



BART Police

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New Authority to Protect Riders and Employees

AB 716 BACKGROUND

The Bay Area Rapid Transit District (BART) has received an increasing number of complaints from riders and employees regarding safety on BART trains, in parking lots, stations and passenger waiting areas. In an effort to better protect its riders and employees, BART requested and received new authority to implement additional security measures to reduce passenger misconduct and disruptions. A new exclusion process is intended to enhance the quality of service and safety in the BART system.

California State Assembly Bill 716 (Dickinson) was enacted into law in 2012 and allows BART to issue “prohibition” orders to people who are cited or arrested for certain offenses, thus reducing the number of crime-related disruptions .

NEW “PROHIBITION” SAFETY PROGRAM

Citizens **arrested or convicted** can be issued a “prohibition” order for a misdemeanor or felony committed on a train or in a station or parking lot on BART property for acts of violence or threats of violence upon passengers and transit employees, lewd or lascivious behavior, or possession for sale of a controlled substance.

OR

Citizens **convicted** of loitering in a public place in a manner and under circumstances manifesting an intent to engage in drug-related activity or with the intent to commit prostitution.

OR

Citizens **cited** on at least three separate occasions within a period of 90 consecutive days can be issued a “prohibition” order for any of the following violations:

- Willfully disturbing others by engaging in unruly behavior
- Carrying hazardous materials in a transit facility or vehicle
- Urinating or defecating in a system facility or vehicle
- Willfully blocking the free movement of another person
- Defacing facilities or vehicles with graffiti or other materials
- Interfering with the operator or operation of a transit vehicle, or impeding the safe boarding or off-boarding of passengers.
- Committing an act or engaging in a behavior that may, cause harm to injury to any person or property.

WORKING WITH THE COMMUNITY TO IMPLEMENT

An oversight committee comprised of local residents with experience in the areas of mental health, homelessness, public safety, and cultural awareness will monitor the number of citations and exclusions issued by BART and oversee the training of transit personnel. Training of transit personnel is mandated in order to recognize and facilitate the special needs of homeless and those who may have psychiatric disabilities. Also, since this new BART security effort will exclude specific individuals, an appeals process will be established for those who believe they have been mistakenly cited or are transit-dependent.