#### SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT 300 Lakeside Drive, P. O. Box 12688, Oakland, CA 94604-2688 \*\*REVISED\*\* NOTICE OF MEETING AND AGENDA BART POLICE CITIZEN REVIEW BOARD

February 8, 2021 4:00 p.m.

A regular meeting of the BART Police Citizen Review Board (BPCRB) will be held on Monday, February 8, 2021 at 4:00 p.m.

Please note, pursuant to Governor Newsom's Executive Order N-29-20 and the California Shelter-in-Place mandate, which prevents all but essential travel, <u>public participation for this meeting will be via</u> <u>teleconference only.</u>

**Presentation materials will be available 72 hours** prior to the BPCRB meeting at <u>https://www.bart.gov/about/bod/advisory/crb</u> (click on "Agenda").

You may listen to the Meeting by calling 1-833-827-2778 and entering access code 740 310 928#.

We strongly encourage public comments to be submitted via email. You may submit comments via email to <u>CitizenReviewBoard@bart.gov</u> using "public comment" as the subject line. Your comment will be provided to the Board and will become a permanent part of the file. Please submit your comments as far in advance as possible. Emailed comments must be received before 2:00 p.m. in order to be included in the record.

**Individuals may also be given an opportunity by the moderator to speak on any item on the agenda by calling (833) 827-2778 and entering access code 740 310 928# in advance of the item.** Public comment will be limited to three (3) minutes per person. Your phone will be muted until you are called upon.

#### AGENDA

- 1. Call to Order.
  - a. Roll Call.
    - b. Pledge of Allegiance.
- 2. Announcement from January 11, 2021 Closed Session, if any.
- 3. <u>Approval of Minutes of the Meeting of January 11, 2021. For Discussion and Action.</u>
- 4. Approval of Memoriam Letter to the Family of Ken Jones, LGBTQ+ Advocate, and Original Member of the Citizen Review Board (Members Mensinger and Perezvelez Request). For Discussion and Action.
- 5. <u>Resolution Honoring Ken Jones and in Support of His Nomination to the Castro's Rainbow Honor</u> <u>Walk. For Discussion and Action.</u>
- 6. Chief of Police's Report. For Discussion and Action.a. BART Police Department's Monthly Reports for December 2020.

- Independent Police Auditor's Report. For Discussion and Action.
   a. <u>Office of the Independent Police Auditor (OIPA) Monthly Report for</u> January 2021.
- 8. <u>Center for Policing Equity Final Report BART Police Department. For Discussion and Action.</u>
- 9. <u>Update to Roll Call for Introductions Item No. RCI 20-832, BART Progressive Policing.</u> For Discussion and Action.
- 10. Public Comment. (Limited to 3 minutes per speaker.)(An opportunity for members of the public to address the BPCRB on matters under their jurisdiction and not on the agenda.)
- 11. Closed Session.
  - a. To Consider Public Employee Discipline/Dismissal/Release in OIPA Case #20-14. Govt. Code §54957.

All BPCRB closed session votes will be announced at the beginning of the next regular meeting.

12. Adjournment

BART provides service/accommodations upon request to persons with disabilities and individuals who are limited English proficient who wish to address Board matters. A request must be made within one and five days in advance of Board meetings, depending on the service requested. Please contact the Office of the District Secretary at (510) 464-6083 for information.

Presentation materials will be available 72 hours prior to the BPCRB meeting at <u>https://www.bart.gov/about/bod/advisory/crb</u> (click on "Agenda").

Pursuant to Govt. Code §54953.5, the audio recording of the open session portions of this public meeting shall be subject to inspection pursuant to the California Public Records Act (CPRA). Requests for information under the CPRA should be filed with the BART Office of the District Secretary.

## **SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT** 300 Lakeside Drive, P.O. Box 12688, Oakland, CA 94604-2688

#### BART Police Citizen Review Board Meeting Minutes Monday, January 11, 2021

A regular meeting of the BART Police Citizen Review Board (BPCRB) was held Monday, January 11, 2021, convening at 4:01 p.m. via teleconference, pursuant to Governor Gavin Newsom's Executive Order N-29-20 and the California Shelter-in-Place mandate. The meeting was called to order by Chairperson David Rizk; Mag Tatum, Recording Secretary.

Chairperson David Rizk gave instructions on the virtual meeting, accessing presentation materials online, Public Comment, and Members' remarks.

#### 1. Call to Order.

The regular meeting was convened at 4:01 p.m. by Chairperson David Rizk.

Members Present:

Members Erin Armstrong, Zachary Bruno Todd Davis, Christina Gomez, Pete Longmire Kenneth Loo, Les Mensinger, George Perezvelez, Darren White, William White and David Rizk.

Absent:

None.

The Pledge of Allegiance was recited.

Members Zachary Bruno and Kenneth Loo announced their resignations. Member Loo stated his resignation will occur in a couple of months. Member Bruno resigned on Monday, January 11, 2021.

#### 2. Announcement from December 14, 2020 Closed Session.

Chairperson Rizk announced that the Board voted unanimously to accept the findings in OIPA Case #20-06.

Member Todd Davis entered the meeting.

#### 3. Approval of Minutes of the Meeting of December 14, 2020.

Member Armstrong moved that the Minutes of the Meeting of December 14, 2020 be approved. Member Mensinger seconded the motion, which carried by a unanimous roll call vote. Ayes – 11: Members Armstrong, Bruno, Davis, Gomez, Longmire, Loo, Mensinger, Perezvelez, D. White, W. White and Rizk. Noes – 0. Abstain – 0. Absent – 0.

#### 4. Chief of Police's Reports.

#### a. BPD Monthly Reports for November 2020.

Chief of Police Ed Alvarez presented the BPD Monthly Reports for November 2020. The reports were discussed.

**b.** Overview of the Community Oriented Policing and Problem-Solving Unit (COPPS). Shirley Lara and Jonathan Moreland, Community Services Officers and COPPS Coordinators, presented the Overview of the Community Oriented Policing and Problem-Solving Unit. The item was discussed.

Member Darren White exited the meeting.

#### 4. Independent Police Auditor's Report.

## a. Office of the Independent Police Auditor (OIPA) Monthly Report for December 2020.

Independent Police Auditor Russell Bloom presented the OIPA Monthly Report. The report was discussed.

Member Perezvelez brought the matter to extend the meeting time by 15 minutes. Chairperson Rizk seconded the motion, which carried by a unanimous roll call vote. Ayes -10: Members Armstrong, Bruno, Davis, Gomez, Longmire, Loo, Mensinger, Perezvelez, W. White and Rizk. Noes -0. Abstain -0. Absent -1: Member D. White.

#### 5. Public Comment.

Chairperson Rizk called for Public Comment.

The following individuals addressed the Board:

Director Robert Raburn Director John McPartland

#### 6. Closed Session.

## a. To Consider Public Employee Discipline/Dismissal/Release in OIPA Cases #20-07 and #20-11. Govt. Code §54957.

Chairperson Rizk announced that the Board would enter closed session under Item 8-A (Public Employee Discipline/Dismissal/Release in OIPA Cases #20-07 and #20-11) of the Regular Meeting agenda, and that the closed session votes, if any, would be announced in open session at the beginning of the next regular BPCRB meeting.

#### Adjournment.

The Meeting adjourned at 6:03 p.m.

February 8, 2021

To the Family of Ken Jones:

This is to inform you that, at the request of Mr. Les Mensinger and Mr. George Perezvelez, the BART Police Citizen Review Board (Board) of the San Francisco Bay Area Rapid Transit District adjourned its regular meeting of February 8, 2021, in memory of Ken Jones.

The members of the Board, with a profound sense of civic and personal loss, are conscious of the many fine qualities of heart and mind which distinguished and brought justifiable appreciation to Ken Jones.

He will be remembered for his LGBTQ advocacy, including his presidency of SF Pride, and his efforts to encourage diversity. BART is particularly grateful for Mr. Jones' service and contributions to the District as an original member on the Citizen Review Board in 2009, a body that has shaped our Police Department's transition into a leader in equitable policing.

The Board realizes that mere words can mean so little to you at a time such as this, but they do want you and the members of your family to know of their deep sympathy and heartfelt condolences.

Sincerely,

David Rizk Board Chair

Enclosures

cc: BART Police Citizen Review Board

#### Ken Jones and in Support of His Nomination to the Castro's Rainbow Honor Walk

Resolution No. 0001

**W**HEREAS, Ken Jones served as an original member of (BART) Police Citizen Review Board after being appointed in 2009 by former Director James Fang during formative years; and

WHEREAS, Mr. Ken Jones was a passionate LGBTQ+ civil rights activist who fought for diversity, inclusion and equality for all, and was portrayed by Michael K. Williams in the 2017 ABC-TV docudrama "When We Rise," chronicling the early LGBTQ+ Civil Rights Movement in San Francisco where he reflected and discussed how he pushed for many of the early LGBTQ+ organizations to diversify; and

**W**HEREAS, Mr. Jones served as a core volunteer at the Kaposi's Sarcoma Research and Education Foundation, which later became the San Francisco AIDS Foundation; the first African-American Chairperson of the San Francisco LGBT Pride Celebration Committee; at the SF Pride organization during the early 1980s; and later joined the parade organization as a co-chair of the outreach committee, bringing visibility to disenfranchised groups and organizations; and

WHEREAS, Mr. Jones served as a board member of Yes Inc., a federal demonstration project for salaried health outreach workers, the lead agency in creation of the Six-Agency Mid-City Consortium to combat AIDS; and

*W*HEREAS, during his service on the BART Police Citizen Review Board starting in 2009, Mr. Jones brought to the forefront the issues and concerns affecting racial minorities, homeless populations, undocumented citizens, veterans, LGBTQ+ and other disenfranchised communities that ride the BART system; and

*HEREAS*, Mr. Jones reviewed and modified policies and procedures, as well as reviewing and making disciplinary recommendations on citizen complaints of alleged police misconduct, and his advocacy in support of the Transgender community led to the creation of a subcommittee and a subsequent policy addressing the treatment of Transgender individuals by the BART Police Department; and

**WHEREAS**, Mr. Jones staunch advocacy for a compassionate approach to fare evasion and to the assessment as well as understanding of the root causes behind violations, always expressing strong concerns on the possible disparate treatment of minorities and the disenfranchised. Served as a catalyst for the review and evaluation of BART's fare evasion policy implementation to avoid possible systemic discrimination and ensure fair and impartial policing; and

**W**HEREAS, Mr. Ken Jones served with great distinction as a Board Member on the BART Police Citizen Review Board from 2009-2015 and his service brought great credit to himself and to the BPCRB; and

**NOW, THEREFORE, BE IT RESOLVED** We the current members of the BPCRB join our voices in commending Mr. Jones for his exemplary service to BART as an advisory board member and for his steadfast commitment to the work of civilian oversight of law enforcement; and

**B**E IT FURTHER RESOLVED that a suitably engrossed copy of this Resolution be tendered to the Family of Mr. Ken Jones as a token of the affection and high esteem in which he is held by members of the BART Police Citizen Review Board.

Adopted by the BART Police Citizen Review Board of the San Francisco Bay Area Rapid Transit District February 8, 2021

ATTEST:

Patricia K. William, District Secretary

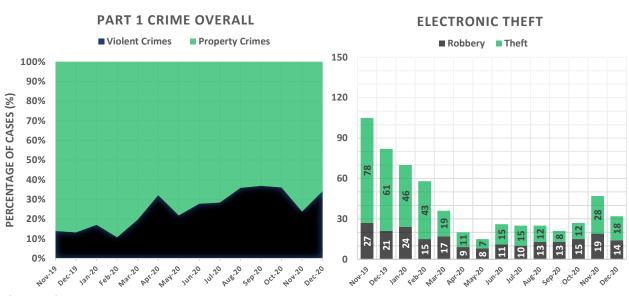
David Rizk, BPCRB Chair

## **BART POLICE DEPARTMENT**

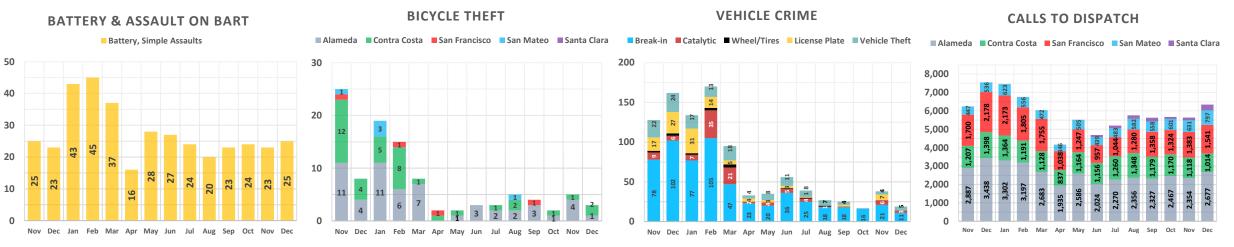


## December 2020 MONTHLY REPORT

101 8th St, Oakland, CA, 94607 (510) 464-7000 <u>www.bart.gov/police</u>									
3/7 45	December 2020 Performance Measurement Review - Systemwide								
PART 1 UCR Crime	2014	2015	2016	2017	2018	2019	YTD 2019	YTD 2020	PCT %
Homicide	0	1	1	0	3	2	2	0	-1 <b>00</b> %
Rape	2	3	4	8	3	7	7	5	- <b>29%</b>
Robbery	153	161	232	290	345	378	378	252	-33%
Aggravated Assault	71	73	93	125	130	112	112	<i>9</i> 5	-15%
Violent Crime Subtotal	226	238	330	423	481	499	499	352	-29%
Burglary (Structural)	7	4	12	15	18	16	16	12	-25%
Larceny & Auto Burglary	2,597	2,325	2,217	2,593	2,565	3,177	3,177	1,038	-67%
Auto Theft	522	480	480	420	348	247	247	100	-60%
Arson	0	0	1	4	4	4	4	4	0%
Property Crime Subtotal	3,126	2,809	2,710	3,032	2,935	3,444	3,444	1,154	-66%
TOTAL	3,352	3,047	3,040	3,455	3,416	3,943	3,943	1,506	-62%



Part 1 Crimes: Top Five StationsDecember 2020M40/CCS M50/SSS M60/TFS A30/COS A20/FVSFull Year 2019A30/COS A60/HAS M10/OWS A20/FVS A40/SLS

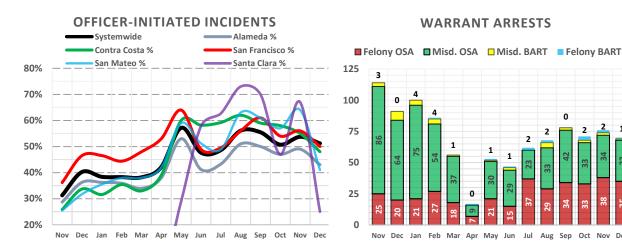




101 8th St, Oakland, CA, 94607 (510) 464-7000 www.bart.gov/police December 2020 Performance Measurement Review - Systemwide

-3

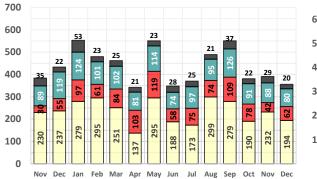
Nov Dec Jan



#### WARRANT ARRESTS

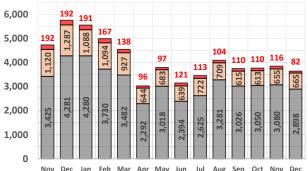
#### **ALL BOOKINGS & ARRESTS**

□ Infraction ■ Misd. Cite ■ Misd. Booking ■ Felony

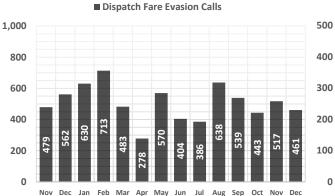


**PRIORITY TYPE 1 - 3 CALLS** 

Priority 3 Calls Priority 2 Calls Emergency P1 Calls

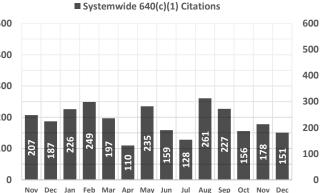


#### **FARE EVASION CAD CALLS**



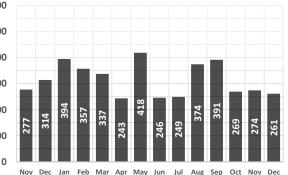
#### **FARE EVASION CITATIONS**

Feb Mar Apr May Jun Jul Aug Sep Oct Nov Dec



#### **ALL CITATIONS**

■ Citations Charges Issued



#### **FIELD INTERVIEWS**

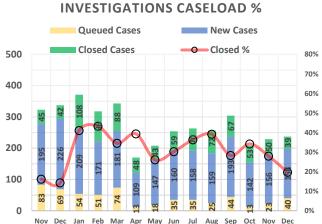
Alameda Contra Costa San Francisco San Mateo Santa Clara

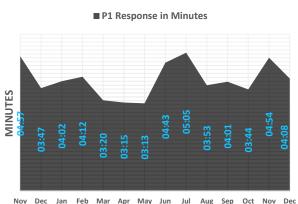




 101 8th St, Oakland, CA, 94607 (510) 464-7000
 www.bart.gov/police

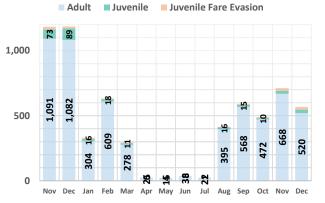
 December 2020
 Performance Measurement Review - Systemwide



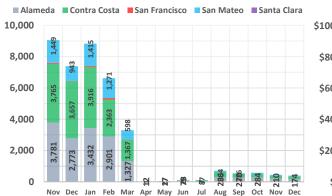


SYSTEM RESPONSE TIME (P1) AVG

### PROOF OF PAYMENT CITATIONS



PARKING CITATIONS



#### OVERTIME UTILIZATION (IN THOUSANDS)



#### EMPLOYEE INJURIES

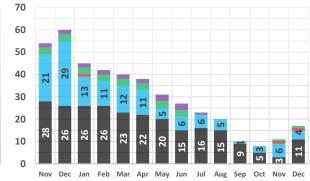
Feb Mar Apr May Jun

Jul Aug Sep Oct Nov Dec



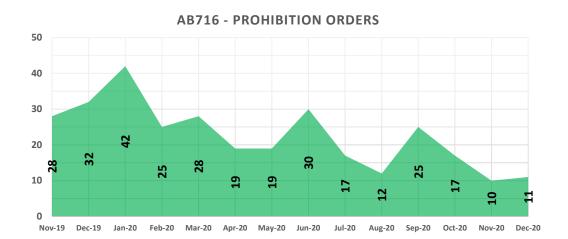
#### VACANCIES

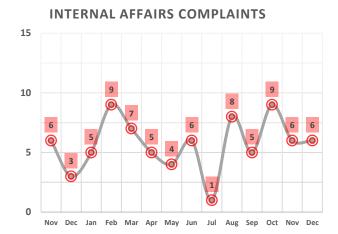
■ Officer ■ CSO/FIO ■ Dispatch ■ Records ■ RPG

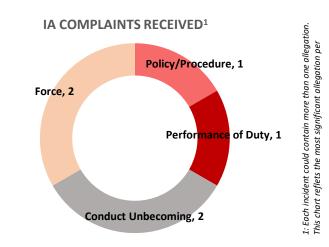


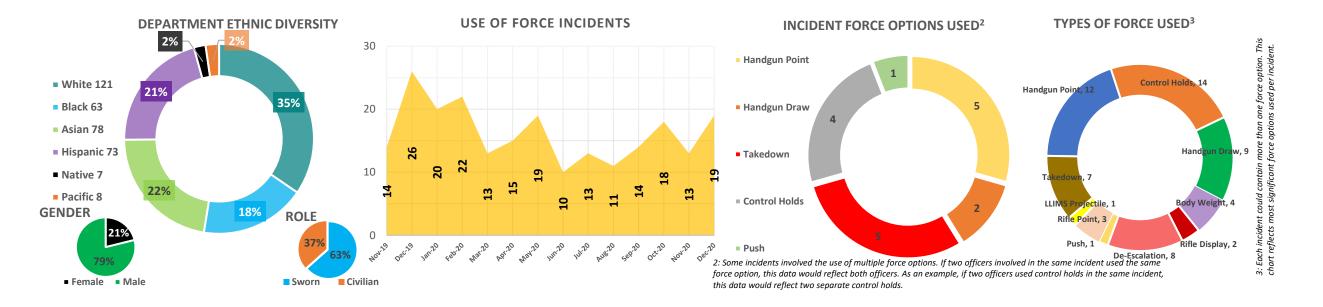


101 8th St, Oakland, CA, 94607 (510) 464-7000 <u>www.bart.gov/police</u> December 2020 Performance Measurement Review - Systemwide

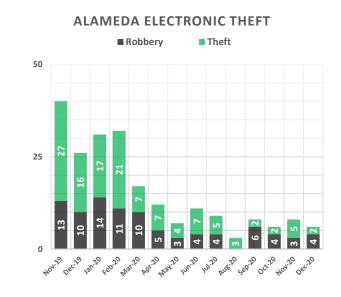


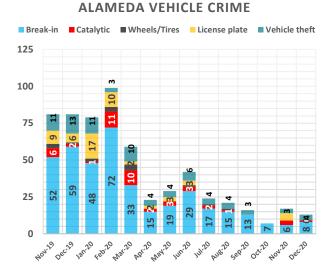




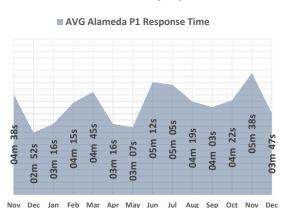


101 8th St, Oal	101 8th St, Oakland, CA, 94607 (510) 464-7000 www.bart.gov/police							
December 202	<b>0</b> Perf	ormance	Measure	ement Revie	w - <mark>Alamed</mark>	a County		
PART 1 UCR Crime	2017	2018	2019	YTD 2019	YTD 2020	РСТ %		
Homicide	0	2	1	2	0	-100%		
Rape	6	3	2	2	3	+50%		
Robbery	191	211	229	227	122	-46%		
Aggravated Assault	73	87	52	51	54	+6%		
Violent Crime Subtotal	270	303	284	282	179	-37%		
Burglary (Structural)	8	11	13	13	9	-31%		
Larceny & Auto Burglary	1,471	1,262	1,634	1,634	577	-65%		
Auto Theft	266	201	149	149	56	-62%		
Arson	2	3	5	5	2	-60%		
Property Crime Subtotal	1,747	1,477	1,801	1,801	644	-64%		
TOTAL	2,017	1,780	2,085	2,083	823	-60%		

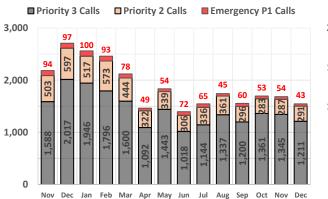




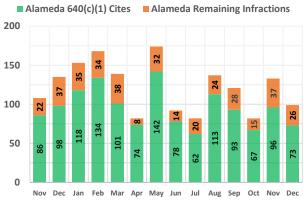
#### **RESPONSE TIME (P1) AVG ALAMEDA ARRESTS & CITATIONS** □ Infraction □ Misd. Cite □ Misd. Booking □ Felony 18 300 MINUTES 200 17 15 37 9 8 385 n 15s **16s** 04m 52s 100 02m 0 Nov Dec Nov Jan Feb Mar Apr May Jun Jul Aug Sep Oct Nov Dec lan Feb



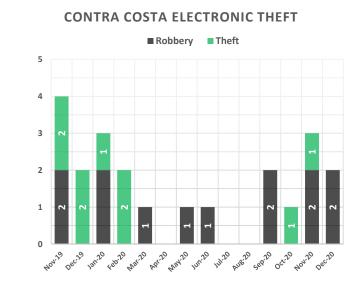
#### **ALAMEDA PRIORITY 1 - 3 CALLS**

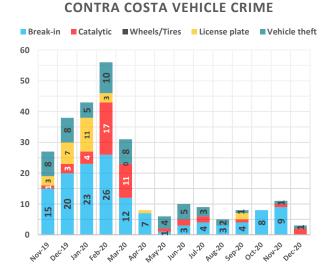


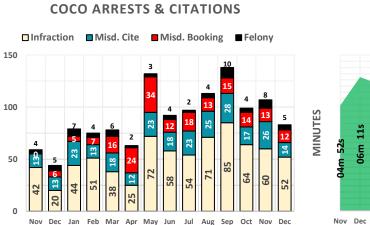
#### ALAMEDA FARE EVASION

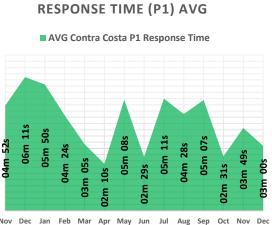


101 8th St, Oal	kland, C	A, 9460	7 (510	) 464-7000	www.b	art.gov/p	<u>olice</u>		
December 202	<b>December 2020</b> Performance Measurement Review - Contra Costa County								
PART 1 UCR Crime	2017	2018	2019	YTD 2019	YTD 2020	РСТ %			
Homicide	0	1	0	0	0	-%			
Rape	1	0	4	4	0	-100%			
Robbery	35	29	34	34	23	-32%			
Aggravated Assault	23	20	23	23	17	- <b>26%</b>			
Violent Crime Subtotal	<i>59</i>	50	61	61	40	-34%			
Burglary (Structural)	2	1	2	2	1	-50%			
Larceny & Auto Burglary	675	669	592	<i>592</i>	202	-66%			
Auto Theft	134	124	81	81	40	-51%			
Arson	3	1	0	0	0	-%			
Property Crime Subtotal	814	<i>795</i>	675	675	243	-64%			
TOTAL	873	845	736	736	283	-62%			

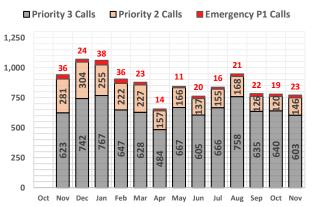




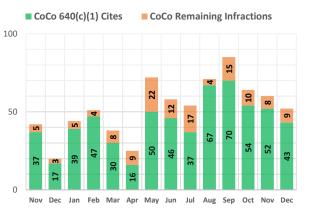








#### **COCO FARE EVASION**



Violent Crime Subtotal

Larceny & Auto Burglary

Property Crime Subtotal

**Burglary (Structural)** 

Auto Theft

Arson

TOTAL

#### **Bay Area Rapid Transit Police Department**

101 8th St, Oakland, CA, 94607 (510) 464-7000 www.bart.gov/police **December 2020** Performance Measurement Review - San Francisco County PART 1 UCR Crime YTD 2019 YTD 2020 **PCT %** -% Homicide Rape 0% Robbery -3% Aggravated Assault -32%

-9%

-75%

-66%

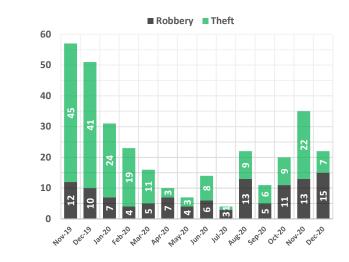
-100%

-%

-66%

-56%

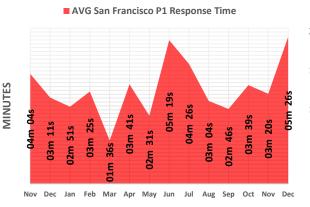
**RESPONSE TIME (P1) AVG** 



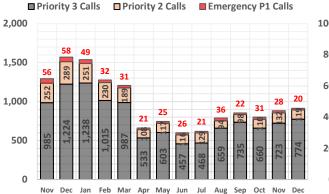
SAN FRANCISCO ELECTRONIC THEFT



#### **SF ARRESTS & CITATIONS** □ Infraction □ Misd. Cite □ Misd. Booking □ Felony Ap Mav Jul Aug



#### **SF PRIORITY 1 - 3 CALLS**



#### SF OFFICER-INITIATED INCIDENTS



Aggravated Assault

**Burglary (Structural)** 

Auto Theft

Arson

TOTAL

Violent Crime Subtotal

Larceny & Auto Burglary

Property Crime Subtotal

#### **Bay Area Rapid Transit Police Department**

101 8th St, Oakland, CA, 94607 (510) 464-7000 www.bart.gov/police December 2020 Performance Measurement Review - San Mateo County PART 1 UCR Crime 2019 YTD 2019 YTD 2020 2017 2018 **PCT %** Homicide 0 0 0 0 0 -% Rape 1 0 1 0% 1 1 15 8 13 6 Robbery 13 -54%

8

22

0

332

13

0

345

367

8

22

0

314

13

0

327

349

4

11

1

75

4

1

81

*9*2

-50%

-50%

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-76%

-**69%** 

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-75%

-74%

5

13

0

161

19

0

180

*193* 

6

22

0

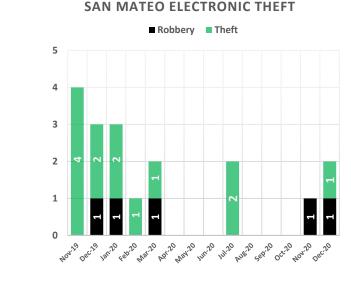
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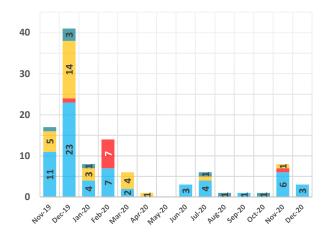
0

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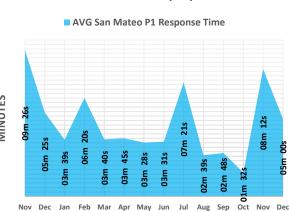
248



SAN MATEO VEHICLE CRIME ■ Break-in ■ Catalytic ■ Wheels/Tires ■ License plate ■ Vehicle theft

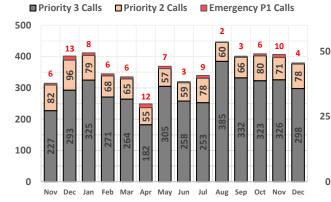


#### **SMC ARRESTS & CITATIONS** □ Infraction □ Misd. Cite □ Misd. Booking □ Felony 100 0 75 MINUTES 50 3 25 5 3 Apr May Jun Jul Aug Sep Oct Nov Dec

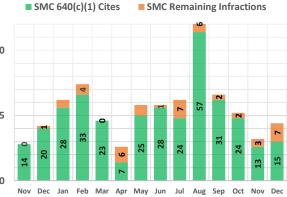


**RESPONSE TIME (P1) AVG** 

### **SMC PRIORITY 1 - 3 CALLS**



#### **SMC FARE EVASION**



Arson

TOTAL

Property Crime Subtotal

#### **Bay Area Rapid Transit Police Department**

	- Island C	1 0400-	7 / [ 10]	464 7000				
101 8th St, Oal	kiana, CA	4, 94607	(510)	464-7000	WWW.Da	art.gov/po		
<b>December 2020</b> Performance Measurement Review - Santa Clara County								
PART 1 UCR Crime	2017	2018	2019	YTD 2019	YTD 2020	PCT %		
Homicide	-	-	-	0	0	-%		
Rape	-	-	-	0	0	-%		
Robbery	-	-	-	0	0	-%		
Aggravated Assault	-	-	-	0	1	-%		
Violent Crime Subtotal	0	0	0	0	1	-%		
Burglary (Structural)	-	-	-	0	0	-%		
Larceny & Auto Burglary	-	-	-	0	0	-%		
Auto Theft	-	-	-	0	0	-%		

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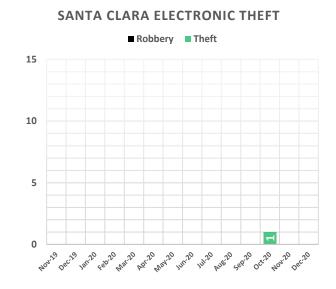
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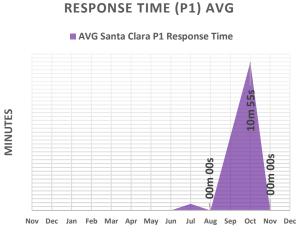


#### **SCC ARRESTS & CITATIONS** □ Infraction □ Misd. Cite □ Misd. Booking ■ Felony 25 20 15 0 10 5 0 Mar Apr May Jun Jul Aug Sep Oct Nov Dec Nov

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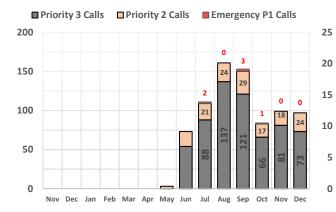
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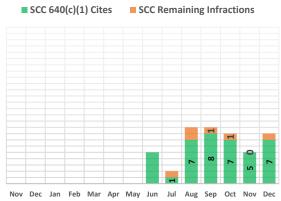
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#### **SCC PRIORITY 1 - 3 CALLS**



#### **SCC FARE EVASION**



	BART Police Department - Office of Internal Affairs									
	Investigation Log									
IA#:	DATE OCC'D	DATE REC'D	ALLEGATION	MISC	INVESTIGATOR	STATUS	5 Month Date	Due Date		
IA2018-001	1/3/2018	1/3/2018	Force (OIS)		Lt. Salas	Tolled	6/4/2018			
IA2018-043	6/6/2018	6/6/2018	Force		Sgt. Spears	Pending Approval	11/5/2018			
IA2018-060	7/22/2018	7/23/2018	Service Review		Lt. Salas	Tolled	12/23/2018			
IA2020-017	2/15/2020	2/15/2020	Force		Sgt. Spears	Tolled	7/16/2020	2/15/2021		
					<u> </u>					
			Force,	Deferred to						
IA2020-015	2/12/2020	2/12/2020	Arrest/Detention	OIPA #20-07	ΟΙΡΑ	<b>OIPA</b> Investigation	7/13/2020	2/12/2021		
	-11	_,,				5	.,			
				OIPA Intake						
IA2020-020	3/6/2021	2/20/2020	Force	#20-10	Sgt. Spears	Pending Approval	7/21/2020	2/20/2021		
			Force, Arrest/Detention, Bias Based Policing,	Deferred to OIPA #20-11						
IA2020-022	2/19/2020	2/21/2020	Search or seizure		OIPA	<b>OIPA</b> Investigation	7/22/2020	2/21/2021		
IA2020-026	3/5/2020	3/9/2020	Arrest/Detention, BBP, Axon Policy/Procedure	Deferred to OIPA #20-14	OIPA	OIPA Investigation	7/30/2020	3/9/2021		
IA2020-027	11/10/2019	3/12/2020	POD, Supervision		Lt. Salas	In Progress	4/10/2020	3/12/2021		
IA2020-028	3/12/2020	3/12/2020	Force		Sgt. Mavrakis	In Progress	8/11/2020	3/12/2021		
IA2020-035	4/26/2020	4/26/2020	BBP,CUBO, Axon	Formal/Admin Investigation	Lt. Salas	In Progress	9/25/2020	4/26/2021		

			Arrest/Detention,	OIPA Intake				
IA2020-036	Unk	4/30/2020	POD, Axon	#20-17	Lt. Salas	In Progress	9/29/2020	4/30/2021
172020 050	UTIK	4/30/2020	100, Axon		Et. Jaias	in rogiess	5/25/2020	1/00/2021
				OIPA Intake				
IA2020-037	Unk	4/30/2020	POD	#20-18	Sgt. Mavrakis	In Progress	10/3/2020	4/30/2021
IA2020-039	5/14/2019	5/14/2020	POD		Sgt. Mavrakis	In Progress	10/12/2020	5/14/2021
IA2020-042	6/2/2020	6/3/2020	CUBO, Force, BBP		Sgt. Mavrakis	In Progress	11/2/2020	6/3/2021
			CUBO, Courtesy,	Deferred to				
IA2020-044	6/4/2020	6/5/2020	Policy/Procedure	OIPA #20-19	OIPA	In Progress	11/4/2020	6/5/2021
IA2020-046	6/8/2020	6/8/2020	BBP, CUBO		Sgt. Mavrakis	In Progress	11/7/2020	6/8/2021
IA2020-047	6/11/2020	6/12/2020	CUBO	Clear by Video	Sgt. Mavrakis	In Progress	11/11/2020	6/12/2021
IA2020-048	7/23/2020	7/23/2020	Force		Sgt. Mavrakis	In Progress	12/22/2020	7/23/2021
			Arrest/Detention,					
IA2020-050	7/7/2020	8/17/2020	Force		Sgt. Spears	In Progress	1/16/2021	8/17/2021
IA2020-051	8/18/2020	8/21/2020	BBP		Sgt. Spears	In Progress	1/20/2021	8/21/2021
				Possible Clear				
IA2020-056	8/29/2020	8/31/2020	CUBO	by Video	Sgt. Mavrakis	In Progress	1/30/2021	8/31/2021
IA2020-057	8/12/2020	8/27/2020	СИВО	Deferred to	OIPA	In Progress	1/26/2021	8/27/2021
IA2020-057	0/12/2020	0/2//2020		OIPA #20-22	UIPA	In Progress	1/20/2021	0/21/2021
				Deferred to				
IA2020-058	9/2/2020	9/3/2020	Force, CUBO	OIPA #20-23	OIPA	In Progress	2/2/2021	9/3/2021
			POD,					
IA2020-059	9/4/2020	9/4/2020	Policy/Procedure		Sgt. Spears	In Progress	2/3/2021	9/4/2021

			POD, CUBO, Force,					
IA2020-060	9/9/2020	9/11/2020	Policy/Procedure		Lt. Salas	In Progress	2/10/2021	9/11/202
			CUBO, Courtesy,					
IA2020-061	9/9/2020	9/17/2020	Axon		Lt. Salas	In Progress	2/16/2021	9/17/202
			Bias Based Policing,					
IA2020-062	5/21/2020	9/17/2020	CUBO		Sgt. Spears	In Progress	2/21/2021	9/17/202
			Arrest/Detention -					
			Handcuffing, CUBO,					
IA2020-063	9/18/2020	9/18/2020	Search/Seizure, Axon		Sgt. Spears	In Progress	2/22/2021	9/18/202
IA2020-065	9/14/2020	9/14/2020	Force, CUBO, POD		Lt. Salas	In Progress	2/13/2021	9/14/202
			Force, CUBO, Bias,					
IA2020-066	9/17/2020	9/18/2020	POD, Axon		Sgt. Spears	In Progress	2/17/2021	9/18/202
				Deferred to				
IA2020-069		10/14/2020	POD	OIPA #20-26	OIPA	OIPA Investigation	3/15/2021	10/14/202
			Force,	OIPA Intake				
			Arrest/Detention,	#20-28				
IA2020-070	10/20/2020	10/21/2020	Search/Seizure		Lt. Salas	In Progress	3/22/2021	10/21/202
				Possible Clear				
IA2020-071	10/15/2020	10/16/2020	Courtesy, POD	by Video	Sgt. Spears	In Progress	3/17/2021	10/16/202
							· ·	
				Possible Admin				
		1	1					1
IA2020-075	10/23/2020	10/23/2020	BBP, Courtesy	Closure	Sgt. Spears	In Progress	3/24/2021	10/23/202

IA2020-076	10/27/2020	10/29/2020	Arrest/Detention, CUBO, POD, Axon		Sgt. Spears	In Progress	4/3/2021	10/29/2021
IA2020-077	10/16/2020	11/9/2020	Force, Arrest/Detention, CUBO	Deferred to OIPA #20-29	OIPA	In Progress	3/16/2021	11/9/2021
IA2020-078	11/3/2020	11/13/2020	Courtesy	Possible Clear by Video	Sgt. Spears	In Progress	4/3/2021	11/13/2021
				Describle Advets				
IA2020-079	11/9/2020	11/9/2020	POD	Possible Admin Closure	Sgt. Spears	In Progress	4/9/2021	11/9/2021
IA2020-080	9/14/2020	10/26/2020	Arrest/Detention		Sgt. Spears	In Progress	2/14/2021	10/26/2021
IA2020-081	11/18/2020	11/18/2020	Policy/Procedure		Lt. Salas	In Progress	4/19/2021	11/17/2021
142020.002	44/47/2020	44/47/2020					1/10/2024	44/47/2024
IA2020-082	11/17/2020	11/17/2020	BBP, CUBO		Sgt. Mavrakis	In Progress	4/19/2021	11/17/2021
IA2020-083	11/19/2020	11/19/2020	Force, Axon		Sgt. Spears	In Progress	4/20/2021	11/19/2021
IA2020-085	11/27/2020	11/30/2020	CUBO, Axon	Possible Admin Closure	Lt. Salas	In Progress	5/1/2021	11/30/2021
142020 000		44/25/2020					1/26/2024	44/05/0004
IA2020-086		11/25/2020	POD, Axon		Lt. Salas	In Progress	4/26/2021	11/25/2021
IA2020-087			Awaiting information					12/31/1900
IA2020-089	12/15/2020	12/15/2020	Force		Sgt. Spears	In Progress	5/16/2021	12/15/2021
IA2020-090	12/11/2020	12/13/2020	СИВО	S.R.	Sgt. Mavrakis	In Progress	1/12/2021	12/13/2021
1/12020-030	12/11/2020	12/13/2020		5.14.			1/12/2021	
IA2020-091	11/29/2020	11/29/2020	Force		Sgt. Mavrakis	In Progress	4/30/2021	11/29/2021

IA2020-092	11/24/2020	11/30/2020	Arrest/Detention	Inquiry	Sgt. Mavrakis	In Progress	12/30/2020	11/30/2021
IA2020-093	12/3/2020	12/18/2020	СИВО	OIPA Intake #20-32, S.R.	Sgt. Mavrakis	In Progress	1/17/2021	12/18/2021
IA2020-095	12/24/2020	12/29/2020	CUBO, POD		Sgt. Mavrakis	In Progress	5/30/2021	12/29/2021
IA2020-096	12/29/2020	12/29/2020	Force		Sgt. Mavrakis	In Progress	5/30/2021	12/29/2021
IA2021-001	1/2/2021	1/2/2021	Arrest/Detention		Sgt. Mavrakis	In Progress	6/30/2021	1/2/2022
IA2021-002	1/2/2021	1/4/2021	BBP, CUBO		Sgt. Mavrakis	In Progress	6/5/2021	1/4/2022
IA2021-003	9/11/2019	1/7/2019	Force		Sgt. Mavrakis	In Progress	6/8/2021	1/7/2020
IA2021-004	1/5/2021	1/5/2021	Force		Sgt. Spears	In Progress	6/6/2021	1/5/2022
IA2021-005	1/20/2021	1/22/2021	POD		Sgt. Mavrakis	In Progress	6/6/2021	1/22/2022
IA2021-006	1/20/2021	1/20/2019	Force		Sgt. Mavrakis	In Progress	6/21/2021	1/20/2020

## **BART Watch - 2020**

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Crime in Progress	53	60	32	17	9	17	16	16	16	13	19	19	287
Disruptive Behavior	589	593	352	78	86	114	140	146	140	182	190	164	2,774
Drug Use	294	222	155	38	52	64	62	71	62	79	66	31	1,196
Human Trafficking	2	0	0	3	1	0	1	0	0	0	0	0	7
Illegally Parked Vehicle	16	22	1	1	2	2	2	2	0	6	1	1	56
Aggressive Panhandling	40	42	15	3	5	3	4	9	5	5	6	4	141
Report a Crime Tip	22	28	10	4	13	29	14	4	11	14	9	16	174
Robbery/Theft	18	13	10	5	6	5	1	6	0	2	2	2	70
Sexual Assault/Lewd Behavior	20	17	35	246	137	327	2	6	12	3	3	2	810
Suspicious Activity	82	71	58	28	17	28	19	18	27	36	27	25	436
Unattended Bag or Package	28	25	9	2	5	6	3	2	2	4	4	3	93
Unsecure Door	11	2	4	4	3	2	0	1	5	6	1	2	41
Vandalism	64	55	21	18	6	21	15	10	12	17	13	11	263
Welfare Check	144	121	91	27	29	39	50	36	34	36	30	33	670
Total	1383	1271	793	474	371	657	329	327	326	403	371	313	7,018
Text-a-Tip	-	-	-	-	-	-	-	20	414	833	1031	1022	3,320

Total Downloads:

90,647



BAY AREA RAPID TRANSIT DISTRICT

## **MONTHLY REPORT**

January 2021

Issue date: February 8, 2021

This report is filed pursuant to the BART Citizen Oversight Model, Chapter 1-05 (B), which requires the Office of the Independent Police Auditor (OIPA) to submit reports to the BART Police Citizen Review Board (BPCRB). This report provides information for the period **January 1**, **2021 through January 31**, **2021**.<sup>1</sup>

(The Quantitative Report includes all complaints received and administrative investigations initiated by both OIPA and the BART Police Department (BPD) Internal Affairs Bureau (IAB)).

#### QUANTITATIVE REPORT

	Cases Filed <sup>2</sup>	Open Cases <sup>3</sup>	Investigations Resolved	OIPA Investigations Concluded <sup>4</sup>	Cases Appealed to OIPA⁵	Cases Appealed by BPCRB <sup>6</sup>
January 2020	8	53	13	2	0	0
February 2020	15	56	10	0	0	0
March 2020	9	54	11	1	0	0
April 2020	6	44	18	1	1	0
May 2020	4	40	6	1	0	0
June 2020	7	44	4	0	0	0
July 2020	1	41	3	1	0	0
August 2020	9	43	5	1	0	0
September 2020	10	45	8	1	0	0
October 2020	10	48	9	2	0	0
November 2020	11	51	7	2	0	0
December 2020	7	55	4	1	0	0
January 2021	8	61*	5	2	0	0

#### **TYPES OF CASES FILED**

Citizen Complaints (Formal)	8
Informal Complaints <sup>7</sup>	0
Administrative Investigations	0
Inquiries <sup>8</sup>	0
TOTAL	8

#### CITIZEN COMPLAINTS RECEIVED PER DEPARTMENT<sup>9</sup>

OIPA	2
BART Police Department	6
TOTAL	8

<sup>\*</sup> The number of open cases reported here reflects the addition of cases that had not been added to the reporting database prior to the preparation of the December 2020 report.

#### COMPLAINTS/INVESTIGATIONS INITIATED DURING REPORTING PERIOD

Complaint # (OIPA Case #) (IA Case #)	Nature of Complaint	Action Taken	Days Elapsed Since Complaint Filed
1 (OIPA #21-02) (IA2021-007)	Officers #1-2: • Force • Arrest/Detention • Conduct Unbecoming an Officer	OIPA notified BPD which initiated an investigation.	13
2 (OIPA #21-01) (IA2021-008)	Officers #1-3: • Conduct Unbecoming an Officer • Performance of Duty	OIPA notified BPD which initiated an investigation.	28

During January 2021, 2 Citizen Complaints were received by OIPA:

#### During January 2021, 6 Citizen Complaints (Formal) were received by BPD:

(IA Case #)	Nature of Complaint	Action Taken	Days Elapsed Since Complaint Filed
1 (IA2021-001)	Officers #1-2: • Arrest/Detention	BPD initiated an investigation.	37
2 (IA2021-002)	Officer #1: • Bias-Based Policing • Conduct Unbecoming an Officer	BPD initiated an investigation.	35
3 (IA2021-003)	Officer #1: • Force	BPD initiated an investigation.	32
4 (IA2021-004)	Officers #1-4: • Force	BPD initiated an investigation.	34
5 (IA2021-005)	Officer #1: • Performance of Duty	BPD initiated an investigation.	17
6 (IA2021-006)	Officer #1: • Force	BPD initiated an investigation.	19

#### COMPLAINTS/INVESTIGATIONS INITIATED DURING A PRIOR REPORTING PERIOD

During December 2020, 2 Citizen Complaints (Formal) were received by BPD:

Complaint # (IA Case #)	Nature of Complaint	Action Taken	Days Elapsed Since Complaint Filed
1 (IA2020-095)	Employee #1: • Performance of Duty • Conduct Unbecoming	BPD initiated an investigation.	41
1 (IA2020-096)	Officer #1: • Force	BPD initiated an investigation.	41

#### COMPLAINTS/INVESTIGATIONS CONCLUDED DURING REPORTING PERIOD

Complaint # (IA Case #)	Nature of Complaint	Disposition	Days Elapsed Since Complaint Filed	Days Taken to Complete Investigation
1 (OIPA #20-07)	Officer improperly detained and cited subject based on subject's race and used excessive force during the detention.	Officers #1-2: • Arrest/Detention – Sustained • Arrest/Detention (Citation) – Unfounded • Force – Sustained • Bias-Based Policing – Unfounded	361	328
2 (OIPA #20-11)	Officer improperly detained and cited subject based on subject's race and used excessive force during the detention.	Officer #1: • Arrest/Detention – Exonerated • Arrest/Detention (Citation) – Sustained • Force – Exonerated • Bias-Based Policing – Not Sustained	353	317

#### During January 2021, 2 Citizen Complaints were concluded by OIPA<sup>†</sup>:

#### During January 2021, 3 Citizen Complaints (Formal) were concluded by BPD:

Complaint # (IA Case #)	Nature of Complaint	Disposition	Days Elapsed Since Complaint Filed	Days Taken to Complete Investigation
1 (IA2020-024)	Officer aggressively confronted complainant, issued conflicting commands, used excessive force during the contact, threatened complainant and witness with a Taser, and improperly threatened to charge the complainant with assaulting the officer.	Officer #1: • Force – Exonerated • Arrest/Detention – Exonerated • Conduct Unbecoming an Officer (Deploy Taser) – Exonerated • Conduct Unbecoming an Officer (Ineffective Communication) – Unfounded	339	310

<sup>&</sup>lt;sup>†</sup> Both OIPA #20-07 and OIPA #20-11 were completed in January 2021 and presented to the BPCRB at their regular meeting during the same month. Memoranda documenting the results of the investigation, the recommended discipline, and the results of the BPCRB vote supporting those findings and recommendations were transmitted to the BPD Chief of Police on January 12, 2021. OIPA was notified on January 21, 2021 that the Chief of Police intends to appeal OIPA's findings to the BART General Manager (GM) pursuant to the appeal process provided by the BART Citizen Oversight Model. The required appeal meeting and decision memorandum from the GM remain pending as of this publication.

2 (IA2020-031)	Officer directed profanities toward complainant.	Officer #1: • Conduct Unbecoming an Officer – Sustained	331	306
3 (IA2020-038)	Officer did not take appropriate law enforcement action.	Officer #1: • Performance of Duty – Administratively Closed <sup>10</sup> • Arrest/Detention – Exonerated • Conduct Unbecoming an Officer (Deploy Taser) – Exonerated Conduct Unbecoming an Officer (Ineffective Communication) – Unfounded	339	310

#### DISCIPLINE ISSUED DURING REPORTING PERIOD

During January 2021, BPD took the following actions in cases where one or more allegations of misconduct were sustained:

Case #	Nature of Sustained Allegation(s) ‡	Classification of Sustained Allegation(s)	Action Taken
1	Officer did not properly document a law enforcement contact.	Officer #1: • Policy/Procedure (AXON Camera)	Officer #1: • Letter of Discussion <sup>11</sup>
2	Officer did not properly document a law enforcement contact.	Officer #1: • Policy/Procedure (AXON Camera)	Officer #1: • Letter of Discussion
3	Officer did not properly document a law enforcement contact.	Officer #1: • Conduct Unbecoming an Officer	Officer #1: • Oral Counseling <sup>12</sup>
4	Officer used excessive force during an unlawful detention and citation and did not properly supervise a trainee during the contact.	Officer #1: • Force • Supervision • Arrest/Detention	Officer #1: • Letter of Discussion

#### ADDITIONAL NOTES

In accordance with the BART Citizen Oversight Model (Model), OIPA investigates certain complaints, conducts complainant-initiated appeals, and also monitors and/or reviews complaint investigations conducted by BPD. Though potentially work-intensive, some complaint investigation reviews are completed informally, with any concerns being addressed through a conference with BPD's Internal Affairs investigators. Noting the various kinds of work that OIPA undertakes with regard to

<sup>&</sup>lt;sup>‡</sup>Some details regarding the nature of sustained allegations may be withheld to avoid unintentionally breaching mandatory confidentiality requirements. In some instances, the relative infrequency of the alleged misconduct may tend to allow for identification of the subject officer in violation of the applicable CA Penal Code section (832.7).

complaints and investigations, the following chart includes some of the pending cases in which OIPA is involved as of the end of this reporting period.

Investigations Being Conducted	9
Complainant-Initiated Appeals	0
BPD-Initiated Appeals	2
Investigations Being Monitored	60
Investigations Reviewed During Current Month	11†

<sup>†</sup>This number does not include all OIPA reviews, as OIPA commonly looks at a variety of cases in the Internal Affairs database to obtain updates on both pending and completed investigations.

The Model provides that OIPA shall have authority to require follow-up investigation into any citizen complaint or allegation that is addressed by BPD. The OIPA Monthly Report will reflect information regarding monitored or reviewed cases with detail not to exceed that which is allowable under state law.

The BPD Internal Affairs investigations, Supervisor Use of Force Reports (SUFRs), officer contacts, and body-worn camera recordings reviewed by OIPA during the period generated recommendations for policy/practice revisions and requests for additional action.<sup>13</sup>

#### BPD Supervisor Use of Force Reports

OIPA review of SUFRs during this reporting period, which are generated as required by BPD Policy 300 (Use of Force), prompted OIPA to recommend review by BPD Command Staff and the Office of Internal Affairs in some instances.

These referrals were related to:

- Excessive force
- Late or failed AXON camera activations
- Incomplete supervisory reviews
- Improper application and enforcement of the BART Proof of Payment (PoP) Ordinance

In response to OIPA's concerns related to the actual and potential policy violations listed above, BPD continues to examine the quality and scope of training for new supervisors while concurrently reviewing specific contacts flagged by OIPA.

As previously reported here, BPD command staff have committed to improve data collection efforts to better document the underlying reason for a contact that results in an arrest. Improved data collection is expected to facilitate more effective analysis of contact outcomes related to low level criminal activity and the manner in which enforcement contributes to racially disparate outcomes.

I will continue to identify areas for improvement and to flag conduct that warrants further action or review and I will determine whether the frequency of these lapses declines.

<sup>2</sup> This number includes all Citizen Complaints filed against members of the BART Police Department, as well as Administrative Investigations generated internally by BART Police Department members (as opposed to being filed by a citizen). This number also includes previously completed cases that have been re-opened during the current reporting period.

<sup>3</sup> This number indicates all investigations that are open as of the end of the reporting period. It includes Citizen Complaints (regardless of whether the investigation is being conducted by OIPA, the BART Police Department, or both) and Administrative Investigations.

<sup>4</sup> This number includes all cases completed by OIPA during the reporting period for which OIPA's findings are required by the BART Citizen Oversight Model to be submitted to the BART Police Citizen Review Board. It therefore includes independent investigations, as well as reviews of completed BART Police Department investigations initiated via appeal from a complainant. Unless otherwise noted, it does not include reviews of BART Police Department investigations initiated at the discretion of OIPA, which happen commonly and do not always generate a formal report; it also does not include reviews conducted by OIPA of complaint investigations where the complaint was filed with OIPA but did not fall under OIPA's investigative jurisdiction.

<sup>5</sup> This number refers to appeals filed with OIPA by complainants who have been issued the findings of the BART Police Department's internal investigation into their complaint regarding on-duty incidents. OIPA has a responsibility to review such appeals pursuant to the BART Citizen Oversight Model, Chapter 1-04 (E).

<sup>6</sup> This number refers to all appeals initiated by the BART Police Citizen Review Board after receiving and reviewing the findings issued by OIPA in a given case. The routes of all such appeals are described in detail in the BART Citizen Oversight Model, Chapter 1-04 (B) (iv-v).

<sup>7</sup> The BART Police Department defines an Informal Complaint as, "A comment on the actions of a Department employee, where the reporting party expressly states that he or she does not feel that the matter should be formally investigated with the understanding that an Informal Complaint does not hold the potential to result in disciplinary action against the employee." (BART Police Department Policy Manual, Policy 1020.1.1(d)).

<sup>8</sup> BPD policy provides that if a person alleges or raises an issue that does not constitute a violation of Department policy, procedure, rules, regulations, or the law, the Department will classify the issue as an inquiry.

<sup>9</sup> It is important to note that OIPA does not separate citizen complaints it receives into "Formal" and "Informal" classifications. This chart reflects all citizen complaints received by OIPA and all Formal Complaints received by the BART Police Department.

<sup>10</sup>Administrative Closure is defined as follows in the BPD Policy Manual: Allegations that are received and documented; however, the Chief of Police or his/her designee determines, based on a preliminary investigation, that further investigation in not warranted. Under these circumstances, the complaint will be Administratively Closed and documented in a summary memorandum to the case file. Employees will be documented as witnesses only, not as subjects to the complaint. Internal Affairs will send a letter to the complainant notifying them that the case was closed following a preliminary investigation.

<sup>11</sup> Letter of Discussion (second level of pre-discipline): A letter of discussion may be the next step of the process of the informal process. It is a written memorandum to the employee making the employee aware of the unacceptable behavior. A letter of discussion is pre-disciplinary, however, if the employee fails to correct the behavior, there will be cause to move to the next level of the process or to move to formal progressive discipline. An employee who may be issued a letter of discussion is entitled to appropriate representation. (BPD Policy Manual)

<sup>12</sup> Oral Counseling (third level of pre-discipline): An oral counseling may be the next step of the informal process. It is documented in a memorandum to the employee entitled "Oral Counseling." Prior to issuance, the supervisor should discuss the performance or infraction in detail with the employee. The purpose of the discussion is for the employee to be made aware of the unacceptable behavior. An employee who is covered by a collective bargaining agreement and who may be issued an Oral Counseling is entitled to appropriate association representation. An Oral Counseling is pre-disciplinary, however, if the employee fails to correct the behavior, there will be cause to move to progressive discipline.

<sup>13</sup> OIPA may submit recommendations to IAB regarding minor clerical or record-keeping adjustments which are intended to maintain the integrity of the data collection and record-keeping processes at BPD. These are not considered by OIPA to be substantive recommendations requiring reporting herein.

<sup>&</sup>lt;sup>1</sup> In addition to reporting on complaints received by the BART Police Department, the Citizen Oversight Model requires reporting on all complaints received by the "Citizen Board, Office of the District Secretary, and other District departments." As complaints received by the BART Police Citizen Review Board are customarily directed to OIPA for further action, such complaints are included in the Quantitative Report above; OIPA is also made aware of additional complaints about the BART Police Department by the Office of the District Secretary or other District departments.

## BART POLICE USE OF FORCE, 2017-2019

BART PD CITIZEN REVIEW BOARD MEETING

February 8, 2021

## DATA

- 2017-2019 BART Police Use of Force Annual Reports & Data
  - <u>https://www.bart.gov/about/police/reports</u>
- 792 reported incidents involving use of force
- Independent analysis of BART PD data
  - <u>https://github.com/sohanmurthy/bartpd\_force</u>
- Center for Policing Equity Report
  - <u>https://www.bart.gov/sites/default/files/docs/CPE%20Report.pdf</u>

## RACE

### 2012-2017

### **Use of Force**

Among other important findings, our analysis of BART PD use-of-force incidents revealed the following:

 Overall, 63% of persons who experienced force were Black (compared to their 8.7% share of the population served by BART).

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BART Chief of Po

PE Center For POLICING EQUITY

## RACE

### 

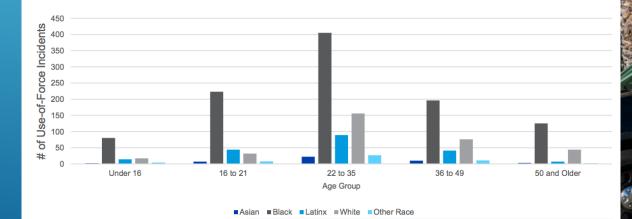
Ethnicity/Gender of Involved Persons	Number of Persons	Percentage
Black Males	110	48.5%
White Males	33	14.5%
Black Females	30	13.2%
Hispanic Males	25	11.0%
Other Male	8	3.5%
Unknown, Male	2	0.9%
White Females	5	2.2%
Middle Eastern Male	3	1.3%
Hispanic Females	4	1.4%
Pacific Islander Males	1	0.4%
Asian Males	2	0.9%
Asian Females	1	0.4%
Other, Transgender	1	0.4%
No data entered	2	0.9%
Total	227	

### 

Ethnicity/Gender of Involved Persons	Number of Persons	Percentage
Black Males	151	48.9%
Hispanic Males	45	14.6%
White Males	43	13.9%
Black Females	37	12.0%
Other Males	13	4.2%
White Females	9	2.9%
Asian Males	6	1.9%
Hispanic Females	2	0.6%
Other Females	2	0.6%
Pacific Islander Female	1	0.3%
Total	309	

# AGE 2012-2017

#### Figure 17. Number of Use-of-Force Incidents by Race and Age, 2012–2017



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## AGE

## 

Age Groups of Involved Persons	Number of Persons	Percentage
under 20	36	15.8%
20 - 29	70	30.8%
30 - 39	48	21.1%
40 - 49	24	10.6%
50 and up	25	11.0%
no data entered (John Doe's)	24	10.6%
Total	227	

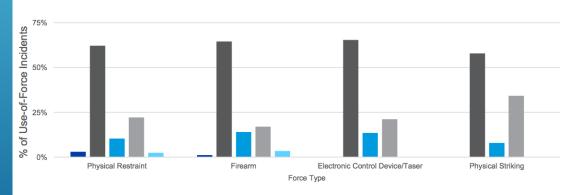
### 

Age Groups of Involved Persons	Number of Persons	Percentage
under 20	55	17.8%
20 - 29	121	39.2%
30 - 39	69	22.3%
40-49	40	12.9%
50 - 59	19	6.1%
60 and up	5	1.6%
Total	309	

## TACTICS

### 2012-2017





Asian Black Latinx White Other Race



## The Science of Justice

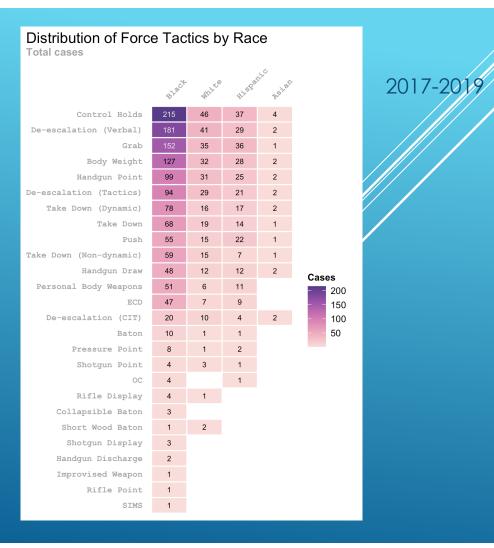


Frequency of firearm incidents varied across racial groups and geographic locations.

 Overall, 63% of incidents of pointing or display of a firearm involved persons who were Black. White persons were the subjects of the next largest proportion of firearm incidents (17%).

## TACTICS

- Persistent racial disparities across all force tactics
- Persistent disparities in use of firearm point



## DATA DEFICIENCIES

- "We encourage BART PD to continue its collection of stop and search data, and to include information on whether these stops lead to criminal charges."
  - **C.** Record the nature of the offense(s) when a person is arrested at a vehicle or rider stop or after a use-of-force incident.

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## DATA DEFICIENCIES

- Currently no data collection re: whether use of force incidents lead to charges
- "Resisting arrest"type offenses, mental health calls, & fare enforcement appear to be the leading causes of use of force

charge_norm	code_type	statutory_code	literal_display	num_cases	pct_cases
PC148A1	PC	148(A)(1)	OBSTRUCT/ETC PUB OFCR/ETC	363	0.458333
WI5150	WI	5150	MNTLY DISORD 72 HR OB	160	0.20202
PC640C1	PC	640(C)(1)	FAIL PAY:PUB TRANSIT SYS	100	0.126263
PC243B	PC	243(B)	BATT PO/EMERG PRSNL/ETC	86	0.108586
PC69	PC	69	OBSTRUCT/RESIST EXEC OFF	68	0.085859
PC647F	PC	647(F)	DISORD CONDUCT:UI/DRUG	53	0.066919
PC1203.2A	PC	1203.2(A)	PROB VIOL:REAREST/REVOKE	46	0.058081
HS11364A	HS	11364(A)	POSS UNLAW PARAPHERNALIA	42	0.05303
OUTSIDEWARRANT	NA	NA	NA	42	0.05303
PC148.9A	PC	148.9(A)	FALSE ID TO SPECIFIC PO'S	41	0.051768
PC243.3	PC	243.3	BAT:TRANSPORT PERSONNEL	30	0.037879
SUSCIRC	NA	NA	NA	29	0.036616
OSCRM	NA	NA	NA	28	0.035354
PC417A1	PC	417(A)(1)	EXHIBIT DEADWPN:NOT F/ARN	28	0.035354
PC211	PC	211	ROBBERY	27	0.034091
OUTSIDEWARRANT	NA	NA	NA	24	0.030303
WEAPONINVOLVE	NA	NA	NA	23	0.02904
VIOLPROB/MISD	ZZ	VIOLPROB/MISE	VIOLATE PROBATION/MISD	19	0.02399
PC459	PC	459	BURGLARY	18	0.022727

2017-20

## DATA DEFICIENCIES

#1: Updating use of force, stops, and searches data collection

BPD Action: Advancing procedures to comply with the California Racial Identity and Profiling (RIPA) Act of 2015. BPD is required to issue its first RIPA report by April 2023 but anticipates being able to do so well before deadline.

BART PD and the Center for

Policing Equity Study

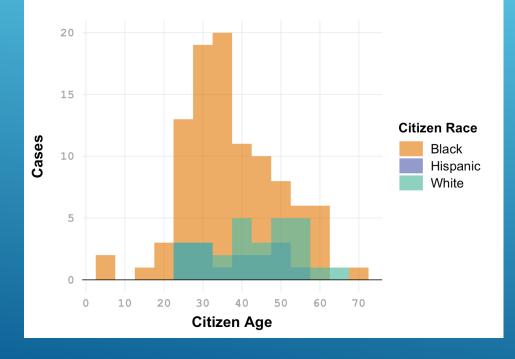
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## MENTAL HEALTH

- Far more force used against for younger and middle aged Black subjects
- Distribution is broader for Whites and Hispanics

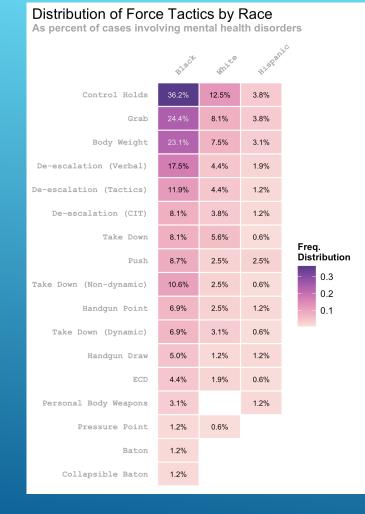
Age distribution of cases involving mental health

2017-2019



## MENTAL HEALTH

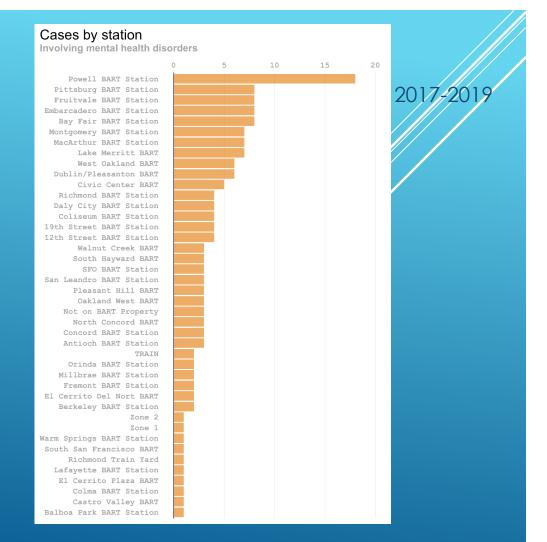
- Persistent racial disparities in mental health incidents that lead to the use of force
- Officers frequently use force that is not "body weight" only



2017-2019

## MENTAL HEALTH

 Force is used against those suffering from mental health crises most often in certain Oakland and San Francisco stations



3. Monitor the locations and times of fare enforcement operations—which represent a large majority of BART PD's activities—to ensure efficient and equitable deployment.

## The Science of Justice

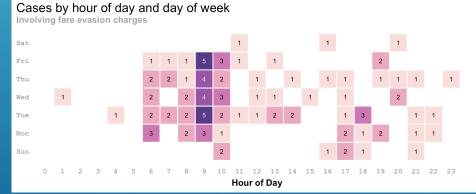
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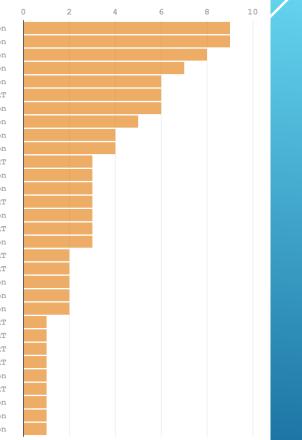
# FARE EVASION 2017-2019



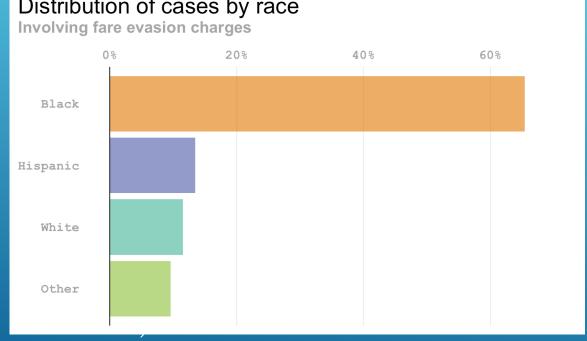
#### Cases by station

Involving fare evasion charges

Hayward BART Station Fruitvale BART Station Powell BART Station Coliseum BART Station Embarcadero BART Station Civic Center BART 12th Street BART Station MacArthur BART Station SFO BART Station Pittsburg BART Station Walnut Creek BART Richmond BART Station Montgomery BART Station Lake Merritt BART Fremont BART Station El Cerrito Del Nort BART 19th Street BART Station West Oakland BART Warm Springs BART Lafayette BART Station Daly City BART Station Bay Fair BART Station West Dublin BART South San Francisco BART Oakland West BART North Berkeley BART Millbrae BART Station Dublin/Pleasanton BART Concord BART Station Berkeley BART Station Ashby BART Station



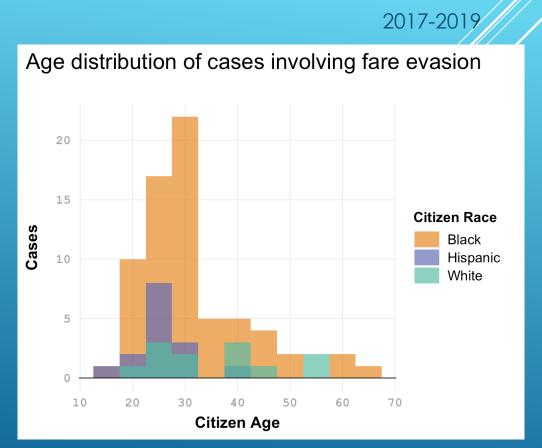
• Overwhelmingly disproportionate use of force against people of color



2017-20

### Distribution of cases by race

- Use of force as a result of fare evasion incidents overwhelmingly targets younger people of color
- Distribution is broader for white subjects



 Persistent racial disparities across all types of tactics

Distribution of Force Tactics by Race As percent of cases involving fare evasion charges						
	BIACH	White	Hispan	°,		
Control Holds	36.5%	3.8%	6.7%			
Grab	25.0%	6.7%	5.8%			
De-escalation (Verbal)	25.0%	3.8%	1.9%			
Body Weight	16.3%	3.8%	2.9%			
Take Down (Dynamic)	13.5%	1.0%	2.9%			
Push	9.6%	2.9%	3.8%			
Take Down	9.6%	1.0%	2.9%	Fre	q. tribution	
Personal Body Weapons	8.7%		3.8%	Dis	0.3	
Take Down (Non-dynamic)	10.6%	1.0%			0.2	
ECD	5.8%	1.0%	1.0%		0.1	
De-escalation (Tactics)	4.8%					
De-escalation (CIT)	2.9%		1.0%			
oc	2.9%					
Pressure Point	1.0%					
Baton		1.0%				
Handgun Point	1.0%					

2017-2019

### #3: Review fare enforcement policies

BPD Action: Reviewed policy and practice to ensure Fare Inspectors approach every single rider during focused enforcements in downtown SF. No exclusion policy ensures equitable policing.

BART PD and the Center for Policing Equity Study

## WHAT'S THE PLAN?

## The Science of Justice

Work in collaboration with the BART Office of the 6. Independent Police Auditor and the BART Police Citizen Review Board to implement the recommendations made in this report.

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Center For POLICING EQUIT

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BART Chief of P

#6: Collaborating with other officials

BART PD and the Center for

Policing Equity Study

A PROGRESSIVE PARTNERSHIP

BPD Action: Committed to building up collaborative relationship with the Office of the Independent Police Auditor, the Citizen Review Board and other entities.



### WHAT'S THE PLAN?

- Community has experienced years of unchanged practices that have resulted in disparate use of force and enforcement targeting people of color
- Data collection & existing collaborative oversight relationships have not reduced racial disparities
- BART PD needs a plan to ensure compliance with CPE recommendations & further policy changes that reduce harm to the community

## BART PD and the Center for Policing Equity Study

A PROGRESSIVE PARTNERSHIP



### Respect for the Process

- This report is the result of years of partnership between BPD and the Center for Policing Equity
- BPD voluntarily agreed to this process with the hope the findings would form the foundation of a data-driven approach to ensuring equitable policing.
- The partnership with CPE, submitting data to the National Justice Database, and adopting CPE's recommendations are all consistent with BPD's commitment to progressive policing.

### RECOMMENDATIONS

#1: Updating use of force, stops, and searches data collection

BPD Action: Advancing procedures to comply with the California Racial Identity and Profiling (RIPA) Act of 2015. BPD is required to issue its first RIPA report by April 2023 but anticipates being able to do so well before deadline.

### #2 Supervisor review of stop records

BPD Action: Set goal of collecting and reviewing all stop data by October of 2021. Setting this ambitious goal allows time to solve logistical challenges prior to the April 2023 deadline.



### RECOMMENDATIONS

### #3: Review fare enforcement policies

BPD Action: Reviewed policy and practice to ensure Fare Inspectors approach every single rider during focused enforcements in downtown SF. No exclusion policy ensures equitable policing.

### #4: Update policy on drawing or displaying firearms

BPD Action: Initiated review and updated firearm policy to ensure compliance with all state mandates. Specifically addressed issue of pointing or displaying firearm. Now require that any such display be documented in a police report.

### Recommendations

#5: Redouble efforts to build mutual trust and open productive channels of communication between BART PD and the community

BPD Action: Launched and in process of building new Progressive Policing and Community Engagement Bureau. BPD to host series of town-hall style public meetings to build engagement and start ongoing discussion with communities we serve.

### #6: Collaborating with other officials

BPD Action: Committed to building up collaborative relationship with the Office of the Independent Police Auditor, the Citizen Review Board and other entities.



### QUESTIONS



# The Science of Justice

Bay Area Rapid Transit Police Department National Justice Database City Report

August 2020





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### **CENTER FOR POLICING EQUITY**

The Center for Policing Equity (CPE) is a research and action think tank, providing leadership in equity through excellence in research. CPE specializes in partnering with law enforcement and communities, with the mission of bridging the divide of communication, generational mistrust, and suffering. CPE's work is powered by science. Using advanced analytics to diagnose disparities in policing, the organization's work sheds light on police behavior and answers questions that police and communities have asked for years about how to build a healthy relationship. Using CPE's analyses and recommendations, partners can chart a path toward better practices that are consistent with their values.

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### **EXECUTIVE SUMMARY**

The Center for Policing Equity (CPE) partnered with the Bay Area Rapid Transit Police Department (BART PD) to analyze the department's policing practices between January 2012 and December 2017.

The project's overall goals were (1) to identify any racial disparities in police interactions with community members; (2) if disparities are observed, to determine whether they were caused by inequitable practices on the part of officers or could be explained by other factors; (3) to identify any attitudinal dispositions on the part of officers or departmental contexts that can perpetuate inequities or make it probable that inequities, if not already present, will manifest in the future; and (4) to provide recommendations for reducing any identified disparities.

Using data contributed by BART PD to CPE's National Justice Database (NJD), we examined the incidences of stops involving major racial groups during the six-year period, adjusting for the relative population size of each group. We also administered a climate survey to assess officer attitudes and beliefs that could enhance or decrease vulnerability to expressing bias. Finally, we conducted a review of BART PD's policy manual, focusing on policies related to (1) collection of data regarding police interactions with members of the public; (2) equitable policing practices; and (3) use of force.

It should be noted that BART PD has significantly advanced its data collection and management practices since data were collected for this report. We commend BART PD on these efforts, and expect that future analysis will be enriched by these advancements.

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. These explanations are elaborated upon in the report's Introduction section below and include: (1) the characteristics or behaviors of individual community members; (2) neighborhood and community conditions and characteristics; (3) the characteristics or behaviors of individual officers; (4) departmental culture, policy, or law; and (5) relationships between the communities and the police.

While the whole story likely incorporates elements of each explanation, the comprehensive NJD framework analyzes the role that community- and police-level factors may contribute to racial disparities. By combining police administrative data with population data (e.g., income, racial demographics, neighborhood crime rates) and a police department climate survey, we can examine the role that these explanations play in the disparities that both police departments and communities want to reduce.

BART PD is the first transit police department to participate in the NJD. CPE is excited to partner with BART PD and commends the department for paving the way for transit authority participants. Transit departments are unique (compared to municipal law enforcement agencies) and, as such, we adapted the NJD analytic plan to account for the mobile population BART PD officers interact with.

#### **Summary of Findings**

Overall, the analysis revealed reasons for optimism along with areas for improvement in advancing the goal of equitable policing. The climate survey revealed generally positive officer perceptions of organizational distributive justice within BART PD regarding the fairness of departmental procedures. Moreover, officers reported feeling that they are treated with dignity and respect by their supervisors. Additionally, they expressed egalitarian attitudes and a strong commitment to community-oriented and procedurally just policing.

The analysis also revealed areas that warrant additional attention. The stop and use-of-force data shared with us suggest that residents experience BART PD policing in disparate ways by race: Compared to Whites and all other non-Black racial groups, Black persons are more likely to be stopped in their cars or in the BART system. Members of Black communities also experience more incidents involving force. Although the data and analytical limitations of the present study do not allow us to identify the causes of differential rates of contact observed in BART PD stops and use of force, they offer reasons for further investigation.

The analysis also found 322 incidents involving display or pointing of a firearm by BART PD over the six-year period, and revealed that the majority of persons who experienced this type of force were Black. Our analysis does not determine whether the use of force in any given situation is appropriate or justified. However, the display or pointing of firearms is an area that potentially warrants additional departmental attention to ensure BART PD firearm policy and practice reflect the department's commitment to public safety.

#### **Vehicle and Rider Stops**

Among other important findings, our analysis of BART PD vehicle and rider stops revealed the following:

- Per capita, there were twice as many vehicle stops of Black as of White persons. BART PD conducted 1.1 stops of Black persons per 1,000 Black residents, compared to a rate of 0.46 per 1,000 White residents.
- Nearly half of riders stopped by BART PD (49%) were Black, compared to their 8.7% share of the estimated racial population served by BART.<sup>1</sup> At most stations in the BART system,<sup>2</sup> a majority or plurality of riders stopped by BART PD were Black.
- Black persons experienced BART PD rider stops at a rate eight times higher than the stop rate for White riders. This finding holds true when we take

into account the crime rate, poverty rate, and racial demographics of the area surrounding each BART station. Although the analysis cannot affirmatively identify the causes of this disparity, we also found:

- There were more stops made in locations with higher poverty rates.
- The Black–White racial disparity existed at all neighborhood income levels, but it was larger in wealthier neighborhoods than in those with lower incomes.
- A sizable percentage of records were missing racial data for rider stops for the initial five years of the study period. Data collection was significantly improved in 2017, when only 4% of rider stop records were missing racial data.
  - At five BART stations, officers did not record racial data in more than one third of their stops: Pleasant Hill/Contra Costa Centre (49% of stop records were missing racial data), South San Francisco (48%), Union City (41%), Millbrae (40%), and Dublin/Pleasanton (37%).
  - At most stations, fewer than 20% of stops were missing racial data.

#### **Use of Force**

Among other important findings, our analysis of BART PD use-of-force incidents revealed the following:

- Overall, 63% of persons who experienced force were Black (compared to their 8.7% share of the population served by BART).
- Black persons were 13 times more likely to experience BART PD use of force than their White

2 This includes stops BART PD officers make in BART stations as well as in areas surrounding the station.

<sup>1</sup> The population of residents BART serves was estimated based on U.S. Census estimates of the resident population within a one-mile radius of each station. This population is used as the benchmark in calculating per capita rates. A benchmark of the specific population of each station is utilized in the regression analyses, which include both resident information and BART data on passenger entry points for the population that disembarked at each station. The methodologies for estimating this "resident" and "rider" population are described in more detail in Section I of the report (in the subsection entitled "Methodology for Estimating Benchmark Population at Each BART Station").

**counterparts were.** This increases to 15 times more likely when we take into account the crime rate, poverty rate, and racial demographics of the area surrounding each BART station. While this analysis does not account for all potential factors, these findings suggest the disparity might be mitigable by changes to BART PD policy and practice.

- Other than Black persons, all other racial groups were the subjects of force at per capita rates lower than that of White persons.
- "Hands-on" force was the type most commonly recorded in BART PD use-of-force incidents. This includes physical restraint, which was used in 66% of recorded force incidents, and physical striking, which was used in 3.4%.
- Pointing or display of a firearm was the second most common force type recorded in BART PD use-of-force incidents. Over the six-year period, 23% of all use-of-force incidents recorded by BART PD involved a firearm (323 incidents).
  - The dataset received from BART PD did not consistently include records of OIS or other firearm discharges.<sup>3</sup> We are advised by BART PD that it recorded five officer-involved shootings (OIS) from 2009 to 2017.<sup>4</sup> We are further advised that the agency has since revised their data collection procedures to ensure that records of OIS and other firearm discharges are included in use of force data.
  - BART PD policies on firearm display and pointing should be evaluated to ensure alignment with the context in which BART PD officers most frequently operate and to ensure that they are in line with public safety and building of trust with community members.

- Frequency of firearm incidents varied across racial groups and geographic locations.
  - Overall, 63% of incidents of pointing or display of a firearm involved persons who were Black. White persons were the subjects of the next largest proportion of firearm incidents (17%).
  - Incidents involving a firearm were concentrated in and around Oakland and other parts of the East Bay. Across the observation period, 113 firearm incidents (35% of the total) were logged in Zone 1 (Oakland); 59 firearm incidents (18% of the total) were logged in Zone 3 (South Bay). No other zone recorded more than 35 firearm incidents across the observation period.

Although the data show racial disparities in BART PD interactions with community members during the study period, these disparities do not necessarily indicate that police officers have engaged in biased or discriminatory behavior. The NJD analytic plan, described in the introduction to the full report, suggests that disparities may be explained by community characteristics, individual characteristics, individual officer behavior, and department policies and culture, as well as by the relationship between the police and the community. Accordingly, racial differences in policing data should be contextualized with other contributing factors.

#### **Officer Climate Survey**

To gain better insight into social attitudes, beliefs, and morale, which can serve as risk factors for inequitable officer behavior in the field, we conducted a climate survey of BART PD officers. The survey focused on attitudes and beliefs that enhance or decrease vulnerability to expressing bias and relate to (1) inequitable and burdensome policing; (2) community trust; and (3) workplace well-being and optimal job performance.

<sup>3</sup> One use-of-force incident, recorded during the 2016–2017 period, reflects two discharges of a firearm.

<sup>4</sup> Per email from BART PD personnel, September 9, 2019, there were five OIS from 2009 through 2017, as well as two non-OIS firearm discharges. Records of these incidents were not included in the data provided and are not included in our analysis.

Because only 40 persons responded to the survey, and a majority of them were in supervisory roles, the results of the survey may not be generalizable to officers in the BART PD as a whole. Nonetheless, the climate survey revealed a number of departmental strengths.

- Respondents expressed little explicit racial bias and egalitarian attitudes toward various social groups.
- Respondents expressed a deep commitment to procedural justice and were supportive of community-oriented policing.

The survey also suggests police–community relations is an area with opportunity for improvement.

- Survey respondents expressed low levels of trust of the community and believed that the community in general, and Black persons in particular, may stereotype police officers and have negative attitudes toward police.
- Structured efforts to improve the police-community relationship might be warranted, and the current community programs administered by BART PD (e.g., Barbershop Forum, Coffee with a Cop) could be evaluated to assess how they might be enhanced.



### RECOMMENDATIONS

In this report, we advance six specific recommendations. While not an exhaustive list of possible solutions to the issues raised in this report, we recommend BART PD adopt these actionable steps to enhance the department's commitment to fair and equitable policing. We additionally recommend BART PD draw on existing departmental strengths, including those revealed in the climate survey, when implementing these recommendations.

- 1. Implement key changes to data collection efforts, specifically with respect to stops, searches, and use-of-force incidents, as follows:
  - a. Update the BART PD policy manual by adopting a written policy requiring officers to collect data on all stops in accordance with the Racial and Identity Profiling Act of 2015 (RIPA).
  - b. Adopt a policy requiring supervisors to review stop and use-of-force records in a timely fashion to ensure that their supervisees are completing them properly.
  - C. Ensure that officers are trained to record racial data for every stop and use-of-force incident. Officers should not ask persons for racial self-identification, but should record their perception of the person's racial identity. If they are not sure, they should record "Unknown."
  - d. Record every search, and include in these records the reason for the search and whether contraband was found. Yield rate data can be calculated based on categorical lists of contraband or a more detailed accounting that allows for specific weapons or drugs to be identified. These categories are listed in the RIPA stop-data regulations and are also required to be reported under BART PD Policy 322.5.

- e. Record the nature of the offense(s) when a person is arrested at a vehicle or rider stop or after a use-of-force incident.
- f. In use-of-force incidents involving firearms, record whether the weapon was discharged and whether any person was injured. Officer-involved shootings should be included in use-of-force data sets.
- **g.** Implement the recommendations for RIPA compliance outlined in the COPS Stop Data Guidebook: Pilot Implementation Reports, which was drafted by CPE and the Policing Project.
- 2. Adopt a policy requiring officers to write a brief narrative explanation of the reason for each stop they conduct and submit the same to their supervisors at the end of each shift. While RIPA already requires that this information be collected and submitted to the California Attorney General,<sup>5</sup> we recommend that BART PD establish a policy requiring that it also be submitted to supervisors on a daily basis for review. We further recommend that BART PD adopt a policy requiring supervisors to review these reports in a timely manner to ensure that stops are supported by reasonable suspicion and consistent with BART PD policy and applicable law.

- Monitor the locations and times of fare enforcement operations—which represent a large majority of BART PD's activities—to ensure efficient and equitable deployment.
- 4. Revise the BART PD policy on drawing/deploying firearms (Policy 300.3.5) to clarify when an officer may draw a firearm or point a firearm at a member of the public, and about the role of bystander safety in the determination of whether to draw, point, or discharge a firearm. We recommend that BART PD adopt a policy stating that officers may only draw or display their firearms if they reasonably believe that there is a substantial risk that the situation may escalate to the point where deadly force may be justified.

Redouble efforts to build mutual trust and open productive channels of communication between BART PD and the community. The climate survey data show that some officers distrust the community and believe that community members, especially members of Black communities, have a negative attitude toward police. We recommend BART PD explore the underlying causes of distrust for both officers and community members. This could include hosting open dialogues (e.g., listening sessions) or administering a community survey. Once the core issues are brought to light, BART PD must implement responsive change in a way that is transparent to both officers and community members.

5

 Work in collaboration with the BART Office of the Independent Police Auditor and the BART Police Citizen Review Board to implement the recommendations made in this report.

### INTRODUCTION

How do you measure justice? Despite the philosophical, methodological, and logistical difficulty of this question, law enforcement executives are increasingly asked to turn over data with the aim of evaluating how fairly they are doing their jobs.

At the same time, many community members perceive law enforcement activities to be targeted toward—and biased against—non-White people. Communities wracked by mass incarceration and highly publicized policing incidents have called for greater transparency and accountability on the part of the police. And research shows that positive police—community relationships are crucial for safer communities: Citizens are more likely to engage as witnesses and as partners in crime reduction if they believe in the legitimacy of police as equitable and impartial agents of the law.

Increasingly, then, courageous and forward-looking law enforcement executives are seeking hard metrics on current practices as a way to identify effective policy reforms aimed at reducing bias and improving police–community relations. They are seeking out partnerships with prominent researchers to solve this riddle and to lead policing in the nation with respect to civil rights and public accountability. Toward this end, the Bay Area Rapid Transit Police Department (BART PD) partnered with the Center for Policing Equity (CPE), a 501c(3) research and action think tank dedicated to advancing equity by way of rigorous scientific research. This report describes the data analysis resulting from this partnership.

CPE aims to address the needs of both law enforcement and communities by building the National Justice Database (NJD) to better understand and improve policing practices. Through the NJD, we collect policing data to measure fairness and improve policing equity, and make these findings transparent to law enforcement and to communities. The NJD offers a rigorous analytic framework to make sense of policing data in order to identify and understand the consequences of policing activities and the sources of racial disparity.<sup>6</sup>

Data collection and analysis are essential tools that can reveal empirical realities and illuminate options that might advance equity in public safety. Too often, law enforcement data have been captured with an eye toward accounting or litigation, and the data have not been leveraged to optimize performance. But just as CompStat ushered in a new era where police could be accountable for crime rates, data on racial disparities—and the inferential analyses we pair with them here—can be used to identify opportunities to improve public trust and safety. Consequently, together with specific policies designed to address opportunities for improvement revealed by careful analysis, better data accountability is a vital part of the path forward.

This report is designed to provide BART PD with a valuable resource toward that end. It is intended as a preliminary guide to illuminate options that might advance equity in public safety and provide straightforward statistical answers to some of the most pressing questions facing this department and other law enforcement agencies. In the sections that follow, we present empirical documentation of the degree of racial disparities in BART PD's policing practices, as well as analysis and interpretation of the factors that might contribute to such disparities. While the

<sup>6</sup> In this report, "racial group" refers to groups described in BART PD records by racial category (e.g., Black, Asian). When our analysis compares BART PD policing statistics to U.S. Census Bureau data, these identities are mapped onto the following census categories: Hispanic (referred to as Latinx in this report), non-Latinx Asian, non-Latinx Black, non-Latinx White, and non-Latinx Other Race. The census considers Hispanic as an ethnicity that encompasses all racial backgrounds. The description of Asian, Black, Latinx, White, and Other Race as "racial" designations does not represent a claim that any person belongs to a monolithic "race," or indeed that the category of "race" has objective meaning independent of its social context.

results are mixed, our analysis reveals encouraging findings and heartening trends. It also flags questions and issues that warrant further investigation and reform.

Our purpose is to demonstrate what can be learned when policing data are analyzed by qualified, independent researchers. This report, like those produced for other NJD participants, aims to offer law enforcement officials a road map toward greater transparency and accountability in police practices so they can transform agencies and adopt more just and equitable means of promoting public safety.

### 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 the Bay Area, as elsewhere:

- Individual characteristics or behaviors. Individual conditions or behaviors—such as mental health challenges, homelessness, or participation in criminal activity—can lead to disparate contact with law enforcement.
- Community characteristics. Characteristics such as high crime rates or poverty may draw increased police attention to certain communities.
- 3. 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 a more punitive disposition after a stop for these individuals.
- 4. Police department organizational culture or policy. Police departments may have established practices or policies that increase law enforcement contact with some members of the population more than others. For example, officers may be deployed to patrol some communities more frequently than others. Moreover, department

culture and policy can be affected by local ordinances, outside of a police department's purview, that force officers to sanction certain segments of the population more than others. Examples of such ordinances are those related to closing public parks at night and other forms of curfew.

 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.

While the whole story likely incorporates elements of each of these explanations, the comprehensive NJD framework analyzes the role that community-level and police-level factors (with a specific focus on the first three explanations above) may contribute to racial disparities. By combining police administrative data with population data (e.g., income, racial demographics, neighborhood crime rates) and a police department climate survey, we can examine the role that these explanations play in the disparities that both police departments and communities want to reduce.

#### **DEPARTMENTAL DATA**

With regard to police administrative and population data, the NJD analytic framework leverages data that departments collect on officer–community interactions, such as stops and incidences of use of force. These are then integrated with American Community Survey data from the U.S. Census Bureau and neighborhood serious crime rates reported by departments and coded for Part I crimes according to the Uniform Crime Reporting system of the U.S. Federal Bureau of Investigation.<sup>7</sup> While no police department in the country currently collects all the data recommended by the NJD analytic framework, BART PD has been forthcoming in response to our requests for data-sharing and information.

We commend BART PD for their thorough data collection procedures, and recent updates to ensure the inclusion of officer involved shootings in their use-of-force records

<sup>7</sup> Part 1 crimes are serious crimes—specifically a category of eight offenses used in the FBI's Uniform Crime Reporting Statistics: murder and non-negligent homicide, rape (legacy and revised), robbery, aggravated assault, burglary, motor vehicle theft, larceny theft, and arson.

system. We encourage BART PD to continue its collection of stop and search data, and to include information on whether these stops lead to criminal charges. This additional information will allow more powerful and comprehensive analysis to be conducted on a more comprehensive dataset that could identify trends and policy effects across multiple years of BART PD practice. Expanded data collection and analysis will also afford a significant opportunity to better understand and foster fairness in policing, which will benefit BART PD as well as the communities it serves.

#### **OFFICER CLIMATE SURVEY DATA**

In addition to analyzing police administrative and population data, the NJD analytic framework explores conditions that serve as risk factors for ineffective and unjust policing practices. In line with that goal, we administered a climate survey to officers within BART PD, providing them the opportunity to voluntarily share their perspectives about working within the department as well as their views about the communities they serve and protect. The survey measured dispositions that can:

- increase the risk that officers will engage in inequitable and burdensome policing practices;
- increase the likelihood that officers will be resistant to policies and procedures that enhance community trust; and
- undermine the optimal job performance of officers.

With these survey findings, BART PD can better assess the types of departmental culture shifts or professional development trainings that may need to be adopted to further the goal of equitable policing.

By leveraging police administrative data, climate survey data, and a review of department policies, the NJD analytic framework produces comprehensive findings regarding a department's strengths and areas in which improvements are needed. The resulting analysis can be used to steer community engagement, relationship building, and continued departmental reform.

It is important to emphasize that the persuasive power of analytics grows substantially with the length of time a department measures and analyzes important indicators. As a result, we encourage BART PD, its community, and all law enforcement agencies involved in the NJD to treat this analysis as an initial benchmark against which future progress can be measured. With many departments set to receive similar research reports in the coming years, we hope this analytic framework will serve as a road map for police and communities to establish where they are now and to chart a path toward a more just and equitable future.

### History of BART PD Involvement in the National Justice Database

BART PD began its relationship with CPE in 2012, when CPE trainers conducted a workshop on masculinity threat in policing. In 2013 and 2014, we worked with BART PD to produce two reports, both entitled *Police-Initiated Stops for Fare Evasion in the BART System: Embarcadero, Powell, 12th Street, and Dublin/Pleasanton Stations.* (A preliminary report was delivered in June 2013, with an addendum in April 2014.) In November 2015, BART PD began to share data with us as part of the NJD. In 2017– 2018, BART PD officers participated in focus groups in the course of our development of the *COPS Guidebook*, which was published in 2019.

During its work with CPE, BART PD has been led by several different chiefs. Most recently, in May 2019, Interim Chief Ed Alvarez took over leadership of the department from former Chief Carlos Rojas, who retired in April 2019. Chief Alvarez was promoted from Interim Chief to Chief in January 2020.

BART PD implemented a number of trainings during the study period related to enhancing equity in policing, including curriculum on implicit bias, procedural justice, crisis intervention, and de-escalation. Both the Office of Independent Police Auditor and the BART Police Citizen Review Board provide oversight of the department, including through independent investigations of complaints and oversight of internal investigations, as well as by providing recommendations on policy changes and facilitating community outreach. The department has collaborated with these oversight agencies in revising departmental policy, including the creation of policy on interactions with transgender people in 2015 and a revision to the use-of-force policy to require de-escalation in 2017.

### **SECTION I: DATA AND CONTEXT**

Our ability to evaluate issues of equity and offer recommendations is directly related to the quality and quantity of data provided by each department.

In particular, an essential component of the NJD analytic framework is the analysis of geographic and demographic information collected when officers have interactions with individuals. These data include (but are not limited to) the location of each incident and the race and gender characteristics of all officers, suspects, and individuals involved.

With this in mind, departments participating in the NJD are invited to share data as completely as possible. The higher the quality of the data, the more the robust analysis that can be provided to departments. We analyze all data using descriptive statistical methods, and some are additionally analyzed with multilevel regression models. In Section I, we focus on the quantity and quality of the data BART PD provided to us for analysis in this report.

#### **Data Provided by the Department**

Table 1 outlines a subset of the data that were requested of and provided by BART PD. This is not a comprehensive list of data petitioned from the department, but it identifies the major pieces of data necessary for holistic assessment. In addition, BART PD allowed us to administer a climate survey to all sworn officers. Of the officers invited to participate, 40 completed the survey.

The datasets we received on BART PD stops were reasonably comprehensive but were subject to several limitations. First, BART PD recording protocols did not clearly distinguish vehicle stops from pedestrian or rider stops. To disambiguate them, we classified stop records that contained vehicle data as vehicle stops; stop records without vehicle data were grouped as pedestrian stops.

Another challenge was that some stops recorded disposition as "field interview," while a separate dataset recorded "field interviews" with other dispositions. To address this challenge, we reviewed incidents from both datasets to ascertain whether they were duplicates. Upon finding that stops with "field interview" recorded as the disposition were not duplicated in the other dataset, we

#### Table 1. Data Requested and Received from BART PD

			Information Provided		
Data Requested	Requested Timeframe	Data Received	Location	Individual Race	Officer Characteristics
Vehicle Stops	2012–2017	2012–2017	Yes	Yes	No
Rider Stops	2012–2017	2012–2017	Yes	Yes	No
Use-of-Force Incidents and Types of Force per Incident	2012–2017	2012–2017	Yes	Yes	Yes
Field Interviews	2012–2017	2012–2017	Yes	Yes	Yes
Crime Data	2012–2017	2012–2017	Yes	Yes	n/a

combined all of these field interviews with all other stops, coding them as vehicle stops if they contained vehicle information, and as rider stops if they did not.

BART PD stop records did not document whether a person was searched, whether the search uncovered contraband, or what kind of contraband was found. The collection and analysis of these data are essential to understanding any observed racial disparities in stop and search rates.

Finally, BART PD recorded 322 incidents that involved the pointing or display of a firearm, and one incident in which a firearm was discharged. The datasets shared with us did not include comprehensive records on officer-involved shootings (OIS) and other firearm discharges by BART PD, and they did not reflect whether anyone was injured or killed. Limited information on firearm discharge (whether OIS or other discharge, such as accidental discharge or shooting an animal) was provided via personal communications between BART PD and CPE. Integration of these data, the racial demographics of the individuals involved, and the geolocations of the incidents is essential for analyzing use-of-force incidents, including any racial or geographic disparities observed in these incidents. In the period since we completed data collection for this report, we have been advised by BART PD that the agency has revised their data collection procedures to ensure that records of OIS and other firearm discharges are now included in use of force data.

With these limitations, we were still able to use descriptive methods to analyze and present data on BART PD stops and use-of-force incidents.

#### **The Data Context**

The data provided for this report must be contextualized by the people they represent. It is important to account for the demographics of those who are served by BART PD. Because not all residents of the Bay Area are likely to use the BART, we relied on two sources to estimate the demographics of the population that BART PD officers are likely to encounter: data collected in the 2016 "BART Station Profile Study" on rider entry and exit counts per station and U.S. Census data. (The methodology used to calculate this population benchmark is described in the next subsection.) We estimate that the residential population served by BART comprises approximately 1,662,435 persons, whose racial breakdown is approximately as follows:

- 36% are non-Latinx White ("White")
- 29% are non-Latinx Asian ("Asian")
- 25% are Latinx
- 8.7% are non-Latinx Black ("Black")
- 0.6% are Indigenous Hawaiian or Pacific Islander
- 0.3% are Indigenous American (Native American or Alaska Native)

As of 2017, BART PD employs a diverse force of approximately 189 sworn officers and 99 civilian employees to serve the BART system. The racial breakdown of the 183 sworn officers for whom racial data were available in 2017 is approximately as follows:

- 74 (40%) were White
- 39 (21%) were Black
- 32 (17%) were Asian
- 35 (19%) were Latinx
- 3 (1.6%) were "Other Race"

#### Methodology for Estimating Benchmark Population at Each BART Station

Given that nearly all persons stopped by BART PD were riders on the transit system or were on or near BART property, we benchmarked data about BART PD pedestrian and vehicle stops against the estimated demographics of the "benchmark population" with which BART PD officers might interact. Any estimate of this population must take into account not only the demographics of the local resident population at the location where the incident occurred, but also the demographics of the population that might be commuting to or through the station from other neighborhoods. For example, the commuter population using a transit station in an affluent downtown business district is unlikely to reflect the demographics of those who live in the immediate neighborhood.

To estimate the population demographics of individuals passing through each station, our analysts developed a customized methodology that uses BART data on the station at which each passenger entered and exited the BART system. These data are combined with census data for the neighborhoods near each station to estimate the racial demographics of the benchmark population in or near each station, who are thus are available for interactions with BART PD officers.

To calculate the demographics of the benchmark population, we used the following approach:

- We assumed that persons who live within a mile of a BART station are the population most likely to enter the BART system there. Studies show that an individual is more likely to utilize public transportation if it is within one-quarter to one-half of a mile of their home.<sup>8</sup> Using data from the 2017 U.S. Census American Community Survey five-year estimate, we estimated the demographics of the population within a one-mile radius of each station. The onemile radius was chosen in order to include those who might walk, bike, drive, or use a bus to access a BART station.
- If two BART stations are less than a mile apart, we assumed that residents use the BART station that is closest to them.
- We estimated the racial demographics of the disembarking population at each station based on the demographics of the neighborhood (within a one-mile radius) where they had entered the BART system. Thus, for example, if 2% of people who exit at Embarcadero entered at Richmond station, we calculated that 2% of persons exiting Embarcadero reflects the racial demographics of the census tracts within one mile of Richmond station.

This benchmarking methodology is subject to several limitations, including:

 The American Community Survey demographics relied upon in this report do not include the homeless population. Homeless individuals often use public transportation and seek shelter in stations. Also, Black people are more likely than Whites to experience homelessness, so our benchmark may underestimate the number of Black persons using the BART system.<sup>9</sup>

- Persons who travel more than one mile (by foot, bike, car, bus, or other means) to access a BART station are not accounted for in our benchmarking methodology.
- Our methodology does not account for persons who pass through a station without entering or exiting the train.

Two other, more general caveats about benchmarking police data should also be kept in mind when evaluating the analysis presented in this report. The first involves limits on drawing conclusions based on local populations. Specifically, for BART PD, as for any other police department, it cannot be assumed that persons with whom the department's officers interact are necessarily residents of the neighborhood immediately surrounding the station at which they entered or exited the BART system. Some riders may walk, cycle, drive, or ride a bus to enter a BART station that is more than a mile from their place of residence. And some riders who use BART may be visitors from outside the Bay Area, or even outside the state or country. Furthermore, to the extent that persons experience a stop or use-of-force incident while aboard a train or while at a station waiting to change trains, census demographics of the location of the incident may not offer information about the demographics of the site of the person's entry or exit from the BART system.

It is impossible to calculate precisely what the racial distribution of police encounters would look like if they precisely reflected the demographics of the persons with whom BART PD officers interact. Our estimate of rider demographics, based on station-by-station demographic estimates, represent the most precise possible effort to estimate the population that BART PD officers are most likely to encounter.

<sup>8</sup> Cervero and Duncan (2002); Dill (2003); Murray, Davis, Stimson, and Ferreira (1998).

<sup>9</sup> North and Smith (1994); Moses (2019).

The second caveat is that disparities do not necessarily indicate that police officers have engaged in biased or discriminatory behavior. We cannot know, for example, the racial distribution of drivers or riders who engage in behaviors that might result in a stop or in use of force. There is also no reason to suspect that racial disparities observed in law enforcement are unrelated to the racial disparities in education, housing, employment, healthcare, and other socioeconomic indicators that characterize American society are outside the control of BART PD. Accordingly, racial differences in policing data must be contextualized with other contributing factors, including but not limited to those modeled in the regression analysis presented in Sections IIB and III of this report.



## SECTION II: RACIAL DISPARITIES IN BART PD STOPS

In this section, we describe and analyze data provided by BART PD about its vehicle and rider stops between January 2012 and December 2017.

Because BART PD is a transportation safety department, its stop patterns differ from those of a typical municipal police department. We are advised by BART PD that 77% of its officers' discretionary enforcement activities are directed at fare enforcement, with the balance of their activities designed to prevent and address other kinds of lawbreaking that may occur on or near BART PD vehicles, train lines, stations, or parking lots.<sup>10</sup> Vehicle stops for BART PD officers typically involve citing drivers for moving violations on station access roads, bus zones, and parking lots. As a result, BART PD records many more pedestrian stops than vehicle stops.

Unfortunately, as discussed above, BART PD recording protocols did not clearly distinguish vehicle stops from pedestrian stops. To disambiguate them, we classified stop records that indicated a vehicle-related reason for the stop (e.g., "basic speed law," "DUI," "license plates") as vehicle stops. Stop records—including those categorized as pedestrian stops or field interviews—were otherwise grouped as rider stops. Since many people stopped by BART PD are not actually pedestrians on foot but are riding BART vehicles or waiting for them, this report describes these non-vehicle stops as "rider stops."

According to BART PD Policy 420.6, field interviews are stops based on reasonable suspicion. BART PD policy does not mandate that officers make records of field interviews that they conduct. Rather, Policy 420.6 states that field interviews "*may* be documented to provide other officers, investigators, and crime analysts with information concerning suspicious persons and situations" (emphasis added). As a result, some field interviews may have gone unrecorded, and BART PD records of such interactions may be incomplete.

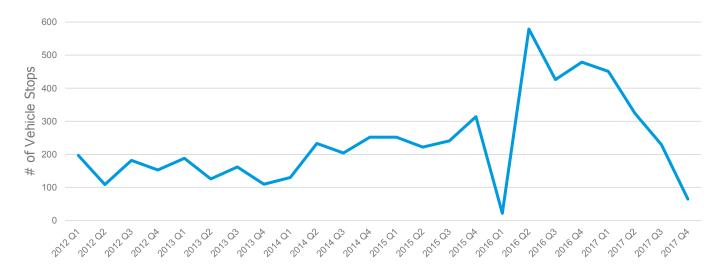
For the purposes of this report, a stop is defined as a single event in which an individual is stopped by one or more BART PD officers, regardless of the number of officers or other individuals involved in the stop. This section presents the frequency of vehicle and rider stops recorded by BART PD, along with their racial distribution. We also examine the population-adjusted, or per capita, number of stops of drivers from each of the racial groups most frequently stopped by BART PD. Drivers identified by officers as being Black, Hispanic (Latinx), White, or Asian (includes persons identified by officers as Cambodian, Chinese, Filipino, Guamanian, Hawaiian, Korean, Laotian, Pacific Islander, Samoan, Vietnamese, "Other Asian or East Indian," and "Other Asian") accounted for about three quarters of all BART PD stops during this time period. Drivers who were identified by officers as "Other" accounted for 18% of all stops; 5.3% of all vehicle stops were missing racial data.

In addition to descriptive statistics, we present findings from multilevel regression models designed to assess whether observed racial disparities in BART rider stops could be explained by neighborhood characteristics such as poverty, crime rates, or racial demographics.

#### Section IIA: BART PD Vehicle Stops and Racial Disparities

In this section, we present findings related to BART PD vehicle stops. As noted above, stop records that indicated a vehicle-related reason for the stop—for example, "basic speed law," "DUI," or "license plates"—were counted as vehicle stops. A stop may involve one or more BART PD officers.





#### SUMMARY OF FINDINGS

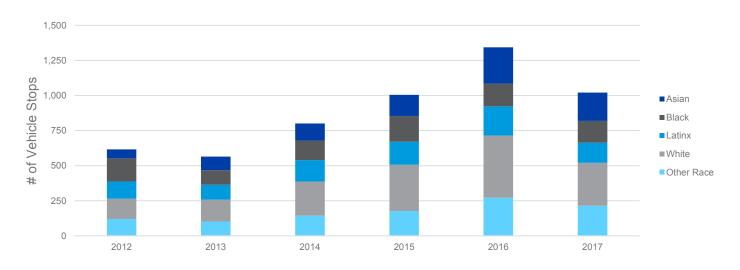
We are advised by BART PD that most of the department's vehicle stops occur when a private vehicle drives onto roadways that are reserved for BART vehicles.<sup>11</sup> The size and direction of racial disparities observed in BART PD vehicle stops varied widely among BART stations, but overall they were smaller than those we found in rider stops or use-of-force incidents. On a per capita basis, Black drivers were twice as likely to be stopped by BART PD as their White counterparts.

BART PD did not collect or share data about whether the persons it stopped were searched, and whether those

searches revealed contraband. This prevented assessment of whether racial disparities in searches during vehicle and rider stops might reflect inequitable treatment.

Figure 1, above, shows the number of vehicle stops recorded by BART PD officers during each quarter of the six-year observation period.

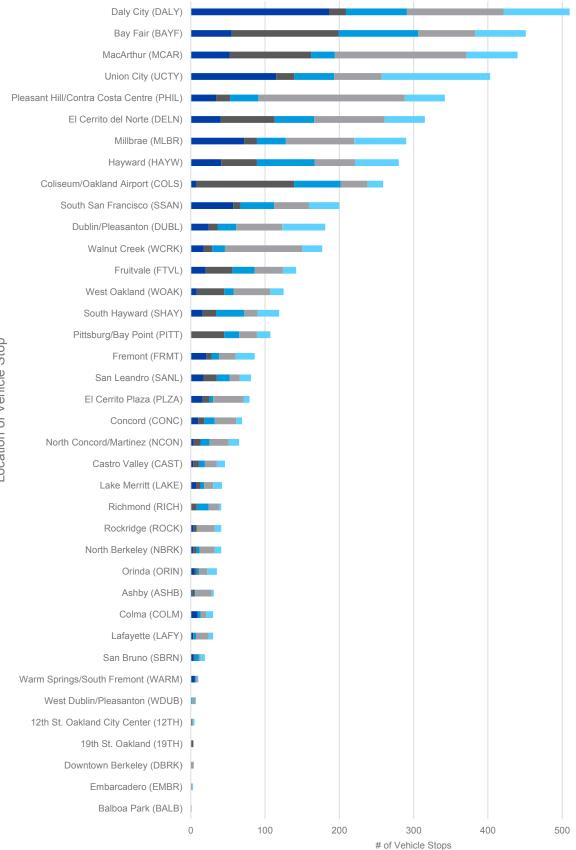
In total, BART PD officers recorded 5,651 vehicle stops during the observation period, ranging from a quarterly low of 22 vehicles stopped in January–March of 2016 to a high of 579 stops recorded in April–June of 2016.



#### Figure 2. Number of Vehicle Stops by Race and Year, 2012–2017

11 Per telephone conversation with BART PD personnel, November 13, 2019.

#### Figure 3. Number of Vehicle Stops by Race and BART Station, 2012–2017





# Location of Vehicle Stop

The sharp dip in vehicle stops observed in the first quarter of 2016 may reflect incomplete recording of vehicle stops as BART PD transitioned to a new stop-recording system. For both vehicle and rider stops, field interview data were missing for January 1 through March 14, 2016.

As noted earlier, about 5.3% of vehicle stops recorded by BART PD were missing racial data. Figure 2, above, shows that of the vehicle stops that contained data on the race of the driver, no racial group made up a clear majority. Of stops for which racial data were recorded, a plurality of stopped drivers were White (30%), followed by Other (19%), Black (17%), Latinx (17%), and Asian (17%).

The racial distribution of BART PD vehicle stops varied considerably by station (Figure 3). For example:

- Persons identified as White constituted the largest proportion of drivers stopped at the following stations: Ashby (71% of stops were of White persons), Rockridge (59%), Walnut Creek (59%), Pleasant Hill/Contra Costa Centre (58%), Lafayette (57%), El Cerrito Plaza (52%), North Berkeley (49%), Concord (42%), MacArthur (40%), North Concord/Martinez (40%), West Oakland (39%), Castro Valley (35%), Dublin/Pleasanton (34%), Millbrae (32%), El Cerrito del Norte (30%), and Fruitvale (27%).
- Persons identified as Asian constituted the largest proportion of drivers stopped at Warm Springs/

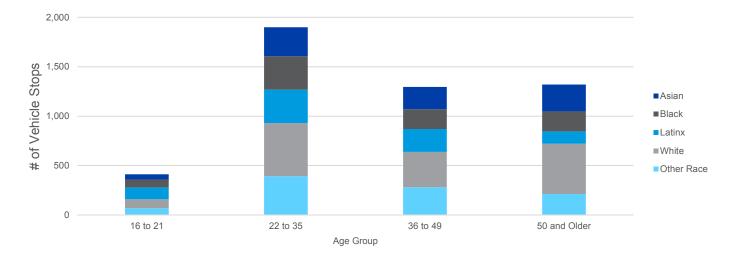
South Fremont (50%), Dale City (37%) Colma (30%), and South San Francisco (29%).

- Persons identified as Latinx constituted the largest proportion of drivers stopped at Richmond (39%), San Bruno (32%), South Hayward (32%), and Hayward (28%).
- Persons identified as Black constituted the largest proportion of drivers stopped at Coliseum/Oakland Airport (51%), Pittsburg/Bay Point (42%), Bay Fair (39%), and San Leandro (22%).
- Persons identified as "Other Race" constituted the largest proportion of drivers stopped at Orinda (37%), Union City (36%), Dublin/Pleasanton (34%), and Fremont (30%).

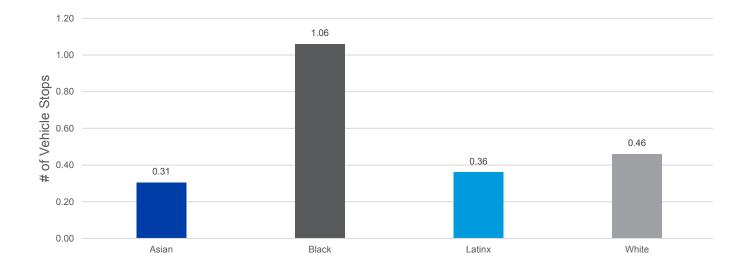
In nearly every age group, White persons constituted the largest number of drivers stopped. The one exception was in the age group that was stopped least frequently—ages 16 to 21—where Latinx drivers were the most frequently stopped (See Figure 4 below).

Figure 5, on the next page, shows shows the rate of vehicle stops per the benchmark population of each race passing through BART stations. (See the explanation of population benchmarking methodology above in Section I.)

Across the six-year observation period, BART PD conducted 1.1 stops of Black persons per 1,000 Black residents, compared to 0.46, 0.36, and 0.31 stops per 1,000 White,



#### Figure 4. Number of Vehicle Stops by Race and Age, 2012–2017



#### Figure 5. Rate of Vehicle Stops per 1,000 Residents by Race, 2012–2017

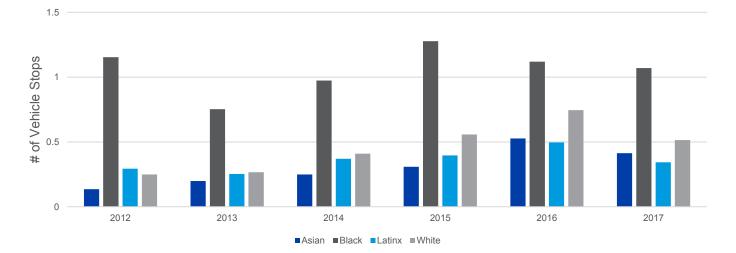
Latinx, and Asian residents, respectively. Proportionate to population, a Black driver was more than twice as likely as a White driver to experience a BART PD vehicle stop.

Figure 6, below, shows the number of BART PD stops experienced by each racial group as a share of its population in each year of the observation period.

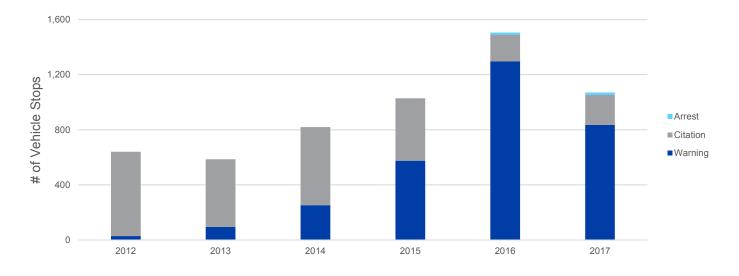
In each of the six years, for all drivers other than Black drivers, the number of vehicle stops per capita was less than 1.0 per 1,000 residents. Black drivers were stopped at a rate that ranged from 0.75 (in 2013) to 1.3 (in 2015). The Black-to-White disparity in per capita vehicle stop rates decreased during the observation period, however. In 2012, Black drivers were stopped more than four times more frequently per capita than White drivers were (1.2 stops per 1,000 Black drivers, compared to 0.25 for White drivers); in 2017, Black drivers were stopped about twice as frequently as White drivers (1.1 stops per 1,000 Black drivers, compared to 0.52 for White drivers).

Asian and Latinx drivers were less frequently stopped, per capita, than White drivers were, except in 2012, when the per capita stop rate for Latinx drivers was slightly higher than for White drivers.

Across the observation period, from 2012 through 2017, the likelihood that a stopped driver would receive a



#### Figure 6. Rate of Vehicle Stops per 1,000 Residents by Race and Year, 2012–2017



#### Figure 7. Vehicle Stop Outcomes by Year, 2012–2017

warning rather than a citation increased (Figure 7). In 2012, 96% of stopped drivers received a citation while only 4.4% received a warning. Over time, the percentage of citations decreased and the percentage of warnings increased; by 2016, 86% of drivers received a warning while only 13% received a citation. The following year was only slightly different: In 2017, 78% of stopped drivers received a warning, while 20% received a citation.

BART PD shared no demographic data on arrests at vehicle stops prior to 2016, so arrests from 2012–2015 are not included in Figure 7. In 2016, 15 drivers (1.0%) were arrested at vehicle stops. In 2017, 17 drivers (1.6%) were arrested at vehicle stops.

## Section IIB: BART PD Rider Stops and Racial Disparities

As described above, stop or field interview records that did not indicate a vehicle-related stop reason were counted as rider stops. We are advised by BART PD that most of its stops designated as pedestrian stops and non-vehicle field interviews involved persons who were in BART trains, in BART stations, or on BART property (such as sidewalks or parking lots). We are further advised by BART PD that a large majority of its pedestrian stops are aimed at fare enforcement.<sup>12</sup> Because many people stopped by BART PD are not actually pedestrians on foot but are riding BART vehicles or waiting for them, this report describes persons stopped by BART PD as "riders."

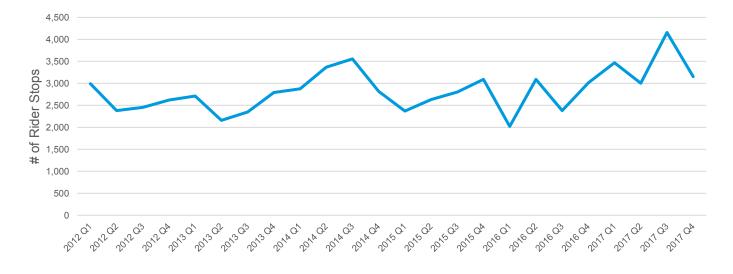
#### **SUMMARY OF FINDINGS**

Racial disparities observed in BART PD rider stops were much larger than those observed in vehicle stops, and the disparities were quite consistent across locations in the BART system. At most BART stations, Black persons were the racial group most frequently stopped by BART PD. Per capita, BART riders who were Black were more than eight times as likely to be stopped by BART PD officers than were their White counterparts. Black persons make up less than 9% of the resident population, but nearly half of riders stopped by BART PD (49%) were Black. In three of the six years observed (2012, 2013, and 2014), most riders stopped by BART PD officers were Black.

Racial data collection does not appear to have been consistent across the department or over time. Between 2012 and 2016, 16%–21% of rider stop records were missing racial data; in 2017, only 4% of rider stop records were missing racial data. Across the six years of the study, however, at five BART stations—Pleasant Hill/Contra Costa Centre, South San Francisco, Union City, Millbrae, and Dublin/Pleasanton—more than 35% of stop records were missing racial data.

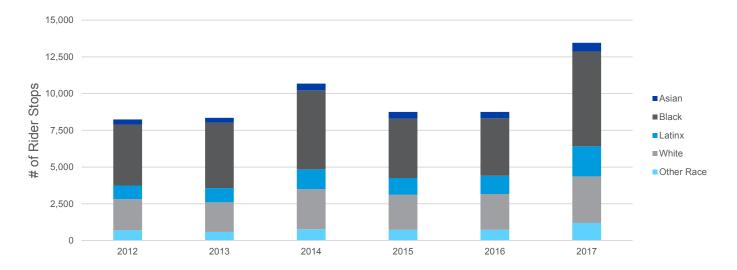
<sup>12</sup> Per telephone conversation with BART PD personnel, November 13, 2019.





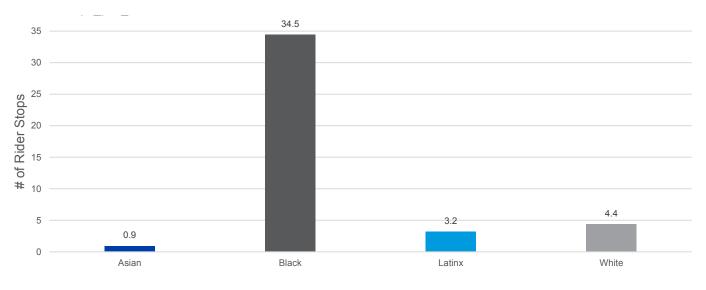
To evaluate whether the observed racial disparities in rider stops might be explained by variations in local crime rates, poverty, or neighborhood demographics, we conducted statistical analysis that controlled for these factors. In short, we found that crime, poverty, and neighborhood demographics contribute to, but do not fully explain, the observed racial disparity in rider stops. After these factors were taken into account, on a per capita basis, Black riders were 8.0 times more likely than their counterparts to be stopped by a BART PD officer. To the extent that the observed racial disparities are not explained by crime, poverty, or local demographics, these disparities may be (but are not necessarily) attributable to factors within the control of BART PD. The number of riders stopped by BART PD increased gradually across the six-year observation period (Figure 8). The quarterly frequency of rider stops conducted by BART PD officers varied widely over time, with peaks in the third quarter of 2014 (3,555 stops) and the third quarter of 2017 (4,157 stops).

The lowest number of stops was recorded in the first quarter of 2016 (2,021 stops). As in the vehicle stop data (see Figure 1, above), the sharp dip in rider stops observed in the first quarter of 2016 may reflect incomplete recording as BART PD transitioned to a new stop-recording system. For both vehicle and rider stops, field interview data were missing for January 1–March 14, 2016.



#### Figure 9. Number of Rider Stops by Race and Year, 2012–2017



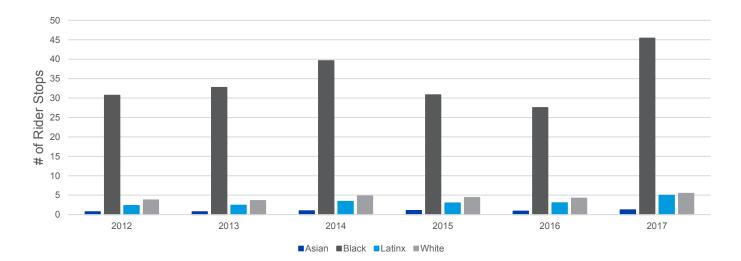


Although Black persons make up 8.7% of the resident population surrounding BART stations, nearly half of riders who were stopped by BART PD officers were Black (See Figure 9 on the previous page). Of 58,248 stops for which BART PD officers collected racial data, 49% were of Black riders. In 2012, 2013, and 2014, among stops for which racial data were recorded, Black persons made up more than one half of persons stopped by BART PD officers.

The next most frequently stopped group, White riders, made up only 26% of rider stops. Latinx riders accounted for 13% of stops, riders identified as "Other" race accounted for 8.1%, and riders identified as Asian made up 4.5% of BART stops. Although the number of stops increased somewhat over time, the racial distribution of the stops was fairly consistent across the observation period.

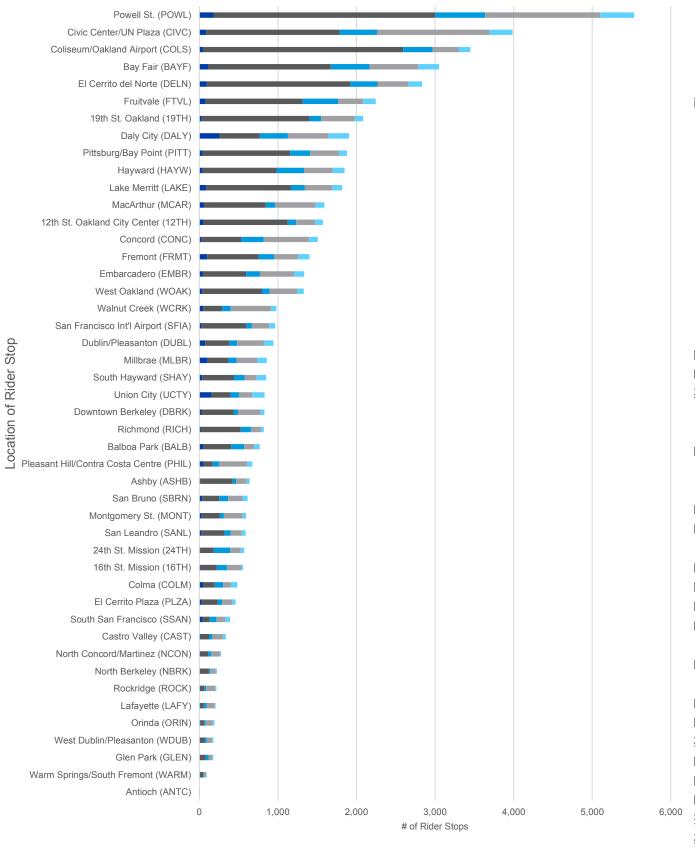
Figure 10 presents the number of rider stops of each racial group per 1,000 residents in the benchmark population across the six-year observation period.

The per capita rate at which Black riders were stopped was eight times as high as for any non-Black group. Across the six-year observation period, BART PD officers made about 35 stops of Black riders per 1,000 Black residents, compared to 4.4 stops of White riders per 1,000 White residents. Latinx and Asian riders were



#### Figure 11. Rate of Rider Stops per 1,000 Residents by Race and Year, 2012–2017

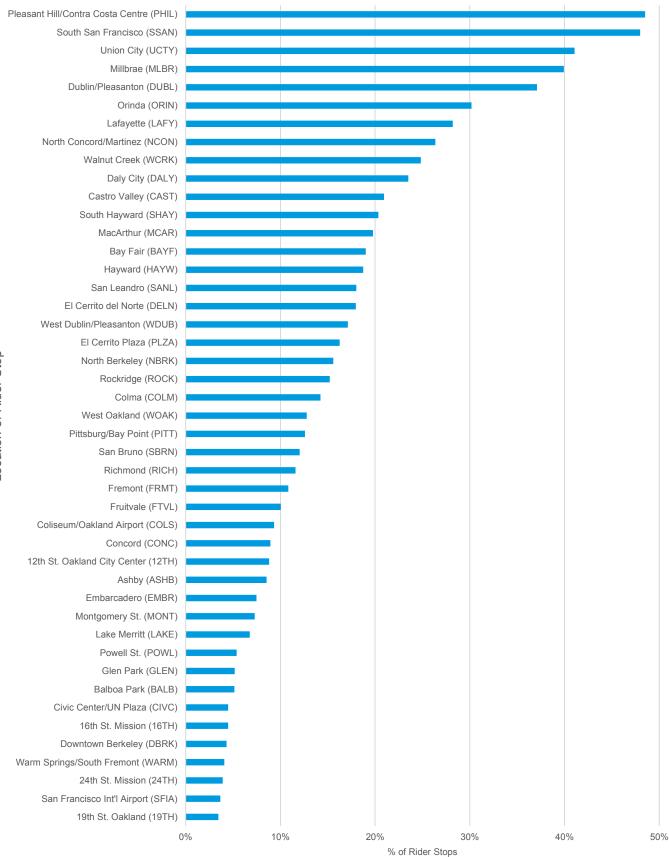
#### Figure 12. Number of Rider Stops by Race and BART Station, 2012–2017

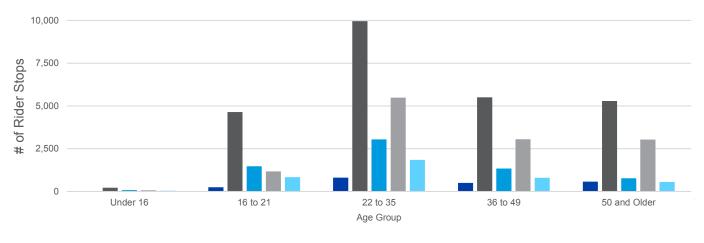


■Asian ■Black ■Latinx ■White ■Other Race

23

#### Figure 13. Percentage of Rider Stops Missing Racial Data by Station, 2012–2017





#### Figure 14. Number of Rider Stops by Race and Age Group, 2012–2017

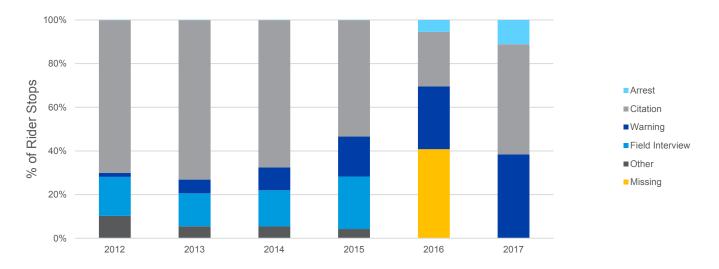
■Asian ■Black ■Latinx ■White ■Other Race

stopped at lower per capita rates than their White counterparts (3.2 and 0.94, respectively).

A marked Black–White disparity in per capita stop rates was observed in every year for which data were collected. In 2016—the year with the lowest Black– White disparity in rider stops—the per capita stop rate for Black riders was 6.5 times higher than for White riders (28 stops of Black riders per 1,000 Black population, compared to 4.2 stops of White riders per 1,000 White population). In 2013, the per capita stop rate was 9.1 times higher for Black riders than for their White counterparts (33 and 3.6 rider stops per 1,000 residents, respectively). As shown in Figure 12, at the majority of BART stations, Black riders were stopped more frequently than any other group. At each of the three stations that reported the largest number of rider stops—Powell Street, Civic Center/UN Plaza, and Coliseum/Oakland Airport—the majority of persons stopped were Black (51%, 43%, and 74%, respectively).

At nearly every station, White riders made up the second largest group of riders stopped by BART PD officers, followed by Latinx riders, followed by riders identified as Other or Asian.

In every year except 2017, 16%–21% of stop records we received from BART PD were missing racial data;



#### Figure 15. Rider Stop Outcomes by Year, 2012–2017

in 2017, by contrast, only 4% of rider stop records were missing racial data. This suggests that documentation of the racial ascription of stopped riders may have improved in 2017. Continued collection and analysis of data will allow for assessment of whether this improvement in data collection practices has been sustained over time. Figure 13, on page 24, shows the percentage of logged rider stops at each station that were missing racial data across the observation period.

Recording practices for racial data about rider stops appear inconsistent across the department. At most stations, fewer than 20% of stops were missing racial data. But at five BART stations, officers failed to record data in more than one third of stops: Pleasant Hill/Contra Costa Centre (49% of stop records were missing racial data), South San Francisco (48%), Union City (41%), Millbrae (40%), and Dublin/Pleasanton (37%).

As shown in Figure 14, in every age group, Black persons constituted the largest proportion of riders stopped by BART PD. This was especially acute among 16- to 21-year-old riders, among whom the number of Black persons stopped was more than three times the number of Latinx persons of the same age, and nearly four times the number of White persons of the same age.

From 2012 through 2014, a large majority of stops recorded by BART PD officers resulted in the issuance of a citation; relatively few resulted in a warning. The proportion of stops resulting in a warning increased in every year of the observation period, from 1.8% in 2012 to 38% in 2017. In 2016, 5.5% of rider stops resulted in arrests; in 2017, 11% of rider stops resulted in arrests (Figure 15).

#### **MULTILEVEL REGRESSION ANALYSIS**

To better understand factors that might contribute to the observed Black–White disparity in BART rider stops, we

turned to multilevel regression analysis. We used this technique to explore whether factors other than subject race might be statistically associated with the observed disparities. For example, higher crime rates in neighborhoods with larger shares of Black residents might explain, at least in part, the disproportionately high rate of Black encounters with the police.

The statistical analysis we conducted determines whether the following factors may explain why Black persons are overrepresented, relative to population, in rider stops: (1) the race of individual riders; (2) neighborhood demographics surrounding a BART station; (3) poverty rates surrounding a BART station; and (4) local crime rates surrounding a BART station.<sup>13</sup> Our statistical analysis calculates whether, alone or in combination, these factors may contribute either to the overall number of stops at a BART station, or to the Black–White racial disparity observed at this station. The findings are reported in Table 2 and summarized in the text below.

Using this methodology, our findings were as follows:

- After controlling for crime rates, poverty rates, and racial demographics, Black persons experienced BART PD rider stops at a rate 8.0 times higher than the stop rate for White riders. Thus, the Black– White racial disparity in rider stops was not fully explained by local poverty rates, crime rates, or the racial demographics of surrounding station areas.<sup>14</sup>
- The Black–White racial disparity was larger in wealthier neighborhoods than in poorer ones. Nonetheless, in both high- and low-income neighborhoods, Black riders experienced higher rates of stops than White riders.
- The crime rate was predictive of the number of stops, but not of racial disparity. That is, BART PD made more stops in or near stations in

<sup>13</sup> The crime rate is calculated using the rate of BART PD arrests for Part I crimes (as classified by the Uniform Crime Reporting system) in neighboring census tracts.

<sup>14</sup> As noted in the preceding section, "Methodology for Estimating Benchmark Population at Each BART Station," the homeless population was not accounted for in this analysis.

higher-crime neighborhoods than in lower-crime ones, but this did not explain the racial disparity in the rates at which Black and White riders were stopped.

- Latinx persons experienced BART PD rider stops at about the same rate as White persons.
- Asian persons experienced BART PD rider stops at a much lower rate than White persons. After controlling for local poverty rates, crime rates, and racial demographics, the per capita stop rate for Asian persons was 0.21 (about one fifth) the per capita rate for White persons.

### Table 2. Regressions Predicting Rider Stop Frequency

	Model 1		Mode	el 2
	Estimated Incidence Ratio	95% Confidence Interval	Estimated Incidence Ratio	95% Confidence Interval
Intercept	0.02***	(0.01, 0.02)	0.02***	(0.01, 0.02)
Asian	0.20***	(0.17, 0.24)	0.21***	(0.18, 0.25)
Black	7.88***	(6.64, 9.37)	8.01***	(6.75, 9.50)
Latinx	0.81	(0.68, 0.97)	0.83	(0.70, 0.99)
Black % of Population	1.02	(0.75, 1.38)	1.00	(0.74, 1.36)
% of Population in Poverty	1.27	(0.94, 1.71)	1.57**	(1.15, 2.15)
Number of Arrests	1.20	(0.95, 1.52)	1.20	(0.95, 1.52)
Asian: % of Popula- tion in Poverty			0.79	(0.66, 0.95)
Black: % of Popula- tion in Poverty			0.73***	(0.61, 0.87)
Latinx: % of Popu- lation in Poverty			0.77**	(0.65, 0.92)

# SECTION III: RACIAL DISPARITIES IN BART PD USE OF FORCE

This section describes findings related to use-of-force incidents reported by BART PD. In addition to presenting descriptive statistics, we describe findings from multilevel regression models designed to assess whether any observed racial disparities in BART PD use of force can be explained by neighborhood characteristics. Such characteristics include poverty, crime rates, and racial demographics.

When multiple types of force were reported to have been used on a single person during a given incident, or when multiple officers were involved in a given incident, our analysis counts the event as a single incident. A single incident, then, could include multiple force types, multiple applications of force, or multiple officers using force against a single individual.

In Figures 18 and 19, on page 30, though, the types of force used in use-of-force incidents are presented differently: Each different force type used on an individual in a single incident is counted once, regardless of the number of officers involved or the number of times the force type was used.

#### **Summary of Findings**

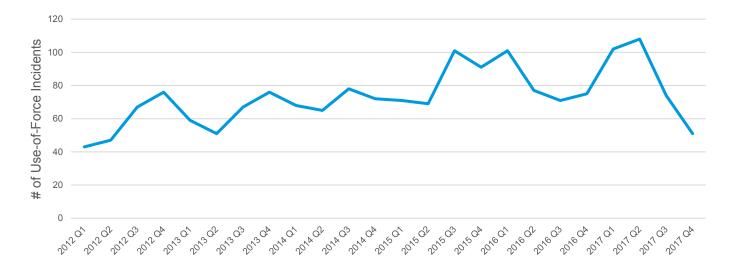
Racial disparities were observed in incidents resulting in use of force by BART PD officers. Although Black persons make up less than 9% of the residential population, 63% of persons to experience force were Black. On a per capita basis, Black persons were 13 times more likely than White persons to have BART PD force used upon them. All other racial groups were subjected to force at per capita rates lower than that of White persons.

As is typical in police departments, the force type most commonly used in BART PD use-of-force incidents was hands-on, accounting for 66% of incidents. The second most frequent force type was firearms (23%), which included 322 incidents of a firearm display or pointing and one recorded incident in which a firearm was discharged.<sup>15</sup> The frequency of firearm incidents by BART PD officers may warrant additional attention within a law enforcement agency whose primary responsibilities are passenger safety and fare enforcement, and whose activities take place largely in confined spaces such as train cars and BART stations.

As with other BART PD force incidents, most people who experienced firearm incidents were Black (63%). Most firearm incidents occurred in Zone 1 or Zone 3 (that is, in or south of Oakland). No other BART zone recorded more than 35 firearm incidents across the observation period.

To evaluate whether observed racial disparities in use-offorce incidents might be explained by variations in local crime rates, poverty, or neighborhood demographics, we conducted statistical analysis that controls for these factors. In short, we found that crime rates, poverty rates, and neighborhood demographics explained little of the observed racial disparity in use of force. Even when these factors were taken into account, Black persons remained 15 times more likely than their White counterparts to experience BART PD use of force. To the extent that this observed racial disparity is not explained by crime rates, poverty rates, or local demographics, it may be (but is not necessarily) attributable to factors within the control of BART PD.

<sup>15</sup> Incidents involving the discharge of a firearm were not consistently included in the use-of-force datasets shared with us. But per email from BART PD personnel, September 9, 2019, we were advised that five OIS and two other discharges were recorded by BART PD from 2009 through 2017."



#### Figure 16. Number of Use-of-Force Incidents per Quarter, 2012–2017

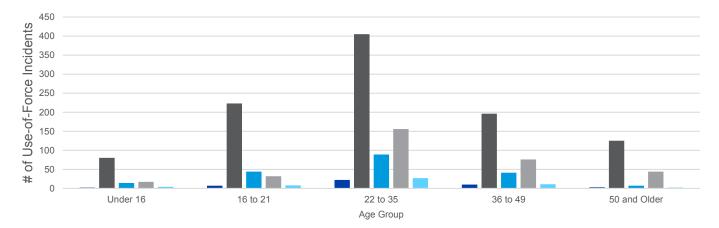
#### **Use-of-Force Findings**

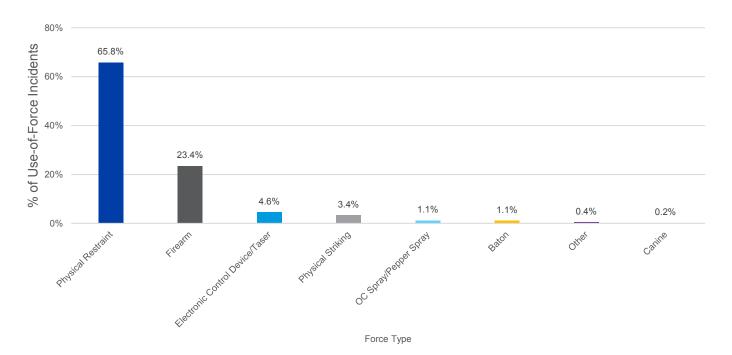
Figure 16, above, reports the number of use-of-force incidents that BART PD recorded for all racial groups each quarter from January–March 2012 through October–December 2017.

In the six years of the observation period, BART PD officers recorded 1,760 incidents in which force was used. The number of recorded incidents varied by quarter, with a high of 108 incidents recorded in the second quarter of 2017 and a low of 43 incidents recorded in the first quarter of 2012. The number of recorded incidents increased annually from 233 in 2012 to 335 in 2017. Figure 17 shows the race and age of persons upon whom force was used for incidents recorded by BART PD between 2012 and 2017.

In every age group, Black persons constituted a large majority of persons upon whom force was used, while White persons made up less than a quarter of persons who experienced force, Latinx persons made up less than 15%, and Asian persons made up less than 5%. Overall, of 1,645 incidents for which racial data were available, 63% of people who experienced force were Black, 20% were White, 12% were Latinx, 2.7% were Asian, and 3.2% were classified Other.

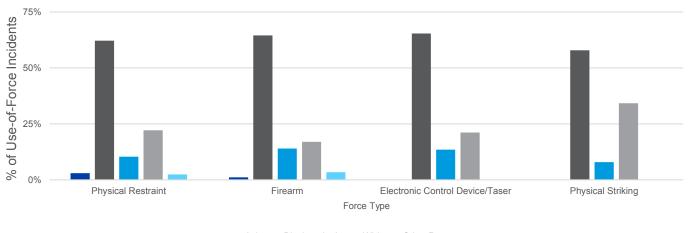






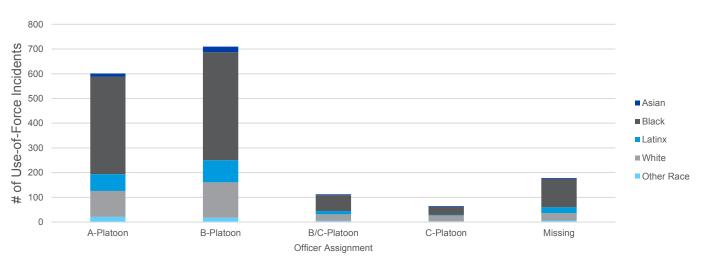
#### Figure 18. Force Types Recorded in Use-of-Force Incidents, 2012–2017

Figure 18 depicts the relative frequency of force types used by BART PD officers in incidents recorded between 2012 and 2017. Unlike the incident counts otherwise reported in this chapter, Figures 18 and 19 count each force type reported in an incident separately (regardless of the number of officers involved in the incident). For example, if, on a single individual on a single occasion, one officer used physical restraint and a Taser electronic weapon, and another officer also used physical restraint, we would count two force types used in the incident: one physical restraint and one Taser. The most frequent force type used in BART PD use-offorce incidents was hands-on: Physical restraint was recorded in 66% of all use-of-force incidents, with another 3.4% of force incidents involving physical striking. The second most common force type recorded in BART PD use-of-force incidents was firearm (display, pointing, or discharge), which was recorded in 23% of all incidents. (Firearm incidents are examined in greater detail later in this section.) Electronic Control Device/Taser was recorded in 4.6% of incidents, and all other force types (pepper



#### Figure 19. Force Types Recorded in Use-of-Force Incidents by Race, 2012–2017

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#### Figure 20. Number of Use-of-Force Incidents by Race and Officer Platoon Assignment, 2012– 2017

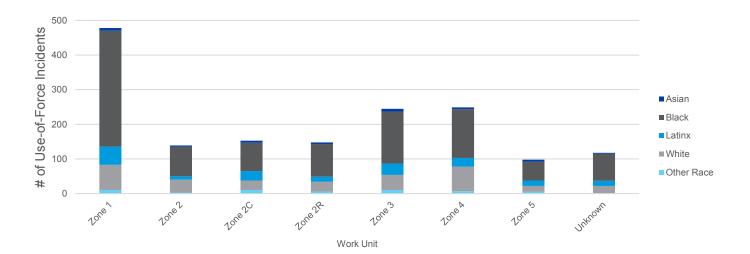
spray, baton, canine, and other) were each recorded in fewer than 1.5% of all force incidents.

Figure 19 depicts the race of persons upon whom each of the four most common force types was used in incidents recorded by BART PD between 2012 and 2017.

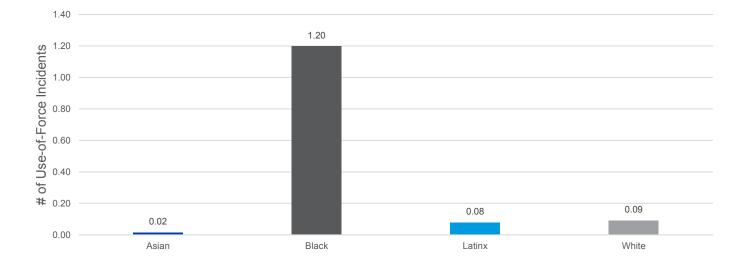
Every force type recorded by BART PD was used more frequently on Black persons than on persons of any other racial group. Black persons made up 62% of those who experienced physical restraint, 65% of those who experienced firearm incidents, 65% of those who experienced ECD/Taser, and 58% of those who experienced physical striking. Black persons also made up 67% of those who experienced the baton and 65% of those who experienced pepper spray (not shown).

Figure 20 shows BART PD use-of-force incidents by race and officer assignment between 2012 and 2017. "A-Platoon" refers to the morning shift; "B-Platoon" refers to the afternoon shift; and "C-Platoon" refers to the night shift.

The racial distribution of force incidents was roughly similar across officer assignments—a majority or plurality of force incidents in every unit involved Black persons but the number of incidents recorded varied widely by assignment, from fewer than 100 incidents in C-Platoon (the night shift) to more than 600 incidents recorded in



#### Figure 21. Number of Use-of-Force Incidents by Race and Geographic Work Unit, 2012–2017



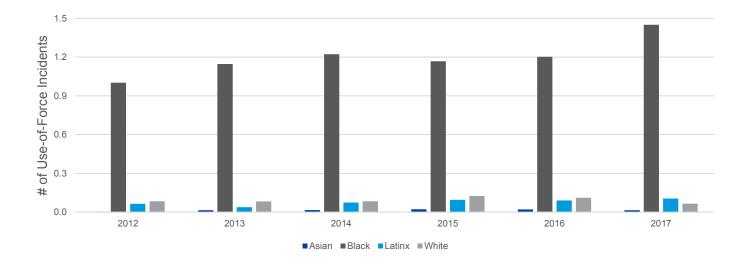
#### Figure 22. Rate of Use-of-Force Incidents per 1,000 Residents by Race, 2012–2017

A-Platoon and more than 700 in B-Platoon across the same time period.

The racial distribution of force incidents was roughly similar across geographic zones—a majority of force incidents in every zone involved Black persons. The number of incidents recorded by each unit in the six-year period varied widely, however, from fewer than 100 in Zone 5 to more than 450 in Zone 1 (Figure 21).

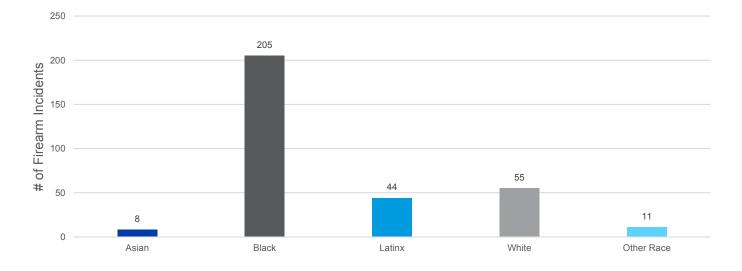
Figure 22 shows the number of force incidents as a proportion of the benchmark population for each racial group. Because force is used on Black residents more frequently despite their making up just 8.7% of the population served by BART, the per capita rate at which Black riders were subjected to force was higher than for any non-Black group. As noted earlier, of 1,645 force incidents for which BART PD officers recorded racial data, 63% involved force being used upon a Black person.

A Black resident was 13 times more likely to have BART PD force used upon them than their White counterpart. Specifically, BART PD recorded 1.2 use-of-force incidents per 1,000 Black residents, compared to 0.09 incidents per 1,000 White residents. Per capita, BART PD recorded



#### Figure 23. Rate of Use-of-Force Incidents per 1,000 Residents by Race and Year, 2012–2017

#### Figure 24. Number of Firearm Incidents by Race, 2012–2017



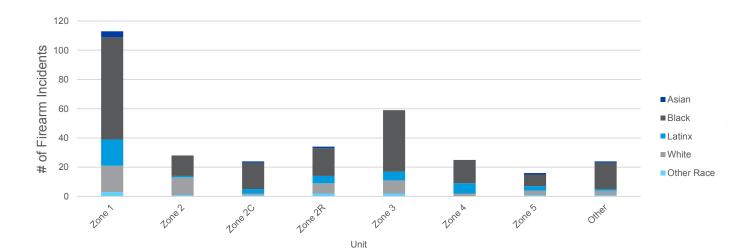
slightly fewer use-of-force incidents involving Latinx residents (0.07 per 1,000 residents) and Asian residents (0.02 per 1,000 residents).

Figure 23 shows the number of force incidents as a proportion of the benchmark population for each racial group, for each year of the observation period.

The large racial disparity in per capita use of force was observed in every year for which data were collected. In no year did any other group experience force at more than a tenth of the per capita rate at which Black residents experienced force. For Black residents, the per capita use-of-force rate ranged from 1.0 to 1.5 per 1,000 Black residents. By comparison, White persons experienced force at rates ranging from 0.07 to 0.12 per 1,000 residents; the Latinx per capita rate ranged from 0.04 to 0.10 per 1,000 residents; and the Asian per capita rate ranged from 0.0 to 0.02 per 1,000 residents. The per capita rate for Native American persons is not reported due to low frequency (two incidents).

#### **Use of Firearms in Force Incidents**

Firearms were the second most common force type recorded by BART PD officers: Overall, 23% of recorded use-of-force incidents involved a firearm, with a total 323



#### Figure 25. Number of Firearm Incidents by Race and Geographic Work Unit, 2012–2017

incidents recorded in the six-year period (one incident involved discharge of a firearm; 322 involved the display or pointing of a firearm). <sup>16</sup> We did not receive information about the reasons for the display, pointing, or discharge of firearms. The proportion of recorded use-of-force incidents that involved firearms warrants further investigation.

As with other BART PD use-of-force incidents, a majority of firearm incidents involved Black persons (Figure 24). Of 323 firearm incidents, 205 (63%) involved Black persons. White persons were involved in 55 firearm incidents (17%), Latinx persons in 44 (14%), and Asian persons in eight (2.5%). In 11 firearm incidents (3.4%), the person was described as being of "Other" racial ascription.

Firearm incidents were much more common in and around Oakland than elsewhere: As shown in Figure 25, more than half of all firearm incidents (53%) were recorded in BART Zones 1 or 3. Firearm incidents were by far the most frequent in Zone 1, which accounted for 113 such incidents, or 35% of the total. This was nearly twice the frequency as in the next highest work group, Zone 3 (South Bay), which logged 59 incidents across the six-year period. Every other BART PD work group recorded fewer than 35 firearm incidents.

In every work zone across BART, Black persons made up a majority of individuals who experienced firearm incidents. The disparity was lowest in Zones 2 and 5, where Black persons accounted for 50%, and highest in Zone 2C and the "Other" work group, where 75% of persons involved in firearm incidents were Black.

#### **Multilevel Regression Analysis**

To better understand factors that might contribute to the observed Black–White disparity in BART PD use of force, we turned to multilevel regression analysis. We used this technique to explore whether factors other than a person's race might be statistically associated with observed disparities. For example, higher crime rates in neighborhoods with larger shares of Black residents might explain, at least in part, the disproportionately high rate at which force is used against Black persons.

The statistical analysis we conducted examined whether the following factors may explain why Black persons are overrepresented, relative to population, in BART PD use-of-force incidents: (1) the race of individual riders; (2) neighborhood demographics surrounding a BART station; (3) poverty rates surrounding a BART station; and (4) local crime rates surrounding each BART station.<sup>17</sup> Our statistical analysis calculates whether, alone or in combination, these factors may contribute either to the overall number of stops at a BART station or to the Black–White racial disparity observed at the station. The findings are reported in Table 3 and summarized on below.

Using this methodology, our findings were as follows:

- After controlling for crime rates, poverty rates, and racial demographics, Black persons experienced use of force at a rate approximately 15 times higher than the use-of-force rate for White persons. Thus, the Black–White racial disparity in use-of-force incidents was not fully explained by local crime rates, poverty rates, or the racial demographics of surrounding station areas.
- Racial disparity in use-of-force incidents was higher in wealthier neighborhoods and lower in neighborhoods with higher poverty rates. That is, the Black–White disparity was larger in wealthier neighborhoods than in poorer ones.
- Latinx persons experienced use of force at about the same rate as White persons.
- The number of use-of-force incidents involving Asian persons was too small to be used in the regression analysis.

<sup>16</sup> Per email from BART PD personnel, September 9, 2019, we are advised that from 2012 to 2015, OIS and discharges were not necessarily recorded in the use-of-force dataset but were recorded in separate, handwritten files. We are further advised by BART PD that it recorded five OIS from 2009 through 2017, as well as two non-OIS firearm discharges.

<sup>17</sup> The crime rate is calculated using the rate of BART arrests for Part I crimes (as classified by the Uniform Crime Reporting system) in neighboring census tracts.

## Table 3. Regressions Predicting Frequency of Use of Force

	Model 1		Мос	lel 2
	Estimated Incidence Ratio	95% Confidence Interval	Estimated Incidence Ratio	95% Confidence Interval
Intercept	0.00***	(0.00, 0.00)	0.00***	(0.00, 0.00)
Black	14.43***	(10.42, 19.98)	15.03***	(10.93, 20.67)
Latinx	0.84	(0.59, 1.18)	0.87	(0.61, 1.24)
Black % of Population	1.31	(1.00, 1.71)	1.25	(0.98, 1.59)
% of Population in Poverty	0.86	(0.66, 1.11)	1.25	(0.92, 1.69)
Number of Arrests	1.42***	(1.17, 1.74)	1.40***	(1.17, 1.68)
Black: % of Population in Poverty			0.49***	(0.36, 0.65)
Latinx: % of Population in Poverty			0.82	(0.58, 1.16)

## SECTION IV: OFFICER CLIMATE SURVEY

We now turn to the results of the climate survey administered to BART PD officers.

Decades of empirical research reveals that social attitudes, including those not consciously recognized or acknowledged by an individual, can make that individual vulnerable to enacting bias—sometimes more so than conscious intent. Accordingly, it is important to assess attitudes that can have implications for how officers operate in the field. Attitudes are often interconnected with beliefs, so it is important to evaluate beliefs as well. Consequently, the climate survey measured attitudes and beliefs that social science has shown can:

- increase the risk that officers will engage in inequitable and burdensome policing practices;
- increase the likelihood that officers will be resistant to policies and procedures that enhance community trust; and
- undermine the optimal job performance of officers.

The climate survey assessed BART PD officers' implicit and explicit bias as well as perceptions of organizational justice, all of which may affect the risk that cognitive bias could result in racially disparate behavior. The presence of risk factors, or even the presence of biased perceptions, does not guarantee that officers will behave in biased ways. Rather, these factors signal cognitive vulnerabilities, which can be compounded or mitigated by situational factors, such as departmental policy or customary norms and practices. Awareness and mitigation of these risks can help ensure more equitable treatment of community members by BART PD officers.

Each sworn BART PD officer was invited to complete the climate survey. The survey was administered electronically,

and officers had the option to take it during or after work hours. In total, 41 officers completed the survey. Of the 40 respondents who provided racial identity data, 35% identified as White, and 65% identified as non-White.<sup>18</sup>

The small sample size precludes detailed analysis of gender or racial disparities in the survey results. Moreover, the sample was composed largely of supervisors and executives. As such, the results are unlikely to reflect the views of most BART PD officers. Nonetheless, they illuminate the views of the officers who responded to the survey. They may highlight strengths that the department can build on, as appropriate, as well as opportunities for intervention to address attitudes that can undermine optimal police practices and community relationships.

#### **Summary of Climate Survey Results**

Among officers who participated in the survey, responses were suggestive of both departmental strengths as well as risk factors that may affect the fairness of BART PD policing practices. On the positive side, survey respondents expressed egalitarian views with respect to the social groups our survey asked about. They gave broadly similar favorability ratings to different major racial groups, immigrants, Muslims, gay men, lesbians, persons with mental health challenges, and transgender persons. Respondents also expressed strong commitment to community-oriented and procedurally just policing, and strong disapproval of corrupt practices. All of this tends to favor the development of police–community trust.

On the other hand, survey respondents expressed considerable distrust of the community; they believed that community members in general, and Black persons in

<sup>18</sup> We do not present findings related to rank or gender to protect the anonymity of survey participants.

particular, hold negative attitudes toward police, and they reported some concern that community members may stereotype them as racist.

Finally, the survey results indicate that respondents are well positioned to perform optimally when engaging in their duties. General job satisfaction, moderate job stress, and sound physical and emotional/mental health all contribute to optimal job performance.

#### **Climate Survey Results**

In this section we outline the social constructs measured in relationship to inequitable and burdensome policing, community trust, and optimal job performance. A social construct is an idea or viewpoint constructed by a group of people to make sense of the world; it is held as true, whether or not it reflects actual reality. The beliefs and attitudes measured by these constructs are described in this section, as is their relevance to the enhancement of equitable policing practices. All were assessed in the officer climate survey.

The tables that follow define the survey measures that addressed each of these outcomes of interest, and present the mean (average) scores and standard deviations for all respondents who provided usable answers to the survey questions. The discussion following each table summarizes the results, emphasizing responses to questions with average scores that tend toward the high or low side of the measurement scale, which may indicate attitudes or beliefs that could substantially influence officers' behavior in the field.

#### Table 4. Constructs Related to Inequitable and Burdensome Policing

Construct	Definition and Scaling	Mean	SD
Social Dominance Orientation	The endorsement of social hierarchies in which some groups have power and privilege while others do not. Such a perspec- tive can make individuals feel justified in treating others inequi- tably. [Measured on a scale from 1 to 7, with higher values indicating stronger endorsement of social hierarchies.]	2.5	1.0
Stereotype Threat	Anxiety that one will inadvertently confirm a stereotype related to a social group in which one has membership. This anxiety can cause individuals in positions of power to escalate tense interac- tions (particularly with marginalized groups) in ways that can be harmful to those they interact with. [Measured on a scale from 1 to 7, with higher values indicating greater worry about confirming stereotypes about police officers.]	4.2	1.2
Mental Health Stigma	Harboring prejudicial attitudes toward individuals with mental health challenges [Measured on a scale from 1 to 7, with higher values indicating greater stigmatization of individuals with mental health challeng- es.]	3.5	0.9

Continued on the next page

Perceptions of Juvenile Responsibility	Perceptions about the ability of adolescents to function with the same level of maturity and rational thinking as adults. More lenient attitudes about adolescent responsibility align with biological research on adolescent development, wherein youth do not fully develop maturity and the understanding of long- term consequences until they have reached young adulthood. Misconceptions about juvenile responsibility place one at risk of interacting with and punishing youth in inappropriate ways. [Measured on a scale from 1 to 7, with higher values indicating more lenient attitudes about juvenile responsibility.]	3.8	1.0
Positive or Negative Feelings Toward Various Social Groups	Self-assessment of "warm" or "cold" feelings toward a particular social group. [Measured on a scale from 0 (cold) to 100 (warm).]		
	Black persons	75	25
	White persons	74	23
	Latinx persons	77	23
	Asian persons	78	23
	Immigrants	77	23
	Muslims	75	25
	Gay men	76	24
	Lesbians	76	24
	Transgender women	74	24
	Transgender men	74	24
	Persons with mental illness	74	24
Perceptions of Community Attitudes Toward Police	Self-assessment of "warm" or "cold" feelings a particular social group has toward police. [Measured on a scale from 0 (cold) to 100 (warm).]		
	BART community toward police	41	29
	Black persons toward police	42	20
	White persons toward police	59	26
	Latinx persons toward police	48	21
	Asian persons toward police	58	27

#### INEQUITABLE AND BURDENSOME POLICING

The inequitable or burdensome policing of others is characterized by biased judgments and behaviors as well as by engaging with individuals in ways that are unnecessarily confrontational, demeaning, or otherwise taxing. The beliefs and attitudes in Table 4 are considered risk factors for engaging in inequitable or burdensome policing.

Survey respondents expressed a relatively egalitarian perspective toward different social groups and showed little evidence of a **social dominance orientation**. Endorsement of a social dominance orientation would be measured by agreement with statements such as "It's probably a good thing that certain groups are at the top and others are at the bottom" and "Some groups are simply inferior to other groups." Rejection of a social dominance orientation might be indicated by agreement with a statement such as "No one group should dominate in society." Because endorsement of a social dominance orientation can lead to inequitable behaviors, this finding is encouraging.

Five questions on the climate survey were designed to assess **stereotype threat**, or anxiety about confirming a stereotype related to police officers. Feelings of stereotype threat were measured by agreement with statements such as "I worry that people may stereotype me as prejudiced because I am a police officer," "I worry that something I say might be misinterpreted as prejudiced because I am a police officer," and "I worry that people's evaluations of me might be negatively affected because I am a police officer." The absence of such feelings would be indicated by agreement with statements such as "I never worry that someone will suspect me of being prejudiced just because I am a police officer."

The average score across all questions was 4.2 on a 7-point scale, indicating neither affirmation nor denial that respondents experienced stereotype threat. The experience of anxiety as a result of stereotype threat can be mentally taxing, triggering defensiveness that can undermine respectful officer–community communications and prompt inadvertent and sometimes unjust errors in judgment or behavior. Survey respondents may be vulnerable to the effects of stereotype threat, even if they are not aware that such anxiety might negatively affect their interactions with the community.

Stereotype threat may be related in part to officers' views that some members of the community hold the police generally in low regard. On a "feeling thermometer" from 0 (most unfavorable rating, or "coldest") to 100 (most favorable rating, or "warmest"), BART PD officers expressed a belief that the BART community and Black persons in particular hold cold feelings toward police, rating community feelings toward BART PD at 41 and Black people's feelings toward BART PD at 42. By contrast, survey respondents perceived Latinx persons to feel neither cold nor warm toward police (48), and perceived that White and Asian persons felt positively toward police (59 and 58, respectively).

An encouraging finding was that survey respondents themselves expressed fairly consistent favorability ratings on the feeling thermometer toward members of different major racial groups, toward Muslims and immigrants, and toward gay men, lesbians, and transgender persons, with favorability scores for all groups in the range of 73 to 78 on a 100-point scale.

The survey also revealed some **misconceptions about juvenile responsibility** among officers. Beliefs about adolescent development and juvenile responsibility were measured by agreement or disagreement, on a scale from 1 to 7, with statements such as "An adolescent's ability to control their impulses and understand the consequences of their actions should be taken into consideration when deciding the punishment for an adolescent," "An adolescent who commits a violent offense should be eligible to receive the same punishment an adult would receive," "Peer pressure should be taken into consideration when deciding the punishment for an adolescent," and "Adolescents convicted of committing violent offenses should not be sentenced to prison for life."

The average score on such survey measures was 3.8, indicating that survey respondents did not strongly agree or disagree with such statements. To the extent that officers may expect children or teenagers to control their impulses and exercise judgment the way adults are expected to do, they may be inclined to interact with youth as if they were adults, instead of relying on age-appropriate methods that meet the needs of youth and yield better results. Furthermore, because Black children and youth are more likely to be judged older than their actual age, they are at heightened risk of being subjected to inappropriately punitive treatment.<sup>19</sup>

The climate survey showed some evidence of **mental health stigma** among BART PD officers. Endorsement of mental health stigma was measured by agreement with statements such as "A person with mental health issues could snap out of the problem," "People with mental health issues are unpredictable," "A mental health issue is a sign of personal weakness," "People with mental health issues are dangerous," and "I would not want to work with a person with mental health issues." On average, survey respondents did not reject such prejudices, but were neutral toward them.

#### **COMMUNITY TRUST**

Community trust is present when community members perceive police officers to be reliable stewards of goodwill and guardians of public safety in whom they have confidence. Trust is earned, and law enforcement officials must continually demonstrate their trustworthiness through policies and daily interactions with the public. However, there are certain perspectives and attitudes that may make individual officers more or less inclined to support policies or practices that create or enhance community trust. Such perspectives and attitudes are captured in the constructs in Table 5.

BART PD officers expressed substantial support for both **community-oriented policing** and **procedurally just policing.** These findings are encouraging, as fair and responsive interactions with community members are critical to building community trust in the police force.

Support for community-oriented policing was measured by agreement with statements affirming that it is important to "be responsive to issues people in the community think are important, even if they are minor issues" and to "allow community members to voice their opinions when you interact with them." Survey respondents expressed strong support for community-oriented policing, with a mean score of 5.5 on a scale of 1–7. Support for procedural justice in policing was even stronger: The mean score was 6.6 on a 7-point scale. Such support was measured by agreement with statements affirming that it is important to "treat community members with respect during your encounters with them," "be impartial in the way you interact with community members," and "be fair in your treatment of community members."

At the same time, officers expressed moderate distrust of community members. Trustworthiness of community members was measured by agreement with statements such as "Community residents tell the police the whole story when they are being questioned," "Community residents can be trusted to do the right thing," and "Community residents are willing to help the police identify criminals." On average, respondents expressed somewhat low trust in the community, averaging 3.0 on a scale from 1 to 7. These findings may be consistent with respondents' perceptions that the BART community as a whole has a negative attitude toward them (see Perceptions of Community Attitudes Toward Police in Table 4). This finding may indicate a need for building greater trust between BART PD officers and the communities they serve and protect.

Survey respondents believed that critical media coverage of the police had deleterious effects, as measured by agreement with statements such as that adverse publicity had "negatively impacted the way I do my job," "forced some U.S. law enforcement agencies to make policy changes that ultimately threaten officer safety," "made it more difficult for me to be motivated at work," "caused me to be less proactive on the job than I was in the past," or "caused me to be more apprehensive about using force even though it may be necessary." Their responses averaged 5.0, indicating that these respondents did share such concerns.

Overall, the survey results show BART PD officers hold attitudes and beliefs that can encourage community trust in the department. Officers strongly supported community-oriented policing and procedurally just policing practices, both of which are critical to building confidence in the police among community members. However, officers did also express a distrust of community members, which can undermine reciprocal trust. Officers overwhelmingly rejected a departmental culture that tolerates corruption, and they expressed concern that unfavorable media coverage could affect their work and their interactions with the community.

## WORKPLACE WELL-BEING AND OPTIMAL JOB PERFORMANCE

Workplace well-being and optimal job performance empower officers to police in ways that are equitable and enhance public safety. However, optimal job performance is conditioned upon good mental and physical health. Health challenges can disrupt the best efforts of law enforcement

#### **Table 5. Constructs Related to Community Trust**

Construct	Definition and Scaling	Mean	SD
Support for Community- Oriented Policing	The perspective that community-oriented policing is a worth- while endeavor. Officers who harbor this perspective are assumed to be more likely to support and engage in practices that enhance community trust, which is a necessary compo- nent of community policing. Officers who do not support com- munity policing would be expected to do the opposite. [Measured on a scale from 1 to 7, with higher values indicating stronger endorsement of procedurally just policing.]	5.5	1.1
Trust in Community	Perceptions of the level of trustworthiness of community mem- bers. Officers who feel they cannot trust the community are likely to be less inclined to support practices or policies that will build community trust overall. [Measured on a scale from 1 to 7, with higher values indicating stronger endorsement of procedurally just policing.]	3.0	1.1
Support for Procedurally Just Policing	Procedurally just policing is characterized by respectful inter- actions with individuals and objective decision making on the part of law enforcement. Officers who support these practices are likely to be more inclined to support policies and practices that enhance community trust; the opposite would be the case for officers who do not support procedurally just policing. [Measured on a scale from 1 to 7, with higher values indicating stronger endorsement of procedurally just policing.]	6.6	0.47
Effects of Publicity	The perspective that negative media coverage of police offi- cers has made the job of law enforcement more dangerous and has depressed morale. Officers who feel this way may be more apprehensive about engaging with community mem- bers, and therefore be less inclined to engage in practices or support policies that enhance community trust. [Measured on a scale from 1 to 7, with higher values indicating greater agreement with statements about the negative effects of media coverage on officer safety.]	5.0	1.2

## Table 6. Constructs Related to Workplace Well-Being and Optimal Job Performance

Construct	Definition and Scaling	Mean	SD
Physical Health	A state of physical well-being. Those reporting sound physical health are better positioned to perform competently within their professional roles. [Measured on a scale from 1 to 7, with higher values indicating better physical health.]	5.0	1.4
Mental Health	A state of mental well-being. Those reporting sound mental health are better positioned to perform competently within their professional roles.		
	Positive affect [Measured on a scale from 1 to 7, with higher values indicating the expe- rience of positive emotions and/or a healthy self-concept.]	5.0	1.1
	Negative affect [Measured on a scale from 1 to 7, with higher values indicating the experience of negative emotions and/or a poor self-concept.]	1.9	0.88
	Overall affect [A cumulative score summing a respondent's positive affect scale with a reverse scoring of the negative affect scale. Measured on a scale from 1 to 7, with higher values indicating the experience of greater positive emotions relative to negative emotions.]	5.7	0.77
Job Stress	Mental or emotional strain caused by the workplace environment. Those reporting low levels of job stress are better positioned to per- form competently within their professional roles. [Measured on a scale from 1 to 7, with higher values indicating higher levels of stress.]	4.3	1.2
Job Satisfaction	Satisfaction in response to the workplace environment. Those report- ing high levels of job satisfaction are better positioned to perform competently within their professional roles. [Measured on a scale from 1 to 7, with higher values indicating greater job satisfaction.]	4.0	1.1

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Organizational Distributive Justice	Perceptions by individuals within an organization that they are treated fairly with regard to the outcomes of decisions and the distribution of organizational resources. Individuals who perceive a lack of organiza- tional distributive justice are at risk of engaging in inappropriate and unethical behaviors. [Measured on a scale from 1 to 7, with higher values indicating greater distributive justice.]	4.5	1.5
Organizational Interactional Justice	Perceptions by individuals within an organization that they are treated with dignity and respect within the organization. Individuals who per- ceive a lack of organizational interactional justice are at risk of engag- ing in inappropriate and unethical behaviors. [Measured on a scale from 1 to 7, with higher values indicating greater interactional justice.]	5.2	1.4

officials, as they can deplete the physical and mental energy necessary to be effective in the workplace. The states of physical, mental, and emotional health relevant to job performance are described in Table 6.

On average, respondents reported good physical and mental health, rating their physical health at 5.0 on a 7-point scale. They reported frequent experience of positive emotions—such as feeling alert, inspired, determined, attentive, and active—and infrequent experience of negative emotions, such as feeling upset, hostile, ashamed, nervous, afraid, angry, angry at self, disgusted, or disgusted with self. The climate survey also asked officers how often in the past six months they had experienced an array of other symptoms of emotional or mental distress, such as finding it difficult to relax, getting agitated, or finding it hard to work up the initiative to do things. Overall, on a scale of 1 (greatest emotional comfort) to 7 (greatest emotional discomfort), officers' negative affect score averaged 1.9, indicating robust emotional well-being.

Responding officers, on average, expressed neither satisfaction nor dissatisfaction with their jobs (with a mean of 4.0 on a scale of 1–7). They experienced moderate levels of on-the-job stress (mean of 4.3), as measured by responses to statements such as "How often do you feel calm and at ease when you are working?" and "How often do you feel tense or uptight when you are working?"

The survey revealed generally positive officer perceptions of organizational distributive and interactional justice within BART PD. Respondents ranked the department's distributive justice (that is, the fairness of departmental procedures defining officer misconduct and governing officer assignments and promotion) fairly positively, averaging 4.5 on a scale of 1 to 7. They expressed strong agreement on measures of organizational interactional justice, averaging 5.2 on measures such as whether their supervisors held values similar to their own and stood up well for values important to them, gave them opportunities to express their opinions and concerns, and treated them with dignity and respect and without personal bias. These survey items also addressed whether fellow officers treated respondents with dignity and respect and without personal bias, gave them the opportunity to express their opinions and concerns, and cared about their well-being.

# SECTION V: SUMMARY AND RECOMMENDATIONS

Overall, the results of our analysis find reasons for optimism along with room for improvement toward advancing the goal of equitable policing.

Based on these findings, we offer six specific recommendations for BART PD. While this is not an exhaustive list of possible solutions to the disparities and risk factors we have identified, we recommend that BART PD adopt the following actionable steps to enhance their commitment to fair and equitable policing:

- Implement key changes to data collection efforts, specifically with respect to stops, searches, and use-of-force incidents, as follows:
  - a. Update the BART PD policy manual by adopting a written policy requiring officers to collect data on all stops in accordance with the Racial and Identity Profiling Act of 2015 (RIPA).
  - b. Adopt a policy requiring supervisors to review stop and use-of-force records in a timely fashion to ensure that their supervisees are completing them properly.
  - c. Ensure that officers are trained to record racial data for every stop and use-of-force incident. Officers should not ask persons for racial self-identification, but should record their perception of the person's racial identity. If they are not sure, they should record "Unknown."
  - d. Record every search, and include in these records the reason for the search and whether contraband was found. Yield rate

data can be calculated based on categorical lists of contraband or a more detailed accounting that allows for specific weapons or drugs to be identified. These categories are listed in the RIPA stop data regulations and are also required to be reported under BART PD Policy 322.5.

- e. Record the nature of the offense(s) when a person is arrested at a vehicle or rider stop or after a use-of-force incident.
- f. In use-of-force incidents involving firearms, record whether the weapon was discharged and whether any person was injured. Officer-involved shootings should be included in use-of-force data sets.
- **g. Implement the recommendations for RIPA compliance** outlined in the *COPS Stop Data Guidebook*: Pilot Implementation Reports, which was drafted by CPE and the Policing Project.
- 2. Adopt a policy requiring officers to write a brief narrative explanation of the reason for each stop they conduct and submit the same to their supervisors at the end of each shift. While RIPA already requires that this information be collected and submitted to the California Attorney General,<sup>20</sup> we recommend that BART PD establish a policy requiring that it also be submitted to supervisors on a daily basis for review. We further recommend

<sup>20</sup> Racial and Identity Profiling Act, Cal. Code Regs. Tit. 11 § 999.226(a)(10)(B).

that BART PD adopt a policy requiring supervisors to review these reports in a timely manner to ensure that stops are supported by reasonable suspicion and consistent with BART PD policy and applicable law.

- Monitor the locations and times of fare enforcement operations—which represent a large majority of BART PD's activities—to ensure efficient and equitable deployment.
- 4. Revise the BART PD policy on drawing/deploying firearms (Policy 300.3.5) to clarify when an officer may draw a firearm or point a firearm at a member of the public, and about the role of bystander safety in the determination of whether to draw, point, or discharge a firearm. We recommend that BART PD adopt a policy stating that officers may only draw or display their firearms if they reasonably believe that there is a substantial risk that the situation may escalate to the point where deadly force may be justified.
- 5. Redouble efforts to build mutual trust and open productive channels of communication between BART PD and the community. The climate survey data show that some officers distrust the community and believe that community members, especially members of Black communities, have a negative attitude toward police. We recommend BART PD explore the underlying causes of distrust for both officers and community members. This could include hosting open dialogues (e.g., listening sessions) or administering a community survey. Once the core issues are brought to light, BART PD must implement responsive change in a way that is transparent to both officers and community members.
- Work in collaboration with the BART Office of the Independent Police Auditor and the BART Police Citizen Review Board to implement the recommendations made in this report.

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## **Roll Call for Introduction**

Progressive Policing BART Board January 14, 2020



## Agenda

- Roll Call for Introduction 20-832
- Progressive Policing at BART & BPD Statistics
- Stakeholder Engagement Process
- Takeaways from the Stakeholder Engagement Process
- Plan
- Program Models and Frameworks at other Organizations
- BART Progressive Policing Organization Chart
- BART Deployment Plan
- Staffing and Budget Implications
- Timeline Goals
- Discussion

### Roll Call for Introduction 20-832

"In response to Black Lives Matter, the tragic murder of George Floyd by Minneapolis Police, Bay Area social justice protests and public demand, the Board of Directors requests that the General Manager works with the Board of Directors on an immediate stakeholder process to develop changes to the BART Police model that de-emphasize the use of sworn personnel to respond to homelessness, behavioral health and substance use, among other issues that do not need an armed police response. Recognizing that much has been done to implement progressive and equitable policing practices, we also need to consider a different model of public safety that is more effective and prevents racially biased policing."



# Progressive Policing at BART & BART PD Statistics

### BART Progressive Policing to Date

- BART Board created a police review committee in 2009
- Established the Office of the Independent Police Auditor in 2011 and BART Police Citizen Review Board in 2012
- Partnered with the Center for Policing Equity (CPE) in 2012



- Created Crisis Intervention Training (CIT) and Community Outreach Coordinator positions in 2014
- One of the first transit agencies to implement the use of body-worn cameras for all officers in 2013



## BART Progressive Policing to Date (Cont.)

- The first California agency to have POST-certified instructors for Fair and Impartial Policing training in 2016
- A pilot agency for the Police Executive Research Forum's Integrating Communications, Assessment and Tactics (ICAT) program in 2016
- Implemented the Law Enforcement Assisted Diversion (LEAD) program in partnership with San Francisco PD and Public Health in 2017
- Launched a pilot project of 10 unarmed Ambassadors and have since formalized and expanded the program in 2020
- Established a new Progressive Policing and Community Engagement Bureau in 2020



## BART Progressive Policing Classifications

Sworn	Supervisor of Crisis Intervention and Outreach Programs	Crisis Intervention Specialist	Transit Ambassador
<ul> <li>Supervises</li> <li>Patrols</li> <li>Responds</li> <li>Proactive</li> <li>Reactive</li> <li>Armed</li> <li>Uniformed</li> </ul>	<ul> <li>Supervises</li> <li>All skillset of Crisis Intervention Specialist (CIS)</li> <li>Monitor and deploy CIS</li> <li>County/City homeless coordination</li> <li>Monitor Quality of Life (QOL) data w/ system</li> <li>Unarmed</li> <li>Plain clothes</li> </ul>	<ul> <li>Engage those experiencing QOL issues; identify potential services for mental health, crisis intervention, homeless and supportive housing services</li> <li>Coordination w/ field reps from counties and cities</li> <li>BART point for Hot Teams</li> <li>Proactive</li> <li>Reactive</li> <li>Unarmed</li> <li>Clothing with BART logo</li> </ul>	<ul> <li>Presence in system</li> <li>Observe and report</li> <li>Proactive</li> <li>Max visibility on trains</li> <li>Unarmed</li> <li>BART uniform</li> </ul>



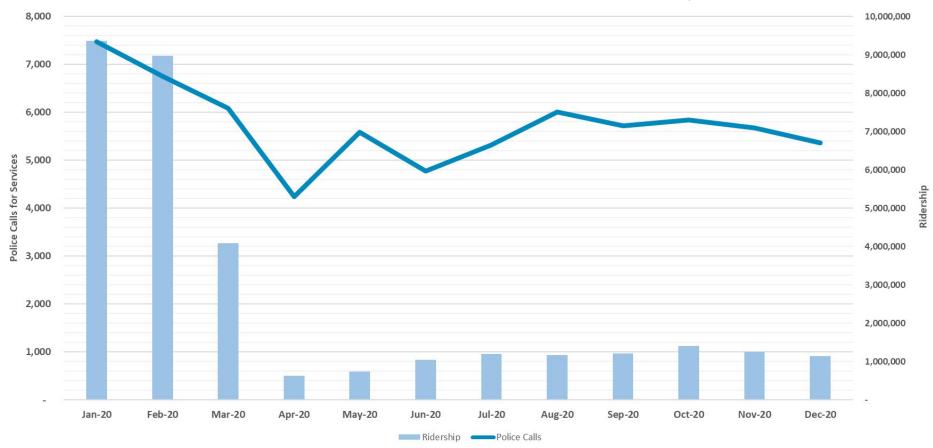
## Roles and Responsibilities of BART Transit Ambassadors

- Be visible to the public
- Answer questions and respond to complaints and requests while riding trains
- Identify, report, and document the following to OCC or BPD:
  - Inappropriate behavior
  - Safety and security issues on/in the system
  - o Biohazards



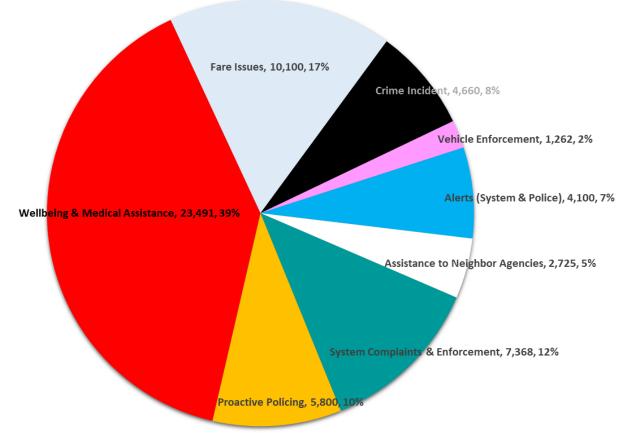
### Calls for Service & Ridership

**BART - POLICE CALLS FOR SERVICE & RIDERSHIP BY MONTH, 2020** 



### Calls for Service - Overview

BART PD - Calls for Service, Dispatch Center, 2020

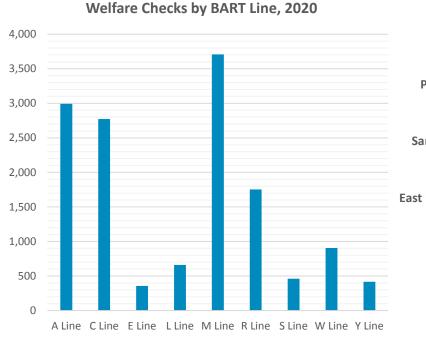


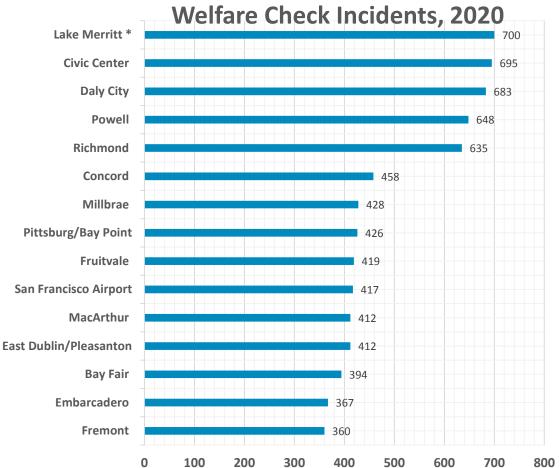
- Grouped 210 dispatch call for service types into eight distinct categories as shown on the graph
- New calls for service types are often created to best represent the situation
  - Example: Communicable Disease Violation created in 2020 to document instances of BPD contacts with persons not wearing masks within the station property.

### Welfare Checks

Code used: Welcheck

Top 15 stations represent over 50% of the call volumes for Welfare Checks (estimated 15,000/year)



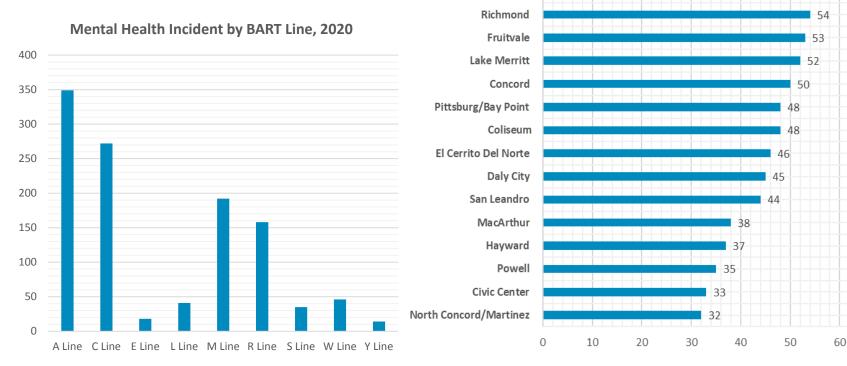


\*Lake Merritt is a default catch-all location for most incidents during a moving train without a precise location anywhere in the district.

### Mental Health

#### Code used: WI5150

Top 15 stations represent 60% of the call volumes for Health and Mental Evaluations (estimated at 1,300 incidents per given year)



Bay Fair

### **Psychiatric Evaluation Incident, 2020**



70

80

73

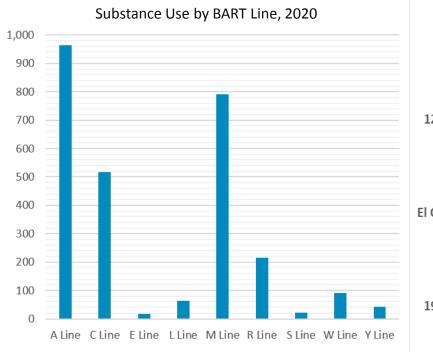
11

### Substance Use

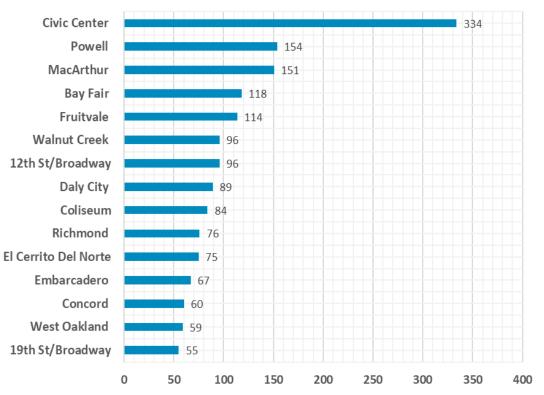
Code used: Multiple

Vaping, Possess Drugs & Narcotics, Smoking on Train, Under the Influence, Visibly Intoxicated, Carrying possible narcotics, General Health & Safety violation codes, etc.

Top 15 stations make up over 50% of incidents, excluding Lake Merritt, which has 21% of overall system issues. These incidents are estimated at 3,000 instances per given year.



#### Substance Use Incidents, 2020



# Stakeholder Engagement Process

### Overview of Stakeholder Engagement Process

Seek input from a variety of internal and external stakeholder groups through two primary methodologies: stakeholder discussion sessions and a survey



- Stakeholder Sessions
  - Interactive discussion design where participants had the opportunity to think collectively about the issues of drug use, unhoused riders, and behavioral health on BART.
  - Participants began by envisioning what individual and community safety could and should look like on BART, followed by brainstorming three scenarios questions.
  - Participants could also provide examples from their own experiences in which situations were handled well or, conversely, when they escalated.

## Stakeholder Engagement Team

Be the Change Consulting *Facilitators* 

Don Casimere Facilitator

Rodd Lee, BART Assistant General Manager, External Affairs

Angela Averiett, BART Deputy Police Chief Progressive Policing and Community Engagement Bureau

Clara Tsang, BART Project Manager

## Stakeholder Groups

### Internal:

- The BART Police Citizen Review Board
- The Office of Independent Police Auditor
- Members of BART Police Department including BART Police Officers, Community Service Officers (CSOs), Fare Inspectors, Police Administrative Specialists and Transit Ambassadors
- Frontline workers including Train Operators, System Service Workers and Station Agents
- BART Police Department union leadership (BPMA, BPOA)
- Union leadership for frontline workers (SEIU, AFSCME, ATU)

### External:

- 9 BART district's with BART Director participation
- LGBTQ+ advocates
- Mental health/social service providers

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# Be The Change Consulting Methodologies for Stakeholder Process

## Methodology 1: Discussion Sessions

### Scenario Questions

- Scenario 1: "Imagine there is a person using drugs while on the BART train."
- Scenario 2: "Imagine there is an unhoused person on the train with their belongings spread out across several seats. The person appears to be either asleep or passed out."
- Scenario 3: "Imagine there is an individual who is acting erratically in the train."

### Follow up questions for each scenario

- "What issues of individual and community safety are at play in this scenario?"
- "Who should respond?"
- "What should their response be?"
- "In your experience, what are some examples of when a scenario like this was handled really well?"
- "In your experience what are some examples of when a scenario like this escalated?"
- "What additional interventions, supports or resources could have helped in this case?"

### Methodology 1: Discussion Sessions

Session	Date
BART Police Citizen Review Board	08/10/20
BART Police Department	09/28/20
BART Police Department	09/29/20
BART Police Union Leadership	09/30/20
BART Frontline Workers	10/01/20
BART Police Department	10/02/20
Frontline Union Leadership	10/06/20
BART District #6	10/19/20
BART District #3	10/20/20
BART District #4	10/26/20
BART District #5	10/27/20
BART District #2	10/28/20
BART District #7	10/29/20
LGBTQ+ Advocates Session	10/30/20
Mental Health/Social Service	11/05/20
Joint Session 1: BART Districts #8 & 9	11/05/20
BART District #6 (Makeup)	11/09/20
BART District #1	11/09/20
Joint Session 2: BART Districts #8 & 9	11/21/20

## Methodology 2: Surveys

### Internal Stakeholders (n=56)

 Respondents included members of the BART Police Department, BART Police Union Leaders, BART Frontline Workers, BART Accessibility Task Force, Frontline Workers' Union Leaders & Members of the BART Police Citizen Review Board

### **External Stakeholders (n=944)**

 Respondents included Riders who are part of BART's Research database(n=441), Session Participants (n=54) & General Public (n=449)



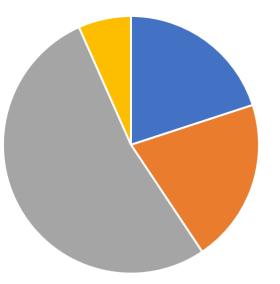
How do you think BART should address **drug use on BART**; what type of Personnel, interventions, tactics etc.?

How do you think BART should address **unhoused riders**; what type of personnel, interventions, tactics etc.?

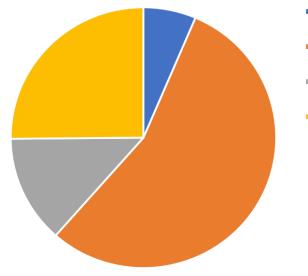
How do you think BART should address **riders experiencing behavioral health issues**; what type of personnel, interventions, tactics etc.?

## Stakeholder Results on How BART Should Address 3 Key Issues Identified in the RCI

#### Internal Stakeholders



- Police Response (33) 20%
- Civilian Response (34) 20.6%
- Combination Police and Civilian (87) 52.7%
- Other\* (11) 6.7%



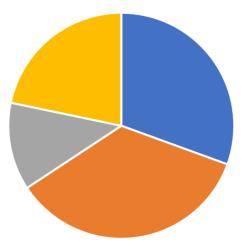
- **External Stakeholders**
- Police Response (12) 6.4%
- Civilian Response (103) 55.1%
- Combination Police and Civilian (25) 13.4%
- Other\* (47) 25.1%

\*Top 'Other' categories are:

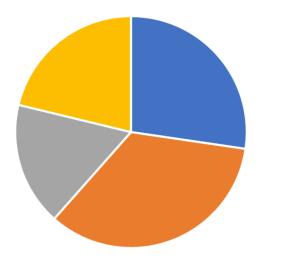
- Stop fare evasion, station hardening, monitor gates
- If not causing trouble, let them be
- Clean the system/Make it safe/Do something
- Do not allow drug use at all
- Don't know/Not much can be done
- BART is for transit, not a BART issue/BART should continue to do what it does best safe, clean, green transportation

## Surveys Results on How BART Should Address 3 Key Issues Identified in the RCI

#### Open Survey on BART Website



- Police Response (443) 30.6%
- Civilian Response (510) 35.2%
- Combination Police and Civilian (182) 12.6%
- Other\* (315) 21.7%



BART Riders from the PES Database

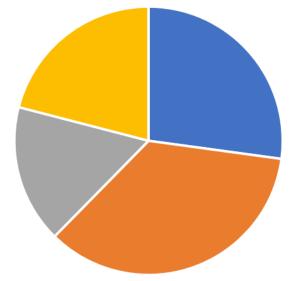
- Police Response (336) 27.3%
- Civilian Response (421) 34.2%
- Combination Police and Civilian (212) 17.2%
- Other\* (261) 21.2%

\*Top 'Other' categories are:

- Stop fare evasion, station hardening, monitor gates
- If not causing trouble, let them be
- Clean the system/Make it safe/Do something
- Do not allow drug use at all
- Don't know/Not much can be done
- BART is for transit, not a BART issue/BART should continue to do what it does best safe, clean, green transportation

## Combined Survey Results on How BART Should Address 3 Key Issues Identified in the RCI

### **Combined Surveys**



23

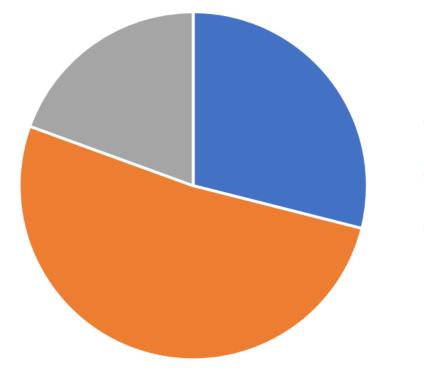
- Police Response (824) 27.2%
- Civilian Response (1068) 35.2%
- Combination Police and Civilian (506) 16.7%
- Other\* (636) 21.0%

\*Top 'Other' categories are:

- Stop fare evasion, station hardening, monitor gates
- If not causing trouble, let them be
- Clean the system/Make it safe/Do something
- Do not allow drug use at all
- Don't know/Not much can be done
- BART is for transit, not a BART issue/BART should continue to do what it does best - safe, clean, green transportation

### Combined Survey Results on How BART Should Address Unhoused Riders

**Unhoused Riders** 



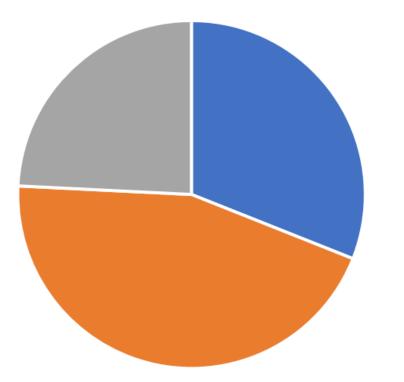
Police Response (198) 29.0%

- Civilian Response (353) 51.6%
- Combination Police and Civilian (133) 19.4%



Combined Survey Results on How BART Should Address Riders Experiencing Behavioral Health Issues

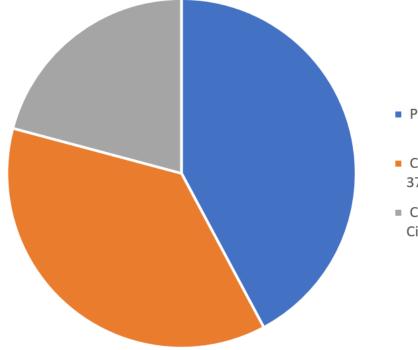
**Behavioral Health** 



- Police Response (237) 31.0%
- Civilian Response (342)
   44.8%
- Combination Police and Civilian (185) 24.2%

### Combined Survey Results on How BART Should Address Drug Use on BART

Drug Use



Police Response (348) 42.2%

- Civilian Response (305) 37.0%
- Combination Police and Civilian (172) 20.8%

# Takeaways from the Stakeholder Engagement Process

### Takeaways from the Stakeholder Engagement Process – Key Responses on Existing BART Partnerships

### **Selected Responses on Existing BART Partnerships**

"Initiatives that are not just the police make a huge difference here in BART. We started partnering with Urban Alchemy (UA) to provide elevator attendants. It completely changed the dynamic of what was happening in stations. People coming out of jail and in UA's program were working at BART in our elevators. They helped us take our stations back. They helped with fare evasion and difficult people coming into stations too. I want it to get healthier. I want these kinds of initiatives." (Station Agent)

"The BART Police Department (BPD) has someone who meets with HOT teams in different counties to help them call for the services they need. It is so important that BPD is taking that initiative. They are already doing a lot. I've seen homeless people come back after getting the services they need. We need more homeless outreach teams. The work BPD is doing is so important in the counties in which BART operates." (Frontline Worker)

"A progressive engagement model would be more effective than a one-size-fits-all approach with a de-escalation attempt first. It's tricky when there's a matter that police get involved, when is that actually necessary? Who else can enforce the rules besides police? We have a CORE outreach team (5pm–1am; M–F) working at end of the line stations; this partnership has been super beneficial. These community members are routinized, and we can know what they need if we take a multi-pronged approach to serving them." (External Stakeholder Session Participant)

"You guys are doing good with the ambassadors; I've seen them walking around, making sure that everything's okay, and they're very friendly. That is a major good thing for BART... It lets us know that 'we're watching you and we see you. ... we need more substations for ambassadors." (External Stakeholder Session participant)

### Takeaways from the Stakeholder Engagement Process – Key Responses from Internal Stakeholders

Stakeholder Group	Key Concerns/Themes - Frequency
BART Police Department	<ul> <li>Innovations that are working: BPD have crisis intervention training, carry NARCAN, Ambassador Program, Fare Inspectors at some stations</li> <li>"Harden the system" with more enforcement</li> <li>Use a centralized intake process to direct calls for help, dispatching police for issues where their skills in de-escalation and intervention will be most effective, and leveraging other partnerships for less extreme needs</li> </ul>
BPD Union Leadership	<ul> <li>Changes in society in recent years is impacting BART</li> <li>Need for hardening the system</li> <li>Lack of support/appreciation for the risks BPD takes</li> </ul>
BART Police Citizen Review Board	<ul> <li>Ambassadors as first responders who can de-escalate, police as back up</li> <li>More collaboration with professionals in counties/organizations</li> <li>Secure BART for paid riders; direct people in need to social services</li> </ul>
Frontline Workers	<ul> <li>Threats of violence that workers face &amp; concerns for safety is an issue</li> <li>Hire other professionals to work with BPD as partners</li> <li>Increase training for BPD to ensure greater cultural competency</li> <li>Maintain uniformed presence often a deterrent for illegal and/or dangerous behaviors</li> </ul>
Frontline Union Leadership	<ul> <li>Improve communication internally among BART divisions</li> <li>Increase community involvement (i.e., more collaborations with organizations)</li> <li>Integrate other partners to call besides BPD to deal with issues of drug use, unhoused &amp; behavioral health</li> <li>Train frontline workers to respond to issues</li> </ul>



# Takeaways from the Stakeholder Engagement Process – Feedback from Advocates

### **Key Concerns/Themes**

Hire community stewards/peer counselors especially persons with lived experience to form mobile community crisis teams to ride the BART frequently.

Update visual messaging by adding numbers and resources for community members to assist others and themselves, if needed. Ensuring that disabled riders can access whatever public information and resources (such as the BARTWatch app or emergency call buttons to train operators) exist.

Explore marketing campaigns combined with education (via social media or other platforms) to humanize people experiencing homelessness in the BART and people experiencing mental health symptoms. This will help riders not be as scared of people who are generally not a safety issue.

Fund programs within BART or partner with community organizations to assist in leading trauma-informed responses on BART.

### Takeaways from the Stakeholder Engagement Process – Key Responses from External Stakeholders by District

Stakeholder Group	Key Concerns/Themes - Frequency
District #1	<ul> <li>Many riders rely on the system for their commute to work in SF, but opt out of using the system for recreational travel (reasons cited: safety, cleanliness, expense)</li> <li>BART must address its failure to manage fare evasion</li> <li>The Millbrae stop absorbs a disproportionate share of the end-of-the-line vulnerabilities of unhoused riders</li> </ul>
District #2	<ul> <li>Interventions must include non-violent, noncoercive, and harm reduction approaches</li> <li>In the moment of COVID-19, "safe" transit has become an even tougher goal post to meet</li> <li>Women-identified respondents reported a range from verbal harassment to physical assault</li> </ul>
District #3	<ul> <li>Safety amounts to using the system without anticipation of harassment or imminent threat</li> <li>Riders need a much more accessible infrastructure (i.e., costs and architecture)</li> <li>Community safety more achievable if riders and BART frontline workers were more familiar with one another—de-escalation responses are possible when we are less foreign to one another</li> </ul>
District #4	<ul> <li>Gender-based discrimination and harassment are persistent threats for women and girls relying on the system</li> <li>A safe and community-driven system will include a workforce that represents the riders and proceeds in ways consistent with the community's values</li> <li>Collaborating with organizations like La Familia and Unity Council would assist BART in connecting riders with behavioral health and social service support</li> </ul>

### Takeaways from the Stakeholder Engagement Process – Key Responses from External Stakeholders by District (Cont.)

Key Concerns/Themes - Frequency
<ul> <li>BART's essential workers require support in this moment of COVID</li> <li>Parking lots are not adequately staffed/patrolled; parking lot usage is also cost-prohibitive for some, who must then walk further to and from a station that is already under-served</li> <li>Commuting students rely on this system heavily—it must be safe and affordable</li> </ul>
<ul> <li>Unhoused riders travel from Richmond to Warm Springs; support from initiatives like Armando Sandoval's should be expanded</li> <li>Establishing proactive collaborations with the county Departments of Health will help to address public health challenges like those listed in the hypothetical scenarios</li> <li>Stations need more lighting and surveillance technology</li> </ul>
<ul> <li>Riders need non-violent approaches to social problems, that prioritize care and empathy; different uniforms for these personnel</li> <li>BART should rely on the expertise of community organizations who know this work and know the people who are in need</li> <li>De-escalation training doesn't include cultural competency BART personnel would benefit from spending time with the community members that they're charged with policing</li> </ul>
<ul> <li>Fares are cost-prohibitive for many working-class commuters and preclude recreational use of the system</li> <li>The Millbrae stop absorbs a disproportionate share of the end-of-the-line vulnerabilities of unhoused riders</li> <li>Short of shuttling unhoused riders back to SF and Oakland to get the resources they need, BART PD will not provide a value add to the system</li> </ul>

# Be The Change Recommendations Based on Stakeholder Feedback

- 1. Increase number and type of civilian staff to respond to societal issues
- 2. Establish more collaboration with human services organizations and counties
- 3. More enforcement and more uniformed presence
- 4. Engage and educate the public on BART rules, current BART efforts and issue reporting options
- 5. Provide additional training and improve hiring practices in BPD
- 6. Engage frontline workers in first response
- 7. BART to explore creative ways to leverage their facilities to meet needs

# Plan

# Plan Based on Stakeholder Feedback

### 1. Increase number and type of civilian staff to respond to societal issues

Action Plan	Short-Term	Medium-Term	Long-Term
	Implementation	Implementation	Implementation
<ul> <li>Implement Pilot Crisis</li> <li>Intervention teams consisting of:</li> <li>Supervisor of Crisis <ul> <li>Intervention and Outreach</li> <li>Programs</li> </ul> </li> <li>Crisis Intervention <ul> <li>Specialist</li> <li>Plain clothes</li> <li>Officer (security)</li> </ul> </li> </ul>	<ul> <li>Add resources dedicated to BPD Progressive Policing Bureau:</li> <li>20 New Crisis Intervention Specialists (10 + 10)</li> <li>2 additional Sergeants and 10 additional Officers (existing)</li> </ul>	Establish response protocol	Evaluate program for 18-month period by setting data driven benchmarks and revaluate to determine if modifications need to be made



# 2. Establish more collaboration with human services organizations and counties

Action Plan	Short-Term Implementation	Medium-Term Implementation	Long-Term Implementation
Create and socialize a Districtwide Homelessness Action Plan	<ul> <li>Launch BART Homelessness Advocacy delegation and begin discussions with Bay Area leaders to convey homelessness priorities</li> <li>Hire Senior Manager of Social Services Partnerships to coordinate BART efforts with external programs</li> </ul>	<ul> <li>Establish agreements; identify funding</li> <li>Clarify regional roles and responsibilities</li> </ul>	Advocate for specific funding opportunities to enhance services

### 2a. Senior Manager of Social Services Partnerships

Senior Manager of Social Services Partnerships Job Duties Include:

Develops and administers the Strategic Homeless Action Plan for BART.

Develops and manages partnerships with external stakeholders – including cities, counties, state and federal agencies, and non-profit organizations; coordinates priorities and services with external stakeholders; and leads advocacy efforts focused on securing support and resources from external partners. Develop fiscal advocacy strategy and implement with regional partners.

Partners with BART Communications Department to create and distribute program updates, announcements, stories, and other relevant information to a wide range of stakeholders.

Partners with BART Police Department to ensure all programs are in alignment with the Progressive Policing policies.

Directs outreach and passenger wellness programs, including elevator attendant program, homeless outreach activities, and restroom attendant program.

### 3. More enforcement and more uniformed presence

Action Plan	Short-Term	Medium-Term	Long-Term
	Implementation	Implementation	Implementation
Review current BPD deployment strategy and focus on enhancements that prioritize more BPD personnel on trains	Conduct review of current deployment and re-assign as many personnel to trains as possible	Add additional BPD Train Team and more Non- Sworn personnel to continue to increase presence within the system	Prioritize uniformed (sworn and non- sworn) presence on trains

4. Engage and educate the public on BART rules, current BART efforts and issue reporting options

Action Plan	Short-Term Implementation	Medium-Term Implementation	Long-Term Implementation
<ul> <li>Launch communication campaign focusing on:</li> <li>Progressive Policing and Community Engagement Bureau</li> <li>BPD Train Team(s)</li> <li>Media tour with key BPD and OIPA officials</li> </ul>	<ul> <li>Partnership with Alliance for Girls on youth safety</li> <li>Promote BART Watch and Text BART Police</li> <li>Support the OIPA's efforts to increase visibility and provide patrons with options to engage</li> </ul>	<ul> <li>Conduct virtual community meetings with focus on introducing the new Deputy Chief and announcing the staffing levels dedicated to new bureau</li> <li>Increase community engagement with the Chief of Police</li> </ul>	Conduct rider survey to evaluate effectiveness of communications campaign and modify if necessary



### 5. Provide additional training and improve hiring practices in BPD

Acton Plan	Short-Term	Medium-Term	Long-Term
	Implementation	Implementation	Implementation
Design and Implement new training programs for all staff engaged in community policing	Develop progressive policing curriculum using training funding identified in the FY21 budget; Train all BPD staff by October 2021	Conduct review of BPD hiring to determine what enhancements to expand skillset of personnel	Implement hiring enhancement recommendations

### 6. Engage frontline workers in first response

Action Plan	Short-Term	Medium-Term	Long-Term
	Implementation	Implementation	Implementation
Provide additional avenues for frontline staff to report disturbances and aid BPD	Enhance partnerships between frontline staff and Police liaisons to enhance relationships	Create voluntary training program for frontline workers that focus on de-escalation techniques	Evaluate outcomes and enhance as necessary



# BART Recommendation Based on BTC Feedback (Cont.)

7. BART to explore creative ways to leverage their facilities to meet needs

	Action Plan
•	Incorporate into action plan #2 and emphasize potential land use opportunities Expand temporary housing partnerships
	(Salvation Army)



Program Models and Frameworks at Other Organizations

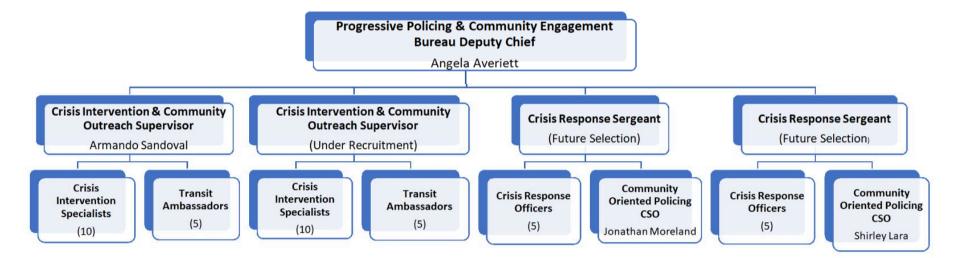
# Program Models and Frameworks at Other Organizations

JURISDICTION	NAME OF TEAM	PURPOSE	MEMBERS
City & County of San Francisco	Street Crisis Response Team	Respond to 911 calls regarding people experiencing behavioral health crises. This team is part of San Francisco's efforts to develop alternatives to police responses to non-violent calls, which advances the Mayor's roadmap to fundamentally change the way that the City handles public safety, and is also a major step in implementing Mental Health SF.	3 members per team: A community paramedic, a behavioral health clinician and a behavioral health peer specialist; Currently 1 team and will ramp up to at least 6 teams by March 2021
City of Seattle	Homelessness Outreach and Provider Ecosystem (HOPE) Team	This new team will be the City's coordinating body for its response to homelessness in partnership with the contracted outreach providers and City departments.	8 people
City of Portland	Portland Street Response	This team is a non-police response to calls for people experiencing houselessness or a behavioral/mental health crisis. The program is in its pilot phase. The money will come from eliminating the bureau's gun violence reduction team and 38 positions tied to it.	Not specified yet, hiring issues

# Program Models and Frameworks at Other Organizations (Cont.)

JURISDICTION	NAME OF TEAM	PURPOSE	MEMBERS
Southeastern Pennsylvania Transportation Authority (SEPTA)	Serving a Vulnerable Entity (SAVE)	The pilot program will partner social service professionals with SEPTA transit police officers to treat individuals who are struggling with poverty, addiction, and mental health crises. This service aims to combat an increase in certain types of crime caused by the COVID- 19 pandemic, which has increased the population of vulnerable Philadelphians.	4 specialists, with 2 additional coming
Minneapolis - Metro Transit	Homeless Action Team	Goal is to make the first contact with unsheltered riders and to build trust among them.	6 police officers
LA Metro	People Assisting the Homeless (PATH)	Outreach team members have been joined by transit security, fare inspectors and specialized law enforcement units at key terminus stations such as Union Station, 7th Street/Metro Center and North Hollywood to assist the homeless.	N/A
Eugene, OR	Crisis Assistance Helping Out on the Streets (Cahoots)	Cahoots has been operating as a mobile crisis intervention program in Eugene since 1989. They support the Eugene Police Department by responding to crisis situations, de-escalations, behavioral and mental health, intoxication calls, and even welfare checks.	Teams of 2 with a medic and trained crisis worker

# BART Progressive Policing Organization Chart



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# BART Deployment Plan

Line	Deployment Location	Staffing	Hours
Yellow	Walnut Creek	<ul><li>2 Crisis Intervention Specialists,</li><li>1 Police Officer</li></ul>	4:00am – 12:00pm; 3:30pm – 11:30pm
Green (Pink)	Fremont / Berryessa	2 Crisis Intervention Specialists, 1 Police Officer	4:00am – 12:00pm; 3:30pm – 11:30pm
Orange	El Cerrito Del Norte	<ul><li>2 Crisis Intervention Specialists,</li><li>1 Police Officer</li></ul>	4:00am – 12:00pm; 3:30pm – 11:30pm
Blue	Castro Valley	<ul><li>2 Crisis Intervention Specialists,</li><li>1 Police Officer</li></ul>	4:00am – 12:00pm; 3:30pm – 11:30pm
Red (Purple)	Powell Street	2 Crisis Intervention Specialists, 1 Police Officer	4:00am – 12:00pm; 3:30pm – 11:30pm

# FY22 Budget Plan

- Funding Strategy
  - Prioritizes use of existing budgeted sources and minimizing budget impacts
- Total Progressive Policing Program Cost
  - \$8.1M labor expense for 45 positions (full FY cost)
    - From existing and/or reclassified vacant positions
  - \$0.4M ongoing non-labor expense
    - Directed to training, including de-escalation strategies, mental health first aid, and conflict resolution
  - \$560K one-time non-labor expenses
    - Uniforms, equipment and vehicles

# **Timeline Goals**

- 3Q FY21: Onboard second Supervisor of Crisis Intervention and Outreach Programs
- FY21/FY22: Quarterly Board updates along with periodic updates to the CRB
- Early FY22: Fill all 20 Crisis Intervention Specialist positions
- 3Q FY22: Assign resource from BART's Performance and Budget Team to evaluate metrics; pilot status decision point; incorporate into FY23 budget as appropriate

## Discussion





# BART Progressive Policing: Stakeholder Engagement Recommendations

JANUARY 14, 2021



### **Executive Summary**

Our country, our state and the Bay Area are experiencing a crisis with regard to increasing numbers of people experiencing homelessness, behavioral health issues and substance use. These national crises are visible in BART stations and on trains as unhoused people, individuals experiencing behavioral health issues and individuals using illegal substances are increasingly using BART for shelter. Rising rates of homelessness and related quality-of-life issues on BART present unique challenges for a transit system, and highlight a pressing need for action and understanding from us, our riders, and our partner agencies in the communities we serve.

During the past 6 months, BART engaged in a comprehensive stakeholder engagement effort designed to seek input on the most effective ways to address this growing challenge and build a safe and healthy response.

Key stakeholder voices contributing to this conversation included people who ride BART, frontline BART employees, sworn and non-sworn police personnel, BART Police Citizen Review Board, and other key community stakeholders. Participants were asked to share their experiences, their recommendations and their visions for a safe and healthy BART system.

Nearly every stakeholder engaged in this process noted they had seen issues of homelessness, substance use and behavioral health show up on BART trains and in the stations. Through extensive categorization of data and analysis of responses, recommendations and suggestions, the following broad categories of recommendations emerged and are listed in order of frequency:

- Increase the number and type of civilian professionals who respond to societal issues on BART.
- Establish more collaboration with human service organizations and counties.
- More enforcement and more uniformed presence.
- Engage and educate about BART rules, what BART is doing, and how to report issues.
- Provide additional training for the BART Police Department, improve hiring practices for the BART Police Department.
- Engage frontline workers in first response.

BART is heeding the call to more effectively build safety within the system, but this challenge cannot be addressed alone.

BART has initiated a number of promising practices that support implementation of an effective approach and those should be studied and scaled. In addition, there are a series of recommendations that have been developed to embed a team approach to these issues—both across the region and within the system. With safety and wellness as the goal, BART can invest in preventing further harm and intervening effectively when someone is in crisis.

This report seeks to outline the approach to this process, current efforts underway and provide a series of recommendations for next steps.



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### 1. Defining the Context



BART Police Chief Ed Alvarez introduces the unarmed ambassador program

At its June 25, 2020 meeting, the BART Board of Directors directed staff to conduct a stakeholder engagement process to determine alternatives to using armed police for issues of homelessness, behavioral health and substance use in the BART system.

"Recognizing that much has been done to implement progressive and equitable policing practices, we also need to consider a different model of public safety that is more effective and prevents racially biased policing," stated the measure, which was introduced by Director Rebecca Saltzman.

The action came in the context of the Black Lives Matter movement, the

death of George Floyd under the knee of a Minneapolis police officer in May 2020, and the subsequent nationwide social justice demonstrations over disproportionate policing impacts.

The issue of policing equity has deep history at BART in light of one of the transit agency's most painful chapters. On January 1, 2009, a white BART Police officer shot and killed a 22-year-old African-American man, Oscar Grant, on a platform at Fruitvale Station. The officer was ultimately charged and convicted of manslaughter. It was one of the first cases in the United States where cellphone video from bystanders galvanized protests and drove a call for reforms, and it changed BART in profound ways.

Since that time, the BART Police Department has seen more than a decade of significant reforms, many of which have been on the leading edge of progressive policing in America. Today, BART has more personnel dedicated to public safety—not just armed officers, but also positions such as ambassadors and fare inspectors—than it has had at any point in its 48-year-history.



These reforms include structural changes such as adding citizen oversight and-reforms like the use of body-worn cameras by officers.

- The creation by the BART Board of a police review committee that engaged the National Organization of Black Law Enforcement Executives (NOBLE) to examine police incidents and provide greater focus on BART's police responsibilities.
- The establishment of the Office of the Independent Police Auditor and BART Police Citizen Review Board filled with a diverse range of laypeople and subject matter experts drawn from throughout the BART service area.



An unarmed fare inspector checks a rider's ticket for proof of payment

- Partnership with the Center for Policing Equity (CPE), a national research and action think tank that works to analyze racial disparities in data of law enforcement contacts and reduce potential police bias as a possible contributing factor. Partnership with CPE includes training and data analysis.
- Creation of the position of Crisis Intervention Training (CIT) and Community Outreach Coordinator, filled by Armando Sandoval.
- In 2013, BART Police fully implemented the use of body-worn cameras for all officers, becoming one of the first transit agencies to issue the cameras to personnel. In 2014, BPD launched the BART Watch app, which allows riders to communicate discreetly and in real time with police dispatchers and send files such as photographs or videos.

In 2015, the Office of the Independent Police Auditor, BART Citizen Review Board and BPD worked collaboratively to adopt a policy for interactions with transgender people, on the forefront of this civil rights issue.



BART was one of the first agencies to issue body-worn cameras to its personnel

BART PD 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.

BART PD also was a pilot agency for the Police Executive Research Forum's ICAT program—Integrating Communications, Assessment and Tactics.

Meanwhile, in 2017 BART PD implemented the Law Enforcement Assisted Diversion (LEAD) program in partnership with San Francisco PD and Public Health, focusing on harm reduction by allowing low-level offenders to choose treatment instead of jail. This pilot program was not renewed due to funding cuts, but it gave valuable insights into the harm reduction model.



In addition to increased outreach, on a parallel track, BART also expanded the role of fare inspection teams and piloted various "station hardening" improvements, such as higher barriers and different styles of faregates. In 2018, a Proof of Payment ordinance went into effect, and BPD created and filled civilian Fare Inspector positions.

In 2019, BART PD gained a prestigious accreditation from CALEA, the Commission on Accreditation for Law Enforcement Agencies, an accreditation that is given to fewer than 6% of agencies nationwide.

In February 2020, BART launched a pilot project of 10 unarmed Ambassadors, with the goal of increasing the presence of uniformed personnel on trains, focusing on education and outreach. Ambassadors wear easily identifiable uniforms distinct from those of Community Service Officers or Fare Inspectors. They are equipped with radios to report safety and security concerns or biohazards. The Ambassadors are also trained to respond to customers' questions, complaints or requests for service. They also observe and report and call upon an officer when enforcement is needed.



A new, harder-to-evade style of faregate shown at Concord Station, part of parallel "station hardening" efforts for greater safety and security

During the pilot program, customer surveys showed an increase in the perception of uniformed presence aboard trains. The Ambassadors conducted over 5,700 platform checks and were contacted by over 6,700 customers.

Especially important during the pandemic, Ambassadors conducted over 7,300 additional educational contacts, serving as an important component of BART's educational campaign to encourage compliance with mandated face coverings.

The Ambassador program was formalized and expanded upon in October 2020 using \$1.8 million in funds identified for pandemic response including staff to encourage physical distancing and mask compliance.

Also, in 2020, BPD Chief Ed Alvarez established a new Community Engagement and Progressive Policing Bureau to be headed by Deputy Chief Angela Averiett. Averiett will be in charge of the expanded non-sworn personnel, which will include one Community Outreach Specialist Supervisor and 10 social-work trained Crisis Intervention Specialists. Recruitment for the new positions will be at www.bart.gov/jobs.

The Progressive Policing and Community Engagement Bureau personnel will build upon the work done for the past several years by dedicated BPD staff, like Sandoval, and crisis-intervention/homeless outreach focused police officers.





Sonja Hagins Perry was reunited with her son with help from BART Police

The officers work with social-resource partners to connect those in need with services. For example, BART Police have helped countless people struggling with homelessness, mental illness and drug addiction to reunite with family members, get treatment and begin to restore their lives.

Over the coming weeks, BART will finalize our Strategic Action Plan on Homelessness. It will be a road map for how BART moves forward in dealing with societal issues, and will be informed by this public outreach process.

To improve information sharing, BART is working on a pilot with OpenLattice to create a specialized CARE app (Coordination,

Assessment, Responses, Engagement) for internal use. The CARE app will include a HIPAA-compliant database of homeless services across the Bay Area region. It will be available to frontline officers or other personnel who engage with homeless individuals within BART's system, allowing them to track contacts and share changes in an individual's resource needs. BART understands that many service providers and shelters are at capacity due to the region's homelessness crisis. By engaging with the full range of available services and documenting outcomes of referrals, BART will improve its outreach and help facilitate better support for its transit homeless.

BART is and always has been centered around its customers. Their safety is BART's number one priority. BART has created multiple ways that customers can contact BPD Dispatchers directly and discreetly. Dispatchers are trained to ask the right questions to assess what type of response may be needed, including sending staff to check on the welfare of individuals who may be in crisis.

BART has an ongoing public awareness campaign that includes a website with information to educate BART's passengers on ways to report issues. The public can also utilize the Official BART app or the BART Watch app (both available for free in the App store) to send in reports in real time. The more eyes and ears on the system, the better positioned BART can be in supporting those in need of services. It is also important that BART customers understand the homeless have civil rights protections; it is not illegal to be homeless, to have a mental illness or to suffer from addiction.

## You Can Now Text BART Police



#### We Still Offer the BART Watch App



#### ANT Sinte in Progress Jung Use Mana Tatology Mana Tatology

#### For Non-emergencies Only. For emergencies dial 911 or call BART Police at (510) 464-7000



dial 911 or call BART Police at (510) 46



### 2. Overview of the Stakeholder Engagement Process

The stakeholder engagement process included seeking input from a variety of internal and external stakeholder groups through two primary methodologies: stakeholder discussion sessions and a survey.

Stakeholder Sessions. Stakeholder sessions utilized an interactive discussion design where participants had the opportunity to think collectively about the issues of drug use, unhoused riders, and behavioral health on BART. Participants began by envisioning what individual and community safety could and should look like on BART, followed by brainstorming responses to three scenarios. Through the discussion of the scenarios and who should respond to them, participants could also provide examples from their own experiences in which situations were handled well or, conversely, when they escalated.

- Scenario 1: "Imagine there is a person using drugs while on the BART train."
- Scenario 2: "Imagine there is an unhoused person on the train with their belongings spread out across several seats. The person appears to be either asleep or passed out."
- Scenario 3: "Imagine there is an individual who is acting erratically in the train."

Follow up questions for each scenario included some or all of the following, time permitting

- "What issues of individual and community safety are at play in this scenario?"
- "Who should respond?"
- "What should their response be?"
- "In your experience, what are some examples of when a scenario like this was handled really well?"
- "In your experience what are some examples of when a scenario like this escalated?"
- "What additional interventions, supports or resources could have helped in this case?"

After discussion of the scenarios, the sessions moved into open discussion/public comment and also allowed time for participants to fill out a survey where their anonymous feedback could be collected. Stakeholder sessions were conducted primarily on Zoom (a few internal sessions were held in person with participants wearing masks) and lasted approximately 1.5-2 hours each.

The process began in mid-September through early October with internal stakeholders including

- the BART Police Citizen Review Board
- members of the BART Police Department including BART Police Officers, Community Service Officers (CSOs), Fare Inspection Officers (FIOs), Police Administrative Specialists and Ambassadors
- frontline workers such as Train Operators, System Service Workers and Station Agents;
- union leadership for the BART Police Department
- union leadership for frontline workers

External stakeholder sessions began in early October and continued into November. Stakeholder sessions were conducted in each of the 9 BART Directors district's with BART Directors present as well as a few meetings with targeted groups to gain further feedback (one with LGBTQ+ advocates and mental health/social service providers).



#### **Table 1: Stakeholder Engagement Sessions**

Session	Date	# Attendees
BART Police Citizen Review Board	08/10/20	11
BART Police Department	09/28/20	14
BART Police Department	09/29/20	12
BART Police Union Leadership	09/30/20	5
BART Frontline Workers	10/01/20	10
BART Police Department	10/02/20	12
Frontline Union Leadership	10/06/20	6
BART District #6	10/19/20	3
BART District #3	10/20/20	15
BART District #4	10/26/20	17
BART District #5	10/27/20	15
BART District #2	10/28/20	15
BART District #7	10/29/20	30
LGBTQ+ Advocates Session	10/30/20	11
Mental Health/Social Service	11/05/20	19
Joint Session 1: BART Districts #8 & 9	11/05/20	51
BART District #6 (Makeup)	11/09/20	21
BART District #1	11/09/20	17
Joint Session 2: BART Districts #8 & 9	11/21/20	5

### Survey

The survey was open-ended and designed to collect respondent perspectives on how to address the issues of drug use, unhoused riders, and behavioral health in the BART system, mirroring the questions/scenarios raised in the stakeholder sessions. During each stakeholder session, participants were provided the survey link to offer further ideas and recommendations related to what was discussed in the session.

Additionally, a survey link was sent to 5,000 riders from the BART Research database from across the 9 BART Districts and areas served in San Mateo and Santa Clara counties. A survey link was provided on the bart.gov website so other interested parties could provide feedback. 1,000 total surveys were completed by the following groups:

#### Internal Stakeholders (n=56)

• These respondents included members of the BART Police Department, BART Accessibility Task Force, BART Police Union Leaders, BART Frontline Workers, Frontline Workers' Union Leaders & Members of the BART Police Citizen Review Board.

#### External Stakeholders (n=944)

- Riders (n=441): Riders who are part of BART's Research database.
- Session Participants (n=54) & General Public (n=449): these included participants in stakeholder sessions who were directed to the survey during the discussion and those who encountered it on the bart.gov website or via Twitter.

The survey started with collection of demographic data and then offered respondents the opportunity to provide answers to three sets of questions:

- "What do you think BART should do to address drug use? What type of personnel, interventions, tactics, etc.?"
- "What do you think BART should do to address unhoused riders? What type of personnel, interventions, tactics, etc.?"
- "What do you think BART should do to address riders experiencing behavioral health issues? What type of personnel, interventions, tactics, etc.?"

#### Table 2: Timeline & Methodology for Stakeholder Process

	September	October	November
Internal Stakeholder Feedback Sessions (7 sessions in total)	✓	✓	
External Stakeholder Feedback Sessions (12 sessions in total)		✓	✓
<b>Survey Collection</b> (56 Internal + 944 External) 1000 total surveys collected	✓	✓	✓

At each stakeholder session, extensive notes were taken and reviewed afterwards on a weekly basis for representative themes emerging from the discussions. Ideas for how to deal with issues of drug use, unhoused riders, and behavioral health given by participants in the sessions were placed into a list of emerging recommendations that were organized by categories (e.g., collaboration with counties and agencies, better training, hiring of new personnel to address issues, etc.). The surveys were also reviewed for themes and suggestions that were factored into the analysis and the development of the recommendations.



### 3. Key Findings from Stakeholder Engagement Process

Nearly every stakeholder engaged in this process noted that they had seen issues such as drug use, the presence of the unhoused, and behavioral health issues on BART trains and in stations. Participants converged in their desire for more presence of BART personnel and/or social service providers to address such issues; where respondents differed was in who should constitute that presence. Responses ranged from advocating for (a) more law enforcement; to (b) BART hiring more ambassadors; to (c) more engagement with organizational partners who can access BART to provide services or referrals; to (d) BART undertaking initiatives to provide direct service to those in need; to other suggestions.

### **Existing Partnerships**

One key finding across stakeholder groups was the efficacy of partnerships that exist at present, and the need for scaling up such efforts. BART has an extensive network of partnerships, some formal and some informal, with community-based organizations and other partners in the counties it serves to deal with quality-of-life issues. Some of the partnerships mentioned in the listening sessions included:

- In **San Francisco County**: Swords to Plowshares, for veteran outreach; San Francisco Homeless Outreach Teams (SFHOT); the Syringe Access and Disposal Project; Salvation Army Homeless Outreach Teams (HOT); Pit Stop public restrooms; and Urban Alchemy for elevator attendants.
- In Contra Costa County, this includes the CORE (Coordinated Outreach, Referral, & Engagement) homeless outreach program;
- In Alameda County, these include: Mobile Crisis, Everyone Home, Swords to Plowshares Operation Dignity, Abode, and La Familia;
- In **San Mateo County**, these include Lifemoves; PERT (Psychiatric Emergency Response Team); SMART mobile psychiatric evaluation vehicle;
- In Santa Clara County, the newest service area, this includes Lifemoves;
- In all counties, BART participates in **Forensic Multidisciplinary Teams** (FMDT), which work with the homeless, mentally ill, and those struggling with drug dependency.

In the stakeholder sessions and surveys, respondents made repeated mention of these programs and their efficacy, as excerpted in Table 3.



#### **Table 3: Selected Responses on Existing BART Partnerships**

"Initiatives that are not just the police make a huge difference here in BART. We started partnering with **Urban Alchemy** (UA) to provide elevator attendants. It completely changed the dynamic of what was happening in stations. People coming out of jail and in UA's program were working at BART in our elevators. They helped us take our stations back. They helped with fare evasion and difficult people coming into stations too. I want it to get healthier. I want these kinds of initiatives." (Station Agent)

"The BART Police Department (BPD) has someone who meets with **HOT teams** in different counties to help them call for the services they need. It is so important that BPD is taking that initiative. They are already doing a lot. I've seen homeless people come back after getting the services they need. We need more homeless outreach teams. The work BPD is doing is so important in the counties in which BART operates." (Frontline Worker)

"A progressive engagement model would be more effective than a one-size-fits-all approach with a de-escalation attempt first. It's tricky when there's a matter that police get involved, when is that actually necessary? Who else can enforce the rules besides police? We have a **CORE outreach team** (5pm–1am; M–F) working at end of the line stations; this partnership has been super beneficial. These community members are routinized, and we can know what they need if we take a multi-pronged approach to serving them." (External Stakeholder Session Participant)

"You guys are doing good with the **ambassadors**; I've seen them walking around, making sure that everything's okay, and they're very friendly. That is a major good thing for BART... It lets us know that 'we're watching you and we see you. ... we need more substations for ambassadors." (External Stakeholder Session participant)

In stakeholder sessions, participants noted that some existing programs and partnerships were only for certain counties and that they should be scaled up across the five counties BART serves. For example, internal and external stakeholders in Alameda county who were aware of initiatives underway—particularly those led primarily in San Francisco by BART's Crisis Intervention Training Coordinator and Community Outreach Liaison Armando Sandoval--repeatedly mentioned wanting those efforts to be scaled system-wide across the five counties.

### **Internal Stakeholders**

Internal stakeholders had distinct perspectives about addressing the issues of drug use, unhoused riders and behavioral health. In Table 4, the key concerns and themes of each discussion are listed from both the stakeholder session and the survey that was completed by members of each stakeholder group.

### Table 4: Internal Stakeholders' Key Concerns/Themes

Stakeholder Group	Key Concerns/Themes
BART Police Department	<ul> <li>Highlighted innovations that are working: e.g., BPD have crisis intervention training, carry NARCAN, ambassadors program, fare inspectors at some stations</li> <li>Fare evasion is a key concern; increased presence of fare inspectors needed.</li> <li>Use a centralized intake process to direct calls for help, dispatching police for issues where their skills in de-escalation and intervention will be most effective, and leveraging other partnerships for less extreme needs.</li> </ul>
BPD Union Leadership	<ul> <li>Increased violence in society in recent years is impacting BART</li> <li>Fare evasion is a principal cause of issues</li> <li>Need for hardening the system</li> <li>Lack of support/appreciation for the risks BPD takes</li> </ul>
BART Police Citizen Review Board	<ul> <li>Ambassadors as first responders who can de-escalate, police as back up</li> <li>More collaboration with professionals in counties/organizations</li> <li>Secure BART for paid riders; direct people in need to social services</li> </ul>
Frontline Workers	<ul> <li>Threats of violence that workers face &amp; concerns for safety is an issue</li> <li>Hire other professionals to work with BPD as partners</li> <li>Increase training for BPD to ensure greater cultural competency</li> <li>Maintain uniformed presence often a deterrent for illegal and/or dangerous behaviors</li> </ul>
Frontline Union Leadership	<ul> <li>Improve communication internally among BART divisions</li> <li>Increase community involvement (i.e., more collaborations with organizations)</li> <li>Integrate other partners to call besides BPD to deal with issues of drug use, unhoused &amp; behavioral health</li> <li>Train frontline workers to respond to issues</li> </ul>

Three BART Police Department sessions were held that included sworn officers and non-sworn personnel including CSOs, FIOs and Ambassadors. The themes and concerns that emerged from these sessions included the need to address fare evasion and the "porousness" of the stations that participants felt increased the presence of drug use, unhoused riders, and behavioral health issues on BART. While some participants advocated for an increase in the number of sworn officers, others suggested a "layered approach." In the words of one stakeholder session participant, when responding to mental and behavioral health issues, "The police officer would be accompanied by a second set of eyes, possibly a mental health person… ideally it would be a layered approach that consists also of a clinician."



The BPD Union Leadership stakeholder session echoed the themes and concerns laid out by members of BPD. Participants added that society is becoming increasingly violent (examples were given of the number of armed incidents increasing) and this enters into the BART system. Participants echoed the calls for "hardening the system" as well as expressing skepticism in the ability of "civilians" to effectively handle the issues that BPD addresses such as drug use and behavioral health issues.

The BART Police Department Citizen Review Board advocated for a mix of sworn and non-sworn personnel and others to respond to the issues raised. For example, one participant noted that BART should "use unarmed personnel to assess the issue and provide them resources and information that they can refer to this population; they can also... determine if law enforcement needs to be deployed (of course this requires training)." Certain Citizen Review Board members also advocated for securing BART by enhancing entry barriers, more referrals to social service providers or to make BART more accessible by eliminating fares altogether.

Frontline workers and their union leadership expressed concerns about workers' safety: arriving to work at early hours and fearing for their safety while walking through an empty BART parking lot, having to clean up used syringes or finding themselves inadvertently inhaling toxic fentanyl while doing their job. One system service worker noted, "It's scary not knowing if someone is coming up from behind. Finding needles. Having to clean it up, it's my job but it's hazardous. You never know what is going to happen. I had an instance of someone going at me on a platform; BPD showed up and told me to be careful because that person hit someone with an axe before."

Frontline workers and their union leadership did note that often they will try to address an issue (and some advocated for more training to be able to intervene more effectively) but that it often doesn't get resolved until a sworn officer arrives and can enforce a resolution with more punitive measures; this resulted in some participants noting that uniformed personnel (whether sworn or non-sworn) presented a deterrent for illegal behavior such as drug use or erratic actions. A participant gave the recent example of a man loudly cursing and exposing himself to riders, getting on and off the train at different stations, and that multiple frontline workers attempted to address; nothing worked until a uniformed officer showed up and the person complied with their directions to exit the station. Frontline workers also noted that their only option is to call BPD and there should be other resources for issues that do not warrant a police response. There were also sentiments that better communication among BART entities as well as better training for BPD for cultural competency in addition to hiring more BPD personnel from local communities of color. One frontline worker shared, "The officers who I see do really well know their community. That makes a world of difference. Our police need some education about the community they are working in."

### **External Stakeholders**

External stakeholders included community advocates as well as riders and the general public.

#### **Riders & General Public**

For the riders who were surveyed (n=441), a majority of respondents wanted more enforcement of drug use on BART, especially given the health risks posed to riders and especially children of exposure drugs such as fentanyl or through exposure to a used syringe. A majority of riders also advocated for greater support by BART staff or external partners who could provide social services to the unhoused and those experiencing behavioral health crises. For example, one rider noted they would like to see more "Mental health workers who are trained in de-escalation and can provide on-the-spot assessments and treatment if necessary."

Surveys completed through the bart.gov homepage also suggested similar attitudes towards drug use, unhoused riders, and behavioral health issues on BART. Suggestions ranged from more secure fare barriers to prevent entry to the provision of more resources such as trained mental health professionals and social service providers, and bathrooms with needle disposal facilities.



### **Director Sessions**

Spanning community input from across the BART system's nine districts, these listening sessions included invited representatives of community-based organizations advocating for their members who rely on the BART transit system. Participants attending each Director listening session were offered the scenario prompts detailed above, and asked to offer responses that were germane to their respective Director's geographical constituency. Participants represented city and county government, not-for-profit organizations that cater to the needs of marginalized populations (e.g., Black, trans, disabled, immigrant, and youth populations) and unaffiliated riders and community members. Many of the emergent themes that surfaced across district constituents did overlap. However, District Director's heard distinct and localized perspectives about addressing the issues of drug use, unhoused riders and behavioral health in their district's transit hubs. In Table 6, the key concerns and themes of each discussion are listed from both the stakeholder session and the survey that was completed by members of each stakeholder group.

### Table 5: Director Session Stakeholders' Key Concerns/Themes

Stakeholder Group	Key Concerns/Themes	
• District #1	out of using the system for recreational travel (reasons cited: safety, cleanliness, expense) The Millbrae stop absorbs a disproportionate share of the end-of-the-line vulnerabilities of unhoused riders	
• District #2 •	Women-identified respondents reported a range from verbal harassment to physical assault; one person reported BART police instrumental in de-escalating an unsafe moment. Interventions must include non-violent, noncoercive, and harm reduction approaches In the moment of COVID-19, "safe" transit has become an even tougher goal post to meet	
• District #3 •	threat	
• District #4 •	possible—union interference could undermine these police reform efforts, however Gender-based discrimination and harassment are persistent threats for women and girls relying on the system A safe and community-driven system will include a workforce that represents the riders and proceeds in ways consistent with the community's values	
• District #5	BART's essential workers require support in this moment of COVID Parking lots are not adequately staffed/patrolled; parking lot usage is also cost- prohibitive for some, who must then walk further to and from a station that is already under-served Commuting students rely on this system heavily—it must be safe and affordable	



District #6	<ul> <li>Unhoused riders travel from Richmond to Warm Springs; support from initiatives like Armando Sandoval's should be expanded</li> <li>Establishing proactive collaborations with the county Departments of Health will help to address public health challenges like those listed in the hypothetical scenarios</li> <li>Safety requires thoughtful collaboration between BART and city/county officials</li> <li>Stations need more lighting and surveillance technology</li> </ul>
District #7	<ul> <li>Riders need non-violent approaches to social problems, that prioritize care and empathy; different uniforms for these personnel</li> <li>Vulnerable folks with diminished mobility (e.g. elderly and disabled) have even fewer options to ensure their safety than other riders—when technology fails (call button malfunctions, etc.) they're in big trouble relative to other riders</li> <li>disproportionate harassment of young Black men must stop; explicit and implicit bias against this demographic needs addressing</li> <li>BART should rely on the expertise of community organizations who know this work and know the people who are in need; localized stakeholders could collaborate to triage the needs of riders at certain stops or neighborhoods</li> <li>stations should be lit and clean and present as accessible for all of its riders (examples: safe, clean, and reliable restroom access; multilingual signage; messages of respect and inclusion)</li> <li>de-escalation training doesn't include cultural competency BART personnel would benefit from spending time with the community members that they're charged with policing</li> <li>bolster service referral knowledge and execution protocols</li> </ul>
District #8 & 9	<ul> <li>The Millbrae stop absorbs a disproportionate share of the end-of-the-line vulnerabilities of unhoused riders</li> <li>System is too porous, frontline workers are not preventing unpaid ridership, and system is unclean</li> <li>Fares are cost-prohibitive for many working-class commuters and preclude weekend/family/recreational use of the system</li> <li>Short of shuttling unhoused riders back to SF and Oakland to get the resources they need, BART PD will not provide a value add to the system</li> </ul>

Many District session participants offered policy suggestions for both local and system-wide implementation. One participant offered the following post-session survey response, which captures the overlapping concerns and desires expressed by riders:



"No one should be criminalized for being poor and unhoused. And pushing unhoused riders off of BART for sleeping in the chairs or staying on for too long isn't a sustainable solution. I think that if there was a model of intervention that included peers, clinicians, and service providers that work together who can respond and intervene for unhoused riders, offering them resources and referrals. If I were to dream big, I would love to see BART have "line ambassadors" on each train line that just really get to know every commuter and frequent rider on a particular ride. They would get to know all the stations, all the drivers, and become familiar to the riders. They could be trained in de-escalation so that they knew when someone like an unhoused person was a frequent rider, they could get to know some of the background of that person, like if they are already receiving social services through some agency, and could help to build partnerships"

-Post-Session Stakeholder Survey

#### **Focused Sessions with Advocates**

Additional sessions were held to gather information pertaining to the specific experiences of LGBTQ+ communities, the perspectives of mental health and social service providers working with issues of drug use, homelessness and behavioral health across the Bay Area, and advocates. From these sessions, several themes emerged as salient to the reforms under consideration. Advocates discussed (a) the need for specific approaches/training/accessibility for distinct populations such as the adverse experiences that gender non-conforming individuals face on BART, and the fact that some LGBTQ+ youth leave home due to family conflicts and may end up unhoused. Advocates also noted that (b) evening hours are particularly risky and expose riders to sexual violence and harassment (especially women, gender non-conforming individuals, and unhoused riders). Advocates suggested that BART (c) assume a harm reduction approach that could include safe syringe disposal, welfare checks, open gender-neutral bathrooms and a reframing of encountering "erratic" individuals to not assume they are always dangerous. Advocates also mentioned that for individuals with mental illness who are on medication, the use of tasers could adversely affect them physiologically and interrupt the efficacy of their psychiatric medications.

Tailored recommendations from advocates included to:

- Hire community stewards/peer counselors especially persons with lived experience to form mobile community crisis teams to ride the BART frequently.
- Update visual messaging by adding numbers and resources for community members to assist others and themselves, if needed. Ensuring that disabled riders can access whatever public information and resources (such as the BARTWatch app or emergency call buttons to train operators) exist.
- Explore marketing campaigns combined with education (via social media or other platforms) to humanize people experiencing homelessness in the BART and people experiencing mental health symptoms. This will help riders not be as scared of people who are generally not a safety issue.
- Fund programs within BART or partner with community organizations to assist in leading trauma-informed responses on BART.



### 4. Recommendations for BART

Over the past several years, BART has built a foundation of programs and partnerships that are working well to improve quality-of-life concerns. For example, the elevator attendant program in downtown San Francisco has been hugely popular with the public, and could be a model for future partnerships. Customer complaints about cleanliness and inappropriate use of elevators went to nearly zero since the attendants have been in place.

Tim Chan, BART's Group Manager for Station Planning, has taken the lead on BART's quality-of-life partnerships. "We will be looking for any and all opportunities to partner on funding these programs," he said. "We will be continuing our advocacy work with the counties, the state and the federal government. We desperately need it because this is not a problem BART alone can solve."

BART's quality-of-life funding umbrella has included the areas of fare evasion, homelessness, cleanliness, safety and security. Over the past seven years, BART has allocated more than \$59 million and has increased staffing by more than 90 full-time equivalent (FTE) employees dedicated to these areas. While there can be overlap between program areas, there has nonetheless been significant financial support for these priorities.

Other examples of BART's longstanding commitment to quality-of-life issues include elements of the Station Modernization Program, which has been revised and refined over time to address security, fare evasion and homelessness. As knowledge is gained, BART Facilities Standards (BFS) have been updated to reflect the design standards necessary to reduce fare evasion.

The BART system was conceived, designed and built under a guiding philosophy of creating a positive customer experience within a safe environment. BART will continue to pursue a better customer experience through improvements in existing operating practices, implementation of new programs, and incorporation of best-practice design procedures. These will continue to be funded through targeted and general grant programs, existing operating budget allocations, and annual operating initiatives, where feasible.

### Increase the number and type of professionals who respond to societal issues on BART.

Issues of homelessness, substance abuse and behavioral health are not unique to BART and therefore any solution must recognize that a meaningful response requires the right people and agencies at the table. BART has begun leveraging partnerships to expand the non-sworn presence to assist riders and staff. Based on the emerging success of these efforts, they must scale proven strategies to improve the efficacy of interventions and pilot promising practices to more effectively intervene.

### "BART personnel and non-profit partners that are on call and who can actually provide resources should respond. The response should be one of love and compassion. Bring someone in who can provide someplace to go"

-Director Session Participant



#### **Recommendations:**

Expand effective models of intervention that begin with non-sworn personnel, are centered on the humanity of the individuals in crisis and take a humane but firm approach to resolving issues with people experiencing these issues.

- Ambassador Program: Make permanent the Ambassador pilot program and expand it. The Ambassadors wear easily identifiable uniforms distinct from those of Community Service Officers or Fare Inspectors. They are equipped with radios to report safety and security concerns or biohazards. The ambassadors are also trained to respond to customers' questions, complaints or requests for service. They observe and report and call upon an officer when enforcement is needed.
- Urban Alchemy: Expand partnership with Urban Alchemy to expand their role to one that works specifically on the initial contact with people experiencing behavioral health issues, using substances or experiencing homelessness. Their firm but humane approach has worked well in the Elevator Attendant program and could round out the team approach to initial intervention in these areas.
- **Salvation Army:** Expand existing partnership between BART and the Salvation Army to better address quality of life issues in and around the stations the Salvation Army can serve.
- **CORE in CoCo County:** CORE stands for Coordinated Outreach, Referral, & Engagement and their role is to engage unhoused individuals seeking refuge in the BART stations and on board trains or under aerial tracks and connect them with available services and shelters in this county. This work needs to be supported and expanded.
- Homeless Outreach teams: Survey data reveals that there is an interest in expanding these roles to having HOT team members ride the trains most impacted and intervene outside of the stations. BART currently funds a partnership between BART, MUNI and the City of San Francisco's Department of Homelessness to provide full-time Homelessness Outreach Team (HOT) employees focusing on particular stations. However, these roles are currently only funded for 4 days a week and must be expanded.

Partner with service providers to better address issues of safety for women, girls and trans folks within the BART system.

• Due to COVID-19, the full implementation of the BART Board of Directors resolution in support of partnering with the Alliance for Girls to launch a sexual harassment prevention campaign has been delayed. However, it is critical to take steps to form a working group who is able to make recommendations to advance a gender-equity safety action plan for transit spaces.

#### Establish more collaboration with human service organizations and counties.

A common theme that emerged from the data was that BART is a means for individuals to travel from county to county but there isn't a regional approach to tackling the issues that are presenting themselves on the train and in the stations. As a result, if the behavior was happening in Contra Costa or Alameda County, there would be a local county intervention. However, when someone in crisis is riding the BART train through these jurisdictions, there is a gap in services.

To address this gap, BART needs to more deeply engage the five counties it serves to build a collaborative 5 county protocol for prevention, intervention and restoration. This protocol will recognize the fact that these issues are not confined to one county, but are experienced by people across our 5 counties and when these issues present themselves on BART, it is an opportunity for meaningful system wide intervention and restoration.

"We need more HOT teams, they are trained to handle these social issues that we experience. We need them in all counties, more participation from cities and counties. BART can't handle all of this by themselves. We are serving the cities and counties that we go through and we need more help than what we can budget-wise do. Right now, only BPD can respond, but we service the whole Bay Area."

-Frontline Workers 10/1

#### **Recommendations:**

Convene a Regional Task Force Across 5 Counties: BART should convene a regional task force that consists of public health officials from all 5 counties, representatives of police agencies and social service organizations in each county that address the issues of substance abuse, behavioral health and assisting our unhoused riders. This joint effort will focus on identifying the key strategies to address the public health crisis, prioritize identifying local, state and federal funding streams to support joint efforts and set up standard methods of regular communication amongst agencies and service providers.

### More enforcement and more uniformed presence.

While respondents did not all agree on the best approach to take, the vast majority, preferred to see a non-sworn initial approach to issues that arise from these three areas. Others preferred to see more enforcement by the police and zero tolerance of these activities. A common theme throughout the data is a desire for a greater presence of people trained and able to help address issues that arise from homelessness, substance use and behavioral health, whether those are sworn officers with appropriate training for dealing with such issues or non-sworn personnel with expertise in social service provision.

"I think the best solution is a hybrid team of Law Enforcement and clinicians to work as a team to address these issues. A lot of issues around behavioral issues sometimes involve criminal activities, but having an additional expert available to address the health issues that might be used to de-escalate and or provide resources. All BPD personnel are trained in CIT, so are experts in some capacity."

-BPD survey

#### **Recommendations:**

Build a team protocol that applies to dispatch, BPD and all non-sworn responders that outlines how BART will respond to calls for service regarding issues involving people experiencing homelessness, using illegal substances or experiencing a behavioral health issue.

• The protocol must clearly outline how to code calls for service, who to dispatch, under what circumstances a nonsworn approach is appropriate, under what circumstances a sworn approach is needed and when to have the initial approach be by non-sworn officers with a sworn team prepared to provide back up if needed.

Create a clear policy with procedures and tactics for who responds to specific calls for service, how the non-sworn staff can quickly call for BPD backup and how BPD can transfer calls that are more appropriate for non-sworn staff. In dynamic situations, a scenario can escalate quickly and it's critical that the BPD and non-sworn staff have the training backed by clear policy so that everyone understands their role and how to give and get assistance quickly and safely.



• A recommendation that emerged was to offer the Force Option Simulator training for all Civilians responding to these three issues, so they are prepared for escalating circumstances and are prepared to seek back up if needed.

Implement Data Driven Staffing Models to Increase Presence When/Where Most Needed: Using data as the guiding force, categorize the type and volume of calls for support by station and time of day. Modify staffing levels and approaches to ensure tailored sworn and non-sworn response. Sworn and Non-Sworn Staff should publish detailed calls for service data permitting analyses of type and volume of responses needed.

Increase presence of non-sworn Ambassadors, community service officers and Elevator Attendants at stations and on trains to be the initial contact for de-escalating people in crisis.

**Promoting education and awareness about BART rules, what BART is doing, and how to report issues.** There are a number of existing programs that allow riders to request assistance, notify BART of problems and seek follow up on particular issues happening on trains and in the stations. However, these existing programs are not widely understood either by the ridership or the existing communities that BART currently serves. As a result, it is critical that BART invest in a significant public awareness campaign geared to riders, staff and the larger community to ensure everyone knows how to seek and get help when needed.

"We can do a lot of things like services, and partnerships, but we need to educate everyone about what those resources are. People should know what's' there. You don't need to call the police if someone is trying to get a few hours of sleep. We can do marketing, educating the community, providing information, 1-800 numbers, creating partnerships and networks. That's what BART stands for and that's what this community has asked for. We should be educating the ridership about alternative options; educating the staff on what they can do and building partnerships with other organizations to see how they can help."

-Director Session Participant

#### **Recommendation:**

Launch an internal and external communications campaign. BART has implemented internal communication tools that work when used. A clear need exists for both employees and riders to better understand how to leverage these options to seek help when they see someone in crisis. This campaign must provide options for the public to describe the issue so that an internal dispatcher can decide if a police, non-police, or combined response is most appropriate. Campaigns must take into account BART's multi-lingual ridership and ensure accessibility for riders with disabilities.

• A theme that emerged from the data was the concern that riders had with calling the police to respond to an issue that had to do with homelessness, substance use or mental illness. Stakeholders overwhelmingly want to see an appropriate initial intervention with the option of seeking back up from a sworn BART police officer if the situation warrants such a response. In order to create these teams, BART will need to deepen its investment in hiring and training Ambassadors, community service officers and expanding partnerships with organizations like Urban Alchemy, Salvation Army and others.



### Additional training for the BART Police Department, better hiring practices for the BART Police Department.

The data showed that communities most impacted by the criminal justice system, including members of the BIPOC community, LGBTQ+, Trans Community believe that BART PD would benefit from additional training to address issues of biased policing and criminalization of people of color. Some segments of the community believe that BART PD would benefit from reviewing their hiring practices making changes to prioritize hiring a police force that represents the rich diversity of the Bay Area.

"The officers who I see do really well in these situations really know their community. They've been working in their community, they volunteer, they're not scared of their community. That makes a world of difference. Our police need some education about the community in which they are working. Sometimes I see the look in their eyes that they don't really understand working here—they have this job, but they have never come to East Oakland before. ... They really need that help and understanding and not being fearful."

-Frontline Workers Session 10/1

### **Recommendations:**

- Invest in team building and training for BPD, Ambassadors and Community Service Officers to train them on the new policy on responding to people experiencing homelessness, using substances or having a behavioral health issue.
- Review current hiring, recruitment and retention practices at BPD and bring recommendations to the BART Board with ways to improve the recruitment and retention of BIPOC, women and members of the LGBTQ+ communities.
- Identify focal group populations that experience disproportional criminalization (LGBTQ communities, BIPOC, Youth) to transform this dynamic and build trust.
- Create Police Advisory Boards to supplement existing Civilian Oversight efforts to provide community members with direct access to the Chief of Police and BPD leaders to discuss issues occurring that are impacting trust between BPD and riders and develop strategies in partnership to address them.

### Engage frontline workers in first response.

Frontline workers at BART play a critical role in building safety. They are often the first person to observe or interact with a person in crisis and must be fully trained on what options are available to them to appropriately deal with whatever behavior they are witnessing.

"Your most accessible resource is the frontline employees. You'll get the quickest response from them, I see a blend between having a team of professionals that are somehow accessible by phone or by radio, "I have this situation." The frontline workers could be our first responders so to speak, obviously with their consent and on a volunteer basis."

-Frontline Union 10/6



#### **Recommendations:**

- Train everyone in the system—train operators, station agents, transportation managers, operations supervisors and maintenance crews—on effective interventions with people experiencing behavioral health issues, using substances or experiencing homelessness. Frontline staff need to get properly trained to understand these issues and fully understand the resources BART makes available for someone in crisis to ensure they know how to get help in all situations.
- Ensure frontline staff understands how to request assistance from non-sworn teams who are trained to address various behaviors and de-escalate situations effectively.

### BART to explore creative ways to leverage their facilities to meet needs.

BART is a transit system that specializes in transportation. However, given the fact that BART is operating amidst a public health crisis involving homelessness, behavioral health and substance abuse, BART plays a role in directing people to services to more effectively cycle people out of crisis.

"There should be a crisis response team on board. If we can have BART police at every station, we can have a team of social workers at every station. Pretty much, we use our common sense most of the time to deal with emergencies. You can get someone off the train but what about after that? After they leave, they'll get back on the train again because we are not addressing the problem. There's no follow up. We need services at every station."

-District session Participant

#### **Recommendations:**

- Increase lighting in and around the BART stations
- Expand partnership with Urban Alchemy, who recruits and trains formerly incarcerated individuals, to build on the success of the Elevator Attendant program. The Elevator Attendant Program places attendants in the street and platform elevators at Civic Center, Powell St., Montgomery and Embarcadero stations during BART operating hours. This program has virtually eliminated inappropriate behavior in the elevators. The attendants greet customers, operate the elevator, collect data on the number of users and their demographics and deter inappropriate behavior in the elevator. This is a model program that can be replicated in other counties by identifying community organizations working with formerly incarcerated individuals to build out this successful model in the other 4 counties.
- Pit Stop Program: BART can expand their current efforts to fund the San Francisco Public Works' Pit Stop Program to provide clean and safe public toilets, as well as used-needle receptacles and dog waste stations, in the City's most impacted neighborhoods. There are currently Pit Stop bathrooms above four BART stations (Powell St. Station, Civic Center Station, 16th and Mission St. Station and 24th and Mission St. Station).
- Explore promising practices like the Hub of Hope in Philadelphia that created an on-site drop-in service center to connect people in crisis in their transit system to appropriate county resources.
- Expand outposts at the most impacted stations where Ambassadors and community service officers are present and available to respond to people in crisis and trained to connect them to local services.



### 5. Staffing and Budget Implications

Due to the budget crisis facing BART and other transit agencies, it is crucial that any new proposals be cost-neutral as much as possible. BART will be counting on partnerships, grants and cost-sharing with local, state and national stakeholders for creative solutions that can be scaled up and which are fiscally achievable.

An analysis of the recommendations set forth found that resources in BART's FY21 budget can support the recommendations. By reallocating vacant positions and utilizing funds earmarked for COVID-19 response, both labor and non-labor costs associated with the recommendations can be met utilizing FY21 budgeted resource levels. The positions added in FY21 will be carried forward into FY22.

### 6. Conclusion

BART has answered the call to take a deeper look at how issues of homelessness, mental illness and substance abuse are impacting riders, employees and members of the larger community. This call requires engaging internal BART staff, sworn officers, union leaders, external stakeholders and riders in a robust dialogue. It is clear that BART is experiencing the impacts of a national, state and local crises involving people who are unhoused, experiencing mental health issues, or engaging in drug activity in the BART system. BART has pioneered many promising interventions and partnerships that can be augmented or expanded. BART can also build on these successes and further imbed a team approach, both regionally and in how BART responds to individual situations. BART has the opportunity to continue to lead from the front and redefine how to collaborate to build shared safety in the BART system by making the most strategic use of sworn officers and non-sworn personnel. Continuing to evolve the most strategic use of sworn officers to keep the riders safe and enforce public safety protocols will help this crucial transit system lead the way for other public entities.

