

BART Police  
Use of Force  
Annual Report

---

2023

### Report Content

As required by the BART Police Department Use of Force Policy, the Department prepares an annual analysis of use of force incidents. The report is submitted to the Chief of Police and provided to the Independent Police Auditor, BART Civilian Review Board, and posted online. This report does not contain names or case numbers but will include identification of any trends in the use of force, training recommendations, equipment recommendations, and policy recommendations. This report contains statistics on the types of force used, cause for the use of force, service being rendered at the time of force being used, custody status of involved persons, and injuries to officers and involved persons.

### Year in Review

While prior years were defined by the COVID lockdowns and civil unrest over social justice issues, 2023 was beginning to show signs of recovery from the pandemic in many sectors. Transit ridership began to recover bringing additional riders back to the system along with increased calls for service. Acts of community violence continued to occur at levels higher than pre-pandemic levels. The widespread abuse of controlled substances in the communities served by BART created an environment where the side-effects of the illegal narcotics trade (such as carrying illegal weapons, increased incidents of violence and unpredictable behavior, trespassing in restricted areas, and medical emergencies resulting from drug overdoses) created frequent emergencies that required police intervention. During 2023, BART Police employees administered NARCAN to attempt to save lives in 193 different incidents. This was a 64% increase in NARCAN incidents compared to 2022 (a year which saw a 24% increase from 2021). The impact of these various outside influences is not directly measurable in the rate of law enforcement use of force but still must be considered as environmental factors when evaluating the use of force outcomes for the BART Police Department.

As travel patterns changed, BART adjusted service in 2023 to match ridership demand. Service was increased on nights and weekends as riders used BART to attend events around the Bay Area. The number of Fleet of the Future train cars increased, allowing BART to cover the base train schedule exclusively using the train cars. New fare gates were installed for testing at West Oakland Station and paper tickets were eliminated as BART transitioned to 100% digital payment systems. The morning fare inspections at Embarcadero Station were eliminated allowing the Fare Inspectors to ride trains and conduct proof of payment inspections at more stations.

The BART Police Department supported BART's Safe and Clean plan through a revised deployment strategy the doubled the presence of uniformed personnel in the system riding trains and being visible in stations. BART also began running shorter trains to enhance safety through reducing empty train cars to increase safety and deter quality of life issues from occurring in empty train cars.

During 2023, the BART Police Department continued to focus on progressive policing strategies, including increased efforts to divert calls for service away from response by an armed police officer when appropriate, increased use of crisis intervention during calls for service, increased partnerships for community engagement and outreach, and continued use of de-escalation tactics. During 2023, the BART Police Department's Progressive Policing and Community Engagement Bureau (PPCEB) won the American Public Transportation Association's National Innovation Award. The Progressive Policing and Community Engagement Bureau has established itself as a national model by increasing BART's safety presence while ensuring the system is welcoming to all members of the community. The PPCEB is a trail blazing part of the effort to ensure BART is the safest way to travel across the Bay Area. The PPCEB is primarily composed of non-sworn Transit Ambassadors and Crisis Intervention Specialists. These unarmed employees of BART PD receive specialized training in de-escalation techniques. Transit Ambassadors walk dozens of trains and platforms each day and are equipped with radios to report safety concerns. They observe, report, and call upon traditional sworn officers when enforcement is needed. Crisis Intervention Specialists have backgrounds in social work and specialize in connecting people at risk with potentially lifesaving services. The PPCEB was launched in 2020. It was the first of its kind for a transit agency in the U.S. The BART PD model is notable because members of the PPCEB are full-time BART PD employees as opposed to using contracted service providers as in some other jurisdictions. The bureau builds on a history of more than a decade of reform efforts aimed at elevating equitable policing at BART.

The PPCEB accomplishments during 2023 included:

- Continued the implementation and staffing for the Progressive Policing and Community Engagement Bureau (PPCEB) including adding a second civilian supervisor to the unit.
- Provided training to sworn and civilian staff on topics such as crisis intervention and de-escalation, and mental health first-aid.
- Added PPCEB data to the Quarterly Performance Report which is provided to the BART Board of Directors. Data included the number of times that unarmed civilian staff from the PPCEB diverted calls for service from requiring response by sworn staff and connections to services for people in crisis.
- In the first six months of 2023, members of the PPCEB performed more than 10,700 welfare checks on people in the BART system who appeared to need help. There were more than 2,500 instances when PPCEB members intervened when they saw violations of BART's Code of Conduct. In the past those violations would have required a response by a sworn officer. Instead, members of the PPCEB can offer a more appropriate response with unarmed, specially trained BART PD staff. That has freed up sworn officers to

respond more quickly to urgent emergency calls. BART PD has one of the fastest response times for tier 1 emergency calls at an average of less than 5 minutes.

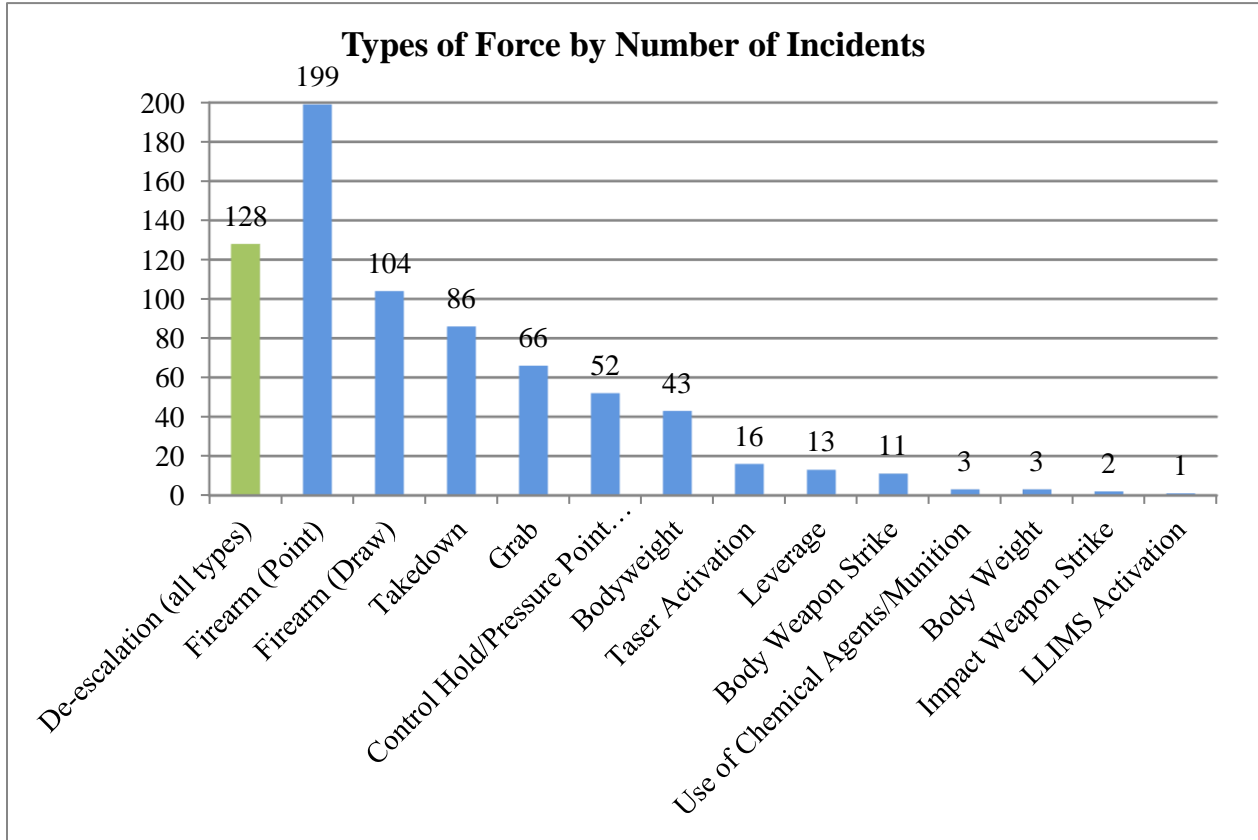
- Patrol staffing levels required officers assigned to the Progressive Policing and Community Engagement Bureau to cover patrol assignments as part of the regular duties. While the assignment to patrol eliminated the dedicated partnership between sworn PPCE Officers and Crisis Intervention Specialists, the split assignments did allow for greater geographical coverage for PPCE Officers and Crisis Intervention Specialists to respond to calls for service to support the Operations Bureau.

## **REPORT TOPIC: TRENDS IN THE USE OF FORCE**

The BART Police Department's highest priority is the sanctity of life, dignity, and liberty of all persons. The Department is committed to accomplishing this mission with respect and minimal reliance on the use of force by using rapport-building communication, crisis intervention, and de-escalation tactics before resorting to force, whenever feasible. The Use of Force is not a routine part of an officer's duty and an officer shall only use that amount of force that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

In 2023, there were 388 reported incidents that involved an officer's use of force. This was a 22% increase from 319 incidents reported in 2022. It should be noted that each use of force included in this report was given a thorough review through the chain of command, was subject to independent civilian review, and the use of force by officers is also included as one of the factors considered in the Department's Early Warning System for employee performance. Overall, employees of the BART Police Department use force infrequently to accomplish their duties. This is demonstrated by the fact that during 2023 there were 81,617 incidents recorded in the Computer Aided Dispatch (CAD) system which equals a ratio where only 1 out of every 210 incidents resulted in a documented use of force investigation by a supervisor.

The data on the chart below counts the total reported number of incidents that involve each type of force used, but not the number of times that force was applied in each incident. This method of reporting gives a better overall comparison of the types of force used in incidents without duplicating the count of force options based on the number of officers who were present at any incident. (The total count of individual force types used is included in a subsequent section of this report.)



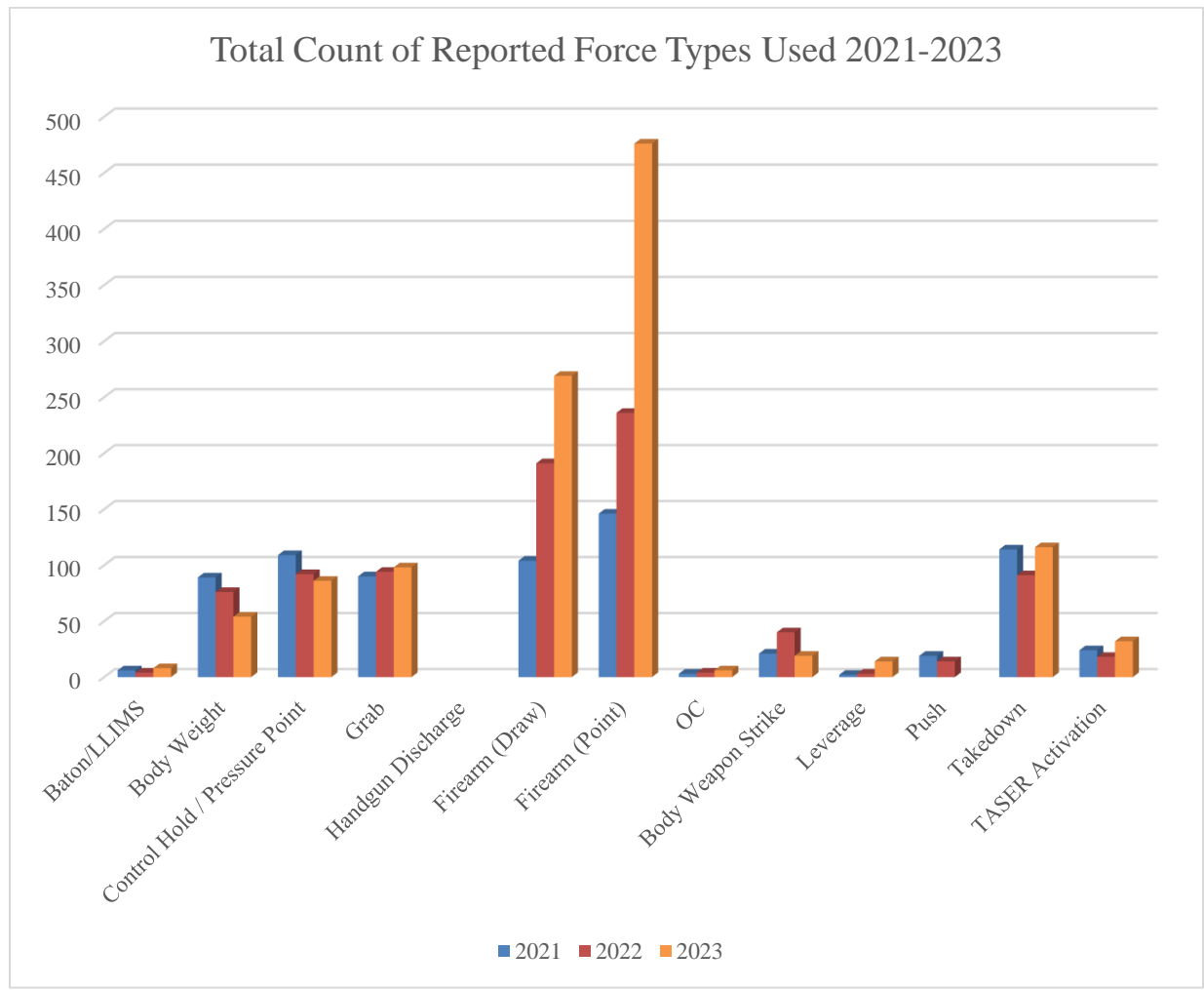
The use of de-escalation, while not a use of force, is included in the summary of the types of force used (and is depicted in the above graph with a green bar). The BART Police Department utilizes the BlueTeam data collection software which captures the de-escalation statistics only when there is a use of force investigation by a supervisor. As a result, the data set that the BlueTeam software records does not fully capture every instance when a BART Police Officer employs a de-escalation tactic. For example, there are many instances where de-escalation is used that result in no force used by the officer and no BlueTeam entry generated by a supervisor. Therefore, not all de-escalation used by officers is captured in this use of force data. BART Police Officers use de-escalation tactics frequently to successfully resolve situations without a use of force during their normal course of duty; this is essentially a “blind-spot” in the use of force statistics. Another potential area for improvement in use of force data collection is to better define what tactics constitute a use of de-escalation and train supervisors to record de-escalation in a more consistent manner to better record comparable data. The recorded use of de-escalation decreased by 52% compared to 2022. This decrease could indicate that de-escalation was used less frequently, or it could indicate that de-escalation was used more frequently in situations that did not ultimately result in a reportable use of force.

Another potential area for improvement in the analysis of use of force data is to find a way to compare incidents where force was used with similar types of incidents where force could have been used but was not. If possible, future work with stakeholders should go beyond basic use of

## BART Police Use of Force, 2023 Annual Report

force counts and explore a deeper comparison of similar incidents to look at the contributing factors that determine why force is used (also known as a causal inference analysis). The BART Police Department will seek to include this type of analysis for future use of force review, if possible.

The following data compares year to year reported totals of the types of force used. For 2023 there were zero incidents in the categories of a discharge of firearms and K9 bites, but there was a significant increase in the number of incidents involving drawing or pointing firearms. There has been a significant increase in incidents involving suspects who are armed, or reported to be armed, with weapons which results in more officers needing to tactically deploy firearms, and therefore an increase for the total count of use of force incidents. It should also be noted that the reported number of rifle display incidents increased as the Department increased the deployment of patrol rifles. Patrol rifles are generally a safer weapon to deploy as the risk of weapon confusion is eliminated, accuracy is improved, and the risk to bystanders from errant projectiles is reduced.

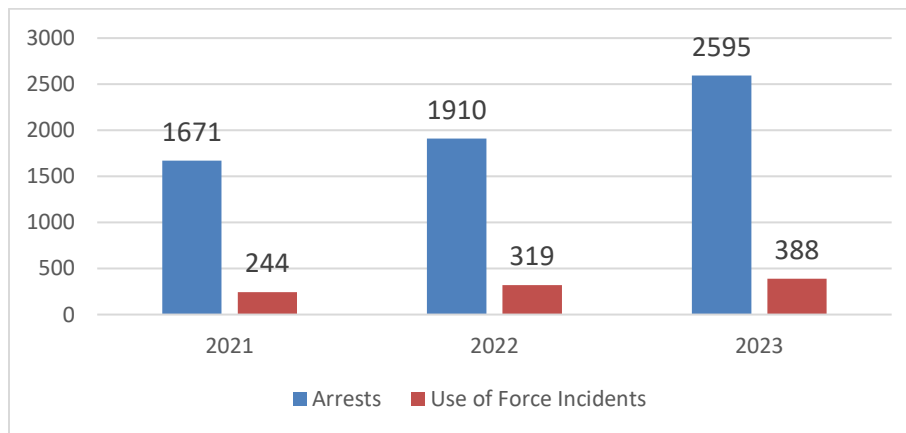


## BART Police Use of Force, 2023 Annual Report

The following data shows a three-year comparison of the reported number of use of force incidents per month. There were 69 more incidents reported in 2023 over 2022. The total number of incidents in 2023 is higher than both the mean and median average number of incidents of the past three-years (mean = 317, median = 319).

Annual Summary of Use of Force Incidents by Month												
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2023	28	24	28	31	45	28	47	37	26	40	31	23
YTD 2023	28	52	80	111	156	184	231	268	294	334	365	388
2022	28	18	28	17	22	36	22	38	27	32	30	21
YTD 2022	28	46	74	91	113	149	171	209	236	268	298	319
2021	25	13	22	18	23	16	16	8	24	26	24	29
YTD 2021	25	38	60	78	101	117	133	141	165	191	215	244

The following data shows the total number of arrests compared to the number of use of force incidents. While the number of arrests during COVID decreased year to year in 2020 and again in 2021, the number of arrests in 2023 returned to levels similar to 2018. The three-year data indicates that there is a strong correlation between arrest numbers and use of force incidents (a correlation coefficient of +0.956559). In 2023, there was one reported use of force for every 6.7 arrests which was slightly less frequent than the three-year average of one reported use of force per 6.5 arrests. This indicates that although there is a strong correlation between arrests and uses of force, the majority of arrests do not involve a reportable use of force.

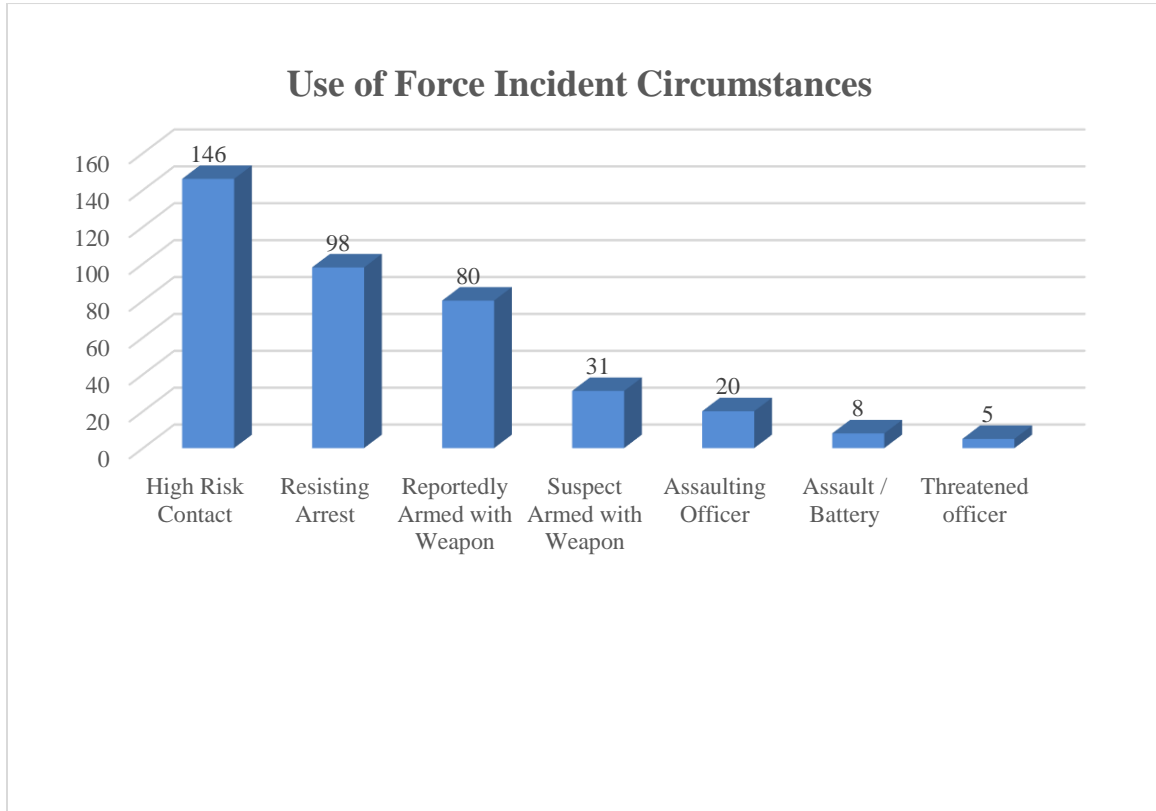


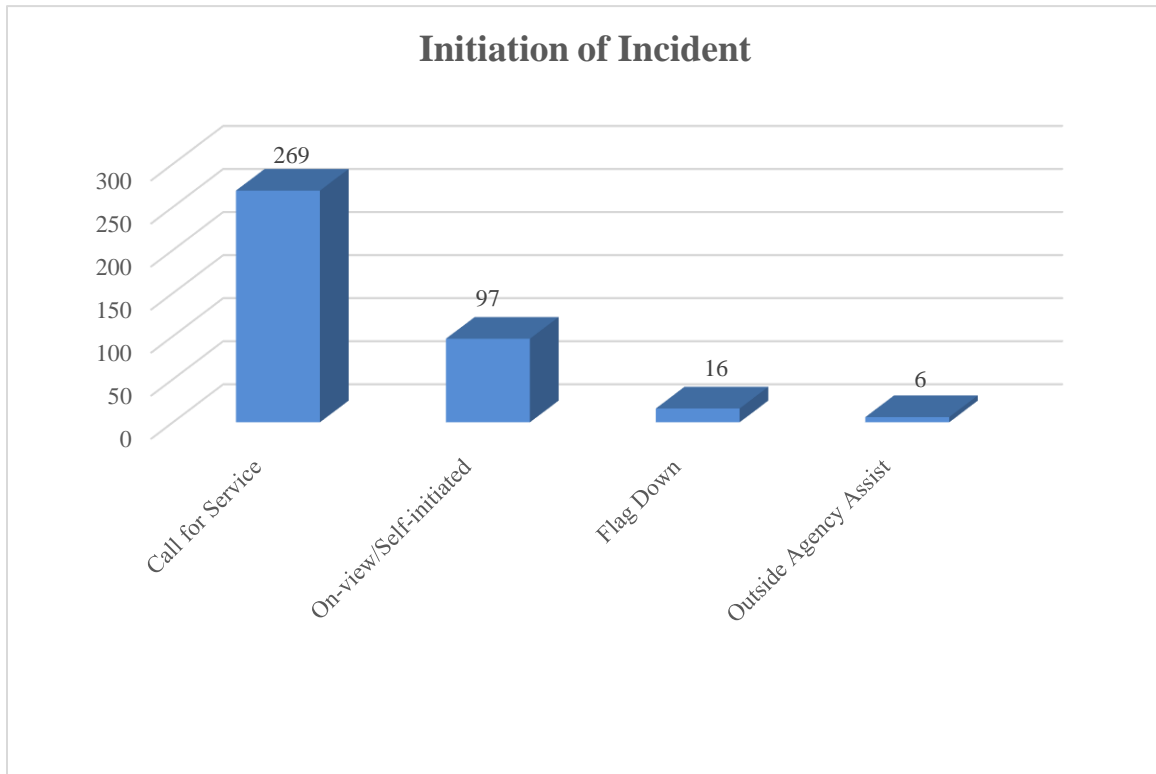
The following graph shows the circumstances involved in use of force incidents. Each incident may have multiple contributing factors. The most common element in use of force incidents is a high-risk contact which was reported in 37% of the uses of force. It should also be noted that the



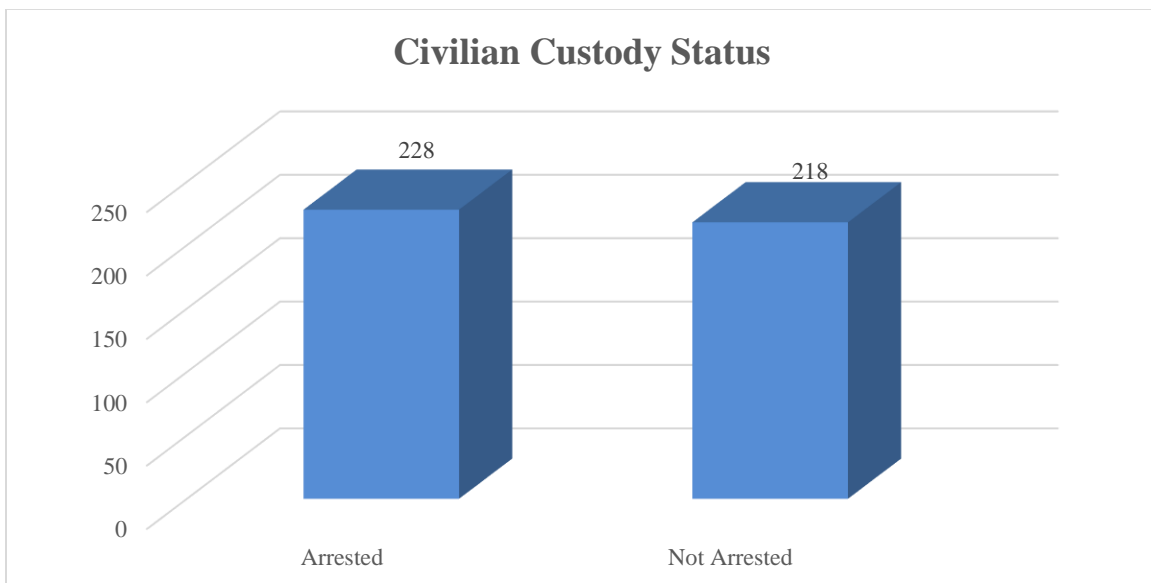
## BART Police Use of Force, 2023 Annual Report

use of force data indicated that incidents involving armed suspects increased by 39% over 2021. The discovery of illegal firearms also increased 105%, from 21 firearms recovered in 2021 to 43 firearms recovered in 2023. Incidents involving knives and edged weapons were also a common occurrence in 2023.

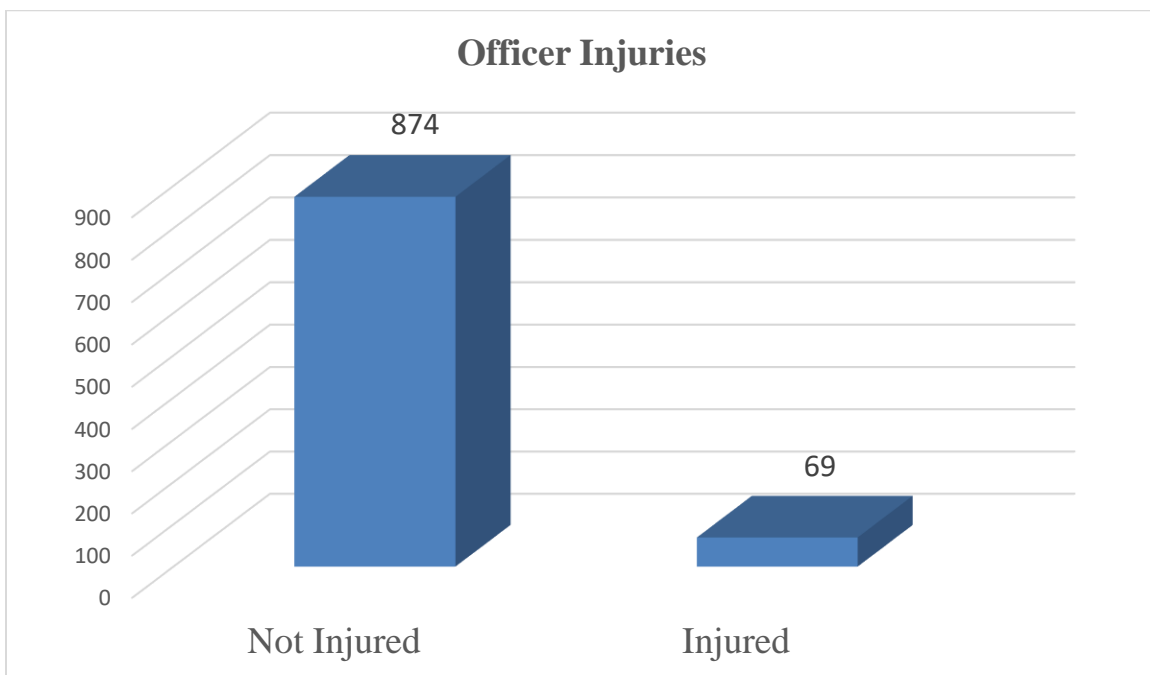
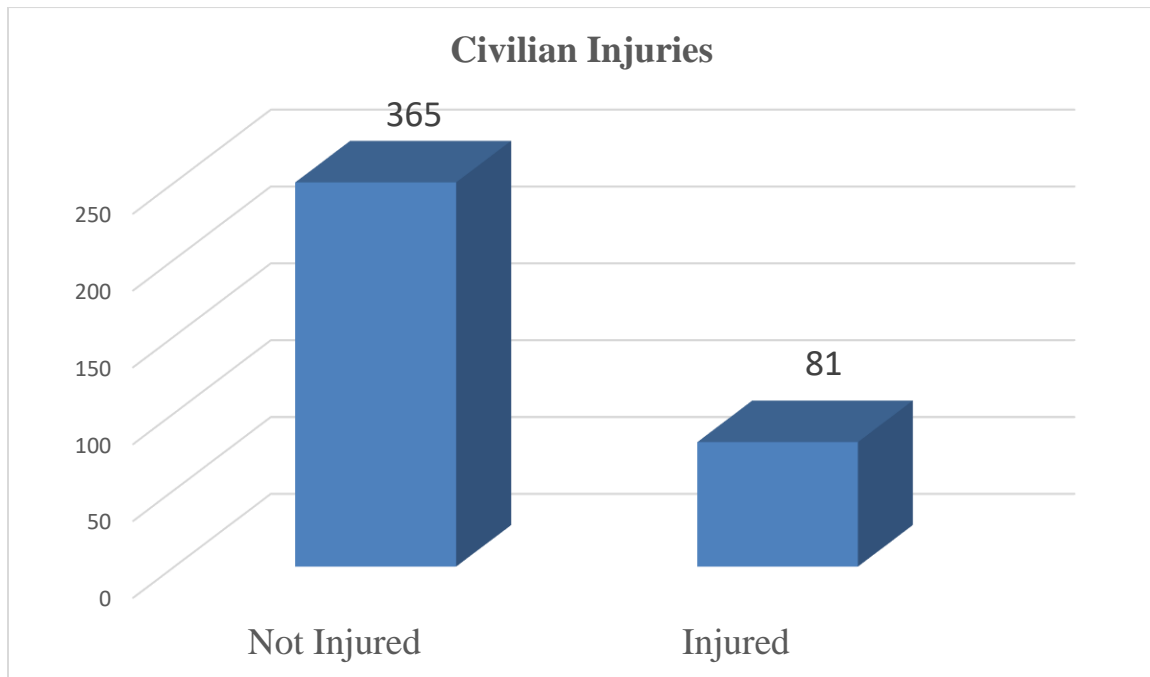




Dispatched calls for service were the source of 269 of the 388 incidents that involved a reportable use of force. This was 69% of the total number of incidents and a 43% increase from 2022.



Note: Reasons for not arresting a person upon whom force was used include psychiatric detentions, or the detention of a person who is later released without criminal charges (such as the investigative detention of a passenger involved in a high-risk car stop or other situations involving a reportable use of force, including incidents where the only force used is the display of a weapon).



Note: Between 2022 and 2023, reported injuries to community members in use of force incidents decreased by 2% even though overall use of force incidents increased by 22%. Based on the number of individuals involved in use of force incidents, 82% of civilians and 93% of officers reported no injury as a result of the use of force incident. The term injury refers to any visible injury or complaint of injury/pain, whether or not medical care was required.

## BART Police Use of Force, 2023 Annual Report

### Demographics from Use of Force Incidents

Age Groups of Involved Persons	Number of Persons	Percentage
Unknown	1	0.23%
under 20	51	11.9%
20 - 29	121	28.3%
30 - 39	147	34.4%
40 – 49	57	13.3%
50 - 59	32	7.5%
60 and up	19	4.4%
Total	427	

Ethnicity/Gender of Involved Persons	Number of Persons	Percentage
Black Male	199	46.6%
Hispanic Male	84	19.7%
White Male	54	12.6%
Black Female	30	7%
Other Male	18	4.2%
Hispanic Female	9	2.1%
Asian Male	8	1.9%
White Female	8	1.9%
Unknown Male	8	1.9%
Mid. Eastern Male	4	0.9%
Other Female	2	0.5%
Unknown Female	2	0.5%
Asian Female	1	0.2%
Black Transgender	1	0.2%
Total	427	

There were 427 persons associated with the 388 use of force incidents that were reported in 2023. This difference in numbers is because some of the use of force incidents involved more than one subject upon whom force was used (including incidents where the force used was drawing or pointing a weapon at a person who was being detained with no physical force applied to the person). An analysis of the data determined that there were fifteen individuals during this reporting-period who were each involved in more than one use of force incident. The demographic breakdown of those individuals who were involved in more than one incident was: eleven Black Males, one Asian Male, one Hispanic Male, one Other Male, and one Black Female. There was one person who was contacted twice during the year and was a year older at the time of the second contact, so that person is reflected twice in the overall count of age groups. The total number of people who are in the under 20 age group decreased from 80 people in 2022 to 51 people in 2023.

Black Males account for 46.6% of the persons upon whom force was used, this is a decrease of one percent from the data for 2022. The next most frequent persons upon whom force was used were Hispanic Males (19.7%), White Males (12.6%), and Black Females (7%). For reference, the most recent BART customer service demographic survey conducted in 2022 reported the following breakdown of riders; White 33%, Hispanic 22%, Black 12%, Asian/Pacific Islander 26%, all other 8%. It should be noted that the incidents

## BART Police Use of Force, 2023 Annual Report

handled by the BART Police Department frequently involve people who are not passengers and therefore are not reflected in the demographic survey of BART riders. Persons who are in areas such as the free area of stations, station parking lots and pedestrian plazas, BART maintenance facilities, and locations outside of BART are not counted in the BART demographic survey although many of the use of force incidents occur in these areas. The discrepancy means that the survey demographics do not necessarily represent the community of persons who interact with the BART Police Department.

To examine the disparity in the use of force outcomes for Black Males, the following tables were prepared. The tables analyze the use of force data for Black Males reporting the reason that force was used, community member role, and the force types by the age of the citizens.

Comparison of Force Reason		
Use of Force Reason	Black Males	All Others
High Risk Contact	80	98
Reportedly Armed with Weapon	48	46
Resisting Arrest	48	53
Suspect Armed with Weapon	18	15
Assaulting Officer	7	13
Assaulting Citizen	5	3
Threatened officer	1	4

Role in Incident	Black Males	All others
Arrestee	108	131
Detainee	93	83

## BART Police Use of Force, 2023 Annual Report

Force Type and Age Demographics (Black Males)								
	Unk.	<20	20-29	30-39	40-49	50-59	>60	Grand Total
Firearm (Point)		12	24	29	17	17	7	106
Firearm (Drawn)	1	10	27	20	11	12	5	86
Takedown		2	18	10	7	4		40
Grab		1	10	8	4	2	1	26
Bodyweight		2	8	7	5	1	1	24
Control Hold/Pressure Point Application		2	6	4	5	3	2	22
Taser Activation		1	2	7	2		1	13
Leverage			2	1	1	2		6
Body Weapon Strike			2	1	1			4
Body Weight			1		1			2
LLIMS Activation						1		1
<b>Grand Total</b>	<b>1</b>	<b>21</b>	<b>53</b>	<b>57</b>	<b>32</b>	<b>25</b>	<b>11</b>	<b>199</b>

De-escalation and Age Demographics								
	Unk.	<20	20-29	30-39	40-49	50-59	>60	Grand Total
De-escalation (Black Males)	1	6	24	18	10	5	2	66
De-escalation (All Others)		9	24	34	10	4	1	82

While a full analysis of the factors driving the disparity in use of force upon Black Males is beyond the scope of this report, the data above indicates several areas where the Department could focus to ensure that force is being applied in a manner that is compliant with the Constitution, law, and Department policy.

- In 2023 the categories of “High Risk Contact” and “Reportedly Armed with Weapon are the first and second most commonly reported reason for the use of force for all persons, including Black Males. The circumstances of a situation which is reported to the BART Police Department for investigation are mostly outside of the control of the involved officers, but providing additional training on topics such as implicit bias may have positive results in ensuring that employees do not incorrectly categorize Black Males as “high risk” in situations where other persons would not be seen in the same manner. The “Tactics” component of the Department’s Integrated Communications Assessment and Tactics (ICAT) and scenario-based training also provides an opportunity to reduce the level of force used in these types of scenarios by implementing sound tactics that reduce the need to use force. The Department is working to establish department-wide ICAT training in 2025.
- “Resisting Arrest” is the third most commonly reported reason for use of force for all persons, including Black Males. In many cases the involved person’s resistance is beyond the control of the officers, but this is an area that could benefit from training and community outreach focused on

building trust and legitimacy for law enforcement. Trust and legitimacy are essential to gain the cooperation of community members, and this is an area in which the Black community's history of oppression works against the development of effective relationships with law enforcement.

- Persons between the ages of 20-29 and 30-39 account 63% of persons who are involved in reported use of force incidents. For Black Males, this age-group accounts for 55% of the reported use of force incidents. Community outreach should focus on persons in this age-range to build trust and develop better relationships to help reduce conflict and misunderstanding that may contribute to an increased use of force.

As mentioned in prior reports, the BART Police Department voluntarily participated in a multi-year study conducted by the Center for Policing Equity (CPE) to examine policing practices and behavior as part of the National Justice Database (NJD) project. The study includes extensive data of law enforcement contacts over multiple years (2012-2017) and a rigorous analysis of the data. The results of the study were released in early-2020 and showed racial disparities between persons who are subjected to uses of force. While the report found evidence of racial disparities, CPE also included the following statements to put those findings in context.

*...Disparities do not necessarily indicate that police officers have engaged in biased or discriminatory behavior. Disparities in rates of police contact and the outcomes of this contact mean that racial groups in California's Bay area have different experiences of BART PD policing. This is important to measure, as these differences can represent pain points for communities. Factors outside of a department's control (e.g. poverty and crime rates) contribute to disparities. Measuring these factors can help infer what portion of the disparity is likely related to officer behavior and/or departmental policies and practices.*

*...By participating in CPE's National Justice Database, and various reports and CPE initiatives, BART PD has shown itself to be a leader in its commitment to advancing equitable policing outcomes. BART PD initiated the partnership with CPE and has participated with courage and transparency, knowing that disparities would be found. CPE commends BART PD for their proactive, and ongoing participation in enhancing equity, and encourages BART PD to undertake additional steps to enhance their commitment to fair and equitable policing.*

The report also contains the following information about CPE's explanations for racial disparities in policing:

### ***National Justice Database Analytic Framework***

*The NJD analytic framework aims to distinguish among five broad types of explanations for racial disparities in policing, all of which are likely to play some role in producing racial disparities in BART PD, as elsewhere:*

***1) Individual characteristics or behaviors:*** individual attributes or behaviors that may lead to interactions with law enforcement, such as mental health challenges, homelessness, or participation in criminal activity.

***2) Community characteristics:*** neighborhood conditions, such as poverty or high crime rates, that may result in higher rates of interaction with law enforcement.

3) **Individual officer characteristics or behaviors:** Some officers may view members of certain communities with a higher level of suspicion, resulting in a disproportionate rate of stops or more punitive disposition after the stop for these individuals

4) **Departmental culture, law, or policy:** institutional policies, practices, or norms may increase law enforcement contact with some members of the population more than others. For example, officers may be deployed to patrol some communities more intensively than others. Moreover, police departments may be constrained by federal, state, or local laws that may contribute to disparate interactions with individuals and communities.

5) **Relationships between communities and police:** Mistrust of law enforcement can reduce community members' willingness to cooperate with police. Similarly, a sense that communities do not trust or respect police may cause officers to feel unsafe or defensive in some neighborhoods.



## **REPORT TOPIC: TRAINING**

The Department presented the following training in 2023 to improve professionalism, customer service, and community relations:

Advanced Officer Training - 2023	
Emergency Vehicle Operations (EVOC)	8 hours
Patrol Rifle/Handgun Update and Qual	8 hours
Lowlight Rifle/Handgun Training and Qual	4 hours
Use of Force Perishable Skills Program	4 hours
Defensive Tactics	20 hours
TASER	4 hours
Building Search	4 hours
Less Lethal Impact Munitions (LLIMS)	4 hours
POST Portal Pursuit Policy	2 hours
Strategic Communications PSP	2 hours
Dispatcher Training - 2023	
POST Callers in Crisis	2 hours
POST Suspicious Activity Reports	2 hours
POST Dispatch Radio Technology	2 hours
Non-Sworn Training - 2023	
Defensive Tactics and Tactical Communication	8 hours

Based on the review of use of force incidents and officer assaults in 2023, the following training is recommended:

- The department should continue the curriculum in the training plan which includes perishable skills training involving de-escalation, tactical communication, and defensive tactics skills. Increasing officers' competency in these areas will assist with making good use of force decisions during the dangerous and rapidly evolving situations encountered. The department should also ensure that all personnel listed in the training plan attend Crisis Intervention Training to keep current with training requirements that were delayed due to COVID-related limitations on the availability of approved training courses.

- The Department is now training employees on a POST-approved arrest control and defensive tactics system known as “Gracie Survival Tactics” (GST). GST is a system based on the Jiu-Jitsu discipline of martial arts with an emphasis on techniques that provide an easy to learn system designed to help officers humanely prevail against larger and stronger opponents. The GST program is based entirely on leverage, timing, and efficient use of energy so that the techniques can be successfully applied by anyone against a larger/stronger subject in the field. The techniques are designed to minimize injuries to officers and civilians while also giving the officer increased confidence in their ability to safely control violent subjects. The concept of de-escalation is core to the GST system and provides force options that are consistent with the Department’s policy of minimal reliance on the use of force to accomplish lawful objectives.
- The Department should provide line-up training to employees on the trends and patterns of officer assaults to improve officer safety through awareness of the issues that may increase risk and allow for improved decision making and tactics.

The Department will also continue to work through the Progressive Policing and Community Engagement Bureau to identify community engagement opportunities to build stronger ties with the people in the communities we serve.

## **REPORT TOPIC: EQUIPMENT AND POLICY**

On January 1, 2023, the Department upgraded our use-of-force tracking software platform BlueTeam to its newest version known as BlueTeam NextGen. This software platform is used by over 550 agencies nationwide to support the documentation, supervisory oversight, and organizational accountability for use of force incidents. Use-of-force incidents are entered into the system by frontline supervisors and are routed through the chain-of-command with review and approval at each step. In conjunction with this upgrade, coupled the new version's increased ability to customize fields and lists, the Department took the opportunity to update the force options list within BlueTeam NextGen to match the force options specifically identified within our Lexipol Policy 300 – Use of Force. The updated list allowed our frontline supervisors to better capture the types of force being used by our employees so each force option used within an incident can be evaluated and reviewed to what is specifically addressed in our policy.

The Communications and Control Engineering Group of the Maintenance & Engineering Department (M&E) completed the Districtwide P25 Harris Radio System Upgrade. After months of planning and engineering efforts, the District replaced the legacy EDACS analog radio system with a state-of-the-art digital P25 Phase 2 radio system. The benefits of this upgrade included a doubling of talk channel capacity, improved audio quality, and over the air programming capabilities. The project also increased the talk paths from 9 up to 18 which reduces the possibility that BPD staff will encounter a situation where the radio system was out of available channels to broadcast. The transition to a digital radio system did result in a noticeable difference in the sound of the radio broadcasts, so in an effort to improve the user experience for our staff who use radios in the field the Department upgraded our radio earpieces for all employees who are equipped with a portable radio. The new earpieces enhance the ability to clearly hear the radio transmissions without blocking out all other external sound. The design of the new earpiece also minimizes ear fatigue and soreness after extended use to enhance employee comfort during long shifts. While radio equipment is not directly related to the use of force, the ability to maintain communication with our employees in the field does positively impact decision making and supervision which helps to appropriately respond to incidents and deploy the right resources for the situation.

The Department will continue to work with the Office of the Independent Police Auditor (OIPA) and the BART Police Citizen Review Board (BPCRB) to review the equipment, policies, and practices of the Department and identify areas for improvement. The Department has recently implemented changes to the process of updating policies to ensure that the BART Police Civilian Review Board has the opportunity to provide review and input prior to the implementation of any changes.