drugs shall be placed them in the a designated temporary locker or dropped off to the county crime lab for testing. Officers will note the location in the property management system.

804.3.3 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Watch Commander. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in the police facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The Evidence PAS/CSO is responsible for contacting to the Alameda County Sheriff's Office EOD Unit, on a regular basis, to dispose of any fireworks or signaling devices that are not retained as evidence.

804.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

- (a) Bodily fluids such as blood or semen stains shall be air dried prior to booking. Biological items requiring temperature control (refrigerated/frozen) shall be booked into the temporary fridge/freezer at the Lake Merritt Station as soon as possible. Officers shall note the location within the property management system

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- (b) License plates found not to be stolen or connected with a known crime, should be released directly to the Evidence PAS/CSO, or placed in the designated container for return to the Department of Motor Vehicles. No formal property booking process is required.
- (c) All bicycles and bicycle frames require a property record that shall include the serial number. Property tags will be securely attached to each bicycle or bicycle frame with the property bar code attached to the back of the tag. All bicycles shall be transported to the Lake Merritt Station and placed in the evidence processing room before the end of shift.
- (d) All cash shall be counted in the presence of a supervisor and/or witnessing officer and the envelope initialed by both. The Watch Commander shall be contacted for cash in excess of \$1,000 for special handling procedures.

District property, unless connected to a known criminal case, should be released directly to the appropriate District department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

804.3.5 RIGHT OF REFUSAL

The Evidence Custodian and CSO's assigned to the evidence unit have a right to refuse improperly booked evidence and safekeeping items. Those items will be placed in a refusal locker which can be opened by the booking officer via a onetime combination code provided by evidence staff. The items must be rebooked according to instructions provided by the evidence unit. The officer shall document what changes were made in a supplemental report. Once the mistakes have been corrected the items shall be placed back into a temporary storage locker for pick up.

804.3.6 RELINQUISHED FIREARMS

Individuals who relinquish firearms pursuant to the provisions of Penal Code § 29850 shall be issued a receipt that describes the firearm, the serial number or other identification of the firearm at the time of relinquishment (Penal Code § 29810).

Relinquished firearms shall be retained for 30 days, after which time they may be destroyed, retained, sold or otherwise transferred, unless (Penal Code § 29810):

- (a) A certificate is issued by a judge of a court of record or the District Attorney stating the firearms shall be retained; or
- (b) The convicted person provides written notice of an intent to appeal the conviction that necessitated the relinquishment; or
- (c) The Automated Firearms System indicates that the firearm was reported lost or stolen.
 - 1. In such event, the firearm shall be restored to the lawful owner as soon as it is no longer needed as evidence, the lawful owner has identified the weapon and provided proof of ownership, and the Department has complied with the requirements of Penal Code § 33850 et seq.

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The Evidence PAS/CSO shall ensure the Records Supervisor is notified of the relinquished firearm for purposes of updating the Automated Firearms System and the disposition of the firearm for purposes of notifying the California Department of Justice (DOJ) (See the Records Division Policy).

804.4 PACKAGING OF PROPERTY

Certain items require special consideration and shall be booked separately as follows:

- (a) Narcotics and dangerous drugs
- (b) Firearms (ensure they are unloaded and booked separately from ammunition)
- (c) Property with more than one known owner
- (d) Paraphernalia as described in Health and Safety Code § 11364
- (e) Fireworks
- (f) Contraband
- (g) Currency
- (h) Flammable items

804.4.1 PACKAGING CONTAINER

Employees shall package all property, except narcotics and dangerous drugs in a suitable container available for its size. Knife, guns and rifle boxes should be used to package these items. Syringe tubes should be used to package syringes and needles. Syringes may be disposed of in a red sharps container.

A property bar code tag shall be securely attached to the outside of all items taken for evidence or safekeeping.

804.4.2 PACKAGING NARCOTICS

The officer seizing narcotics and dangerous drugs shall retain such property in his/her possession until it is properly weighed, packaged, labeled, and placed in the temporary locker. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected narcotics. If conducted, the results of this test shall be included in the officer's report.

Narcotics and dangerous drugs shall be packaged in an envelope of appropriate size available in the report room. The booking officer shall initial the sealed envelope. Narcotics and dangerous drugs shall not be packaged with other property.

A completed property bar code tag shall be attached to the outside of the container. The chain of custody shall be recorded within the property management system.

804.5 RECORDING OF PROPERTY

The Evidence PAS/CSO receiving custody of evidence or property shall manage the property within the property management system which records the name of the receiver, the date and time the property was received and where the property is stored.

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A property number is assigned for each item. This number is recorded on the property bar code tag and within the property management system.

Any changes in the location of property held by the Bay Area Rapid Transit Police Department shall be noted within the property management system.

804.6 PROPERTY CONTROL

Each time the Evidence PAS/CSO receives property or releases property to another person, he/she shall enter this information in the property management system. Officers desiring property for court shall contact the Evidence PAS/CSO at least three days prior to the court day.

804.6.1 RESPONSIBILITY OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry on the evidence package shall be completed to maintain the chain of custody. No property or evidence is to be released without first receiving written authorization from a supervisor or detective.

Request for analysis for items other than narcotics or drugs shall be requested by a detective who will notify the Evidence PAS/CSO. The detective is responsible for filling out all lab paperwork prior to the transport of the item to the applicable crime laboratory. This request may occur any time after booking of the property or evidence.

804.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property, indicating the date and time in the property management system and the request for laboratory analysis.

The Evidence PAS/CSO releasing the evidence must complete the required information within the property management system and the chain of custody found on the evidence packaging. The lab forms, if required, will be transported with the property to the examining laboratory. Upon delivering the item involved, the Evidence PAS/CSO will record the delivery time within the evidence management system and the chain of custody found on the evidence packaging. The Evidence PAS/CSO will indicate the locker in which the item was placed or the employee to whom it was delivered. The original copy of the lab form will remain with the evidence and the copy will be returned to the Records Division for filing with the case.

804.6.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of custody. Temporary release of property to officers for investigative purposes, or for court, shall be noted within the property management system and the chain of custody found on the envelopes and/or containers, stating the date, time and to whom released.

The Evidence PAS/CSO shall obtain the signature of the person to whom property is released, and the reason for release. Any employee receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

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The return of the property should be recorded in the property management system, indicating date, time, and the person who returned the property.

804.6.4 AUTHORITY TO RELEASE PROPERTY

The Criminal Investigations Division shall authorize the disposition or release of all evidence and property coming into the care and custody of the Department.

804.6.5 RELEASE OF PROPERTY

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation.

Release of property shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the authorizing supervisor or detective and must conform to the items listed on the property form or must specify the specific item(s) to be released. Release of all property shall be documented on the property form.

With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 60 days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within 60 days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction. If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed (Civil Code § 2080.6). The final disposition of all such property shall be fully documented in within the property management system.

An Evidence PAS/CSO shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original property release form. After releasing the property, the release form shall be forwarded to the Records Division for filing with the case. All property releases shall be documented within the property management system.

Under no circumstances shall any firearm be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice that conforms to the provisions of Penal Code § 33865.

The Property and Evidence Section Supervisor should also make reasonable efforts to determine whether the person is the subject of any court order preventing the person from possessing a firearm and if so, the firearm should not be released to the person while the order is in effect.

The Department is not required to retain any firearm or other deadly weapon longer than 180 days after notice has been provided to the owner that such firearm or other deadly weapon is available

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for return. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal in accordance with applicable law (Penal Code § 33875).

804.6.6 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the Department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Department may wish to file an interpleader to resolve the disputed claim (Code of Civil Procedure § 386(b)).

804.6.7 CONTROL OF NARCOTICS AND DANGEROUS DRUGS

The Support Services Bureau will be responsible for the storage, control and destruction of all narcotics and dangerous drugs coming into the custody of this department, including paraphernalia as described in Health and Safety Code § 11364.

804.6.8 RELEASE OF FIREARM IN DOMESTIC VIOLENCE MATTERS

Within five days of the expiration of a restraining order issued in a domestic violence matter that required the relinquishment of a firearm, the Evidence PAS/CSO shall return the weapon to the owner if the requirements of Penal Code § 33850 and Penal Code § 33855 are met unless the firearm is determined to be stolen, evidence in a criminal investigation or the individual is otherwise prohibited from possessing a firearm (Family Code § 6389(g); Penal Code § 33855).

804.6.9 RELEASE OF FIREARMS AND WEAPONS IN MENTAL ILLNESS MATTERS

Firearms and other deadly weapons confiscated from an individual detained for an evaluation by a mental health professional or subject to the provisions of Welfare and Institutions Code § 8100 or Welfare and Institutions Code § 8103 shall be released or disposed of as follows:

- (a) If a petition for a hearing regarding the return of the weapon has been initiated pursuant to Welfare and Institutions Code § 8102(c), the weapon shall be released or disposed of as provided by an order of the court. If the court orders a firearm returned, the firearm shall not be returned unless and until the person presents valid identification and written notification from the California Department of Justice (DOJ) which conforms to the provisions of Penal Code § 33865.
- (b) If no petition has been initiated pursuant to Welfare and Institutions Code § 8102(c) and the weapon is not retained as evidence, the Department shall make the weapon available for return. No firearm will be returned unless and until the person presents valid identification and written notification from the California DOJ which conforms to the provisions of Penal Code § 33865.
- (c) Unless the person contacts the Department to facilitate the sale or transfer of the firearm to a licensed dealer pursuant to Penal Code § 33870, firearms not

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returned should be sold, transferred, destroyed or retained as provided in Welfare and Institutions Code § 8102.

804.6.10 RELEASE OF FIREARMS IN GUN VIOLENCE RESTRAINING ORDER MATTERS
Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be returned to the restrained person upon the expiration of the order and in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120).

If the restrained person who owns the firearms or ammunition does not wish to have the firearm or ammunition returned, he/she is entitled to sell or transfer title to a licensed dealer, provided that the firearms or ammunition are legal to own or possess and the restrained person has right to title of the firearms or ammunition (Penal Code § 18120).

If a person other than the restrained person claims title to the firearms or ammunition surrendered pursuant to Penal Code § 18120 and the Bay Area Rapid Transit Police Department determines him/her to be the lawful owner, the firearms or ammunition shall be returned in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120).

Firearms and ammunition that are not claimed are subject to the requirements of Penal Code § 34000.

804.7 DISPOSITION OF PROPERTY

All property not held for evidence in a pending criminal investigation or proceeding, and held for six months or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The Evidence PAS/CSO shall request a disposition or status on all property which has been held in excess of 120 days, and for which no disposition has been received from a supervisor or detective.

804.7.1 EXCEPTIONAL DISPOSITIONS

The following types of property shall be destroyed or disposed of in the manner, and at the time prescribed by law, unless a different disposition is ordered by a court of competent jurisdiction:

- Weapons declared by law to be nuisances (Penal Code § 29300; Penal Code § 18010; Penal Code § 32750)
- Animals, birds, and related equipment that have been ordered forfeited by the court (Penal Code § 599a)
- Counterfeiting equipment (Penal Code § 480)
- Gaming devices (Penal Code § 335a)
- Obscene matter ordered to be destroyed by the court (Penal Code § 312)
- Altered vehicles or component parts (Vehicle Code § 10751)
- Narcotics (Health and Safety Code § 11474 et seq.)
- Unclaimed, **stolen**, or embezzled property (Penal Code § 1411)

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- Destructive devices (Penal Code § 19000)
- Sexual assault evidence (Penal Code § 680)

804.7.2 UNCLAIMED MONEY

If found or seized money is no longer required as evidence and remains unclaimed after three years, the Department shall cause a notice to be published each week for a period of two consecutive weeks in a local newspaper of general circulation (Government Code § 50050). Such notice shall state the amount of money, the fund in which it is held and that the money will become the property of the agency on a designated date not less than 45 days and not more than 60 days after the first publication (Government Code § 50051).

Any individual item with a value of less than \$15.00, or any amount if the depositor/owner's name is unknown, which remains unclaimed for a year or by order of the court, may be transferred to the general fund without the necessity of public notice (Government Code § 50055).

If the money remains unclaimed as of the date designated in the published notice, the money will become the property of this department to fund official law enforcement operations. Money representing restitution collected on behalf of victims shall either be deposited into the Restitution Fund or used for purposes of victim services.

804.7.3 RETENTION OF BIOLOGICAL EVIDENCE

The Property and Evidence Section Supervisor shall ensure that no biological evidence held by the Department is destroyed without adequate notification to the following persons, when applicable:

- (a) The defendant
- (b) The defendant's attorney
- (c) The appropriate prosecutor and Attorney General
- (d) Any sexual assault victim
- (e) The Criminal Investigations Bureau supervisor

Biological evidence shall be retained for either a minimum period that has been established by law (Penal Code § 1417.9) or that has been established by the Property and Evidence Section Supervisor, or until the expiration of any imposed sentence that is related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Department within 180 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Criminal Investigations Bureau supervisor.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

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Biological evidence or other crime scene evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations and shall be retained as required in Penal Code § 680. Even after expiration of an applicable statute of limitations, the Criminal Investigations Bureau supervisor should be consulted and the sexual assault victim shall be notified at least 60 days prior to the disposal (Penal Code § 680). Reasons for not analyzing biological evidence shall be documented in writing (Penal Code § 680.3).

804.8 INSPECTIONS OF THE EVIDENCE ROOM

- (a) On a semi-annual basis, the supervisor of the evidence custodian shall make an inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.
- (b) Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Chief of Police.
- (c) An annual audit of evidence held by the Department shall be conducted by a Division Commander (as appointed by the Chief of Police) not routinely or directly connected with evidence control.
- (d) Whenever a change is made in personnel who have access to the evidence room, an inventory of all evidence/property shall be made by an individual not associated to the property room or function to ensure that records are correct and all evidence property is accounted for.

Summary
3/2/2020 06:24:23

Differences exist between documents.

New Document:	Old Document:
New Policy	OLD Policy
4 pages (277 KB)	4 pages (277 KB)
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Records Division

806.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Bay Area Rapid Transit Police Department Records Division. The policy addresses department file access and internal requests for case reports.

806.1.1 NUMERICAL FILING SYSTEM

Case reports are filed numerically within the Records Management system.

Reports are numbered commencing with month and date of the current year followed by a sequential number beginning with 00001 starting at midnight on the first day of January of each year. As an example, case number 0110-00001 would be the first new case beginning January 1, 2010.

806.2 POLICY

It is the policy of the Bay Area Rapid Transit Police Department to maintain department records securely, professionally, and efficiently. The BART Police Department maintains a secure Records Management system accessible to authorized personnel 24-hours a day.

806.3 RESPONSIBILITIES

806.3.1 RECORDS SUPERVISOR

The Chief of Police shall appoint and delegate certain responsibilities to a Records Supervisor. The Records Supervisor shall be directly responsible to the Support Services Division Commander or the authorized designee.

The responsibilities of the Records Supervisor include but are not limited to:

- (a) Overseeing the efficient and effective operation of the Records Division.
- (b) Scheduling and maintaining Records Division time records.
- (c) Supervising, training, and evaluating Records Division staff.
- (d) Maintaining and updating a Records Division procedure manual.
- (e) Ensuring compliance with established policies and procedures.
- (f) Supervising the access, use, and release of protected information (see the Protected Information Policy).
- (g) Establishing security and access protocols for case reports designated as sensitive, where additional restrictions to access have been implemented. Sensitive reports may include but are not limited to:
 1. Homicides.
 2. Cases involving department members or public officials.
 3. Any case where restricted access is prudent.

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806.3.2 RECORDS DIVISION

The responsibilities of the Records Division include but are not limited to:

- (a) Maintaining a records management system for case reports.
 - 1. The records management system should include a process for numbering, identifying, tracking, and retrieving case reports.
- (b) Entering case report information into the records management system.
 - 1. Modification of case reports shall only be made when authorized by a supervisor.
- (c) Providing members of the Department with access to case reports when needed for investigation or court proceedings.
- (d) Maintaining compliance with federal, state, and local regulations regarding reporting requirements of crime statistics. This includes reporting statistical data to the California Department of Justice (DOJ) for:
 - 1. All officer-involved shootings and incidents involving use of force resulting in serious bodily injury (Government Code § 12525.2).
 - 2. Suspected hate crimes (Penal Code § 13023).
 - 3. Complaints of racial bias against officers (Penal Code § 13012; Penal Code § 13020).
 - 4. Civilian complaints made against officers (Penal Code § 832.5; Penal Code § 13012).
 - 5. Stop data required by Government Code § 12525.5 and 11 CCR 999.226.
 - (a) The reported information must not contain personally identifiable information of the person stopped or other information exempt from disclosure pursuant to Government Code § 12525.5 (11 CCR 999.228).
- (e) Maintaining compliance with federal, state, and local regulations regarding criminal history reports and auditing.
- (f) Identifying missing case reports and notifying the responsible member's supervisor.
- (g) Updating the Automated Firearms System to reflect any firearms relinquished to the Department and the subsequent disposition to the DOJ pursuant to Penal Code § 34010 (Penal Code § 29810).
- (h) Entering into the Automated Firearms System information about each firearm that has been reported stolen, lost, found, recovered, held for safekeeping, or under observation within seven calendar days of the precipitating event (Penal Code § 11108.2).
- (i) Maintaining compliance with the state and DOJ reporting requirements regarding the number of transfers of individuals to immigration authorities and offenses that allowed for the transfers (Government Code § 7284.6(c)(2)).
- (j) **Transmitting data to the Joint Regional Information Exchange System on any suspected multi-mission extremist crimes.**

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806.4 DETERMINATION OF FACTUAL INNOCENCE

In any case where a person has been arrested by officers of the Bay Area Rapid Transit Police Department and no accusatory pleading has been filed, the person arrested may petition the Department to destroy the related arrest records. Petitions should be forwarded to the Support Services Supervisor. The Support Services Supervisor should promptly contact the prosecuting attorney and request a written opinion as to whether the petitioner is factually innocent of the charges (Penal Code § 851.8). Factual innocence means the accused person did not commit the crime.

Upon receipt of a written opinion from the prosecuting attorney affirming factual innocence, the Support Services Supervisor should forward the petition to the Criminal Investigations Division Supervisor and the General Counsel for review. After such review and consultation with the General Counsel, the Criminal Investigations Division Supervisor and the Support Services Supervisor shall decide whether a finding of factual innocence is appropriate.

Upon determination that a finding of factual innocence is appropriate, the Support Services Supervisor shall ensure that the arrest record and petition are sealed for later destruction and the required notifications are made to the California DOJ and other law enforcement agencies (Penal Code § 851.8).

The Support Services Supervisor should respond to a petition with the Department's decision within 45 days of receipt. Responses should include only the decision of the Department, not an explanation of the analysis leading to the decision.

806.5 CONFIDENTIALITY

Records Division staff has access to information that may be confidential or sensitive in nature. Records Division staff shall not access, view, or distribute, or allow anyone else to access, view, or distribute any record, file, or report, whether in hard copy or electronic file format, or any other confidential, protected, or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records Division procedure manual.

806.6 ARREST WITHOUT FILING OF ACCUSATORY PLEADING

The Operations Division Commander should ensure a process is in place for when an individual is arrested and released and no accusatory pleading is filed so that the following occurs (Penal Code § 849.5; Penal Code § 851.6):

- (a) The individual is issued a certificate describing the action as a detention.
- (b) All references to an arrest are deleted from the arrest records of the Department and the record reflects only a detention.
- (c) The California DOJ is notified.

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806.7 FILE ACCESS AND SECURITY

The security of files in the Records Division must be a high priority and shall be maintained as mandated by state or federal law. All case reports including but not limited to initial, supplemental, follow-up, evidence, and any other reports related to a police department case, including field interview (FI) cards, criminal history records, and publicly accessible logs, shall be maintained in the secure Records Management system (RMS) under the control of the Records Division. The release of record files during normal business hours, other than those reports required as part of a booking procedure of a local agency, is the responsibility of the Records Division. All requests for releasable reports will be entered into the case report of the RMS system.

The Records Division will also maintain a secure file for case reports deemed by the Chief of Police as sensitive or otherwise requiring extraordinary access restrictions.

Requests for department police reports from outside law enforcement agencies may be requested after hours through the Watch Commander's office. The requesting agency shall fax or email, on department letterhead, the report request. The Watch Commander shall forward the request to the Administrative Services Supervisor with notice that the report was faxed or emailed. A copy of the fax or email will be retained in the Records Management system to note the release.

Summary
3/2/2020 06:25:23

Differences exist between documents.

New Document:	Old Document:
New Policy	OLD Policy
11 pages (297 KB)	10 pages (296 KB)
3/2/2020 06:25:22	3/2/2020 06:25:21

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[Get started: first change is on page 1.](#)


No pages were deleted

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Highlight indicates a change.

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Records Maintenance and Release

810.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of department records. Protected information is separately covered in the Protected Information Policy.

810.2 POLICY

The Bay Area Rapid Transit Police Department is committed to providing public access to records in a manner that is consistent with the California Public Records Act (Government Code § 6250 et seq.).

810.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Chief of Police shall designate a Custodian of Records. The responsibilities of the Custodian of Records include but are not limited to:

- (a) Managing the records management system for the Department, including the retention, archiving, release, and destruction of department public records.
- (b) Maintaining and updating the department records retention schedule including:
 1. Identifying the minimum length of time the Department must keep records.
 2. Identifying the department bureau responsible for the original record.
- (c) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records (Government Code § 6253).
- (d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (e) Establishing rules regarding the processing of subpoenas for the production of records.
- (f) Ensuring a current schedule of fees for public records as allowed by law is available (Government Code § 6253).
- (g) Determining how the department's website may be used to post public records in accordance with Government Code § 6253.
- (h) Ensuring that all department current standards, policies, practices, operating procedures, and education and training materials are posted on the department website in accordance with Penal Code § 13650.
- (i) Ensuring that public records posted on the Department website meet the requirements of Government Code § 6253.10 including but not limited to posting in an open format where a record may be retrieved, downloaded, indexed, and searched by a commonly used internet search application.

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- (j) Ensuring that a list and description, when applicable, of enterprise systems (as defined by Government Code § 6270.5) is publicly available upon request and posted in a prominent location on the Department's website.


810.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any department member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

810.4.1 REQUESTS FOR RECORDS

Any member of the public, including the media and elected officials, may access unrestricted records of this department, during regular business hours by submitting a written and signed request that reasonably describes each record sought and paying any associated fees (Government Code § 6253).

The processing of requests for any record is subject to the following (Government Code § 6253):

- (a) The Department is not required to create records that do not exist.
- (b) Victims of an incident or their authorized representative shall not be required to show proof of legal presence in the United States to obtain department records or information. If identification is required, a current driver's license or identification card issued by any state in the United States, a current passport issued by the United States or a foreign government with which the United States has a diplomatic relationship or current Matricula Consular card is acceptable (Government Code § 6254.30).
- (c) Either the requested record or the reason for non-disclosure will be provided promptly, but no later than 10 days from the date of request, unless unusual circumstances preclude doing so. If more time is needed, an extension of up to 14 additional days may be authorized by the Custodian of Records or the authorized designee. If an extension is authorized, the Department shall provide the requester written notice that includes the reason for the extension and the anticipated date of the response.
 1. When the request does not reasonably describe the records sought, the Custodian of Records shall assist the requester in making the request focused and effective in a way to identify the records or information that would be responsive to the request including providing assistance for overcoming any practical basis for denying access to the records or information. The Custodian of Records shall also assist in describing the information technology and physical location in which the record exists (Government Code § 6253.1).
 2. If the record requested is available on the department website, the requester may be directed to the location on the website where the record is posted. If the requester is unable to access or reproduce the record, a copy of the record shall be promptly provided.
- (d) Upon request, a record shall be provided in an electronic format utilized by the Department. Records shall not be provided only in electronic format unless specifically requested (Government Code § 6253.9).

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- (e) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.
 - 1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.
- (f) If a record request is denied in whole or part, the requester shall be provided a written response that includes the statutory exemption for withholding the record or facts that the public interest served by nondisclosure outweighs the interest served by disclosure (Government Code § 6255). The written response shall also include the names, titles or positions of each person responsible for the denial.

810.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

- (a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record, or any department record including traffic collision reports, are restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).
- (b) Social Security numbers (Government Code § 6254.29).
- (c) Personnel records, medical records, and similar records which would involve an unwarranted invasion of personal privacy except as allowed by law (Government Code § 6254; Penal Code § 832.7; Penal Code § 832.8; Evidence Code § 1043 et seq.).
 - 1. Peace officer personnel records that are deemed confidential shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order.
 - 2. The identity of any officer subject to any criminal or administrative investigation shall not be released without the consent of the involved officer, prior approval of the Chief of Police, or as required by law.
- (d) Victim information that may be protected by statutes, including victims of certain crimes who have requested that their identifying information be kept confidential, victims who are minors, and victims of certain offenses (e.g., sex crimes or human trafficking, Penal Code § 293). Addresses and telephone numbers of a victim or a witness to any arrested person or to any person who may be a defendant in a criminal action shall not be disclosed, unless it is required by law (Government Code § 6254; Penal Code § 841.5).
 - 1. Victims of certain offenses (e.g., domestic violence, sexual assault, stalking, human trafficking, adult abuse) or their representatives shall be

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provided, upon request and without charge, one copy of all incident report face sheets, one copy of all incident reports, or both, pursuant to the requirements and time frames of Family Code § 6228.

2. Victims of sexual assault, upon written request, shall be provided a free copy of the initial crime report regardless of whether the report has been closed. Personal identifying information may be redacted (Penal Code § 680.2(b)).
- (e) Video or audio recordings created during the commission or investigation of the crime of rape, incest, sexual assault, domestic violence, or child abuse that depicts the face, intimate body part, or voice of a victim of the incident except as provided by Government Code § 6254.4.5.
 - (f) Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved, or information that would endanger the successful completion of the investigation or a related investigation. This includes analysis and conclusions of investigating officers (Evidence Code § 1041; Government Code § 6254).
 1. Absent a statutory exemption to the contrary or other lawful reason to deem information from reports confidential, information from unrestricted agency reports shall be made public as outlined in Government Code § 6254(f).
 - (g) Local criminal history information including but not limited to arrest history and disposition, and fingerprints shall only be subject to release to those agencies and individuals set forth in Penal Code § 13300.
 1. All requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the District Attorney, General Counsel, or the courts pursuant to Penal Code § 1054.5.
 - (h) Certain types of reports involving but not limited to child abuse and molestation (Penal Code § 11167.5), elder and dependent abuse (Welfare and Institutions Code § 15633), and juveniles (Welfare and Institutions Code § 827).
 - (i) Sealed autopsy and private medical information concerning a murdered child with the exceptions that allow dissemination of those reports to law enforcement agents, prosecutors, defendants, or civil litigants under state and federal discovery laws (Code of Civil Procedure §130).
 - (j) Information contained in applications for licenses to carry firearms or other files that indicates when or where the applicant is vulnerable or which contains medical or psychological information (Government Code § 6254).
 - (k) Traffic collision reports (and related supplemental reports) shall be considered confidential and subject to release only to the California Highway Patrol, Department of Motor Vehicles (DMV), other law enforcement agencies, and those individuals and their authorized representatives set forth in Vehicle Code § 20012.
 - (l) Any record created exclusively in anticipation of potential litigation involving this department (Government Code § 6254).
 - (m) Any memorandum from legal counsel until the pending litigation has been adjudicated or otherwise settled (Government Code § 6254.25).

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- (n) Records relating to the security of the department's electronic technology systems (Government Code § 6254.19).
- (o) A record of a civilian complaint, or the investigations, findings, or dispositions of that complaint if the complaint is frivolous, as defined by Code of Civil Procedure § 128.5, or if the complaint is unfounded (Penal Code § 832.7 (b)(8)).
- (p) Any other record not addressed in this policy shall not be subject to release where such record is exempt or prohibited from disclosure pursuant to state or federal law, including but not limited to provisions of the Evidence Code relating to privilege (Government Code § 6254).
- (q) Information connected with juvenile court proceedings or the detention or custody of a juvenile. Federal officials may be required to obtain a court order to obtain certain juvenile information (Welfare and Institutions Code § 827.9; Welfare and Institutions Code § 831).

810.6 JUVENILE RECORDS AND RELEASE

Records involving juvenile suspects and/or wards of the court are confidential. The unauthorized release of information or records pertaining to juveniles may subject the releasing employee to criminal or civil liability, as well as possible disciplinary actions.

Juvenile Records are contained in the Departments Records Management System (RMS). The Custodian of Records and records staff, under direction from the Custodian of Records, are the only authorized personnel to release juvenile records. Records staff identifies juvenile records by reviewing the record for suspects and victims whose ages are listed as 17 and under.

- A) Juvenile records and information may be released to law enforcement agencies for law enforcement purposes and any persons as specified in the current "TNG Order" (W&I 827) signed by the presiding Juvenile Court Judge for the County in which the record was produced.
- B) All official reports, photographs, fingerprints, other identifying information and Summary Criminal History about juveniles, if obtained, shall be noted in the report. Relevant documents attached to the case or booked into evidence shall be available to authorized employees upon lawful request.
- C) Unless ordered by a court to expunge juvenile information from our Records Management System, or pursuant to State statute, those records will be retained indefinitely, even upon the juvenile reaching adult age. If ordered by the court to expunge records, the Custodian of Records or designee will comply with the specific directions of that order and seal the record in RMS by removing access.

810.6.1 CUSTODIAN OF RECORDS PROCEDURE

The Custodian of Records may release, for governmental purposes, all available information regarding a minor to any of the persons, officials, or agencies, as specified in the current "TNG Order" W&I 827.

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EXCEPTION: Juvenile Arrest records on file may only be released by the Custodian of Records pursuant to a subpoena or court order.

A) Welfare & Institution Code Section 828 requires that any information gathered by the Department relating to the arrest of a minor may be disclosed to another law enforcement agency, or to any person or agency which has a legitimate need for the information for official disposition of a case. All available disposition information regarding the arrest must be disclosed along with other information.

B) The Custodian of Records shall not release any information to a member of the public under the following circumstances:

1. If there is a reasonable likelihood that releasing the requested information would endanger a persons' safety or the success of an investigation, the request must be referred to the Investigations Sergeant.

2. In the case of a victim pursuing a civil remedy from an offender who is a minor, the minors name and address cannot be released until final disposition of the case has been made. If it's not known that a final disposition of the case has been made, the request for information shall be referred to the Investigations Sergeant.

3. All requests for information made by the press should be referred to the Chief of Police. If the press already knows a minor's identity, this information may be confirmed.

810.7 SUBPOENAS AND DISCOVERY REQUESTS


Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the District Attorney, General Counsel or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

810.8 RELEASED RECORDS TO BE MARKED

Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the department name and to whom the record was released.

Each audio/video recording released should include the department name and to whom the record was released. 

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810.9 SEALED RECORD ORDERS

Sealed record orders received by the Department shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records shall seal such records as ordered by the court. Records may include but are not limited to a record of arrest, investigation, detention, or conviction. Once the record is sealed, members shall respond to any inquiry as though the record did not exist (Penal Code § 851.8; Welfare and Institutions Code § 781).

When an arrest record is sealed pursuant to Penal Code § 851.87, Penal Code § 851.90, Penal Code § 851.91, Penal Code § 1000.4, or Penal Code § 1001.9, the Records Supervisor shall ensure that the required notations on local summary criminal history information and police investigative reports are made. Sealed records may be disclosed or used as authorized by Penal Code § 851.92.

810.10 SECURITY BREACHES

The Records Supervisor shall ensure notice is given anytime there is a reasonable belief an unauthorized person has acquired either unencrypted personal identifying information or encrypted personal information along with the encryption key or security credential stored in any Department information system (Civil Code § 1798.29).

Notice shall be given as soon as reasonably practicable to all individuals whose information may have been acquired. The notification may be delayed if the Department determines that notification will impede a criminal investigation or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system.

For the purposes of this requirement, personal identifying information includes an individual's first name or first initial and last name in combination with any one or more of the following:

- Social Security number
- Driver license number, California identification card number, tax identification number, passport number, military identification number, or other unique identification number issued on a government document commonly used to verify the identity of a specific individual
- Account number or credit or debit card number, in combination with any required security code, access code or password that would permit access to an individual's financial account
- Medical information
- Health insurance information
- A username or email address, in combination with a password or security question and answer that permits access to an online account
- Information or data collected by Automated License Plate Reader (ALPR) technology
- Unique biometric data

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810.10.1 FORM OF NOTICE

- (a) The notice shall be written in plain language, be consistent with the format provided in Civil Code § 1798.29 and include, to the extent possible, the following:
 - 1. The date of the notice.
 - 2. Name and contact information for the Bay Area Rapid Transit Police Department.
 - 3. A list of the types of personal information that were or are reasonably believed to have been acquired.
 - 4. The estimated date or date range within which the security breach occurred.
 - 5. Whether the notification was delayed as a result of a law enforcement investigation.
 - 6. A general description of the security breach.
 - 7. The toll-free telephone numbers and addresses of the major credit reporting agencies, if the breach exposed a Social Security number or a driver license or California identification card number.
- (b) The notice may also include information about what the Bay Area Rapid Transit Police Department has done to protect individuals whose information has been breached and may include information on steps that the person whose information has been breached may take to protect him/herself (Civil Code § 1798.29).
- (c) When a breach involves an online account, and only a username or email address in combination with either a password or security question and answer that would permit access to an online account, and no other personal information has been breached (Civil Code § 1798.29):
 - 1. Notification may be provided electronically or in another form directing the person to promptly change either his/her password or security question and answer, as applicable, or to take other appropriate steps to protect the online account with the Department in addition to any other online accounts for which the person uses the same username or email address and password or security question and answer.
 - 2. When the breach involves an email address that was furnished by the Bay Area Rapid Transit Police Department, notification of the breach should not be sent to that email address but should instead be made by another appropriate medium as prescribed by Civil Code § 1798.29.

810.10.2 MANNER OF NOTICE

- (a) Notice may be provided by one of the following methods (Civil Code § 1798.29):
 - 1. Written notice.
 - 2. Electronic notice if the notice provided is consistent with the provisions regarding electronic records and signatures set forth in 15 USC § 7001.

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3. Substitute notice if the cost of providing notice would exceed \$250,000, the number of individuals exceeds 500,000 or the Department does not have sufficient contact information. Substitute notice shall consist of all of the following:
 - (a) Email notice when the Department has an email address for the subject person.
 - (b) Conspicuous posting of the notice on the department's webpage for a minimum of 30 days.
4. Notification to major statewide media and the California Information Security Office within the California Department of Technology.
 - (b) If a single breach requires the Department to notify more than 500 California residents, the Department shall electronically submit a sample copy of the notification, excluding any personally identifiable information, to the Attorney General.

810.11 RELEASE OF AUDIO OR VIDEO RECORDINGS RELATED TO CRITICAL INCIDENTS

Video and audio recordings related to critical incidents shall be released upon a proper public record request and subject to delayed release, redaction, and other release restrictions as provided by law (Government Code § 6254(f)(4)).

For purposes of this section, a video or audio recording relates to a critical incident if it depicts an incident involving the discharge of a firearm at a person by an officer, or **depicts an incident** in which the use of force by an officer against a person resulted in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) (Government Code § 6254(f)(4)).

The Custodian of Records should work as appropriate with the Chief of Police or the Internal Affairs Division supervisor in determining what recordings may qualify for disclosure when a request for a recording is received and if the requested recording is subject to delay from disclosure, redaction, or other release restrictions.

810.11.1 DELAY OF RELEASE

Disclosure of critical incident recordings during active criminal or administrative investigations may be delayed as follows if disclosure would substantially interfere with the investigation, such as by endangering the safety of a witness or a confidential source:

- (a) Disclosure may be delayed up to 45 days from the date the Department knew or reasonably should have known about the incident.
- (b) Delay of disclosure may continue after the initial 45 days and up to one year if the Department demonstrates that disclosure would substantially interfere with the investigation.
- (c) Any delay of disclosure longer than one year must be supported by clear and convincing evidence that disclosure would substantially interfere with the investigation (Government Code § 6254(f)(4)).

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810.11.2 NOTICE OF DELAY OF RELEASE

When there is justification to delay disclosure of a recording, the Custodian of Records shall provide written notice to the requester as follows (Government Code § 6254(f)(4)):

- (a) During the initial 45 days, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination that disclosure would substantially interfere with the investigation. The notice shall also include the estimated date for the disclosure.
- (b) When delay is continued after the initial 45 days, the Custodian of Records shall promptly provide the requester with written notice of the specific basis for the determination that the interest in preventing interference with an active investigation outweighs the public interest in the disclosure, and the estimated date for the disclosure. The Custodian of Records should work with the Chief of Police in reassessing the decision to continue withholding a recording and notify the requester every 30 days.

Recordings withheld shall be disclosed promptly when the specific basis for withholding the recording is resolved.

810.11.3 REDACTION

If the Custodian of Records, in consultation with the Chief of Police or authorized designee, determines that specific portions of the recording may violate the reasonable expectation of privacy of a person depicted in the recording, the Department should use redaction technology to redact portions of recordings made available for release. The redaction should not interfere with the viewer's ability to fully, completely, and accurately comprehend the events captured in the recording, and the recording should not otherwise be edited or altered (Government Code § 6254(f)(4)).

If any portions of a recording are withheld to protect the reasonable expectation of privacy of a person depicted in the recording, the Custodian of Records shall provide in writing to the requester the specific basis for the expectation of privacy and the public interest served (Government Code § 6254(f)(4)).

810.11.4 RECORDINGS WITHHELD FROM PUBLIC DISCLOSURE

If the reasonable expectation of privacy of a person depicted in the recording cannot adequately be protected through redaction, and that interest outweighs the public interest in disclosure, the Department may withhold the recording from the public, except that the recording, either redacted or unredacted, shall be disclosed promptly, upon request, to any of the following (Government Code § 6254(f)(4)):

- (a) The person in the recording whose privacy is to be protected, or his/her authorized representative.
- (b) If the person is a minor, the parent or legal guardian of the person whose privacy is to be protected.

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- (c) If the person whose privacy is to be protected is deceased, an heir, beneficiary, designated immediate family member, or authorized legal representative of the deceased person whose privacy is to be protected.

If the Department determines that this disclosure would substantially interfere with an active criminal or administrative investigation, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination **and the estimated date of disclosure** (Government Code § 6254(f)(4)).

The Department may continue to delay release of the recording from the public for 45 days with extensions as provided in this policy (Government Code § 6254(f)(4)(A)).

Summary
3/2/2020 06:26:58

Differences exist between documents.

New Document:	Old Document:
New Policy	OLD Policy
2 pages (272 KB)	2 pages (271 KB)
3/2/2020 06:26:57	3/2/2020 06:26:57

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No pages were deleted

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Lactation Break Policy

1035.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the **employee's** infant child (Labor Code § 1034).

1035.2 POLICY

It is the policy of this department to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing infant child (29 USC § 207; Labor Code § 1030).

1035.3 LACTATION BREAK TIME

A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207; Labor Code § 1030). In general, lactation breaks that cumulatively total 30 minutes or less during any **four-hour** work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time. Such breaks, if feasible, should be taken at the same time as the **employee's** regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid (Labor Code § 1030).

Employees desiring to take a lactation break shall notify Integrated Security Response Center or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations (Labor Code § 1032).

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1035.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the **employee's** work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207; Labor Code § 1031).

Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

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Lactation Break Policy

1035.5 STORAGE OF EXPRESSED MILK

Any employee storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the employee ends her shift.

1035.5.1 STATE REQUIREMENTS

Employees have the right to request lactation accommodations. If a break time or location accommodation cannot be provided, the supervisor shall provide the member with a written response regarding the reasons for the determination (Labor Code § 1034).

Lactation rooms or other locations should comply with the prescribed feature and access requirements of Labor Code § 1031.

Employees who believe that their rights have been violated under this policy or have been the subject of discrimination or retaliation for exercising or attempting to exercise their rights under this policy, are encouraged to follow the chain of command in reporting a violation, but may also file a complaint directly with the Labor Commissioner (Labor Code § 1033).

Summary
3/2/2020 06:27:44

Differences exist between documents.



New Document: New Policy 2 pages (273 KB) 3/2/2020 06:27:43	Old Document: OLD Policy 2 pages (273 KB) 3/2/2020 06:27:43
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Occupational Disease and Work-Related Injury Reporting

1042.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases, **mental health issues**, and work-related injuries.

1042.1.1 DEFINITIONS

Definitions related to this policy include:

Occupational disease or work-related injury - An injury, **disease**, or **mental health issue** arising out of employment (Labor Code § 3208; Labor Code § 3208.3; Labor Code § 3212 et seq.).

1042.2 POLICY

The Bay Area Rapid Transit Police Department will address occupational diseases and work-related injuries appropriately, and will comply with applicable state workers' compensation requirements (Labor Code § 3200 et seq.).

1042.2.1 INJURIES REQUIRING MEDICAL CARE

All work related injuries and work related illnesses requiring medical care must be reported to a supervisor. Form 0030, Supervisor's Report of Injury/Illness and form DWC-1, Employees Claim for Workers Compensation Benefits form shall be provided to the injured employee within 24 hours from the time the injury was discovered, excluding weekends and holidays.

1042.3 RESPONSIBILITIES

1042.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate (8 CCR 14300.35).

1042.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational disease or work-related injury should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly. Any related Districtwide disease- or injury-reporting protocol shall also be followed.

Supervisors shall determine whether the Major Incident Notification and Illness and Injury Prevention policies apply and take additional action as required.

1042.3.3 DIVISION COMMANDER RESPONSIBILITIES

The supervisor who receives a report of an occupational disease or work-related injury should review the report for accuracy and determine what additional action should be taken. The report

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shall then be faxed to the Civilian Supervisor of Records (extension 7089), Athens Administrators (925-609-5475), BART Safety (extension 7552), and BART Human Resources (extension 7511) to ensure any required Division of Occupational Health and Safety Administration (Cal/OSHA) reporting is made as required in the illness and injury prevention plan identified in the Illness and Injury Prevention Policy. The original signed forms shall be sent to the Civilian Supervisor of Records.

1042.3.4 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police, or his/her designee, shall review and forward copies of the report to the Human Resources Department. Copies of the report and related documents retained by the Department shall be filed in the member's confidential medical file.

1042.4 OTHER DISEASE OR INJURY

Diseases and injuries caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the Civilian Supervisor of Records.

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that he/she desired no medical attention at the time of the report. By signing, the member does not preclude his/her ability to later seek medical attention.

1042.5 SETTLEMENT OFFERS

When a member sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

1042.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational disease or work-related injury, the member shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Chief of Police. The purpose of such notice is to permit the District to determine whether the offered settlement will affect any claim the District may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the disease or injury, and to protect the District's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

Summary
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Differences exist between documents.

New Document:	Old Document:
New Policy	OLD Policy
3 pages (273 KB)	3 pages (273 KB)
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Personnel Inspections

1043.1 PURPOSE

The purpose of this policy is to establish procedures for the inspection of personnel and their assigned equipment.

1043.2 POLICY

Line Inspections are the function and responsibility of supervisors and command staff personnel to ensure uniforms and equipment are properly maintained. Zone Commanders will ensure inspections are completed on a **quarterly** basis. Inspections will be completed by the sergeant, reviewed by their Zone Commander, and turned into the Operations Bureau Deputy Chief during **each quarter** of the **calendar** year (**March, June, September** and December).

1043.3 PROCEDURE

All sworn personnel shall be inspected to determine if the following conform to Department standards:

(a) Uniforms:

1. Long/Short Sleeve Shirts
2. Pants
3. Black Smooth Toe Shoes
4. Black Short/Long Sleeve Undershirt (T-Shirt)
5. Duty Badge
6. Name Plate
7. Ballistic Vest

(b) Duty Belt:

- (a) Duty Firearm and Holster
- (b) Three (3) Loaded Magazines and Case
- (c) Oleoresin Capsicum (OC) Spray and Case
- (d) Baton and Baton Ring
- (e) Handcuffs, Case (s) and Key
- (f) Flashlight and Holder
- (g) Four (4) Keeper Straps
- (h) Portable Police Radio and Holster
- (i) Taser and Holster

(c) Personal Equipment:

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- (a) Valid Driver's License
- (b) Police and District ID Cards
- (c) Work Keys
- (d) Field Identification Cards
- (e) Riot Helmet w/Face Shield
- (f) Citation Book
- (g) Business Cards
- (h) Bail Schedule/Info. Handbook
- (i) Body Worn Camera
- (j) Department issued cellular phone
- (k) Naloxone and issued holster
- (d) Patrol Bag Equipment:
 - 1. BART Orange Book
 - 2. Report Forms Requiring Signature (e.g. CHP 180, Certificate of Release-849 (b) P.C., ETC.)
 - 3. Extra Flashlight Batteries**
 - 4. Latex Gloves
 - 5. Vehicle Code Book**
 - 6. Digital Camera**
 - 7. Audio Recorder**
 - 8. Flex Cuffs**
 - 9. Lexipol Policies**
 - 10. Safety Vest
- (e) Personal Appearance:
 - 1. Hair
 - 2. Mustache
 - 3. Sideburns
 - 4. Facial Hair
 - 5. Fingernails

**Denotes optional equipment

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1043.4 FREQUENCY OF INSPECTIONS

Quarterly, patrol sergeants shall perform inspections of each member of their assigned uniformed patrol team. Employees assigned to non-patrol job functions shall be inspected by their respective unit supervisor, or at the discretion of their respective Deputy Chief.

1043.5 SUPERVISORY RESPONSIBILITIES

Sergeants shall adhere to the following responsibilities:

1. Observe assigned personnel's appearance during each tour of duty, and address any discrepancies immediately.
2. Document each quarterly inspection on the Personnel Inspection Form, and include the following:
 - (a) Date
 - (b) Name and signature of personnel inspected
 - (c) Equipment inspected
 - (d) Discrepancies noted
 - (e) Corrective action taken
3. Forward the completed Personnel Inspection Form to the appropriate Deputy Chief, via the chain of command. Upon its return, place the form in each employee's respective Employee Development Record (EDR) file located in the ISRC.

1043.6 DEFICIENCIES AND CORRECTIVE ACTION

In the Operations Division, when a deficiency is noted and is not correctable within a reasonable amount of time, a plan of action to correct the deficiency shall be prepared by the supervisor. It shall be the initiating supervisor's responsibility to ensure the deficiency has been corrected within thirty (30) days of the original inspection date. If the deficiency is in another Division, the follow up responsibility for corrective action shifts to that Division Deputy Chief, who should then delegate the deficiency to the appropriate supervisor for follow up and resolution.

1043.7 RATINGS

Superior: Uniform is neat, clean, tailored, leather gear and shoes are shined.

Acceptable: Clean leather, shined shoes, good hygiene.

Unacceptable: Dirty shoes, soiled uniform, poor hygiene.

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Personal Appearance Standards

1044.1 PURPOSE AND SCOPE

In order to project uniformity and neutrality toward the public and other members of the department, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this department and for their assignment.

1044.2 GROOMING STANDARDS

Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Chief of Police has granted exception. ▲

1044.2.1 HAIR

Hairstyles of all members shall be neat in appearance. For male sworn members, hair must not extend below the top edge of the uniform collar while assuming a normal stance.

For female sworn members, hair must be no longer than the horizontal level of the bottom of the uniform patch when the employee is standing **erect**, worn up or in a tightly wrapped braid or ponytail.

1044.2.2 MUSTACHES

A **short and** neatly trimmed mustache may be worn. Mustaches shall not extend **below the corners of the mouth or** beyond the natural hairline of the upper lip.

1044.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

1044.2.4 FACIAL HAIR

Facial hair other than sideburns, mustaches and eyebrows shall not be worn, unless authorized by the Chief of **Police or his/her designee**.

Employees who have been granted an exemption from shaving will maintain a full beard that does not exceed 1/8 inch in length while on duty. Employees will not wear a goatee or other customized beard creations.

1044.2.5 FINGERNAILS

Fingernails extending beyond the tip of the finger can pose a safety hazard to officers or others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger.

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1044.2.6 JEWELRY AND ACCESSORIES

No jewelry or personal ornaments shall be worn by officers on any part of the uniform or equipment, except those authorized within this manual. Jewelry, if worn around the neck, shall not be visible above the shirt collar.

Earrings shall not be worn by uniformed sworn members, detectives or special assignment personnel without permission of the Chief of Police or his/her designee. Only one ring may be worn on each hand of the employee while on-duty.

1044.3 TATTOOS

While on duty or representing the Department in any official capacity, tattoos or other body art will not be visible. Acceptable coverings for visible tattoos are: department uniforms, bandaids, skin colored sleeves, ace bandages.

1044.4 BODY PIERCING OR ALTERATION

Body piercing or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited. Such body alteration includes, but is not limited to:

- (a) Tongue splitting or piercing.
- (b) The complete or transdermal implantation of any material other than hair replacement.
- (c) Abnormal shaping of the ears, eyes, nose or teeth
- (d) Branding or scarification.

1044.5 EXEMPTIONS

Members who seek cultural (e.g., culturally protected hairstyles) or other exemptions to this policy that are protected by law should generally be accommodated (Government Code § 12926). A member with an exemption may be ineligible for an assignment if the individual accommodation presents a security or safety risk. The Chief of Police should be advised any time a request for such an accommodation is denied or when a member with a cultural or other exemption is denied an assignment based on a safety or security risk.

Summary
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Departure From Employment

1055.1 PURPOSE AND SCOPE

To provide guidelines for the recognition of members who have honorably ended their service with the San Francisco Bay Area Rapid Transit Police Department.

1055.2 DEFINITIONS

A. Retirement Badge: A flat replica of the department badge with the word "RETIRED" used in lieu of the number.

B. Department Retirement Plaque: A suitable plaque with affixed/imbedded replica badge(s) for each rank commemorating the years of service of an employee of the department.

C. Recognition Documents: Recognition of retirement documents include the following:

- San Francisco Bay Area Rapid Transit District letter signed by the General Manager (after 5 years of service with the District)
- Congressional Letter (after 20 years of service with the District)
- Flag (Flown over the nation's capitol (after 20 years of service-sworn personnel only)
- Joint Resolution from the Senate and Assembly (after 25 years of service with the District)

D. "Law Enforcement Officers' Safety Act" (H.R.218): Exempts qualified active and retired law enforcement officers from local and State prohibitions on the carrying of concealed firearms.

1055.3 GUIDELINES FOR RETIREE IDENTIFICATION CARD ELIGIBILITY

A. Retirees may be eligible for a Retired identification card with "CCW" endorsement including H.R. 218 language unless one of the following exclusions applies (sworn personnel should also review Policy 220 for more details regarding the "CCW" endorsement):

- Employee retired with less than 5 years of service, unless it was a disability retirement
- Employee received a psychological retirement
- Employee retired in lieu of termination
- Employee did not complete probationary period

B. Retiree identification cards with a "CCW" endorsement, but no H.R. 218 language may be issued to qualified sworn retirees unless one of the following exclusions apply:

- Employee received a psychological retirement
- Employee retired in lieu of termination
- Employee did not complete probationary period

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C. Retiree identification card with no CCW endorsement may be issued to all sworn retirees who have been excluded from the above types of retirement identification card endorsements. The request shall be made through the Chief of Police.

1055.4 GUIDELINES FOR ELIGIBILITY - PERS RETIREMENT

All department classifications with five (5) years of service to the department may be eligible for recognition from the department for their years of service and upon their honorable retirement:

Sworn members with five (5) or more years of service at the date of retirement may be eligible to receive:

- Retiree Identification Card
- Retiree Flat Badge (Per Policy 1052.2.1 Department Badges)
- San Francisco Bay Area Rapid Transit District letter signed by the General Manager

Sworn or civilian personnel who retire after five (5) or more years of service may be eligible to receive:

- Sworn employees may elect to have their duty badge encased in Lucite or mounted on a departmental plaque (Per Policy 1052.2.4 Department Badges)
- A departmental plaque
- Name plate on the department retirement plaque (after 5 years of service with the District)

Sworn and civilian personnel who retire after twenty (20) or more years of service may be eligible to receive:

- Congressional Letter (after 20 years of service with the District)
- Flag (Flown over the nation's capital (after 20 years of service-sworn personnel only)
- Name plate on the department retirement plaque (after 20 years of service with the District)

Sworn and civilian personnel who retire after twenty-five (25) years of service may be eligible to receive:

- Joint Resolution from the Senate and Assembly

Personnel who do not meet the above requirements, or who retire as a result of a medical disability, may be eligible to receive the appropriate recognition depending on the circumstances that led to the end of service with the department. The Chief of Police or his/ her designee will evaluate each circumstance and make the final determination.

All requests for recognition documents should be directed to the chairperson of the Awards Committee. ⚠️