



# BART's Commitment to Progressive Policing



BART Board of Directors June 25, 2020 Meeting



# BART's Commitment to Progressive Policing and Continuous Improvement

- BART has been actively focused on implementing progressive and equitable policing practices for more than a decade and worked to strengthen relationships with the diverse communities we serve.
- BART recognizes that the process of reform is never complete.
- BART Police is committed to continuous improvement through policy changes and ongoing training that exceeds industry standards.
- BART Police has established a culture of accountability and responsibility.
- A priority for BART and BPD is listening to community concerns and being responsive to calls for further reform.

# 10 Years of Reform & Policy Updates

## Independent Oversight

- The BART Citizen Oversight Model is among the strongest in the country.
- The oversight model established both the Office of the Independent Police Auditor (OIPA) and the BART Police Citizen Review Board (BPCRB).
- Both provide for independent investigations of alleged police misconduct, review of BPD Internal Affairs investigations, policy recommendations, reviews of every use-of-force incident, and civilian community engagement.
- BPD's Chief is not able to unilaterally reject findings by the OIPA or BPCRB.
- OIPA has unfettered access to police records, data, reports, and videos.

# 10 Years of Reform & Policy Updates

## Independent Oversight

- The OIPA role has evolved over time.

### *Recent Reform:*

- The OIPA can now investigate complaints from community members whether or not they were the victim of alleged police misconduct.

### *New Commitment:*

- BART's General Manager will immediately make resources available to allow OIPA to increase oversight activities.
- This will speed up the completion of investigations and strengthen community connections and will revitalize the complaint mediation program.

# 10 Years of Reform & Policy Updates

## Body Cameras

In 2012 BPD was among the first agencies in the country to require officers to wear body cameras with appropriate discipline for failed or late activation.

### *Recent Reform:*

In early March 2020, BPD, the BART Police Officers' Association, the BART Police Managers' Association and OIPA reached an agreement to recalibrate the equipment to include a one-minute buffer **with audio** prior to activation, which is a 100% increase from the previous 30-second silent buffer.

# 10 Years of Reform & Policy Updates

## Use of Force Policy

BART Police has a progressive use of force policy that adheres to the requirements of CA Assembly Bill 392 which dictates the circumstances under which police may use deadly force:

- Officers must identify themselves and issue a verbal warning prior to the use of a firearm or TASER.
- Officers are prohibited from shooting at a moving vehicle.
- Officers are required to attempt to de-escalate as the first option prior to any use of force.
- Every use of force is reviewed internally and by OIPA to determine if the de-escalation effort was properly performed.
- BPD requires any officer present and observing another officer using excessive force to intercede and promptly report these observations to a supervisor.

## *Recent Reform:*

On June 12, 2020, BPD banned the use of the Carotid Control Hold entirely where previously it was only justifiable under circumstances where deadly force was warranted.

# 10 Years of Reform & Policy Updates

## Expanded Training

- The annual training provided to BART police officers exceeds the standards set by the California Commission on Peace Officer Standards and Training (POST).
- POST requires 24 hours of advanced officer training every two years. BPD officers are trained for a minimum of 24 hours annually.
- BPD was the first California agency to have POST-certified instructors for Fair and Impartial Policing training.
- Officers also receive training in bias-based policing, crisis intervention, cultural competence, and de-escalation.

# 10 Years of Reform & Policy Updates

## Expanded Training

Chief Alvarez will roll out three new training programs to set the tone for the future.

### *New Commitment:*

- Explore and establish the creation of a community based, anti-racism training course.
- Update the department's force-option simulator training tools to reflect the new requirement for restraint under AB 392. POST currently offers limited training in this area and BPD will be on the cutting-edge of crafting interactive, scenario-based, video training related to this new law.
- Deploy Integrating Communications, Assessment, and Tactics (ICAT) training to the annual advanced officer training curriculum. ICAT provides officers with the skills to safely respond to situations involving persons who are unarmed or are armed with weapons other than firearms, and who may be experiencing a mental health or other crisis.

# 10 Years of Reform & Policy Updates

## Early Warning System

- The program monitors BPD employee performance, identifies behavior that may be inconsistent with professional police conduct and cooperatively engages employees to resolve areas of concern to improve behavior.
- The goal of EWS is to identify problems and correct them through constructive counseling sessions, intervention, and/or training, reducing the need for formal discipline.
- All BPD employees are subject to this process.
- EWS is constantly monitored with automatic notifications to Internal Affairs and OIPA

# 10 Years of Reform & Policy Updates

## Transgender Policy

- At the recommendation of the BPCRB, BART Police was an early adopter of a policy aimed at ensuring equity for the transgender community.
- The policy is the result of input with stakeholders in the transgender community, as well as with police, union representatives, and other community stakeholders, including the Transgender Law Center in Oakland and the National Center for Transgender Equality.

# Fighting Racism

BART and BPD not only stand against discrimination but are also fighting racism.

- **Office of Civil Rights:** Oversees a host of equity programs that cover workforce, contract, and economic opportunity policies.
- **Data Review:** BPD is in the final stages of working with Dr. Philip Goff with the Center for Policing Equity to review enforcement demographic data. The nationally known think tank will release the final draft of its report by late 2020.
- **Demographic Data:** BPD collects comprehensive demographic data on all stops. The department will exceed California Racial and Identity Profiling Act (RIPA) requirements for first annual report on demographic stop data by April 2023. BPD presented comprehensive demographic data for all quality of life stops to the BART Board of Directors and general public in February 2020.
- **GARE Training:** The District has prioritized advancing systemic racial equity by participating in the Government Alliance on Race and Equity training series.

# Accreditation

## Certification

BPD is among the 6% of law enforcement agencies in the nation and 1 of 17 in California to earn the prestigious accreditation from the Commission on Accreditation for Law Enforcement Agencies (CALEA).

- BART entered the accreditation process voluntarily to begin a period of self-assessment and review of policies by outside experts.

## Noble Report

The accreditation caps a process of implementing recommendations from The National Organization of Black Law Enforcement Executives (NOBLE) final report issued in 2010.

# Re-Allocating Resources

- BART will continue to listen to communities, learn from experts, and collaborate with advocates.

## ***New Commitment:***

- BART General Manager Bob Powers has pledged \$2 million in operating funds originally identified for pandemic enforcement using sworn officers and fare inspectors to be re-allocated to increasing the number of unarmed civilian employees providing presence and assistance in the system and expanded training.
- Powers will work with the Board of Directors to determine if the new positions will expand the Ambassador program launched last year or another type of social service program.

# Team Approach

- BPD's progressive policing reforms would not be as robust as they are without buy in from multiple stakeholders.
- The BART Police Officers Association and BART Police Managers Association have been active partners in this process along with BPD leadership, the BART Board of Directors, the Office of the Independent Police Auditor, and the BART Police Citizen Review Board.
- Community input has also been and will continue to be a vital part of this process.



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