

ATTACHMENT A

SCOPE OF SERVICES FOR BART POLICE DEPARTMENT REVIEW

OBJECTIVE

The San Francisco Bay Area Rapid Transit District is requesting proposals to conduct a comprehensive review of the BART Police Department. Following a fatal officer-involved shooting that occurred early New Year's morning, near the end of New Year's revenue service, the District is committed to do all that it can to avoid a recurrence of such a tragic event. To that end, several steps have already been taken.

A criminal investigation and internal affairs investigation, which is being conducted by an independent, third-party (at BART's request) are investigating the specific incident that occurred New Year's morning. The BART Board of Directors has created a committee of the Board, the BART Police Review Committee, which is examining the best approach to providing civilian oversight of the BART Police Department.

This requested review will look beyond the specific shooting to provide a thorough assessment of the Police Department as described in the following scope of work.

SCOPE OF WORK

Culture

1. Assess the culture of the BART Police Department. Does it support the mission of the BART Police Department, as well as the importance of that mission in the context of BART's basic service to move people safely and reliably? Does it meet the expectation of BART customers and communities served? Is the focus on promoting safety or preventing crime or are these dual goals to be balanced? How are quality of life violations addressed? At the main points of interface between the BART Police Department and the larger BART organization (Media & Public Affairs, Budget, Transportation), is the mission of the BART Police Department understood and supported? Are the metrics reported to the Board of Directors on a quarterly basis the right indicators to measure performance of mission.

Hiring

2. Assess the recruitment, hiring and promotion practices, processes and results of the Department to determine their effectiveness in staffing a police department that can meet the demands of policing in an urban and suburban, multi-jurisdictional, mass-transit environment, and is best equipped to promote customer service, public trust and effective policing in the diverse communities in which BART operates and with which BART's Police Department interacts.

Training/Equipment/Facilities

3. In addition to compliance with POST training requirements, determine adequacy of training regarding policies, procedures, reporting and review of all incidents involving use of force; escalation and de-escalation of use of force; handling of special events, large crowds and demonstrations; use of lethal and less lethal force equipment/weapons; conduct of investigations; diversity; cultural awareness and sensitivity; and racial profiling. Does training provided prepare officers to meet the requirements of policing in an urban and suburban, diverse, multi-jurisdiction mass-transit environment? Are facilities and equipment adequate to meet the Department's responsibilities?

Policies, Procedures & Tactics

4. Review departmental policies, procedures, practices and tactics regarding use of force - including escalation and de-escalation; use of lethal and less lethal force; equipment selection, deployment and reporting; and monitoring of use of force and any other policies and procedures relevant to this issue, including racial profiling.

Determine if policies and procedures are comprehensive and current (reflecting best practices); comply with legal requirements; and are effective in guiding and governing a professional, well-regarded and trusted police department. Specific assessment should be made including analysis of police contacts and data included in the report to answer questions concerning the use, or appearance of use, of racial profiling by the BART Police Department.

Internal Investigation/Discipline

5. Review the quality of internal investigatory capability and practices for fairness, objectivity and thoroughness. Assess whether supervision is adequate and effective in monitoring performance so that officers are properly carrying out their responsibilities and providing professional, courteous service. Are outcomes used in ways that provide "early warning" or otherwise detect performance problems and provide effective intervention? Please comment on BART Police Department internal affairs investigation practices compared to "industry practice." Inclusion of the results of a survey of civilian oversight practices in major rail transit agencies that is being conducted by American Public Transportation Association in this analysis is desirable.

Community Confidence and Communication

6. Public involvement, input and transparency will be essential to the successful completion of this assignment. Proposals should include a thorough discussion of the proposer's approach to this aspect of the study. In addition, the study should include recommendations on how the Department and BART's Media and Public Affairs Department can best meet ongoing public information and communication objectives.

Context and Background

7. The final report should include a basic description of the organizational structure of the Department, the chain of command and responsibilities at each level of supervision/management; a statistical summary of incidents handled (e.g. number of contacts, category of crime, type of weapon involved) to describe an accurate picture of the types and volume of activity the Department is dealing with. Based on the analysis of this data and consideration of best practices in the field, the report should help answer two fundamental questions that have been raised by some members of the public: 1) Does BART need its own police force and is BART structured to effectively manage a Police Department?; 2) Do BART Police Officers need to be armed?

Civilian Oversight

8. Concurrent with this assessment of the BART Police Department, the BART Board of Directors is also exploring the best and most appropriate mechanism to provide effective civilian oversight of the BART Police functions. In conducting this study, the consultant is requested to be attentive to potential interactions and effects of any recommendations made in the study on a new civilian oversight process.

CONTRACT DELIVERABLES

Periodic Review: Please provide recommendations regarding the frequency, scope and suggested evaluative tools for conducting periodic assessments of progress in implementing the recommendations made in this report.

Presentation of preliminary/draft report and recommendations to be reviewed with General Manager, Board Police Review Committee with opportunity for public comment.

Final report and recommendations.

CONSULTANT QUALIFICATIONS

BART is interested in consultant teams which have significant experience in conducting assessment of law enforcement agencies, bring expertise in both progressive policing and civil rights, and are knowledgeable about the unique requirements of policing in a diverse, multi-jurisdictional, urban/suburban transit environment.

Proposals will be evaluated on:

1. Experience of Organization
 - a. Number of similar studies conducted. Please include location, size and jurisdiction of the police force involved in three recent studies.
 - b. Specificity of recommendations from prior studies. Please provide examples of recommendations from prior studies as they relate to the areas outlined in the BART scope of work.

- c. Effectiveness/actionable recommendations: To what extent have recommendations made by the proposer been adopted/implemented by requesting jurisdiction?
 - d. Access to and awareness of best practices.
- 2. Experience of Proposed Team
 - a. Experience with mass transit policing.
 - b. Experience with/knowledge of police departments serving diverse communities.
 - c. Experience with/knowledge of civil rights issues, especially as they arise in the context of law enforcement.
- 3. Proposal which offers the best value to the District, considering price and other factors.

ATTACHMENT B

COMPENSATION SCHEDULE

Item	Proposed Cost
Items to be completed by Proposer: 1) Presentation of preliminary/draft report and recommendations to be reviewed with General Manager, Board Police Review Committee with opportunity for public comment. 2) Final report and recommendations.	
Travel and other miscellaneous cost	
Total Proposed Cost	