



# Roll Call for Introductions: Quality of Life Contacts

BART Board

February 27, 2020



# Roll Call for Introductions



On December 5, 2019, Director Janice Li initiated, which was seconded by Director Bevan Dufty, a Roll Call for Introductions (RCI):

*“Requests a presentation from BART staff in early 2020 regarding ‘quality of life’ citations and contacts. Information should include the total number, location, and times of all types of citations that are considered as quality-of- life violations, as well as, available demographics of the persons cited. Violations should include, but not be limited to, the individual violations under California Penal Code Part 1, Title 15, Chapter 2, Section 640.*

*The purpose of this presentation should be to provide a data-driven account for the way BART resources, particularly law enforcement, are deployed and the benefits to our ridership and system safety.”*

# Agenda



- BART Police Department Vision
- BART and National Police Department demographics
- Quality of Life defined
- Quarterly performance data
- Quality of Life violation statistics
- Center for Policing Equity
- Racial and Identity Profiling Act
- Government Alliance on Race and Equity training
- Conclusion

# BART PD's Vision for Safety & Security



Regain the public's trust by making BART welcoming  
and safe for all of our riders and employees.

# Bureau of Justice Statistics, October 2019

## US Local Police Departments, 2016: Personnel



### Race or ethnicity among local police officers, 1997-2016

Year	White <sup>a</sup>		Black <sup>a</sup>		Hispanic		Other <sup>a,b</sup>		Unknown	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
1997	329,568	78.5% †	48,928	11.6%	32,666	7.8% †	8,835	2.1% †	~	~
2000	341,179	77.4 †	51,363	11.7	36,442	8.3 †	11,786	2.7 †	~	~
2003	345,147	76.4 †	52,792	11.7	41,068	9.1 †	12,729	2.8 †	~	~
2007	343,765	74.6	54,935	11.9	47,393	10.3 ‡	14,080	3.1	624	0.1%
2013	340,809	71.4	57,012	11.9	54,591	11.4	16,552	3.5	8,353	1.8
2016*	331,096	71.5	52,617	11.4	57,959	12.5	16,528	3.6	4,891	1.1

Note: Prior to 2007, respondents did not have the option to indicate “unknown” race for full-time sworn officers in the Law Enforcement Management and Administrative Statistics (LEMAS). See appendix table 10 for standard errors.

\*Comparison group.

~Not applicable.

†Significant difference from comparison group at the 95% confidence level.

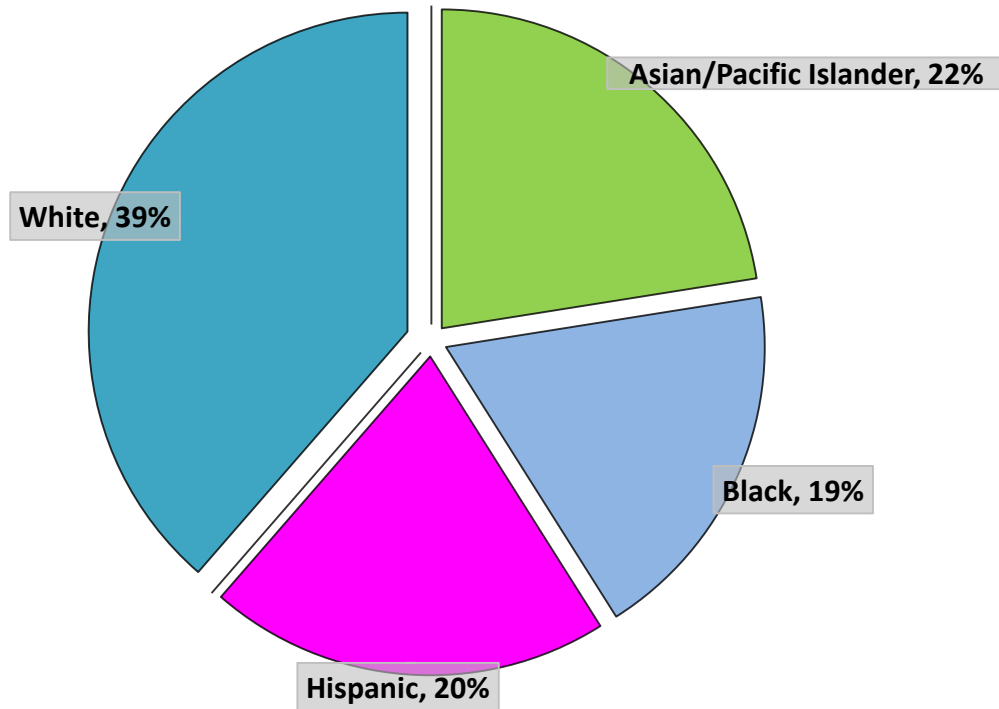
‡Significant difference from comparison group at the 90% confidence level.

<sup>a</sup>Excludes persons of Hispanic origin (e.g., “white” refers to non-Hispanic whites and “black” refers to non-Hispanic blacks).

<sup>b</sup>Includes Asians, Native Hawaiians, Other Pacific Islanders, American Indians, Alaska Natives, or persons of two or more races. Beginning in 2013, the LEMAS survey included the option for respondents to indicate “two or more races” for law enforcement personnel. “Other” includes this option.

Source: Bureau of Justice Statistics, Law Enforcement Management and Administrative Statistics survey, 1997-2016

# BART PD Organizational Demographics



## Sworn

40	19%	Asian / Pacific
40	19%	Black
49	23%	Hispanic
87	40%	White
0	0%	Amer. Indian
0	0%	Other

## Civilian

34	30%	Asian / Pacific
21	19%	Black
18	16%	Hispanic
40	35%	White
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# Quality of Life

Quality of Life in a transit environment is defined by factors impacting ridership and the customer experience.

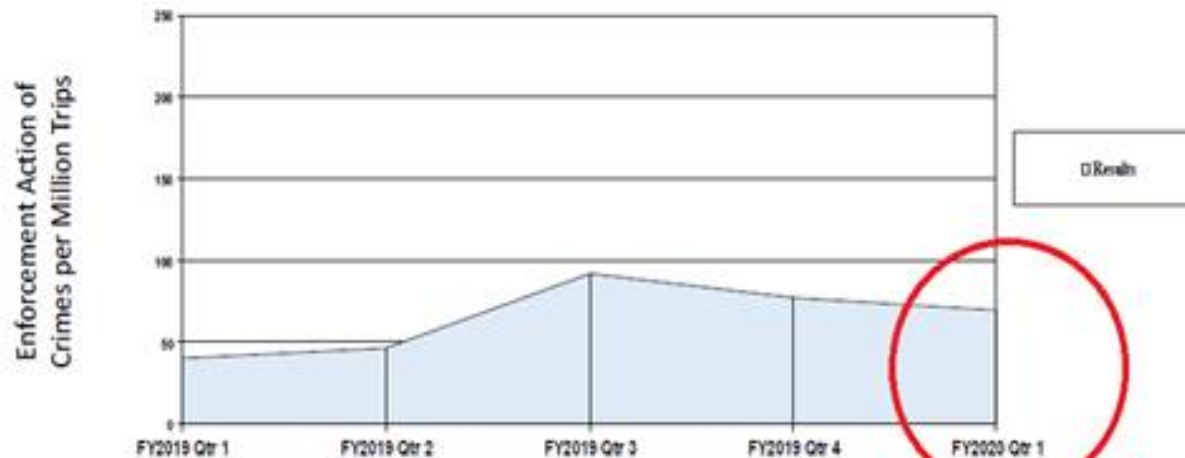


The following reflect standard indicators of the Quality of Life:

- Cleanliness
- Safety and security
- Fare Evasion
- Homelessness

# Quality of Life Contacts\*

\*Quality of Life Violations: Disturbing the Peace, Vagrancy, Public Urination, Fare Evasion, Loud Music/Radios, Smoking, Eating/Drinking and Expectoration



- ✓ Quality of Life Contacts are down from the last quarter but up from the corresponding quarter of the prior fiscal year.



# Fare Related Activity



Fare related incidents generally include subjects “jumping” the turnstiles, entering the emergency gate, or using fraudulent Clipper/BART paper tickets.

- Fare related violations:
  - Non-Criminal/Administrative Citations (Proof of Payment)
  - Criminal Citations
- During 2018-2019, an average of 1200 criminal and administrative citations combined were issued for fare related activities per month, or an average 40 citations per day.
- Less than 0.01% of the ridership was cited on a given day. (Approximately 1 in every 11,250 riders)
- Fare evasion accounts for over 93% of all our Quality of Life criminal citations each consecutive year.

## Fare Related

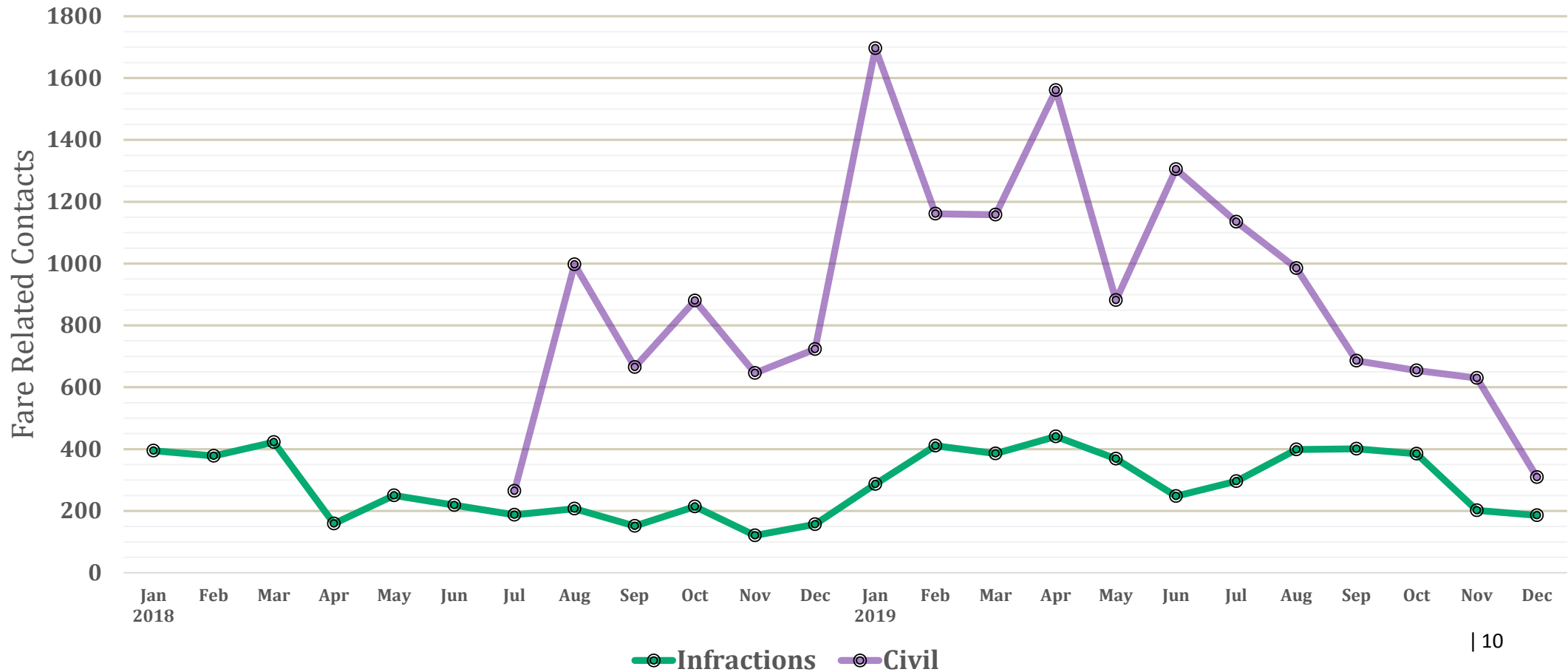
- 481.1 (B) Counterfeit Fare
- 587 (C) Evade Railroad Fare
- 640(c)(1) Fare Evasion
- 640(c)(2) Misuse Transfer Pass
- 640(c)(3)(a) Fraudulent Ticket
- Proof of Payment

# Proof of Payment

- Board adopted ordinance on October 26, 2017 to reduce fare evasion / revenue loss
- Conditioned on systematic protocol to prevent bias
  - All contacts recorded on body cameras
  - Office of Independent Police Auditor conducts random spot-checks of FIO body-worn camera recordings and has not detected any departure from the required systematic approach
- In effect since Jan 1, 2018
- Requires persons inside the paid area to provide proof of payment
- Those failing to present valid exit-coded fare media result in a violation
  - Civil Administrative Citation (max \$60-\$120)
    - Or may perform community service
  - Criminal Infraction Citation (max \$250) 3+ violations/year



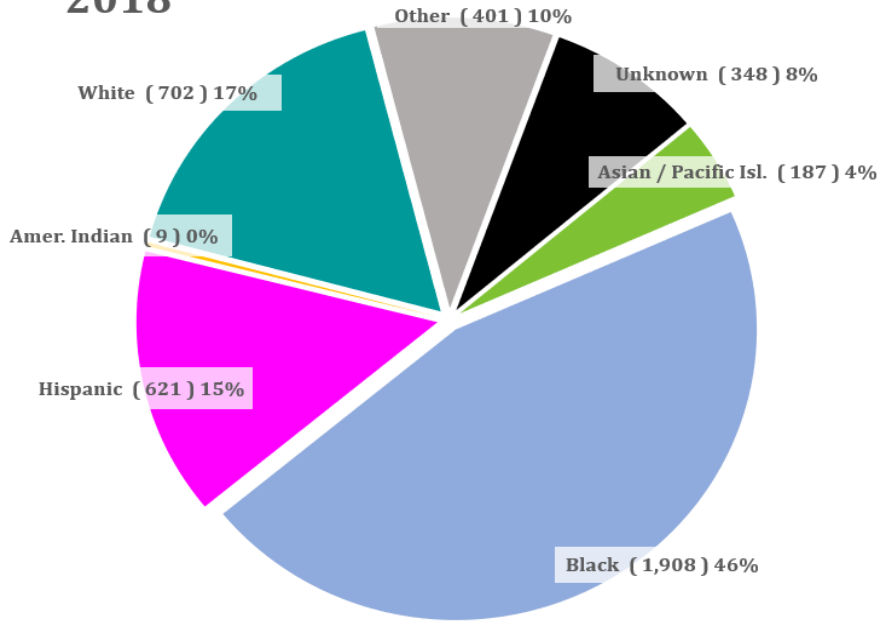
# Fare Related Enforcement 2018-2019



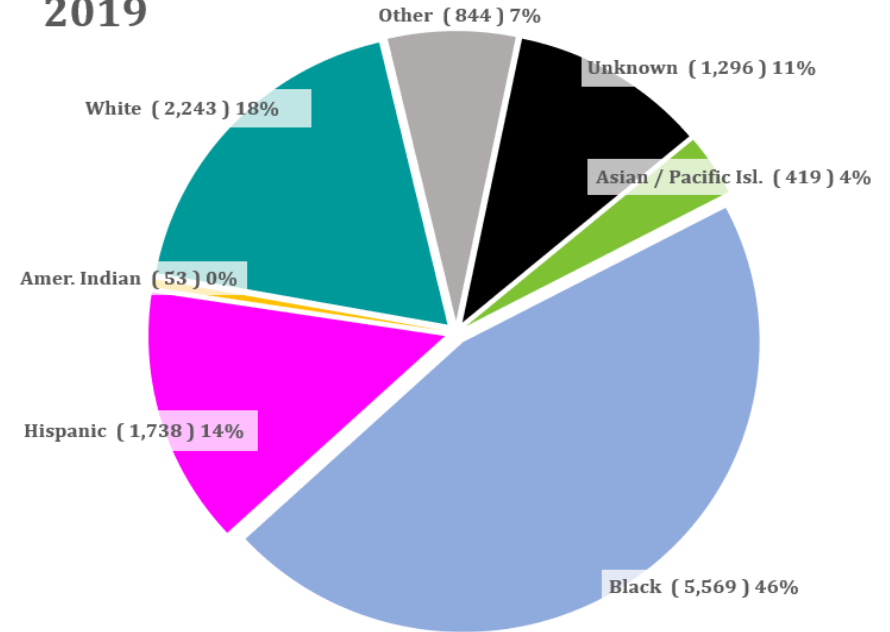
# Proof of Payment by Race 2018-2019



2018

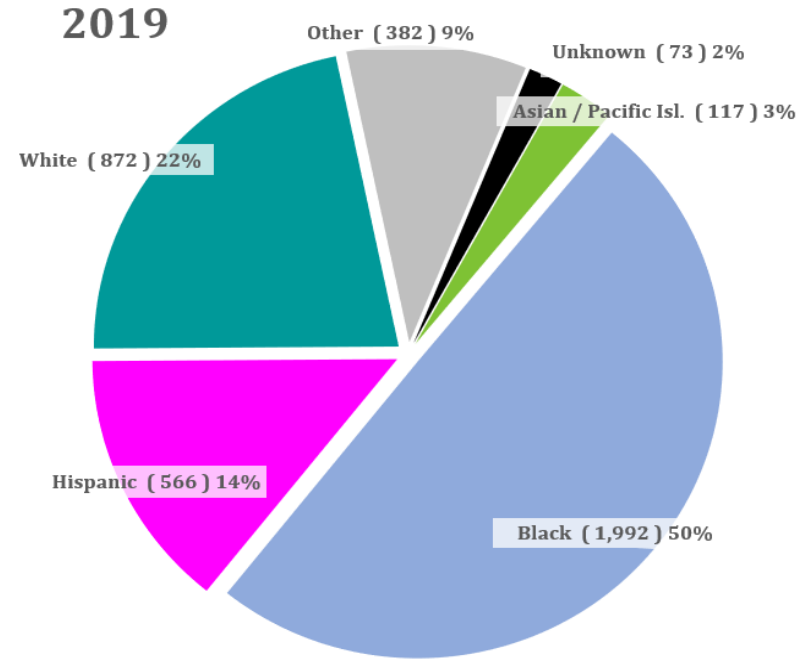
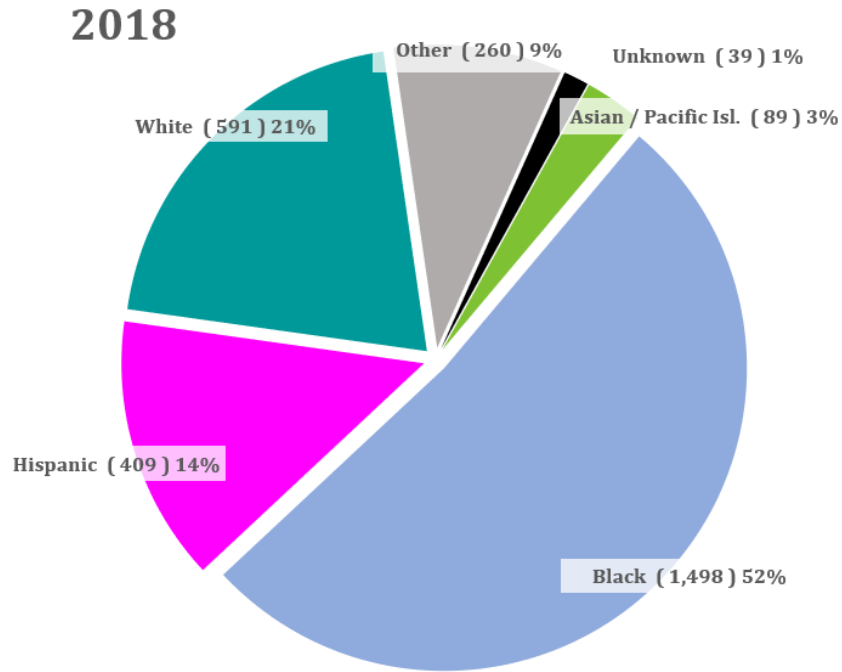


2019



■ Asian / Pacific Islander ■ Black ■ Hispanic ■ Amer. Indian ■ White ■ Other ■ Unknown

# Fare Evasion Enforcement by Race 2018-2019



# Code of Conduct Activity



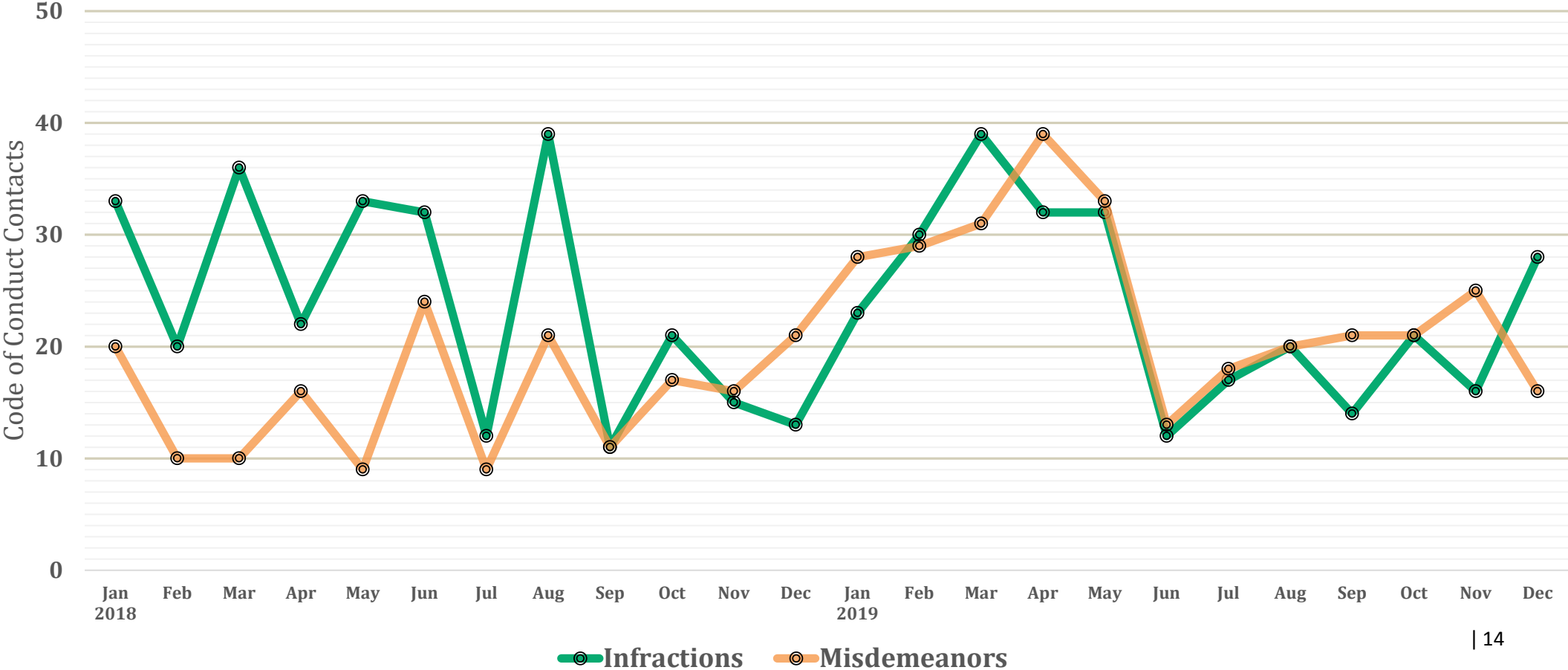
Code of conduct violations consist of rules every BART rider is subject to following. We frequently receive complaints of violations, often through social media.

- Code of Conduct violations:
  - Infractions
  - Misdemeanors
- During 2018-2019, an average of 40 citations were issued for code of conduct violations per month.
- Less than 0.01% of the ridership was cited on a given day. (Approximately 1 in every 225,000 riders)
- Citations issued for code of conduct violations were approximately 3-5% of each given year.

## Code of Conduct

- 640(b)(1) Eating/Drinking
- 640(b)(3) Smoking
- 640(b)(4) Spitting
- 640(b)(5) Bike, Scooter, Skateboard
- 640(D)(2) Hazardous Materials
- 640(D)(3) 640(b)(8) Urination, Defecation
- 647(C) Aggressive Panhandling
- 647(E) Lodging
- 647(F)/(FF) Public Intoxication
- 594, 640(D)(5) Vandalizing

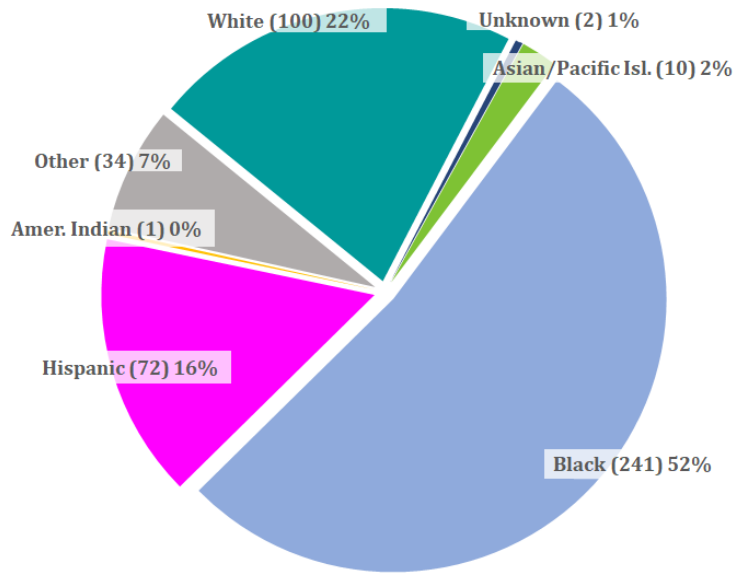
# Code of Conduct Enforcement 2018-2019



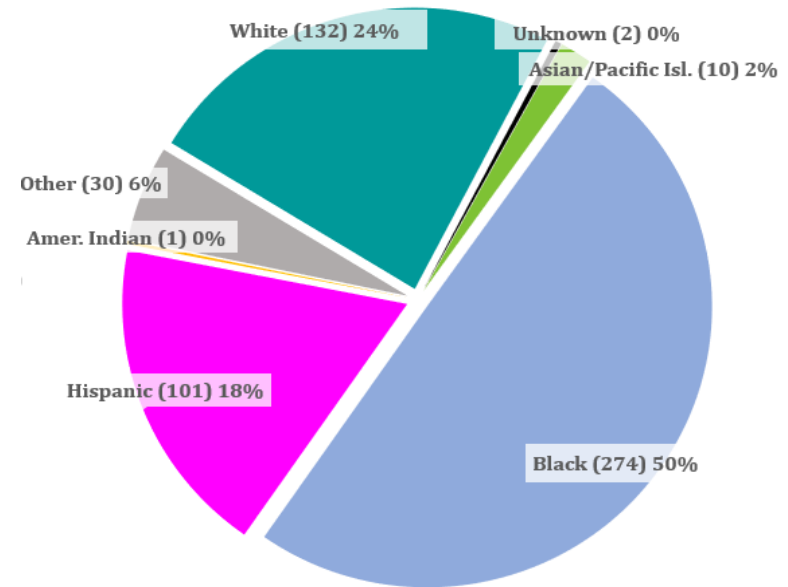
# Code of Conduct Enforcement by Race 2018-2019



2018



2019



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# Disruptive Behavior Activity



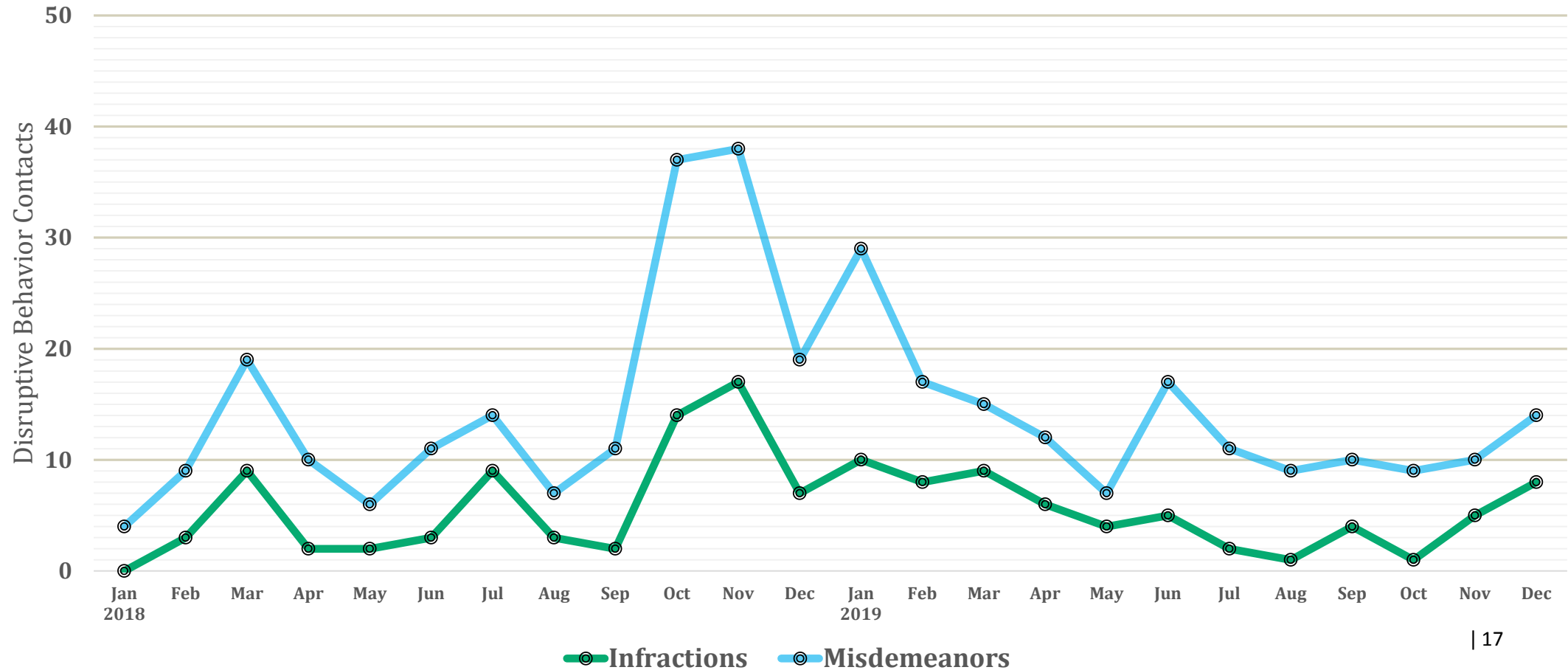
Disruptive behaviors affect our riders' experience. These actions include but are not limited to playing loud music, sexual harassment and generally being a nuisance to others.

- Disruptive behavior violations:
  - Infractions
  - Misdemeanors
- During 2018-2019, an average of 20 citations for disruptive behaviors were taken per month.
- This was less than one rider per given day of the year.
- Disruptive Behavior accounts for less than 1% of all quality of life citations each year.

## Disruptive Behavior

- 415 Disturbing the Peace
- 640(b)(2) Unreasonably Loud Sound Equipment
- 640(D)(1) Disturbing Others
- 640(D)(4) Blocking Movement
- 647(A) Lewd Conduct
- 647(B) 653.22 Prostitution
- 647(J) Privacy Invasion

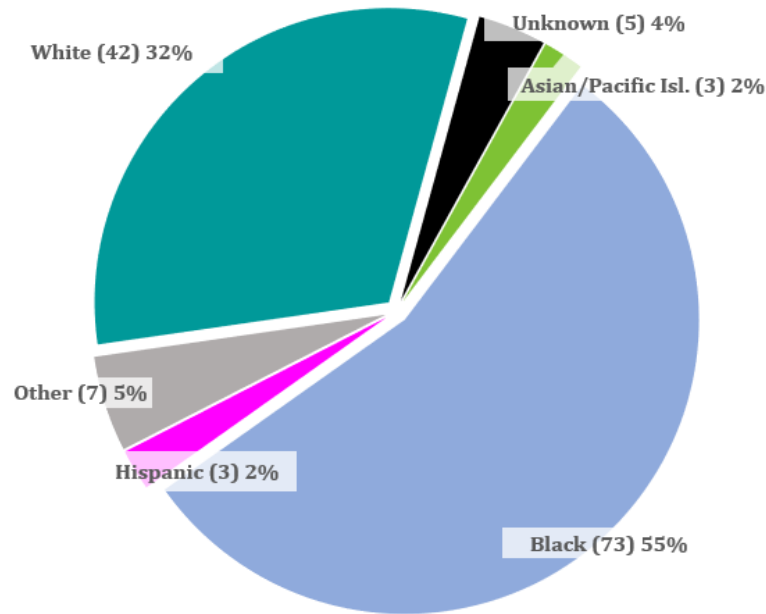
# Disruptive Behavior Enforcement 2018-2019



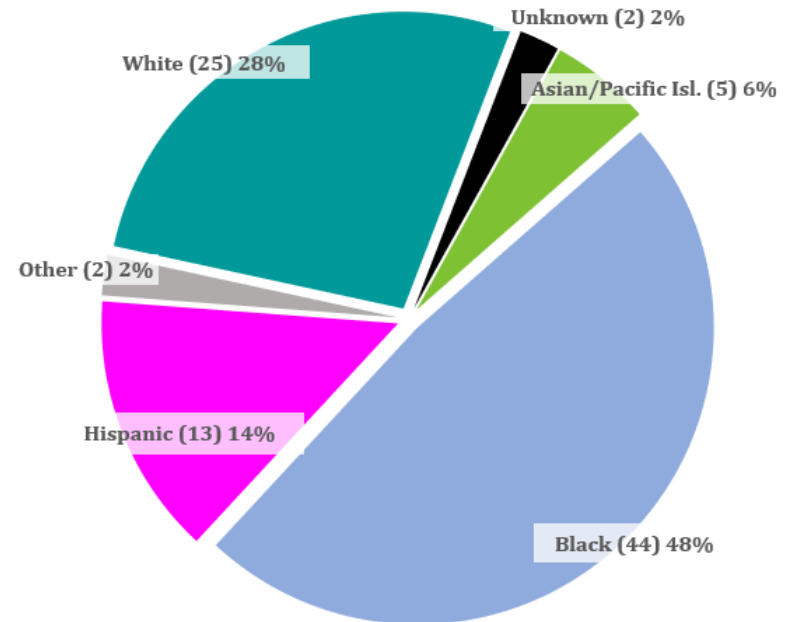
# Disruptive Behavior Enforcement by Race 2018-2019



2018



2019



■ Asian / Pacific Islander ■ Black ■ Hispanic ■ Amer. Indian ■ White ■ Other ■ Unknown

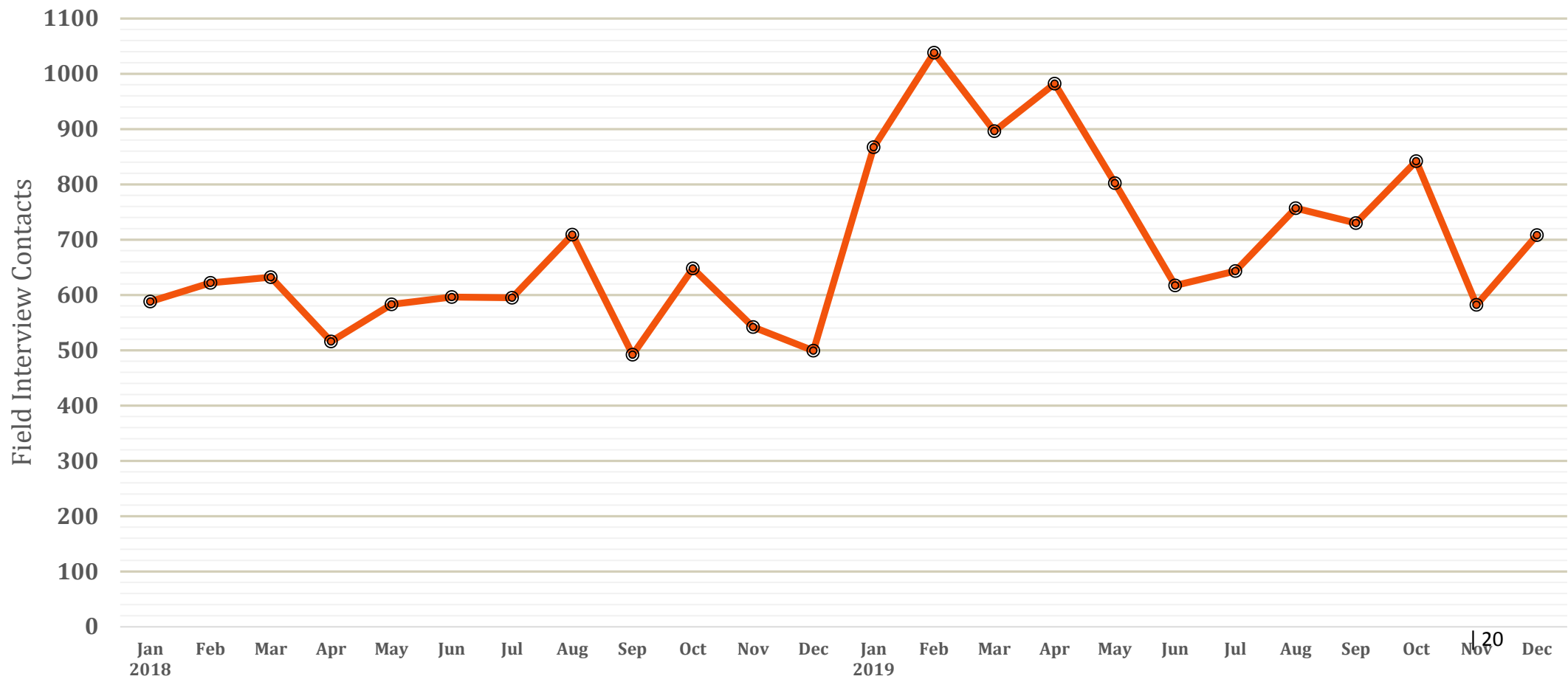
# Field Interview Reports



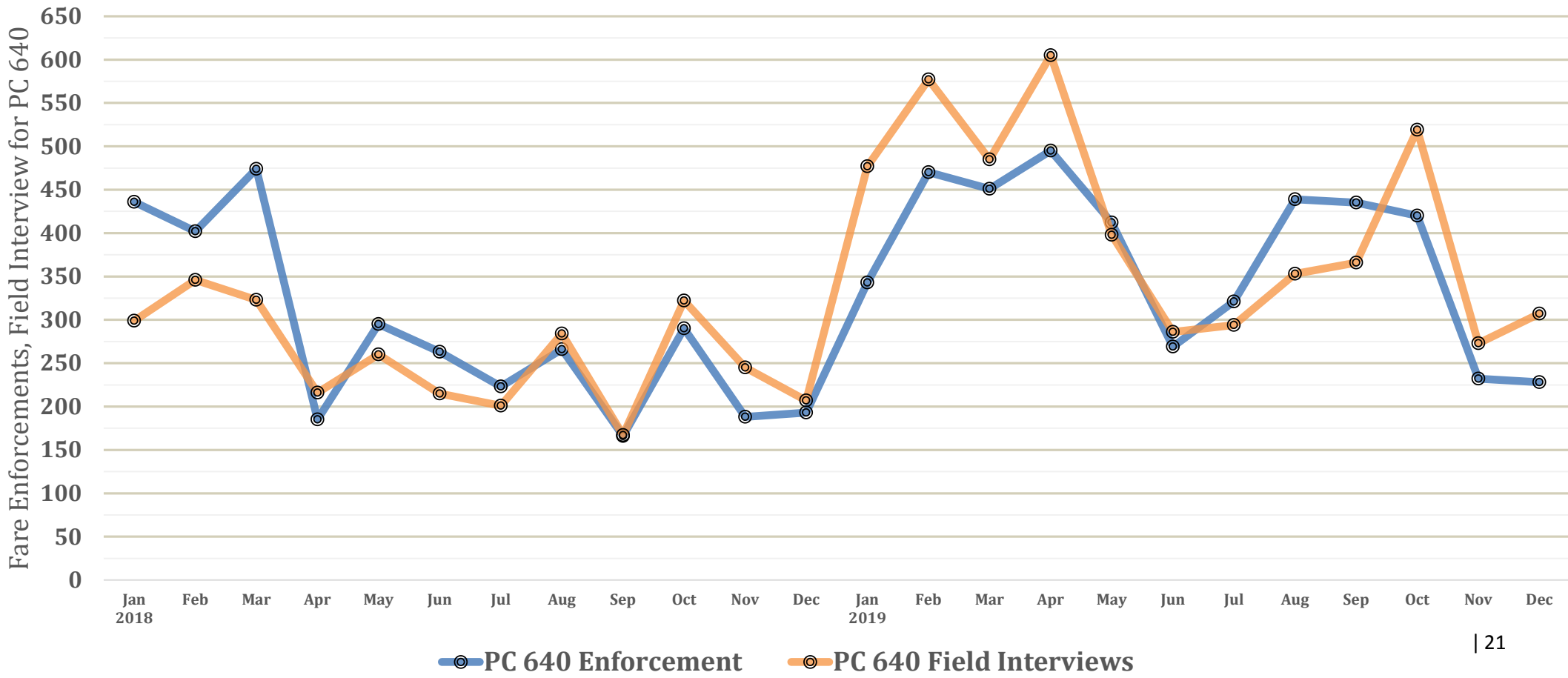
- Field interview reports are used to document contacts with individuals where no enforcement action is taken.
- May be used by officers when a violation of a law or ordinance is observed and a verbal warning is issued to the violator.
- Meant to educate and track contact for future violation.
- Inclusive but not limited to Quality of Life.
- On average, 23 field interview reports are taken each day. About half of all field interviews are for 640PC violations.

Types of Contacts	Description
640 PC Violation	640 Penal Code Section Violation
Area Check	Area Check
BP Violation	Business and Professions Code Violation
Consent	Consensual Contact
HS Viol	Health and Safety Code Violation
Inj/Med	Injured or Medical
MUNI/BART Viol	Muni Code/BART Violation
Other	Other
Park Det	Parking Detail
PC Viol	Penal Code Violation
Ped Stop	Pedestrian Stop
Sus Circ	Suspicious Circumstance
Sus Per	Suspicious Person
Sus Veh	Suspicious Vehicle
Traf Stop	Traffic Stop
VC Viol	Vehicle Code Violation
Weap Viol	Weapon Violation
Wel Check	Welfare Check

# Field Interviews 2018 - 2019



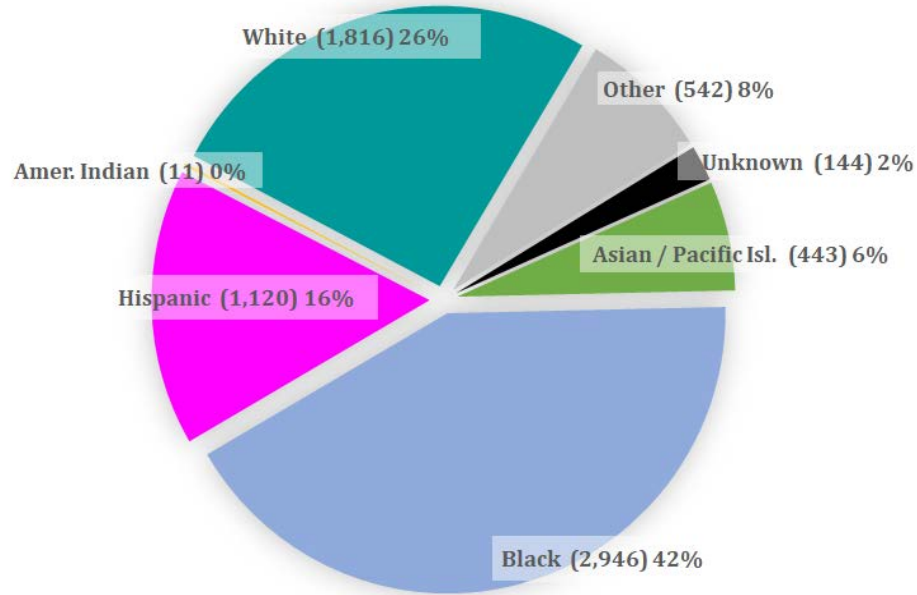
# Transit Crime Related Field Interview Reports vs Enforcement 2018 - 2019



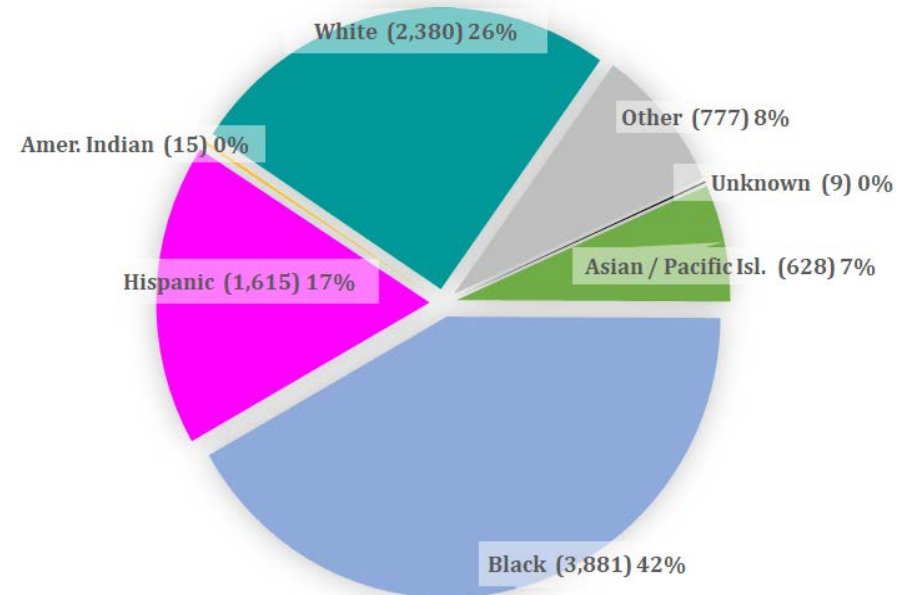
# Field Interview Reports by Race 2018 - 2019



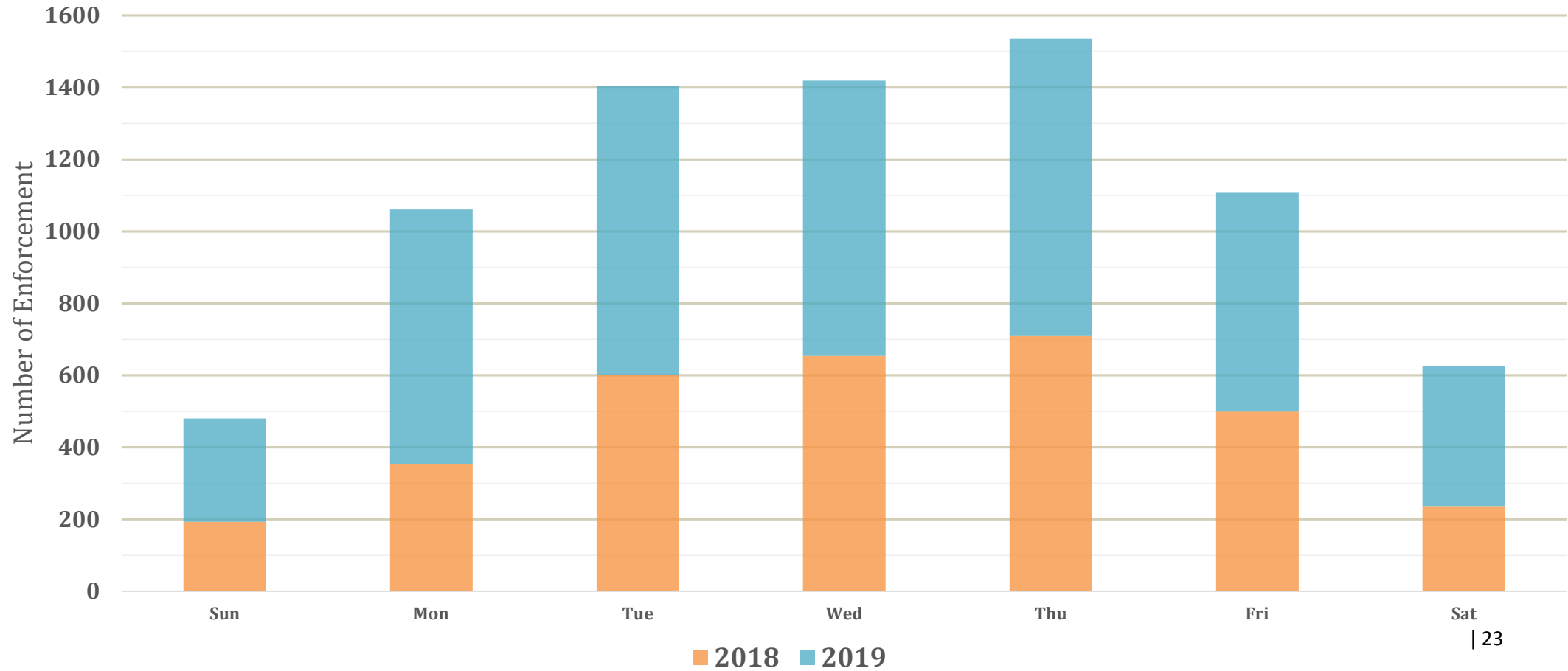
2018



2019



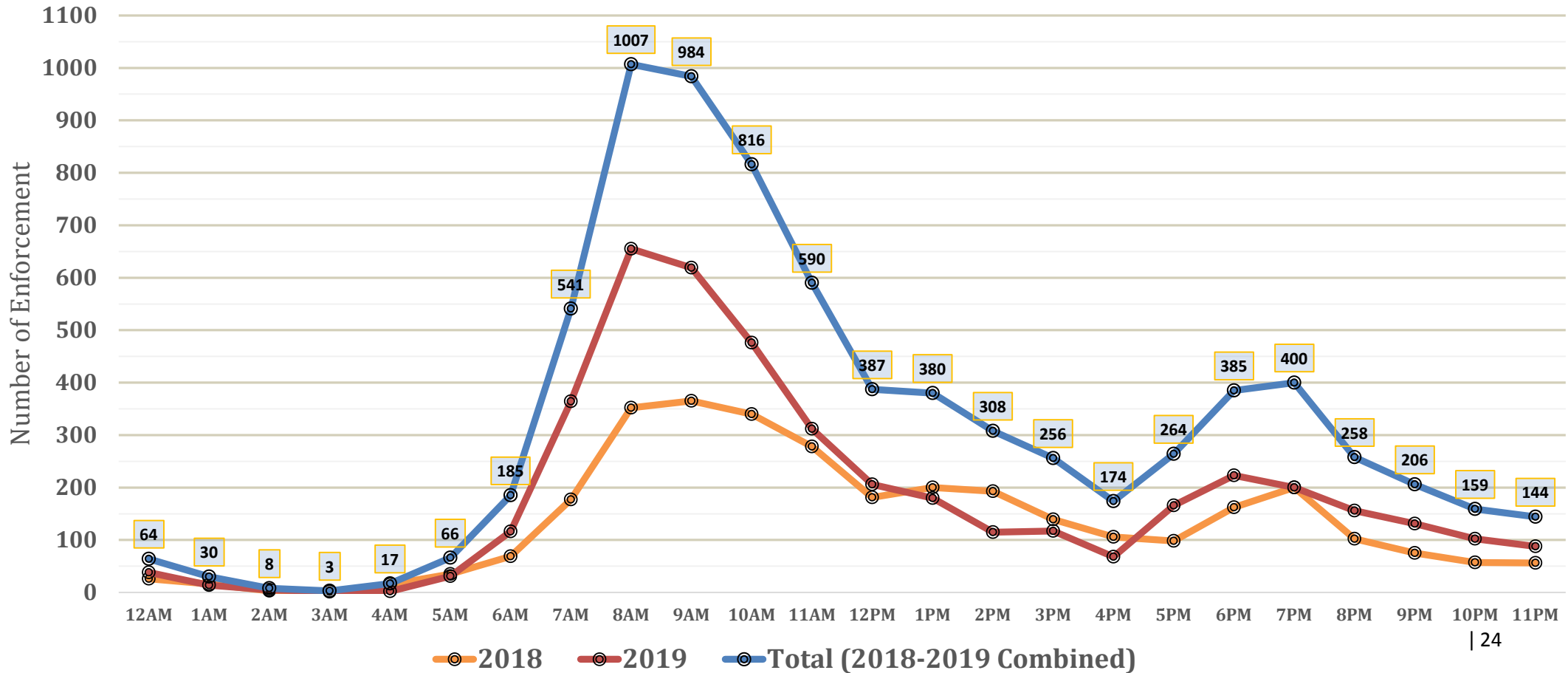
# QOL Enforcement by Days of the Week



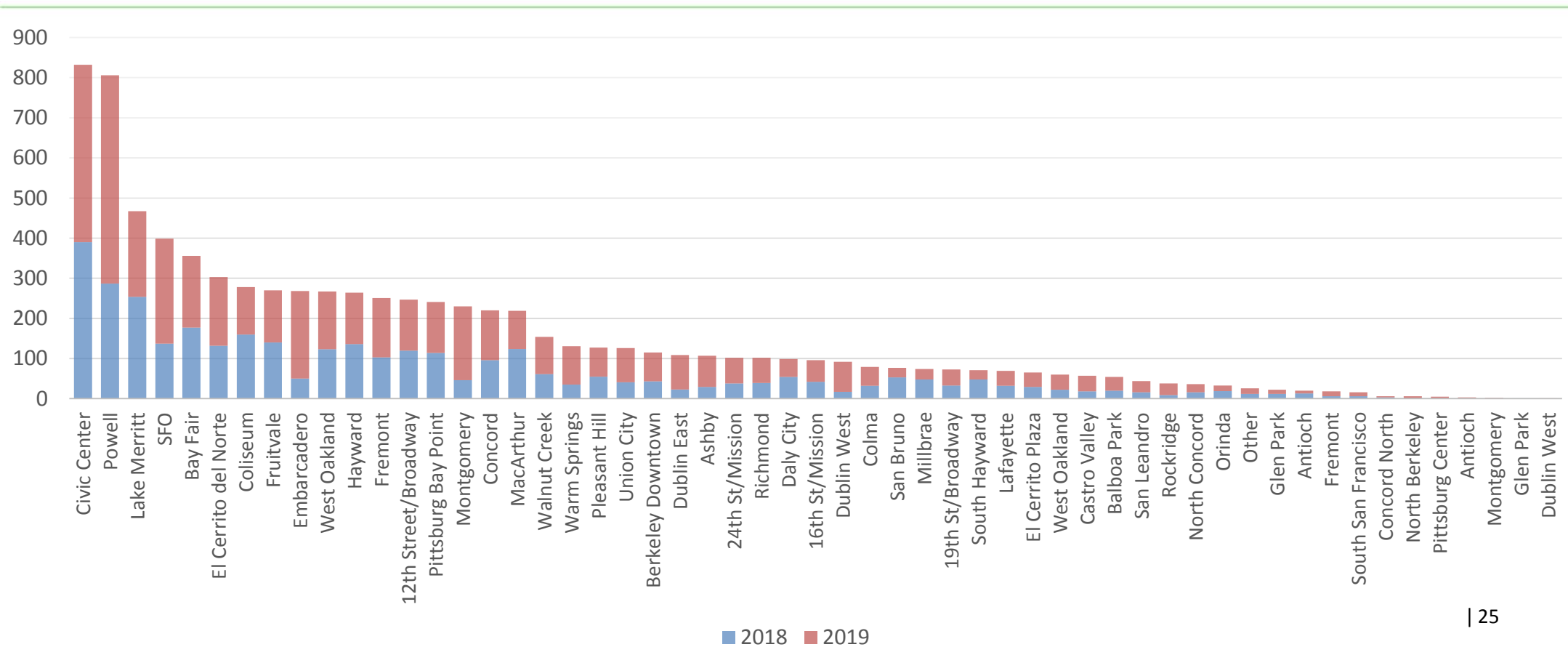


# QOL Enforcement by Time of Day

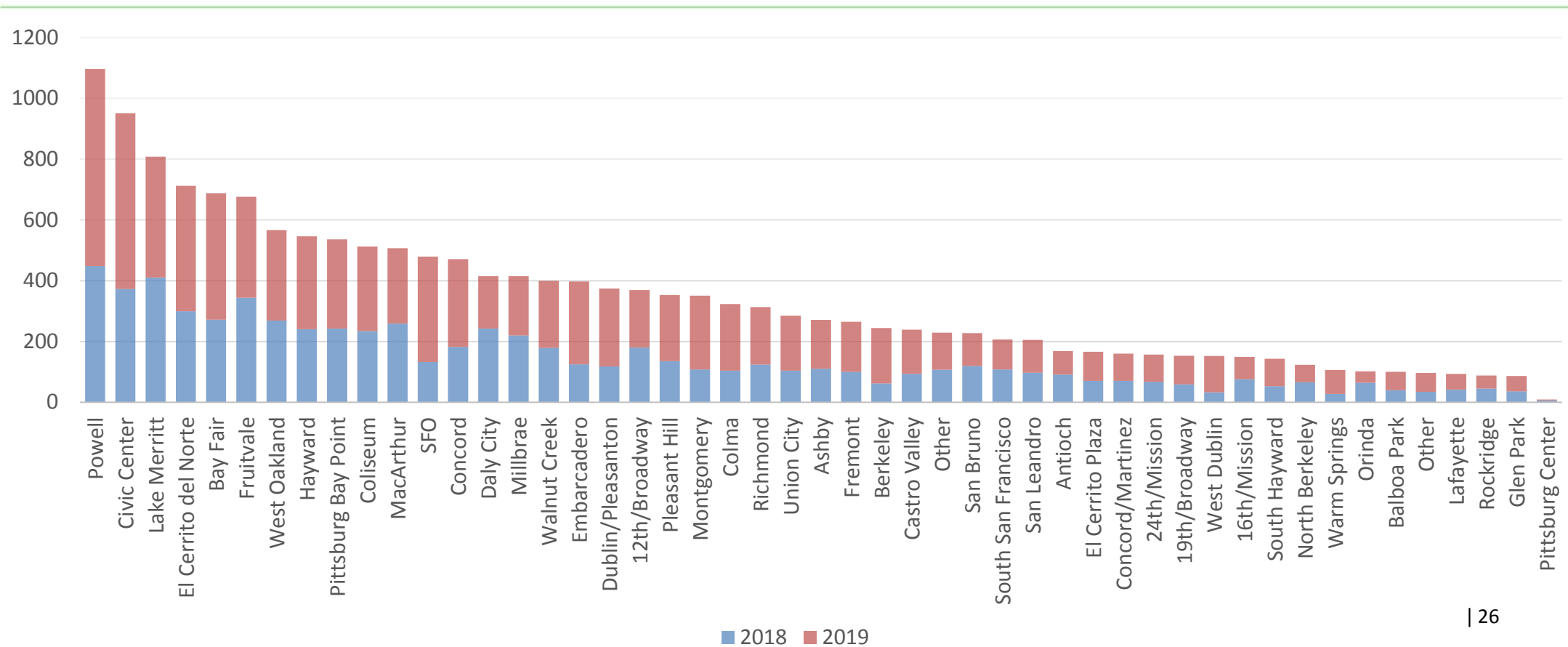
(Rounded up/down to the nearest hour)



# QOL Enforcement by Station



# Field Interviews by Station



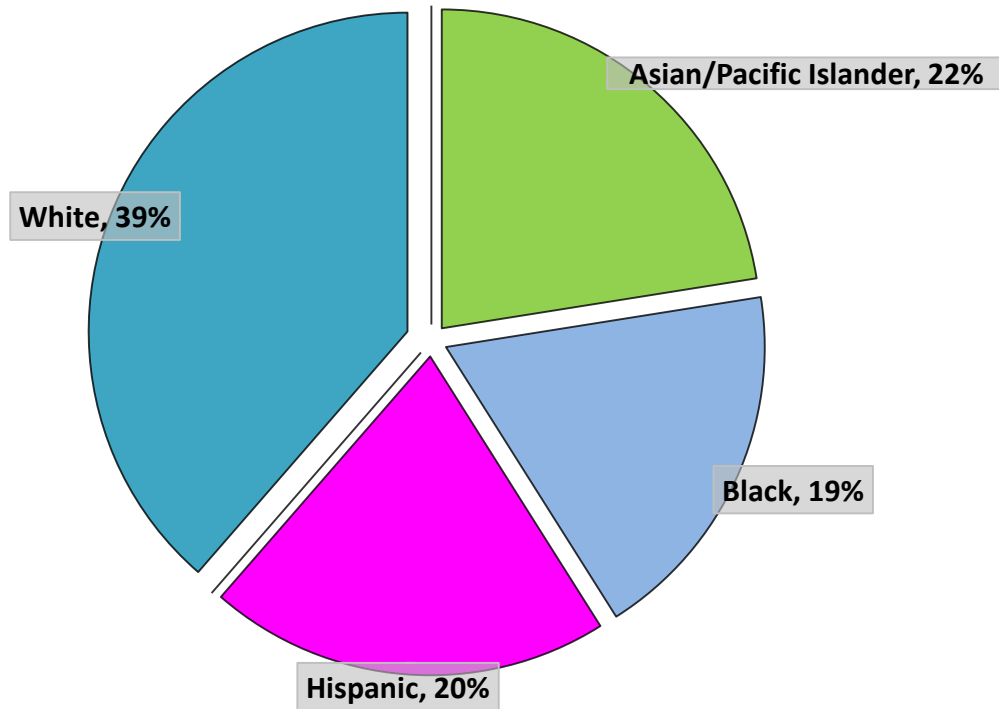
# Police Department Training



BART PD has been progressive in training our officers to be fair and impartial when policing:

- In 2012 we invited the founder of Center for Policing Equity, Dr. Phillip Goff, to provide training for our officers, *Reframing Officer and Civilian Interaction*.
- In 2013 we sent all of our Field Training Officers to *Fair and Impartial Policing* training through Dr. Lorie Fridell.
- In 2014 we sent police personnel to Kansas to become instructor certified to teach *Fair and Impartial Policing*. Our instructors developed a curriculum that was certified by California Peace Officer Standards and Training (POST). Our department conducted the training before it became a POST requirement.
- In 2015 all of our officers received *Fair and Impartial Policing* Training.
- In 2015 our *Fair and Impartial Policing* instructors also became certified as Racial Profiling instructors.
- Moving forward, all personnel who join the department are required to complete training, with a refresher course every two years.

# BART PD Organizational Demographics



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# Study through the Center for Policing Equity (CPE)



BART PD began its relationship with CPE in 2012, when CPE trainers conducted a workshop for our personnel. We later entered into a study with CPE.

- The study was voluntary on our part, we sought assistance from CPE
- In 2013 and 2014, CPE worked with BART to produce two reports entitled “Police-Initiated Stops for Fare Evasion in the BART System: Embarcadero, Powell, 12th Street and Dublin/Pleasanton Stations” (a preliminary report shared in June 2013 and an addendum to it shared in April 2014)
- In November 2015, BART PD began to share data with CPE as part of the National Justice Database (NJD)
- In 2017-2018, BART officers participated in focus groups in the course of CPE’s development of the COPS Guidebook, which was published in 2019
- CPE delivered a draft report of their findings to BART PD in December 2019
- BART PD is currently reviewing the draft and will respond to CPE by March 2, 2020
- We anticipate to have the final draft by early Summer 2020 and will share the findings with the Board

# CPE Research Premises

National Justice Database 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 policing across the nation:

1. Individual characteristics or behaviors that may lead to interactions with law enforcement, such as mental health challenges, homelessness, or participation in criminal activity.
2. Community characteristics such as poverty or high crime rates, that may result in higher rates of interaction with law enforcement.
3. Individual officer characteristics or behaviors. Some officers may view members of certain communities with a higher level of suspicion, resulting in a disproportionate rate of stops or more punitive disposition after the stop for these individuals
4. Departmental culture, law, or policy: institutional policies, practices, or norms may increase law enforcement contact with some members of the population more than others. For example, officers may be deployed to patrol some communities more intensively than others.
5. Relationships between communities and police: Mistrust of law enforcement can reduce community members' willingness to cooperate with police. Similarly, a sense that communities do not trust or respect police may cause officers to feel unsafe or defensive in some neighborhoods.

# California Racial and Identity Profiling Act (RIPA) – Assembly Bill 953



The bill requires each state and local agency that employs peace officers to annually report to the Attorney General data on all stops. Our department will be required to issue our first annual report by April 1, 2023.

Data we will be collecting:

- Date, time, and duration of the stop
- Location of stop
- Perceived race or ethnicity of person stopped
- Perceived gender of person stopped
- Person stopped perceived to be LGBT
- Perceived age of person stopped
- Person stopped has limited or no English fluency
- Perceived or known disability of person stopped
- Reason for stop
- Stop made in response to a call for service
- Actions taken by officer during stop
- Results of stop
- Officer's Identification (ID) Number
- Officer's years of experience
- Type of assignment of officer



# Local and Regional Government Alliance on Race and Equity (GARE)



BART is participating in the Government Alliance on Race and Equity (GARE) training series to systematically advance racial equity and advance opportunities for all.

GARE strategic emphases:

1. Support jurisdictions that are at the forefront of work to advance racial equity.
2. Build pathways for new jurisdictions to begin doing racial equity work.
3. Expand and strengthen local and regional collaborations that are broadly inclusive and focused on achieving racial equity.

# Local and Regional Government Alliance on Race and Equity (GARE) Cont.



We have district-wide representatives from eight departments who have committed to the year-long training.

Monthly training sessions will include:

- Skill Building and Strategy development
- Connecting with Impacted Community Members
- Peer-to-Peer Networking and Problem-Solving

# GARE Participants



## OIPA

Russell Bloom  
Patrick Caceres  
Sarah Celso

## Operations

Asiann Chan-Velasco  
Laurence Farrell

## Office of Civil Rights

Maceo Wiggins  
Emily Alter

## Government & Community Relations

Maisha Everhart

## Marketing & Research

Jill Buschini

## Communications

Anna Duckworth

## Human Resources

Najeebah Mpagazi-Spearman

## BART Police Department

Lieutenant Chris Vogan  
Sergeant Tania Salas  
Officer Darron Reese

## Transbay Crossing Project

Adrian Filice  
Sadie Graham

## Office of the General Counsel

Crystal Matson

# Continuing Progress



We acknowledge the data suggests there are disparities identified by the data and it is concerning to people. The BART Police Department also recognizes there are many interconnected contributing factors that play some role in producing these disparities, many of which are unable to be influenced solely by our Department and are instead issues that must be addressed by society as a whole.

With that being said, the BART Police Department is committed to continuing to be a progressive law enforcement agency that holds our personnel to the highest standards of policing with equity. As we move forward, we intend to:

1. Review and implement the recommendations from the Center on Policing Equity (CPE) report, which is expected in Summer of 2020.
2. Structure and implement data collection in compliance of the California Racial and Identity Profiling Act (RIPA) before April 2023.
3. Continue to train and reinforce best practices in fair and impartial policing throughout our Department.
4. Actively engage with the community and external stakeholders through programs like Government Alliance on Race and Equity (GARE), which will commence in March 2020.

# Questions