

Review of BART PD Policies, Practices and Procedures

Key Findings & Recommendations

- Findings: The BART Policy manual had not been updated in some areas since the 1970s, 1980s or 1990s.
Recommendations: The manual as a whole be completely reviewed; update all policies on at least an annual basis; BART officers receive regular training on updated policies.
- Findings: Shortcomings in tactics used by officers responding to the Fruitvale incident; officers did not follow recommended procedures; officers failed to work as a team reducing their effectiveness by working independently while also increasing their chances of being assaulted; lapses in tactical communication and leadership.
Recommendations:
 - Develop and publish a policy-level document outlining that supervisors and senior officers assert command and control over a situation as a primary responsibility.
 - Provide additional training in enhanced tactics and team strategy to deal with hostile incidents.
 - Provide additional Taser training; require officers to wear Taser on opposite side of body from firearm or position Taser so it must be drawn with opposite hand as firearm.
 - Take an integrated tactical approach to potentially hostile incidents; officers should immediately request back-up when necessary; one officer should assume control and direct other officers in their actions to control situations.
 - Review detention policies to ensure a more expedient turn-around of detainees and better conditions for physical detention so detainees that are not under arrest are not held in hand-cuffs for long periods of time.
- Findings: Reporting of use-of-force incidents is substandard.
Recommendations:
 - Require reporting and more thorough investigation of any incident in which force is used, not just significant uses of force.
- Findings: BART has had very few deadly force incidents in its history; and some decisions made following the Fruitvale incident could be improved in regards to debriefing and interviewing officers at the scene.
Recommendations:
 - Require a supervisor to respond and conduct an immediate on-scene investigation and canvass scene for witnesses and evidence.
 - Tactics used during every use-of-force incident should be reviewed and commented upon.
 - In every use-of-force incident, officers should be debriefed, and in cases where officers were deficient, BART should make a decision to remediate, retain or discharge the officers in question.
- Findings: Enhance transparency and accountability.
Recommendations:
 - Consider retaining a reputable auditing or oversight firm with experience in police matters to conduct on-going meaningful audits and evaluations of the BART Police Department.

Key Findings & Recommendations

Page Two

- Findings: Critical reporting mechanisms are deficient.
Recommendations:
 - Overhaul nearly all critical reporting mechanisms.
 - Develop policies using best practices from other agencies to enhance BART's risk management practices.
 - Institute Chief-level review of all use-of-force reports and personnel complaints.
 - Chief of Police should review and approve all use-of-force incident reports, which should be used as a means to continually improve performance of the Department.