



**BART POLICE DEPARTMENT
KENTON W. RAINEY, CHIEF OF POLICE**

**PATROL BUREAU ORDER NO 16-
DATE OF ISSUE:**

ONE TICKET/ONE SEAT ORDINANCE ENFORCEMENT

PURPOSE AND SCOPE

This Patrol Bureau Order details enforcement of the One Ticket/One Seat Ordinance (2016-1), passed by the BART Board of Directors on April 14, 2016. Increased ridership and an aging infra-structure have challenged the BART System's ability to meet the demand for seating in train cars, particularly during commute hours. Further aggravating this demand has been the use of multiple seats, by single individuals who block unoccupied seats by lying down, stretching feet out, or storing items. This inconsiderate behavior has caused friction and conflict between patrons and added dissatisfaction with the BART System.

OBJECTIVE

During week day commute hours, defined in the ordinance as 6:00am-10:00am and 3:00pm-7:30pm, trains frequently operate at crush-load capacity. In order to ensure maximum seating and train occupancy, BART Police personnel shall begin enforcing the BART Ordinance 2016-1 on September 1, 2016. In general, and absent any additional criminal activity or wants, enforcement will be conducted in the manner described in this bulletin. In doing so, personnel will remain cognizant of the impact to train service while enforcing this ordinance; planning ahead and executing enforcement activity in order to minimize that impact.

ENFORCEMENT PROCEDURES

When enforcing this ordinance, at any level, personnel should evaluate individuals potentially in need of service through the Department's CIT Community Outreach Coordinator and provide them with a Community Services and Mental Health Resource Card. The CIT Community Outreach Consultant may be contacted by cell phone at (510) 821-0471, or by email at ASando2@BART.gov.

Verbal Warning

When an officer contacts an individual in violation of BART Ordinance 2016-1 for the first time, the officer first must verbally advise the individual of the law and request that the individual remove any obstruction to unoccupied seats. This is considered a verbal warning. The person shall be detained for the violation, a field interrogation card will be completed, and the person will be checked for outstanding warrants or court orders via dispatch. If the person complies with the law, and no other criminal violations or wants are discovered, the officer shall take no further action.

If the person refuses to comply with the law after being told to do so, the individual shall be placed under arrest under Penal Code 148(a)(1).

Warning Citation and Release

Individuals observed in violation of BART Ordinance 2016-1 on a second occasion shall be detained for the violation and checked for outstanding warrants, court orders and verification via dispatch the individual has received a prior verbal warning.

If the person has received a verified prior verbal warning, officers should issue a warning citation for BART Ordinance 2016-1. If other criminal violations or wants are discovered, the person may be placed under arrest.

If the person refuses to comply with the law after being issued a warning citation, the individual shall be placed under arrest under Penal Code 148(a)(1).

Citation and Release

If the person has received a prior verbal warning and has been issued a warning citation that has been verified via dispatch, officers should issue a citation for BART Ordinance 2016-1. If other criminal violations or wants are discovered, the person may be placed under arrest.

If the person refuses to comply with the law after being issued a citation, the individual shall be placed under arrest under Penal Code 148(a)(1).

Physical Arrest

Individuals who have been given a prior verbal warning, a warning citation, and a citation for BART Ordinance 2016-1, have demonstrated a reasonable likelihood the offense will continue or resume. These individuals should be taken into custody under Penal Code 853.6(i)7.

SERVICE REFERRALS

In keeping with the BART Police Department Core Values and community policing philosophy, individuals who are determined to be homeless or in need during enforcement of BART Ordinance 2016-1 are to be offered assistance in obtaining services. If the individual accepts services, the officer(s) should attempt to contact the BART Police CIT Community Outreach Coordinator.

Officers are reminded to review and maintain an awareness of Department Policy #467 (Homeless Persons).

Kenton W. Rainey
Chief of Police