

DRAFT

BART Management Audit



Conducted by the
National Organization of Black Law Enforcement Executives (NOBL)

DRAFT

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Biographies



**National Organization of Black Law Enforcement Executive
[NOBLE]**

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Acknowledgments



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Chief Gary Gee	Lt. Kevin Franklin	Lt. Frank Lucarelli
Lt. Horace (Andy) Alkire	Sgt. Paul Garcia	Lt. William Schultz
Lt. Gary Cagaanan	Cmdr. William T. Gibson	Sgt. Keith Smith
Lt. John Conneely	Sgt. Glen Huff	Cmdr. Maria José White
Sgt. Marlon Dixon	Lt. Steven Langner	
Lt. Tyrone Forte	Lt. Aaron Ledford	



Introduction



INTRODUCTION

The **Bay Area Rapid Transit Police Department Management Audit** was conducted from June 18, 2009 to September 18, 2009. This audit reviews specific areas of the administration and operation of BART Police Department and compared it with international law enforcement accreditation standards. These standards, which are contained in the Commission on Accreditation for Law Enforcement Agencies Standard Manual [CALEA], contains the only set of standards approved by the law enforcement profession. Therefore, it is appropriate to use these standards as the primary measure of professional excellent for a law enforcement agency.

Each of the recommendations made in this audit were justified based on an established object measures of performance in the law enforcement profession. Therefore, each recommendation is justified based on one of the following four factors:

1. It is an international law enforcement standard;
2. It is an established recognized current best practice of the profession;
3. It is required to meet a legal mandate;
4. It is recommended based on a body of research; and/or
5. Agency-specific analysis. [Justification is based on agency analysis done in the study.]

The justifications provide the validation for why a recommendation is submitted to the agency for consideration. It is important to have an objective and factual justification as the basis for all operational and administrative recommendations.

In addition to each recommendation contained in this report, the agency is provided with the following additional information:

1. A brief overview of the current practice in the department regarding this issue; and
2. Some guidelines on how the strategy might be implemented.

Therefore, each recommendation in the report contains the following format:

1. The current department practice;
2. The commendation/recommendation being submitted;
3. The justification for the recommendation;
4. The guidelines for the implementation strategy; and
5. The Commission on Accreditation for Law Enforcement Agencies Standard number, if applicable.

The Fifth Edition Standards Manual for the Commission on Accreditation for Law Enforcement Agencies [CALEA] was the primary document used to make recommendations to the BART Police Department. In many cases, the wording used in making the recommendations is the identical wording in the standard because the recommendation in this case is based on this particular source document and should be implemented exactly according to that standard statement.



HOW TO USE THE BART PD MANAGEMENT AUDIT

It is recommended that BART Police Department develop a strategic plan specific to the recommendations made in this audit report. Each recommendation should be placed in one of following four categories:

1. high priority;
2. medium priority;
3. low priority; or
4. unable or not interested in implementing.

A stakeholders group of individuals from the community, city administration, police managers, line personnel, and civilian employees should be convened to rate each of the recommendations into one of the four categories. The agency should then develop its strategic plan to accomplish the high, medium, and low priorities based on their order of importance within 3 years.

- STEP 1 Identify a diverse management audit review stakeholders group.
- STEP 2 Have the management audit stakeholders group review the management audit.
- STEP 3 Rate each recommendation in the management audit and place in one of the four categories.
- STEP 4 Develop a strategic work plan to implement recommendations based on established priorities.
- STEP 5 Develop a follow-up feedback system to ensure accountability for staff responsible with timelines.



Profile



BART Police Management Audit

BART Profile

Bay Area Rapid Transit [BART] is a 104 mile rail system that serves four Bay Area counties: Alameda, Contra Cost, San Francisco, and San Mateo. It provides train service to people who travel between and within Bay Area cities, including San Francisco, Oakland, Berkeley, Fremont, Walnut Creek, Richmond, Concord, Pleasanton, and Millbrae. Average weekday ridership is 354,466 trips. BART has been in operation for 37 years.

BART Police Department Profile

The BART Police Department is comprised of 296 personnel, of which 206 are sworn peace Officers. The BART Police Department is responsible for securing the heavy rail system, parking lots and facilities.

The department has two labor unions which have collective bargaining rights. The Police Officers have a union and the supervisor's have a separate union to include the two Police Commanders. The only position in the department without bargaining rights is the Chief of Police.

Chief Gary Gee commands the department that is BART's sole law enforcement entity and provides the full range of police services. Chief Gee has approximately 42 years of Law Enforcement Experience; 36 of which are with the BART PD. Chief Gee was appointed Chief of the BART Police Department in December 2000.

The BART Police Department currently has fifteen (15) Officer Vacancies. Chief Gee recognizes the importance of maintaining a diverse workforce and are seeking qualified minority and/or female candidates to fill these positions. Chief Gee states he is committed to make every effort to seek, retain and promote qualified minority and female candidates.

The Officers, supervisors and even the Commanders are on 10 hour shifts, they work four days on and three days off and every six months Officers are allowed to pick their off days and shift preference based on seniority. The department is decentralized and Officers are allowed to report to one of the field office locations. Lieutenants are responsible for each Zone and making sure that the Officers at the decentralized location receives the necessary information.

retired and Chief Gee was appointed in 2000. In 2003, the organization changed to reflect a Chief, two Commanders and ten (10) Lieutenants'. According to the recent (2009) Department Organizational Chart (see appendix A), the Department is still operating under this organizational structure.

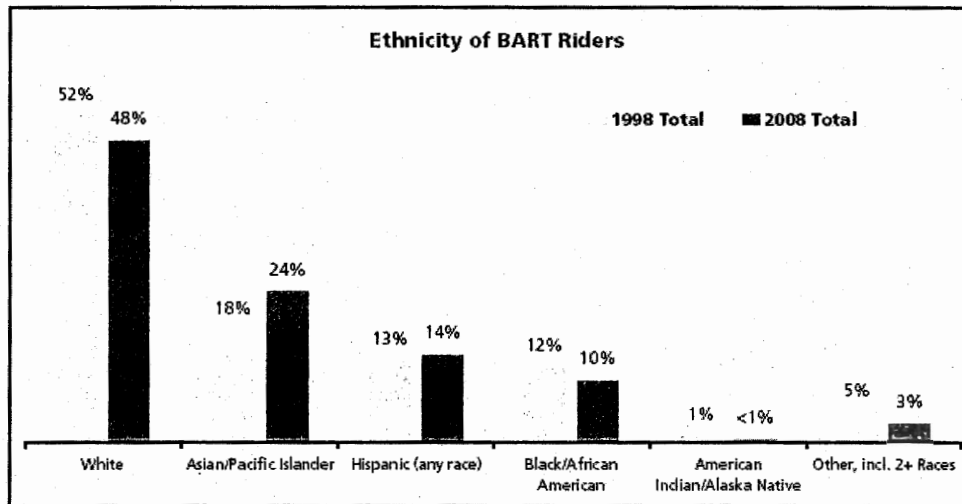
The department is organized by function. Commander Maria White supervises the Support Services Bureau. The Support Services Bureau is comprised of Criminal Investigations, Revenue Protection, Personnel and Training, Timekeeping and Payroll, Procurement, Warrants, Police Records, Vehicle Management, Administrative Records, Crime Analysis, Evidence Control, Parking Enforcement Administration and Asset Management.

The Patrol Bureau is commanded by William T. Gibson and is comprised of Uniform patrol, K-9, Plain clothes Operations, Communications 911 Center, Parking Enforcement and Traffic Control, Community Policing, Joint Terrorism Task Force, SWAT and Enforcement of Crime. The Patrol Bureau is decentralized into four geographical police zones, each with its own headquarters and field offices. Zone lieutenants are assigned the personnel, equipment, and resources to manage their respective police operations. The BART police facilities and field offices are in Oakland, Concord, Walnut Creek, Pittsburg, El Cerrito, Dublin/Pleasanton, Castro Valley, San Leandro, Hayward, San Francisco, Colma, and San Bruno where lieutenants, sergeants, Officers and community –service Officers report for duty. In addition to their regular duties, the Commanders and Lieutenants take on additional responsibility to include special teams and administrative functions (See appendix B).

Ridership Demographics

Ethnicity

The ethnic composition of BART's weekday customers has changed in the past ten years, as more report being Asian/Pacific Islander, while fewer report being White or Black/African American.



The 2008 ridership data shows that approximately 48% of BART riders are white, 24% Pacific Islander/Asian, 14% Hispanic, 10% Black and 3% other races (ridership data by county appendix c).

The Demographics of Sworn Officers for the BART Police Department show that 50% of the Officers in the BART Police Department are White/Caucasian, 18% Black/African-American, 16% Hispanic and 16% other. Of the total number of sworn Officers, 21 out of the 192 Officers are female.

2009 Sworn Officers BART Police

	Current Sworn Officers		Current Female Sworn Officers	
	#	%	#	%
Caucasian	96	50	8	38
African-American	36	18	7	33
Hispanic	30	16	4	19
Other	30	16	2	10
Total	192	100	21	100

2006 Sworn Officers BART Police

	Current Sworn Officers	Current Female Sworn Officers
Total	176	21

Crime Trends

The BART Police Department has experienced a 9% decrease in calls for service during the past three years. Also, the Officer on- View Incidents (self-initiated activity by BART Officers) has increased by 3%. The emergency response time goal for the BART Police Department is 4.00 minutes. The average response time is 3.89 minutes. Auto theft and auto burglary continues to be the most frequently occurring crimes both of which have experienced a dramatic increase. (Crime trend data for all Part I crimes for 2006-2008, appendix D)

Actions of Chief Gary Gee

Chief Gary Gee's related to this assessor after he was appointed Chief he had five Commanders and four Lieutenants'. In an attempt to save money he cut the five Commanders from five to two and increased from four lieutenants to ten. Chief Gee states he has asked for a Deputy Chief's position in the budget on three separate occasions, all requests were denied. Chief Gee feels his department would be more effective with the addition of this position.



COMMUNITY OUTREACH

Current Application or Practice: An extensive review of the departments programs, organizational charts, police and non-employee, Police Command staff and community interviews; it was apparent that although the BART Police Department participates in programs such as the Fruitvale Village Business meeting, the Joint Homeless Outreach program and the Youth Outreach Programs with the Martin Luther King Freedom Center (the department attended one dinner with a second dinner being planned), there does not appear to be a structured Community Outreach program. Although, there was no mention of any community outreach on the department's Organizational chart; in discussing this issue with several police employees it was discovered that the official Community Coordinator was the Commander of the Patrol Bureau. There needs to be a coordinated community outreach plan.

From the research conducted, the BART Police Officers individually participate and initiate community events but it appears the department as a whole, has not put enough emphasis on community programs until after the January 1, 2009 shooting incident at Fruitvale Station; which gives the impression that the department did not care about the community prior to the incident and now the department wants the community to accept their involvement; but the perception is that it's possibly too little too late, which has created a lack of trust regarding the sincerity on behalf of the department from the public of which it serves.

Recommendations/Implementation Strategy: The department needs to establish a coordinated Community Outreach Program with a clear champion. Law Enforcement Agencies (including transit agencies) have really effective Community Programs that the department should research and implement immediately in order to re-establish their presence and build community trust. Some examples of worthwhile programs that have served other agencies well are the Citizens Police Academy; a program designed to invite the public into your agency to provide a behind the scenes look at the department. Citizens attend a 10- week program and when the course is completed, the graduate can be used by the department in non-Law Enforcement duties as volunteers (filing, answering telephones etc.). SALT (Seniors and Law Enforcement Together) is a program to address the needs of your senior citizens community who utilize the transportation system. Seniors are given regular tips on how to ride the transit system without becoming a victim, where to sit on the trains and buses, should they take the elevator when it's just them and one other person? Seniors are advised of new scams that may be focused on them, new crime prevention strategies and monthly crime alerts on crimes occurring in their area. Another program is School Career Day events, fingerprinting kids at the local department stores on a Saturday and participating in the National Night out on Crime events, are all ways to build partnerships with the communities in which they serve. There are many more examples that this assessor can provide but without knowing the specific challenges of this department and any restriction the agency may have, this assessor would have to advise the Agency to access their needs and then reach out to those areas that may require the more immediate attention first and then expand their programs as needed.



Justification: CALEA 45.1.1 (b) *The agency's crime prevention function provides for targeting programs to address community perceptions or misperceptions of crime.*

CALEA 45.2.1 *The community involvement function provides the following, at a minimum; (a) establishing liaison with existing community organizations or establishing community groups where they are needed. (b) assisting in the development of community involvement policies for the agency; (c) publicizing agency objectives, community problems, and successes; (d) conveying information transmitted from citizens' organizations to the agency; (e) improving agency practices bearing on police community interaction; and (f) developing problem oriented or community policing strategies, if any.*

CRIME PREVENTION

Current Application or Practice: The department needs to develop Crime Prevention Programs for stations, trains, and parking lots. Employees and customers expressed concern over the lack of Police presence at the stations. Station Agents in particular advised they felt police should get out of their cars and actually come inside the station especially those stations identified as high crime areas.

Recommendations/Implementation Strategy: Automobile burglaries and bicycle theft appear to be some of the greatest crime challenges for the department at this time. The department should try alternative patrol strategies such as reinstating the bicycle patrol unit (it is the Audit Team's understanding that the department had an active bicycle patrol unit approximately 6-7 years ago) or segways; both provide a greater police presence and the customers are more likely to approach an Officer who's outside of a police vehicle. Also, informational flyers to be handed to customers alerting them of crime in the area.

The department needs to re-institute the Crime Prevention Officer function. During the 1990s, the department had a Crime Prevention Officer but that position was eventually removed from the budget in later years.

The Community Service Officer (CSO) positions need to be utilized for actual Community Outreach and Crime Prevention Programs in addition to parking citation monitors. According to the CSO job description created February 1, 2006, by definition states, "provides technical assistance to police personnel involved in safety and community service activities throughout the District". Their duties as outlined on page 2, # 5 states CSO's are to "assist in crime prevention presentations; advise patrons and community organizations on crime prevention programs and #6 states conduct surveys and inspections; conducts research studies, compiles statistics and analyzes data."

The department has a rare opportunity; they already have approximately thirty CSO's within the department at this time. An assessor met and interviewed several CSO's, they were very professional and presented themselves in a way that led me to believe that if properly trained to actually participate in community outreach and crime prevention activities with little or no



supervision. Most CSO's are college students working their way through school and taking full advantage of the authority's tuition reimbursement benefit.

The manner in which BART is utilizing this resource today; which is for parking enforcement and revenue generation, is inefficient and not the most effective use of the CSO's time. The Police Department should utilize the CSO's for more customer focused initiatives.

Justification: **CALEA 45.1.1** *The agency's crime prevention function provides for the following: (a) targeting programs by crime type and geographic area on the basis of crime data; (b) targeting programs to address community perceptions or misperceptions of crime; (c) and conducting a documented evaluation of crime prevention programs, at least once every three years.*

APTA Security Peer Assessment, May 1994 (pg. 7, para. 4) from previous recommendation. *"BART should review its crime trend indicators for the purposes of identifying those stations which are situated in potentially hazardous environments."*

CRIME PERCEPTION AND POLICE VISIBILITY

Current Application or Practice: The perception of Crime and Police Visibility remains an issue for the BART Police Department. This issue was one of the findings of the 1994 Peer review from APTA. The recommendation made was as follows: "Strategies need to be developed to impress upon the riding public the idea that police Officers are available and hold customer safety and security as their highest priority". They went on to say, "BART police Officers can increase their visibility through programs of heightened interaction with both the riding public and transportation personnel. These interactions will maximize the "felt presence" of BART police Officers, and will help send a strong message relating to transit crime deterrence/prevention".

Recommendations/Implementation Strategy: The BART Police Department underwent a peer review by the American Public Transit Association in May 1994. In reviewing their findings, it was evident that some of the observations made during the peer review were some of the same issues facing the department today, fifteen years later.

Some of the recommendations will be the same as stated earlier in this assessment regarding Crime Prevention strategies. Other more specific recommendations would be to develop clearly defined goals for the department, letting the employees and the customers know what they can expect while using the system. Establish a communications network with internal non-sworn employees within the authority and include them in major policy change discussions. Establish a Public Information Office within the Police Department, to become the face of the Police not the authority and is knowledgeable of what is going on and knows how much information to release and the appropriate time to release it. Having a Uniformed Police PIO will help the department get the word out to the public what BART Police is doing to make sure their safety is their first



priority. This person can also send positive messages to customers and potential customers concerning new community programs or crime prevention initiatives which will contribute to the overall Public perception that BART is indeed a safe and secure transit agency. Host a Meet BART Police Day once a month at a different station so that customers can interact with Police officials of all ranks and know that their concerns are being heard and quickly addressed. The BART Police should develop a survey instrument that specifically addresses issues related to the performance of the transit police department, so that the department will be able to monitor and gauge the needs of the customers. Once the results of the surveys are received a written summary should be provided to the Chief of Police.

The Audit Team would advise that the surveys be taken seriously. The results should be shared with the internal police command staff at the weekly supervisors meeting. These supervisors should be instructed to pass the information down to the Patrol Officers to ensure that they are made aware of the issues identified by the customers and seek the officers input on ways in which to change the behavior or improve the perception.

But just as important, they must provide immediate feedback to the customer that has the problem to assure them that their issue has been addressed immediately to garner support and trust. Develop relationships with other Law Enforcement jurisdictions for information sharing and to inform them on what BART Officers do (they may not know). Sponsor joint training classes at your agency to invite others into your agency. Develop a system of accountability for your Officers to ensure that department goals are being met. (i.e. Comstat models). If goals are not met, there should be consequences (disciplinary actions, re-training etc.) Train Patrol is one if not the most important function of a transit police Officer. It is the single most effective way to increase the sense of Officer Presence and it is what most customers say they can't have enough of. The department needs to establish a train patrol strategy to ensure that Officers are riding trains on a regular basis. It was pretty apparent during my on-site visits and the numerous interviews conducted, the desire to have Officers riding BART trains was a constant theme among non-sworn employees and the riding public.

Justification: **CALEA 45.1.1** *The agency's crime prevention function provides for the following: (a) targeting programs by crime type and geographic area on the basis of crime data; (b) targeting programs to address community perceptions or misperceptions of crime; (c) and conducting a documented evaluation of crime prevention programs, at least once every three years.*

CALEA 45.2.1 *The community involvement function provides the following, at a minimum; (a) establishing liaison with existing community organizations or establishing community groups where they are needed. (b) Assisting in the development of community involvement policies for the agency; (c) publicizing agency objectives, community problems, and successes; (d) conveying information transmitted from citizens' organizations to the agency; (e) improving agency practices bearing on police community interaction; and (f) developing problem oriented or community policing strategies, if any.*



CALEA 41.1.1 *The agency has a written directive which describes: (d) assignment to service areas. A uniform procedure helps to ensure impartiality in the process of assigning Officers to shifts and service areas. However, agency management should retain the final authority to assign Officers (i.e. train patrol) in order to provide effective coverage, ensure accountability, and achieve organizational goals and objectives.*

APTA Security Peer Assessment, May 1994 (pg. 4, para.2-3) the previous recommendation, *“Strategies need to be developed to impress upon the riding public the idea that police Officers are available and hold customer safety and security as their highest priority.”*

“BART police Officers can increase their visibility through programs of heightened interaction with both the riding public and transportation personnel. These interactions will maximize the “felt presence” of BART police Officers, and will help send a strong message to transit crime deterrence/prevention.”

APTA Security Peer Assessment, May 1994 (pg. 4, para. 5) the previous recommendation, *“the importance of employing a public information Officer within the BART Police Department cannot not be overstated.”*

APTA Security Peer Assessment, May 1994 (pg. 8, para . 2) the previous recommendation, *“Crime prevention/Awareness training currently given to police Officers and transportation personnel needs to be re-evaluated and critiqued.”*

APTA Security Peer Assessment, May 1994 (pg. 7, para.6-7) the previous recommendation, *“Transportation personnel and BART employees in general, need to be fully informed about police activities and successes, as well as, crime prevention and techniques, in order for them to realize and promote BART’s security program. The relationship between police and transportation personnel appears to be unclear, and thus needs to be strengthened and personalized. A mutual respect and productive interface needs to be developed.”*

Employee Interaction/Engagement

In order to have an effective external community outreach program, the agency must invest time in the Officers who serve within the BART Police Department.

Current Application or Practice: There is limited fact to face interaction with the Police Chief and Command Officers with the line personnel. The Officers stated that the Chief should have at least addressed the troops after the shooting incident to reassure them that he was supportive of them and that despite this one incident that he knew that they were doing a good job. Officers desire more interaction with the Chief and the Commanders that work under him.

Recommendations/Implementation Strategy: The department needs to develop clear communications plans for Officer interaction. Ranking command staff officers need to periodically attend shift briefings or hold town hall meetings for officers. The Chief needs to



have more interaction with the troops; face-to-face when possible but when he can't be there in person he could tape a video from him to the Officers keeping them informed on what's going on within the department. The Officers expressed a sense of detachment from the Lieutenants and above, especially the Chief. The need for Lieutenants to once again attend shift briefing is paramount. Sergeants are asked to brief Officers with limited to no updated information passed down from the pass along log that was completed by the previous shift's Sergeant.

Justification: CALEA 12.1.4 *A written directive establishes procedures for communication, coordination, and cooperation among all agency functions and personnel.*

CALEA 41.1.2 *A written directive describes the agency's method for shift briefing. The APTA Peer Review Assessment, May 1994. Pg. 3 1st paragraph, " In discussions with police personnel at various levels, the panel was able to ascertain that Officers at the patrol level felt that there was a problem with radio communications and "communications" in general with other operations units within BART, especially in terms of their understanding of what BART police's capabilities and mission were. "*

PATROL ZONE CONCEPT

Current Application or Practice: As part of the Patrol Zone concept, initiated by the BART Police Department prior to 2000 under the leadership of Chief Taylor. This recommendation came from the APTA peer review panel in 1994 stating that BART should "create police substations in the community that must always stay "open" to the public in order to provide information, assistance etc." They went on to recommend that "additional Officers, dispatchers and support staff will be required by the zone responsibility concept" (pg. 8-9). Based on this assessors review, the Patrol Zone concept as it is today is ineffective. In order for this concept to work, the items outlined above should have been in place. By not putting the necessary resources in place, the efficiency has been severely hampered. Also, it is a disservice to the community who wants to utilize the services of police Officers at one of these substations that say very visually "Police", they can't get any assistance and are simply instructed to call a number for help because there is no one there. Transit policing is a specialized type of policing where customer service is a paramount to what they do and it's what customers expect from transit Officers on a daily basis.

Recommendation/Implementation Strategy: It is recommended that the agency to reevaluate the Police Substation concept to see if this is still a viable option for the department. If it isn't, then that needs to be communicated to the public to advise them that due to whatever the circumstances are, the Police Substations will no longer be staffed and advertise alternate contacts methods for reaching the Police. Having the Police substations in the communities and not staffed creates a premises liability situation by presenting a false sense of security for your customers.



Justification: APTA peer review panel in 1994 stated that BART should “create police substations in the community that must always stay “open” to the public in order to provide information, assistance etc.” They went on to recommend that “additional Officers, dispatchers and support staff will be required by the zone responsibility concept” (pg. 8-9)

CALEA 41.1.1 *The agency has a written directive which describes: (d) assignment to service areas. A uniform procedure helps to ensure impartiality in the process of assigning Officers to shifts and service areas. However, agency management should retain the final authority to assign Officers (i.e. train patrol) in order to provide effective coverage, ensure accountability, and achieve organizational goals and objectives.*

ORGANIZATIONAL STRUCTURE

Current Application or Practice: The Organizational structure of the BART Police Department is ineffective. When the department gave up three Commander Positions after Chief Gee was appointed Chief in 2000 and the decision to have only two Commanders and ten Lieutenants was not a good one. The span of control for the Commanders is too large, especially for the Field Operations Commander. There is no way humanly possible for one Commander to effectively command nine Lieutenants with all of his other responsibilities.

Therefore, due to the lack of oversight provided by the Commander who is stretched too thin, the Lieutenants who are also stretched thin due to all of the extra administrative duties they are responsible for in order to fill the gaps from the loss of the three Commanders; results in a lack of accountability throughout the department. The administrative duties include processing Officer's time, which creates a lack of supervision of the Sergeants in the field and limited attendance at shift briefing. Also, this leads to a lack of productivity which hampers the efficiency of the operations division. The true victims then become the Officers and customers in which they serve.

Recommendation/Implementation Strategy: The agency needs to review the entire organizational structure to lessen the span of control for the Commanders and create additional positions to lessen the amount of headquarters administrative responsibility and allow the Lieutenants to go back to their zones and provide hands on instruction and guidance to the Officers in the field; when that happens, Officer productivity will go up and crime will usually go down. During the interviews with staff, we received a lot of really good feedback and a few recommendations from staff regarding the organizational structure. Additionally, prior to finalizing a revised organizational chart; the agency should ask for and then consider suggestions from other command staff. (Both suggestions are included in the appendix E and f section of the report). Unless there is an adjustment to the span of control, the agency will not have the accountability for the Officer's under their command. This change will create a more efficient, safe and secure system.



Justification: CALEA 11.3.2 *A written directive states that supervisory are accountable for the activities of employees under their immediate control.*

Agency-specific analysis by interviews and research, it was apparent that this organizational chart is not the most efficient for the BART Police Department.

POLICE RADIO COMMUNICATIONS

Current issue or Practice: An inspection was conducted of the BART Communication's Center. The radio room is currently situated at the Lake Merritt (Police Headquarters) location. The space is small and insufficient for the operations of a full service police department, which has a minimum staff of four dispatchers in the center at any given time. The department uses an 800 MHz Commuter-Aided Dispatch System. However, in order to have continuous two-way communications, Officers use their cell phones to contact communications center when the radio system is down. Currently, treasury employees (non-sworn), Community Service Officers as well as police Officers are allowed to access the communications center. The treasury attendants come in and out to sign for the keys to the Ticket Vending Machines. The communications center does not accept or deliver emergency messages, that responsibility is currently handled through the BART Information line. The Communication Center personnel keeps residential telephone numbers of every Officer on a rolodex; which was not current during my visit, however this same information is also kept on the computer which is updated by Human Resources. The duty roster of all police personnel is sent in prior to every shift however; the duty roster for the on-call detective was out of date by two months. The communications center also stated they currently do not have tactical dispatching plans.

Recommendations/Implementation Strategy: During this assessment, the Communications Center was in the process of relocating to a new location across the street from Police Headquarters'. The center was going to be a lot larger and would be able to comfortably accommodate all staff required for the efficiency of operations. The policy and procedures of the Police communications' center need to be reviewed and rewritten to address several serious issues involving items such as:

- 1) Access control: Communication Center houses sensitive information such as criminal and driver's histories for suspects etc., and should be kept in a secured environment; having personnel in and out to include Officers, if they have no valid reason to be inside the center should be restricted as well. The communications center should not be a place to hang out while waiting on a call. The treasury personnel that are allowed into the communications center to sign keys in and out for the Ticket Vending Machines should possibly identify another area inside of the Lake Merritt location.
- 2) Review Policies and Procedures for the Communication Center to ensure that they are on par with other communications centers of size and function. Issues such as updating Officers contact information are important. The agency needs to develop their own individual system to collect, maintain and update the commuter system. Having Human Resources to update employee information for police employees may not be the most effective way to ensure that if an emergency arises and Officers are required to be called in, their should be no doubt that the information is timely and accurate. Also, develop



tactical dispatching plans to be used in emergency situations which would require the sole use of a channel in ongoing crimes in progress or officer needs help calls.

Justification: **CALEA 81.3.1** *Security measures for the communications center are in place to limit access to the communications center to authorized personnel. Protective measures may include locating the center and equipment in areas providing maximum security, installing bullet resistant glass in areas of public access, and restricting access to the communications center.*

CALEA 81.2.5 *Communications personnel have immediate access to at least the following departmental resources: (c) residential telephone number of every agency member (g) tactical dispatching plans.*

CALEA 81.2.11 *A written directive specifies criteria for accepting and delivering emergency messages. Delivering emergency messages is a legitimate law enforcement function. However, guidelines should be established to define the types of messages to be accepted and delivered. APTA Security Peer Assessment, May 1994 pg. 8 para.6, prior recommendation: The current communications system along with Dispatching practices and procedures need to be evaluated.*



BART Management Audit Executive Summary



BART Management Audit Executive Summary of Major Recommendations

The following are some general conclusions that the NOBLE Study Team of consultants has drawn from its work on the BART Police Management Audit review.

1. ORGANIZATIONAL STATEMENTS

The vision, mission, major goals and core values needs to re-established to provide the future direction for BART Police. It is time to recalibrate the metrics of performance.

2. POLICY & PROCEDURE MANUAL

The general orders manual needs a total revision in format, process, and content. This should be based on international law enforcement accreditation standards.

3. TRAINING

BART PD needs to develop and implement a comprehensive pre-service, in-service, specialized and advanced training plan needs to be established in alignment with the BART Police mission.

4. EMPLOY PERFORMANCE STANDARDS

The supervision and accountability of employees needs to be established to ensure the mission and major goals of the agency are being achieved through effective employee performance.

5. PATROL PRIORITIES

Patrol Visibility on the BART trains and the stations is major concern to your constituency and to the crime control strategy of BART. Officers must ride the trains to achieve maximum visibility and access to BART customers. Officer presence at the stations and in the parking lots is also important. A. visibility on trains. B. visibility at stations. C. visibility in parking lots.

6. PERSONNEL SELECTION

The selection of personnel is the single most important factor in transforming the agency. A revision of the methods of personnel selection in hiring, promotion, and assignments consistent with achieving the BART Police mission would be beneficial.

7. COMMUNITY INVOLVEMENT

The BART Police department needs to develop and implement an on-going strategy for involving the community in assessing the quality and scope of police services. Developing a police advisory board, utilizing community surveys and involvement in community organizations are some of the methods which may be used to accomplish this.

8. CRIME CONTROL STRATEGY

The department needs to develop and implement a crime control strategy which measures its effectiveness in preventing, reducing, and solving crime. This needs to be measured and evaluated month to month and from year to year to determine who, what, when, where, why and how crime is being addressed by BART Police.



9. FACILITIES MAINTENANCE

The BART Police main office and some of its satellite facilities are in dire need of renovation or a new facility. The quality of these facilities as an effective working environment serves as a disabling factor for all the employing working in them. It creates the perception that the BART administration does not value their contribution to the BART mission.

10. JOB SATISFACTION

BART Police employees appear to enjoy a high degree of satisfaction in working for a transit police agency. There appears to be a high degree of alignment in type of services provided or needed and the desire to do that type of policing.

11. SHOULD BART HAVE A POLICE DEPARTMENT?

A transit police agency is highly beneficial in response to BART's decentralized environment and based on the quality of life issues in the communities it serves. Some of the reasons the answer to whether BART should have a police agency is most effectively responded to in the affirmative:

- a. Better responsiveness to calls for service;
- b. Higher degree of safety to all patrons;
- c. Understanding the goals of administration;
- d. Cohesiveness of response to client needs;
- e. Developing and implementing counter-terrorism strategies;
- f. Intelligence information gathering and sharing;
- g. Officer presence on the trains;
- h. Establishing police-community relations;
- i. The level of community crime;
- j. The volume of commuter traffic;
- k. Fare evasion and cashier stations; and
- l. Parking lot safety.

12. PUBLIC INFORMATION OFFICER

The establishment of a public information officer that works with the BART Administration PIO to more effectively respond to all media request for information and to draft press releases on all BART Police matters.

13. PROMOTION

BART PD needs to do a comprehensive revision of its management promotion process. This revision will include the addition of new promotional instruments and written policies which specify the qualifications for promotion. Additionally, BART should consider lateral entry for all management positions.

14. INTERNATIONAL LAW ENFORCEMENT ACCREDITATION

BART should require international law enforcement accreditation through the Commission on Accreditation for Law Enforcement Agencies. If the agency achieves accreditation and maintains accreditation every three years, BART Administration has the assurance that the PD is maintaining the highest performance standards in the law enforcement profession. Compliance with these standards are in the best interests of the community and the employees of BART PD.



15. DEPUTY CHIEFS JOB

BART PD should establish the job of Deputy Chief. There should be two positions in this job category, one for Operations and the other for Administration. This job should not be in a collective bargaining unit. It should be established as a full-time salaried position. The Police Chief will have the discretion to rotate the individuals from Operations to Administration so that they have the ability to gain experience in both areas. Candidates selected for these positions should be part of the organization's succession plan.

16. ALL HAZARD PLAN

The BART PD should develop an All Hazard Plan for responding to critical incidents, such as natural and man-made disasters. This would also include details for responding to civil disturbances, mass arrests, bomb threats, hostage/barricaded person situations, acts of terrorism, and other unusual incidents. This plan should also follow the Standard Incident Command protocol.

17. RACIAL PROFILING

The BART PD should collect data on all police officer contacts and citations or arrests to analyze to determine if biased-based policing is occurring by officers on the department.

18. USE OF FORCE

The agency should incorporate the various policies governing use of force into a single comprehensive policy to both reduce confusion and provide easy to find guidance in this critical area.

The agency's members should receive annual use of deadly force training and biennial less-lethal force training. Training should include the legal justification for the use of force, with a provision for tracking and mandating attendance for those that do not attend regularly scheduled training. The removal of personnel from any position requiring a firearm should occur when they fail to attend and achieve firearms qualification, until the member satisfies the Agency qualification requirements. There also should be a provision for tracking and mandating attendance at make-up training for those that do not attend regularly scheduled training. The agency should develop a written use of force testing instrument.

The agency should develop a reporting system that ensures all incidents involving the application of force, including leg sweeps, elbow jabs, punches, kicks or other weaponless force, are well documented and the salient facts surrounding the event noted. Serious consideration should be given to developing a separate use of force report that is completed when an incident involves the application of force; training in the proper documentation of use of force events is paramount.

A part of the use of force policy should include a response to the scene of any use of force incident by a supervisor requiring that the supervisor to conduct a documented review of the incident.

All officers and supervisory personnel should be trained on the importance of immediately notifying the communications center when a use of force incident occurs and the necessity of identifying and securing witnesses.

The process should include a charge requiring Internal Affairs to conduct an independent review



of all use of force reports and to make a separate finding in addition to tracking and recording use of force events. Additionally, the Training function should receive a copy of reviews or analysis so they are in a position to identify training needs or policy issues.

The agency should consider modifying its policy to provide for an "outside" agency to conduct the criminal investigation anytime an application of force by an officer results in death or serious bodily injury.

The agency should conduct an annual analysis of all use of force events. A review of incidents of force may reveal patterns or trends that could indicate training needs, equipment upgrades, and/or policy modifications.

19. CIVILIAN OVERSIGHT

BART should develop a model of civilian oversight which is most suitable to address the key concerns of the stakeholders regarding the issue of police accountability. Each model currently in use by law enforcement agencies across America has their strengths, weaknesses, and desired outcome. An effective oversight model should be properly staffed and funded, have the ability to conduct an investigation, and make appropriate recommendations for discipline. A civilian oversight entity should have independence while establishing and maintaining credibility with the community while working in a collaborative manner with BART PD. The following are NOBLE's major recommendations in the area of civilian oversight.

- a. All appeals should stop at the General Manager. The decision at that level is final. The Board of Directors is a policy making body of elected officials and should avoid issues of management oversight other than for the General Manager.
- b. The process of establishing an independent Citizen Oversight System for the BART Police Department should be developed at a pace sufficient for proper planning and should not be established solely because of the urgent and vocal demands of the community. The community may not like the end results because the system may be flawed as a result of establishing the policies, procedures and system too rapidly. The System must also be properly subsidized and carefully thought out and planned. The community should also be provided with monthly updates on the progress of the Civilian Oversight System.
- c. The Independent Police Auditor, members of the Citizen Board or Investigators should not be police officers or former law enforcement officers. They also should not be investigators. When police officers are part of Citizen Boards they can inadvertently function as or be perceived as a "Police Commission or Panel of Review". In fact, since recommendations shall be made about BART Police Officers' behavior and conduct, respected psychologists and sociologists might be considered to be members of the Citizen Board. For example, psychologists are trained to perform psychological research, testing and therapy. They can recognize aggressive, "hyper-vigilant" police officers. Sociologists study human social behavior. This shall be helpful when reviewing complex cases involving multiple complainants, witnesses and police officers.



- d. The BART Board of Directors should not appoint the Citizen Board directly. The Citizen Board should be free of politics and even the perception that they are influenced by politicians. If Board of Directors are politicians (or associated with politicians), appointment of Citizen Board members by politicians may appear impartial. Citizen Board members can be interviewed and hired by NACOLE, the California Human Relations Commission or another independent organization that Citizen Board members and Investigators should be established. The BART Board of Directors should select Citizen Board members from a list provided by NACOLE.
 - e. There must be a clear, dedicated funding source for the Citizen Oversight System. The source of funding should be determined now. A budget must also be established as well as an organizational structure.
 - f. Regular and consistent training must be provided to Citizen Board members. This training shall include familiarization with POST, the BART system, Operational Directives (especially Positive Discipline Policy or Disciplinary Code), Contract Agreements, Grievance Procedures, Due Process Policies and Internal Affairs policies and procedures.
 - g. Citizen Board members as well as the Auditor should have a relationship with local prosecutors (District Attorney) along with the Offices of the State Attorney General and the United States Attorney. Complainants allegations should be forwarded to the appropriate agency for action.
 - h. Recommendations for Corrective Action: Independent investigative findings made by the Office of the Police Auditor shall include recommendations for corrective action, up to and including termination where warranted and shall include prior complaints and their disposition. Discipline that is recommended shall be consistent with past practice and uniformly applied. Any discipline action initiated by the Bart Police Department will comply with the Positive Discipline System guidelines (e.g. Operational Directive #77), other appropriate guidelines and any labor agreements in effect. Every officer is entitled to Due Process. When the evidence does not support the allegations of misconduct, the Auditor shall recommend to the Citizen Board that the matter be dismissed. The Citizen Board shall have a simple vote to determine if the matter shall be dismissed. This process must be appropriately documented in writing and endorsed by the Auditor and each member of the Citizen Board. Proper notification must be made in writing to the complainant and the BART police officer regarding the disposition of the investigation.
- If the complainant wishes to withdraw a complaint, the Auditor shall forward documentation to the Citizen Board that is endorsed by the complainant. These procedures must be clearly communicated to all parties including the community.
- i. Time limits should be indicated throughout the policy. For example, "In a confidential personnel meeting, the Auditor shall submit his/her investigative findings and recommendations in writing to the Citizen Board for review within 60 calendar days.



Should the Citizen Board agree with the findings and recommendations, the report will be submitted to the Chief of Police for appropriate action within 10 calendar days. The Chief of Police shall implement the recommended action in accordance with the Positive Discipline guidelines, absent appeal.”

20. INTERNAL AFFAIRS

BART PD needs to a comprehensive revision of the Internal Affairs function. A written directive system should be developed and implemented which addresses the policies, procedures, and standards for conducting internal investigations. Additionally, the agency needs to develop and implement an early identification system. This is a computerized record system with specific benchmarks to indicate when an employee may be experiencing job-related difficulties to facilitate early intervention.

21. SWAT & TACTICAL TEAM

Our Review Team had questions about the establishment of a SWAT unit within the BART Police Department. We believe that the department, the General Manager, the Board of Directors, and the public should consider this issue.

While the unit seems to have its primary value and on-going function of the execution of high-risk warrants, its overall benefit needs to be evaluated against cost, value, and liability. Since the entire rail service area is contiguous with other jurisdictions with full service SWAT and hostage negotiation units, it might beneficial and cost effective to establish MOU's with each respective jurisdiction for SWAT, and possibly, high risk warrant service. However, to have a SWAT team available across all the respective jurisdictions with a counter-terrorism focus also has value. In a post-9/11 society, transit systems which have always been a high value community asset, have a greater degree of vulnerability.

Our sense is that tactical units are more the norm for similarly situated departments and, with the elimination of the SWAT unit, more resources might be devoted to this functionality. We would think that more senior experienced officers be assigned this kind of duty. However, the threat of terrorism to a transit system increases the value of a transit police SWAT team. **The agency should conduct its own analysis in this area to validate its decision.**

22. EARLY INTERVENTION

BART PD should develop and implement a computerized early intervention system. Early intervention is an effective strategy for preventing mitigating or solving potential employee problems. The concept is for management to identify, manage, or resolve employee problems in their early stages.

- a. Internal affairs case management software is available and should be employed to categorize investigations, officer behavior, discipline, developing trends and many others. In additional to serving as a repository for statistical data, periodic analysis can provide indicators that written policies may be deficient, deviant behavior may be prevalent, the number and kinds of disciplinary actions taken against an individual officer may be inordinate, or officers on the same shift or in the same unit may have developed a subculture contrary to the values of the department.



- b. The purpose of an early warning and intervention system is to track indicators that will identify patterns of officer conduct that fall outside of the norm. The indicators may show positive performance by an officer or it may show unsatisfactory behavior.
- c. This program will assist BART by identifying problem employees, identifying training needs, indicating the type of intervention required, and ultimately reducing misconduct.

23. DISCIPLINE

The Agency should consolidate the various discipline process general orders, directives, policies, and guidelines into a single Agency discipline policy to avoid confusion in applying and interpreting the disciplinary system.

The agency should adopt a more traditional police discipline system, and centralize the Employee Development Record [EDR] files. This would simplify discipline records review by supervisors, managers, and Internal Affairs. Numerous affordable computer software programs are available that can simplify this process.

Purging disciplinary matters in 90-days to a year or less does not provide for the proper and deliberate monitoring of problem employee behaviors or performance. The agency should consider significant modifications to the agency disciplinary system as the current disciplinary process does not provide for an effective Early Warning or Early Intervention program.

24. BART PD EMPLOYEE SURVEY [Respondents: 109]

The following is a general summary of the strongest responses received by BART PD employees to topics within the Employee Survey.

- a. The majority of employees indicated that their job motivation is low. [Question 1]
- b. Effective communication needs to be established by management with line personnel. [Question 2]
- c. The majority of employees desire increased involvement in decisions that affect them. [Question 3]
- d. The majority of employees believe there is a greater need for appropriate job-related training for personnel. The employees the following areas as those they deem most important [Question 8]:
 - i. Investigative Skills
 - ii. Current Law Changes & Effects
 - iii. Computer / Software Use
 - iv. Use of Force and Defensive Tactics [tie]
- e. The vast majority of employees believe that the organization should establish new organizational statements. Specifically, the agency should develop a new Vision Statement, Mission Statement, Core Values, and major Goals. [Question 3H]



- f. The majority of employees believe that the agency should develop and implement effective crime control strategies. [Question 3 P]
- g. The majority of employees believe that better equipment is needed. [Question 3 T]
- h. The majority of employees believe that there should be improvement to the promotional process. [Question 3 S]
- i. The majority of employees believe that there is a need for a comprehensive and contemporary general orders manual. [Question 2 N]
- j. The majority of employees believe that there is a need for increased supervision and accountability. [Question 3 L]

25. COMMUNITY SURVEY OF BART PD [Respondents: 1214]

The following is a general summary of the strongest responses received by community members to topics within the Community Survey.

- a. Respondents to the survey most indicated they ride 5 days a week. [Question 3]
- b. 48% of the respondents indicate they are satisfied with BART police services. [Question 4]
- c. 59% of the respondent indicate that the relationship between BART police and the community is Fair or Better. [Question 5]
- d. BART patrons indicated that the police patrol priorities should be [Question 9]:
 - i. Trains
 - ii. Stations
 - iii. Parking Lots
 - iv. Streets near BART stations
- e. The majority of respondents [62%] indicate that police presence on the trains has stayed the same or decreased. [Question 11]
- f. The majority of respondents [54%] indicated that police presence at BART stations has stayed the same or increased. [Question 12]
- g. The majority of respondents [71%] indicate that travel on a BART train is safe after dark. [Question 17]
- h. The majority of respondents [60%] indicate that they feel safe in a BART station after dark. [Question 18]
- i. The majority of respondents [58%] indicate that they feel unsafe in a BART parking



lot after dark. [Question 19]

j. The majority of respondents [59%] indicate that they have some or great confidence in the BART PD to prevent crime. [Question 20]

i. The majority of respondents would rate the overall performance of the BART PD as from Fair to Good [70%]. [Question 21]



Chapter 1

Culture



BART Police Management Audit

Topical Area: Culture

Issue: Police Advisory Board

Current Application or Practice: The BART PD does not have a Police Advisory Board.

Commendation or Recommendation: The BART PD should develop and implement a Police Advisory Board. The Police Advisory Board will be a proactive group which provides input and feedback to the agency on the quality and scope of police services. This group of volunteers will provide non-binding input and feedback on all proposed significant initiatives of the police department. This will ensure that the police department has input, feedback, and public support for any significant initiative before it is established as an organizational policy, procedure, or practice.

Justification: It is a law enforcement best practice for agencies to have Police Advisory Boards to ensure that decisions made by the organization are customer-centered. Since this is the community as the recipient of police services, they can provide assistance in developing and implementing more effective policies, procedures, and practices.

Implementation Standards: The agency should identify approximately 11 to 15 individuals from diverse backgrounds and experiences to serve as members on a Police Advisory Board. These individuals should serve for staggered terms in which three members rotate on and off during the same year, either ending or beginning a three-year term. It is encumbered on the agency to develop a Police Advisory Board model that is compatible for a transit agency.



Public Perception Related to BART Police

During the course of two on-site visits and telephone interviews, this assessor interviewed approximately 50 police employees, community leaders, non-police employees and customers in order to get a clear perception of the BART Police Department.

Although, it would be difficult to document all activities and conversations which took place; in general, the overall attitude of police personnel, community leaders, non-police employees and the riders was that the BART Police Department is not fulfilling their primary mission of protecting and serving the users of the BART system. Customers and the community stated that the BART Police leadership is detached and they would like to see more police Officers on the trains and stations. Overall, the BART system appears to be relatively safe, the perception of the system being unsafe prevailed. Transit systems all across the country deal with the perception of safety vs. the actual crime rate however, transit agencies have to be proactive and institute crime prevention programs to reverse the perception.

Interview Comments Overview

- After the shooting, Officers stated that morale was at an all time low, lack of trust within the department; everybody was involved in playing the blame game, talk of no confidence vote against the Chief by the Police Officers Association.
- Supervisors stated that Officer inspections of uniforms and equipment is a little loose and may not actually be conducted at this time.
- The shooting has affected the command staff by them having to work longer hours and more information request from Board Members of BART.
- Officers were subjected to ridicule and taunting after the shooting.
- Community Service Officers are not being used correctly, they should be allowed to actually perform true community outreach functions as opposed to be used to generate revenue by writing parking tickets.
- The community/customers would like to see Officers on the trains and in the stations as opposed to just riding by in the parking lots.
- Officers want more of a Command staff presence in the field. (Especially Lieutenants' who they say they never see since they are always in their offices handling administrative task.
- More support from Command staff.
- The Lieutenants' need to attend shift briefings. Feel that there is a disconnection with upper management.
- Need more training for all Officers' not just specialized Officers.
- The business community feels Officers need to be more visible, interagency coordination between BART and Oakland Police Department, more community involvement, wants BART to know that they are a part of the community.
- Need better facilities including Police Headquarters. Officers feel BART Management and Board Members don't care about them since they moved to the Lakeside facility and left them in a run-down asbestos infected building for a headquarters and police roll-call facilities in the stations are not much better.



- Officers in specialized units feel that rotating in and out of specialized positions every three years is counter-productive.
- The current organizational chart is ineffective and does not have any accountability. Want to go back to Zone responsibility to increase accountability.
- Very few female Officers get promoted. Department has a bias against females.
- Lack of leadership and direction at the top of the department.
- The department lacks vision.
- There are no expectations for the department.
- Wants the department to clarify training standards.
- The department is in a steady decline.
- Executive staff needs to work to get more respect from Line Officers.
- BART PD should encourage independent thinkers.
- Establish standards for promotions.
- No standards in discipline. Officers who commit the exact same violation will get different disciplinary actions. One may receive a suspension, while the other may receive a written counseling.
- Management should support supervisors.
- The department is reactionary and not proactive.
- The departments need succession planning to make sure all have knowledge of different areas of the department.
- The department needs a Chaplaincy program or peer counselors.
- Officers come from neighboring departments because it's less work, more money, a liberal vacation time policy and no pressure to perform.
- No uniformity among Officers' uniforms.
- Recruitment and retention is very good.
- They need an omnibus man (Just like the Oakland School District).
- BART can improve communications by publishing on the internet, newspaper and stations that this is how we are going to handle emergencies or disasters in the future, so that customers will know what to expect and what they need to do.
- Let the community be a part of assisting the department with establishing policies and procedures.
- The non-police employees state they do not see Officers inside the stations; sometimes for as long as the entire shift. Sometimes they have gone an entire week without seeing an Officer.
- Officers are not friendly or approachable. States Officers told them they could not get too close because they may have to arrest them at some point.
- No Officers in stations usually in parking lots only.
- When policies change, there is no communication to other front-line non-police employees.
- Police department has not trained other front line employees on anti-terrorism, awareness training or how to handle general emergencies.
- Officers are slow to respond to calls at the station or calls for assistance.
- Safety is a major issue for the non-police employees.



Chapter 2

Recruitment & Selection



BART Police Management Audit

Topical Area: Selection

Issue: N-A Agency's Organization Statements & Signatory Documents

Current Application or Practice: BART PD should use the following signatory documents as a condition of hiring to confirm a candidate understands the key professional and organizational philosophies and policies.

Commendation or Recommendation: Require essential signatory documents be signed by police officer candidates as a condition of employment. This is to ensure that they are compatible with both the professional and organizational philosophies and policies. The following is a list of recommended signatory documents which should be utilized by the BART PD.

1. Organizational statements which consist of Core Values, Vision Statement, and Mission Statement;
2. The Law Enforcement Code of Ethics;
3. Canons of Law Enforcement Ethics; and
4. The Law Enforcement Oath of Honor.

Justification: The law enforcement best practice to have potential police recruits sign signatory documents that validate their commitment to both professional and organizational philosophies.

Implementation Standards: The BART PD should take the professional Law Enforcement Code of Ethics and develop it into a signatory document to be signed by all prospective employees. It is also recommended that they utilize the currently adopted Canon of Law Enforcement Ethics and Oath of Honor as developed by the International Association of Chiefs of Police and create signatory documents for potential employees. The agency's current organizational statements should be developed into a signatory document to be signed by all prospective employees.

BART Police Management Audit

Topical Area: Recruitment & Selection

Issue: Recruitment & Selection Advisory Council

Current Association or Practice: BART PD does not have a Recruitment and Retention Advisory Council.

Commendation or Recommendation: The agency should establish a Recruitment and Retention Advisory Council whose members represent a cross section of private and public employees, community members, and stake-holders of those receiving BART PD law enforcement services.

Justification: *CALEA 31.1.1 A Key stake-holders, subject matter experts, private and public organizations can yield a wealth of information concerning effective practices in the recruitment and retention of law enforcement officers. These individuals or groups are also a good source for marketing and sharing information regarding recruitment.*

Implementation Standards: The agency should establish a diverse regional Recruitment and Retention Advisory Council.

BART Police Management Audit

Topical Area: Recruitment

Issue: Intentional Recruiting from Private & Public Organizations

Current Practice: BART PD employees currently actively participate in its recruitment program and seek qualified individuals from both the private and public sectors. However, the agency is not intentional in recruiting from current effective employees in the private and public sales and service organizations.

Commendation or Recommendation: Intentionally recruit from private and public sales and service organizations. Qualified individuals from private and public sales and service organizations can possess several qualities that make someone an effective law enforcement officer. The following characteristics which make someone effective as a law enforcement officer are also found among effective sales and service employees:

1. Integrity. The candidate has a high moral character in all matters private and public.
2. Service orientation. The candidate has a desire and commitment of service to others above self.
3. Interpersonal relations. The candidate has the ability to interact effectively with people.
4. Team compatibility. The candidate has the ability to work with others in a supportive manner to achieve the goals of the group.
5. Performance-driven. The candidate has the desire and motivation to be successful in achieving individual and group goals.

Candidates from private and public sales and service organizations who possess these qualities should be actively recruited for law enforcement positions.

Justification: CALEA 31.1.1 It is a law enforcement best practice to actively solicit the applications of qualified candidates who might not otherwise apply. This strategy can be highly effective if the agency has a flexible profile of the most effective candidates.

Implementation Standards: Identify private and public sales and service organizations from which to recruit qualified applicants based on effective job-related performance behavior.



BART Police Management Audit

Topical Area: Recruitment

Issue: Identification of Key Community & Business Leaders

Current Practice: BART PD does not intentionally identify key community and business leaders to develop relationships that will provide a potential pipeline of the most qualified candidates. Some networking is done unintentionally, but not in accordance with a specific plan to meet pre-established recruitment goals.

Commendation or Recommendation: Work to build strong partnerships with the community. Identify key community and business leaders to develop relationships that will provide a potential pipeline of the most qualified candidates. Suggested partnerships include the military, college and high school counselors, community-based organizations, student associations, public and private customer service organizations and other departments internal to the agency's jurisdiction. Build formal relationships between leaders in each organization and members of your recruitment team. Additionally, refer candidates that are not a good match for your agency to a more compatible organization, ideally a liaison agency for possible employment.

Justification: CALEA 31.1.1 The law enforcement best practice to build formal partnerships within segments of the community that either contain potential law enforcement candidates or that can help identify potential law enforcement candidates.

Implementation Standards: Identify staff within the police department to develop a community partnership organization strictly to assist BART PD with the selection of potential law enforcement officers. These partners must understand the flexible profile of an ideal candidate in the police officer selection process.



BART Police Management Audit

Topical Area: Recruitment

Issue: Flexible Profile of an Effective Police Officer

Current Application or Practice: BART PD has not developed a flexible profile on an effective police officer candidate based on a job-task analysis and distributed it to all recruitment section and all officers.

Commendation or Recommendation: Develop a flexible profile of an effective police officer by identifying the “most viable candidates.” BART PD should identify the knowledge, skills, abilities, education, training, behaviors, and traits that make an effective officer. This identifies a target upon which selection is based.

Justification: **CALEA 31.1.2** It is a law enforcement best practice to do targeted selection before you can effectively recruit a law enforcement officer. The agency must know what it is looking for in quality candidates. Advertising alone is not effective recruitment. Successful recruitment must be efficient and effective. When efficient and effectiveness are combined, the most appropriate selection tools are used for a smaller candidate pool.

Implementation Standards: BART PD needs to develop a flexible profile which describes the most desirable attributes as identified in this recommendation.



BART Police Management Audit

Topical Area: Recruitment

Issue: On-Going Studies of Recruits

Current Application or Practice: The agency currently does not analyze where recruit candidates come from and why they want to work for BART PD.

Commendation or Recommendation: Continue to conduct on-going studies on where police recruit candidates come from and why they want to work for BART PD.

Justification: CALEA 31.1.2 A law enforcement best practice to determine the geographic radius in which you are most likely to select law enforcement candidates. It is important to understand the organizational strength which draws recruits to your law enforcement agency. This is also important for the marketing plan and decision to brand your agency.

Implementation Standards: BART PD should develop and conduct a survey of all officers hired for the next three years to continue to analyze this information.



BART Police Management Audit

Topical Area: Recruitment

Issue: Analyze Recruitment Efforts

Current Practice: The BART PD is currently not analyzing their recruitment efforts based on the recommended benchmarks listed here. The department should analyze its recruitment efforts for future modification to increase its effectiveness and efficiency of future recruitment efforts.

Commendation or Recommendation: Analyze recruitment efforts. How much does your agency know about the success of past recruitment efforts and effective contemporary methods? Make an effort to better understand the agency, community, and the results of current and/or past recruitment efforts. Your research for example should provide an agency with information to aid in answering the following questions: Who is the ideal candidate? What job qualifications are compatible with the agency's needs? What advertising and other efforts are yielding the best results? What are the agency's demographics and how do they compare with the community served? What has attracted and kept existing staff? What were the geographical locations of current officers prior to being hired? Why do officers leave the agency? Are your pay and benefits compatible with similar agencies within the geographic area? How long does it take candidates to complete the selection process once begun? The answers to these and other relevant questions will impact recruitment planning, advertising, and strategies.

Justification: CALEA 31.2.2 It a law enforcement best practice to analyze recruitment efforts to determine both the success of past recruitment efforts and identify effective contemporary methods.

Implementation Standards: BART PD should review the recommended benchmarks for analyzing the recruitment efforts and determine which of these can be effectively implemented.



BART Police Management Audit

Topical Area: Recruitment

Issue: Develop and Implement a Recruitment Plan

Current Practice: BART PD currently does not have a recruitment plan. It is recommended that the agency develop a recruitment plan to respond to all the issues identified in the recommendations made here.

Commendation or Recommendation: Develop and implement a recruitment plan. The purpose of a recruitment plan is to capitalize on the strengths of an agency, identify potential opportunities, and identify and mitigate the weaknesses and threats, where possible, in order to position the agency to accomplish its recruitment goals. The recruitment plan should address the questions of who, what qualities, where, why and how your agency will achieve its recruitment goals. An agency should have recruitment goals and plans for a three to five year period. The question must be critically asked how important is recruitment, particularly in relation to identifying minority candidates? If important and a priority then sufficient resources should be allocated. How many candidates will be hired? What diversity needs exist? How many recruiters will be needed to reach these goals? How much money will be allocated? Where are the use of resources most effective? How and to whom should you market? What local agencies and leaders can be partnered with to identify qualified candidates? An effective strategic recruitment plan will require the involvement of the entire agency and a thorough comprehensive analysis. Find ways to speed up the recruitment and testing process because the best candidates left in the hiring process too long will be hired elsewhere.

Secure the right screening tools to help identify the best candidates. Consider employing a “Pre-Qualifying Questionnaire” that will provide an opportunity for people to withdraw if they have disqualifiers in their background. Train evaluators in candidate selection. The selection process should be geared toward assessing candidate’s suitability for the agency if not for the position for which they have applied, then for referral elsewhere.

Justification: CALEA 31.2.2 It is a law enforcement best practice for an agency to have a recruitment plan. This plan answers the following questions at a minimum:

1. What is the identification of recruitment goals and within what time span?
2. How important is recruitment?
3. How many people need to be hired annually?
4. What diversity needs exist?
5. How many recruiters will be needed to reach these goals?
6. What strategies will be used to effectively recruit candidates?



An effective recruitment plan will involve internal and external stakeholders in its development and implementation.

Implementation Standards: The agency needs to identify all key stakeholders regarding the development of a recruitment plan. An officer in the department should be identified to facilitate the accomplishment of this task.



BART Police Management Audit

Topical Area: Recruitment

Issue: Application Process for Out-of-Town Candidates

Current Practice: BART PD currently does not actively recruit police candidates from out-of-state or out of the region. Therefore there is not a process which is advertised or designed to be completed within two visits to BART PD.

Commendation or Recommendation: Do not require more than two round-trip visits to complete the entire application process for out-of-state police officer candidates.

Justification: **CALEA 31.3.1** It is a law enforcement best practice for metropolitan law enforcement agencies to recruit qualified candidates out-of-state. If this methodology is advantageous, then agencies need to limit candidates' visits to not more than two round trips. Any additional trips become cost prohibitive to potential candidates.

Implementation Standards: BART PD should set up a selection process for out-of-state candidates not requiring more than two round trip visits.



BART Police Management Audit

Topical Area: Recruitment & Selection

Issue: Contact Maintained with Applicants

Current Application or Practice: BART PD does not have a written policy that indicates “Contact is maintained with applicants for all positions from initial application to final employment disposition.”

Commendation or Recommendation: Contact is maintained with applicants for all positions from initial application to final employment disposition.

Justification: Commission on Accreditation for Law Enforcement Agencies mandatory standard. Recruitment and Retention Best Practices Update April 2006.

Implementation Standards: Applicants should be periodically informed of the status of their applications. Applicant contacts should be documented and logged. The agency should consider technological resources for maintaining contact with applicants.



BART Police Management Audit

Topical Area: Recruitment

Issue: Customer-Focused Hiring Philosophy

Current Application or Practice: BART PD currently is not intentional in providing candidates access to the recruiters and schedules meetings with them when appropriate. The department currently does not address the other recommendations identified here regarding a customer-focused hiring philosophy particularly completing the selection process within 90-120 days.

Commendation or Recommendation: Adopting a customer-focused hiring philosophy through personalizing the recruitment process by:

- Developing a database to facilitate tracking candidates through the process
- Assigning a recruiter to each candidate through the process and have the recruiter make regular contact by phone or email with the candidate
- Providing candidates access to the recruitment team
- Scheduling meetings when appropriate
- Mentoring candidates
- Surveying recruits after the process to obtain feedback to improve the process
- Ideally complete the entire selection process within 90- 120 days

Justification: **CALEA 31.3.3** It is a law enforcement best practice to both track recruit candidates throughout the selection process and have them completed in less than 90 days. A California survey of 850 police recruits indicated that two primary concerns were not having a personal contact with a recruiter or a specified time to complete the process.

Implementation Standards: The department should review the recommended benchmarks to determine which of these may be effectively implemented.



BART Police Management Audit

Topical Area: Selection

Issue: Behavioral-based Job Interview

Current Application or Practice: BART PD is currently not utilizing behavioral-based interview questions during the police officer job interview. The behavioral-based interview process ensures that questions are job-related and are scored according to pre-determined job-related dimensions.

Commendation or Recommendation: **Conduct a Behavioral-based Job Interview**

Behavioral-based oral interviews are recommended. Interview questions must be based on job-related knowledge, skills, abilities, behaviors, and traits. The following principles should be followed when conducting behavioral-based interviews.

1. Behavioral-based interviews function on the understanding that past performance is the best indicator of future performance.
2. The behavioral-based interview will compare the candidate's past performance with the criteria identified for job success, and assist in determining if a candidate has the requisite skills and abilities.
3. All interview questions must be job-related and valid.
4. Training is required for the individual developing job-related questions and participating in an oral interview board.
5. All persons evaluating the interviewee should be provided with information on properly evaluating the candidate's responses in comparison to effective job-related behaviors.
6. Behavioral-based interview questions should be modified or updated as knowledge, skills, abilities behaviors and traits for the job changes.
7. Prior to conducting an interview questions should be developed based on a job analysis and must be standardized for all candidates.

An essential purpose of any oral interview is to evaluate the candidate's suitability for the target job. This can only be done effectively if the interview questions are both job-related and reliable.

Justification: CALEA 32.1.2 In the human relations profession, behavioral-based interview questions are considered to be the most valid and reliable method for conducting job interviews. Due to the high degree of validity, these questions are able to withstand a potential challenge by a candidate.

Implementation Standards: Use a job-task analysis to develop behavioral-based job interview questions.



BART Police Management Audit

Topical Area: Selection

Issue: Writing Component

Current Application or Practice: BART PD currently does not evaluate a candidate's written communication as part of the police officer's selection process.

Commendation or Recommendation: Develop a writing exercise component as part of the application process to assess written communication skills. A written communication standard should be set.

Justification: CALEA 32.1.2 It is a law enforcement agency best practice to identify and select candidates with the best written communication skills. Since the law enforcement job is writing intensive, effective written communication skills are a pre-hire qualification. It is recommended that qualified candidates with the best written communication skills be selected.

Implementation Standards: BART PD should develop a written communication exercise for all law enforcement officer candidates and make it part of the selection process.

BART Police Management Audit

Topical Area: Recruitment

Issue: Orientation for Recruit's Family

Current Application or Practice: BART PD does not currently have family members of the police candidate complete an interview form. It should consider also inviting family members into the process. It is recommended that the department use any or all of the recommended ideas listed here to enhance the atmosphere of recruitment.

Commendation or Recommendation: Expose recruit's family to law enforcement culture/family orientation. Exposing candidates and family members to the agency can provide a sense of the agency's culture and family orientation. There are a variety of ways to do this, such as:

- Invite families to "Know Your BART Police" at neighborhood meetings
- Develop printed recruitment materials for distribution in various languages
- Stage an Open House for candidates and family members
- Allow family ride-a-long opportunities
- Allow job shadowing (such as watching dispatchers) for family members
- Have family attend an academy orientation
- Schedule department family-oriented meetings where officers, their spouses, and other family members share their experience and answer questions
- Include family in Swearing-In Ceremony (if not doing so already)
- Provide interpretive services at meetings where the candidate's family members do not speak English

These steps demonstrate the agency's interest in both the candidate and family members.

Justification: It is law enforcement best practice to involve family members of the police candidates into the process. This allows for a more personalized and, therefore, more effective recruitment and retention of potential candidates.

Implementation Standards: Determine how many of these ideas can be developed and implemented to expose the recruit's family to the law enforcement culture.



Chapter 3

Training



TRAINING

“Training has often been cited as one of the most important responsibilities in any law enforcement agency. Training serves three broad purposes. First, well-trained officers are generally better prepared to act decisively and correctly in a broad spectrum of situations. Second, training results in greater productivity and effectiveness. Third, training fosters cooperation and unity of purpose. Moreover, agencies are now being held legally accountable for the actions of their personnel and for failing to provide initial or remedial training.

Training programs should ensure that the needs of the agency are addressed and that there is accountability for all training provided. In particular, training should be consistent with the agency's mission and values as well as its goals and objectives. Agency training functions should be the responsibility of the training component, which should be accountable for developing and administering training programs. Program development should provide for input from several sources, including agency personnel in general, a training committee, the inspections function, and, most importantly, the agency's chief executive officer.”¹

External stakeholders should also be substantial input and participation in the development and implementation of the Training Programs of the agency. The governing board, the ridership and the communities in and around BART facilities must play an active role in the establishment and development of training curricula.

Every well functioning law enforcement agency is founded on good up-to-date written policy. The agency training program reinforces policy by introducing it to all employees and periodically reminding each employee about policy changes and ensuring that, in high liability areas, employees are well versed and competent. Good supervision ensures that the practices of the agency are carried out in accordance with both policy and training, thereby establishing accountability.

Our examination of the BART Police Department Training looks at each phase of their training, ensuring that it meets California POST Requirements, conforms to national “best practices” and supports the mission and goals of the Bay Area Rapid Transit System and the BART Police Department.

We also reviewed the administration of the training function within the BART Police Department. This portion of the review looks specifically at the management of the training function, how choices are made about the training, the personnel devoted to the management of the training function and the record keeping and reporting requirements of the agency.

A few general comments concerning several issues relating to the training function are presented before we discuss specifics. These global issues are meant to be thought provoking.

Several of these issues are not addressed specifically in our review and may, in some cases, require further discussion and analysis prior to definitive decisions being made by the BART

¹ The Commission on Accreditation for Law Enforcement Agencies, Inc., Chapter 33.



Board of Directors, The General Manager and the Police Chief. Some of these decisions will need airing before a larger audience that includes employees, riders and stakeholders. Some offer cost savings opportunities while others may require the expenditure of funds.

Overall, we find that the Field Training that the BART Police Department provides to be a very solid program that deserves praise. We do, however, also find several areas in need of significant assistance and re-direction.

Policy

While the written directive system is discussed in detail elsewhere in the report, its relationship to the training system deserves our attention.

Our reviewers found the directive system woefully out of date and inadequate for a modern law enforcement agency. Most general orders had not been updated in five years or more. Training curricula should match and reinforce policy. If policy is not regularly updated and made current, it is doubtful that training materials that are meant to reinforce those same policies and procedures will be accurate.

Recruit Training

At BART, every law enforcement officer is trained at one of the California POST academies and may enter service as a recruit officer or may enter laterally as a certified law enforcement officer with previous experience with another California agency.

As a part of the recruiting effort, a strategic plan should be developed that sets out specific hiring goals of the organization. There are dynamic issues related to the hiring of new employees without prior police service versus hiring those with experience at another law enforcement agency. There are good and valid reasons for preferences in the type of new employees brought into the organization and their placement in the agency.

Goals and plans for the recruiting of a new officer, versus an experienced officer, should not be a product of "casting a wide net" and hiring those that choose BART but ought to be based on the choices that best serve the BART Police Department, its mission, its goals and the future of the organization.



BART Police Management Audit

Topical Area: Training

Issue: Training Committee

Current Application or Practice: The agency currently has no established training committee that assists in the development and evaluation of training needs and serves as the focal point for input from all units of the department.

Recommendation: The agency does not have a representative group looking at the department's "big picture" as it relates to training and career development.

The department should establish a Training Committee and develop a written policy to outline the composition of the committee, the duties and responsibilities of the committee and its members, the meeting schedule for the committee and designate the chairperson of the committee.

Justification: CALEA 33.1.1 *A written directive establishes a training committee in the agency and includes provisions for the following:*

- a. composition of the committee;*
- b. the process for selecting and replacing committee members;*
- c. the relationship of the training function to the committee;*
- d. authority and responsibilities of the committee; and*
- e. designation of the person or position to whom the committee reports*

Implementation Strategy: Develop a Training Committee that represents all of the major units of the agency. Charge the committee with establishing a prioritized listing of training programs and courses for the department.



BART Police Management Audit

Topical Area: Training

Issue: Training Attendance Requirements

Current Application or Practice: The agency currently issues training orders which are directed to specific employees or the department as a whole. The individual training orders provide advisories concerning attendance; documentation, make up training and notifications, etc. The department, however, has no established written directive detailing the standard provisions for these procedures. The current procedures are outlined in Operational Directive #5, "Reporting of Absences Due to Illness."

Recommendation: The department should establish a written directive that governs training attendance requirements.

Justification: CALEA 33.1.2 *A written directive governs attendance requirements for employees assigned to authorized agency training programs.*

The directive should contain a comprehensive set of guidelines for employees to follow when attending authorized agency training for both internal and external training.

Implementation Strategy: Develop a written directive that includes provisions for employees attending applicable training programs. The policy for this procedure is significant enough to be in a permanent departmental policy. The reference to a Operational Directive that is titled, "Reporting of Absences Due to Illness" does not lend itself to ready reference to issues relating to authorized agency training.

We would recommend a comprehensive directive on Training where all of these kinds of provisions were covered.



BART Police Management Audit

Topical Area: Training

Issue: Training Reimbursements

Current Application or Practice: The agency currently issues training orders which are directed to specific employees or the department as a whole. The individual training orders provide advisories concerning attendance; documentation, make up training and notifications, etc. The department, however, has no established written directive detailing the standard provisions for these procedures. The current procedures are outlined in Operational Directive #5, "Reporting of Absences Due to Illness."

Commendation or Recommendation: The department should establish a written directive that governs reimbursement to employees attending applicable training programs.

Justification: *CALEA 33.1.3 A written directive governs agency reimbursements to employees attending training programs in or outside the agency service area.*

The directive should describe the conditions under which reimbursement may be provided for mileage, meals, housing, fees, books, or materials for training programs conducted in or outside the agency's service area.

Implementation Strategy: Develop a written directive that includes provisions for reimbursements to employees attending applicable training programs. The policy for this procedure is significant enough to be in a permanent departmental policy. The reference to a Operational Directive that is titled, "Reporting of Absences Due to Illness" does not lend itself to ready reference to issues relating to reimbursement for outside training.

We would recommend a comprehensive directive on Training where all of these kinds of provisions were covered.



BART Police Management Audit

Topical Area: Training

Issue: Lesson Plans

Current Application or Practice: The BART Police Department has recently begun to regularly submit lesson plans to California POST for certification. Prior to this, lesson plans were not routinely or regularly submitted to POST and were taught as “in-house” courses.

Recommendation: Courses that are developed within the BART Police Department should routinely be sent to POST for certification.

Justification: CALEA 33.1.4 *The agency requires lesson plans for all training courses conducted by the agency, to include:*

- a. a statement of performance and job-related objectives;*
- b. the content of the training and specification of the appropriate instructional techniques;*
- c. a process for approval of lesson plans; and*
- d. identification of any tests used in the training process.*

The development of lesson plans should ensure that the subject to be covered in training is addressed completely and accurately and is properly sequenced with other training materials. Lesson plans establish the purpose of the instruction, set forth the performance objectives, relate the training to critical job tasks, and identify ethical considerations related to the topic.

Consideration should be given to the relevance of training courses to the organization's mission and values.

The lesson plans should also include references, teaching techniques (lecture, group discussion, panel, seminars, debate), relationships to job tasks, responsibilities of the participants for the material taught, and plans for evaluation of the participants.

Implementation Strategy: We were told that the process for submitting lesson plans to POST was manual and very cumbersome. Therefore, the Department typically developed new lesson plans and delivered them without POST Certification. Now that the process has been automated and can be completed online, the majority of the courses developed by BART Police staff should qualify for POST certification and the training records documented in each individual's POST Profile on the Electronic Data Interchange (EDI) System.



BART Police Management Audit

Topical Area: Training

Issue: Remedial Training

Current Application or Practice: The BART Police Department has no directive specifically outlining policies and procedures for the delivery of remedial training nor methods for objectively assessing the need in its employees.

Recommendation: Develop and publish a directive establishing agency policy concerning remedial training.

Justification: CALEA 33.1.5 *A written directive establishes agency policy concerning remedial training.*

The directive should include the circumstances and criteria used to determine the need for remedial instruction, the timetables under which remedial training is provided, and the consequences of participation or nonparticipation by the affected personnel. The directive should recognize the uses of remedial instruction in other than recruit training and should comment on the relationship between the inspections and training functions.

Implementation Strategy: We have noted the need for a Training Committee. This item should be included in those being considered by the Committee. This is an issue that is often overlooked by many departments but is certainly addressed by the most progressive. While the recommendation calls for a specific directive to address remedial training, the issue could just as easily be addressed in a comprehensive directive devoted to all or most of the Department's Training agenda.



BART Police Management Audit

Topical Area: Training

Issue: Written policy describing procedures for documenting training and recording the trainee's participation in the training program.

Current Application or Practice: While training orders specify the guidelines to be followed by the instructor, supervisor or participant following training attendance, no directive exists which outlines these policies and the procedures that should be followed for each of the possible training scenarios that an employee might encounter.

Recommendation: Develop and publish a directive establishing agency policy concerning the documentation remedial training.

Justification: *CALEA 33.1.6 A written directive requires the agency to update records of employees following their participation in training programs.*

Commentary: As personnel complete training programs, the date of the training, the types of training received, any certificates received, attendance, and test scores should be recorded for each trainee.

Implementation Strategy: As we have mentioned in several other recommendations, a comprehensive directive that speaks to the policies and procedures associated with both internal and external training needs to be established. There should be a central and easy to find reference for most, if not all, of the agency and individual guidelines associated with the training function.



BART Police Management Audit

Topical Area: Training

Issue: Updating Training Records

Current Application or Practice: The current system of updating individual training records is wholly inadequate. Records are recorded in three separate databases. The POST EDI system is the most reliable and accurate but much of the Department's training over the past few years was not POST Certified.

The "G Drive," which is a partitioned drive in the Department's intranet, is devoted to roll call training conducted by field supervisors. This is often video based training. Supervisors list each employee who participated in the training in the drive.

The TMS System is a public safety training software program. Records must be individually entered. At the BART Police Department, these records are incomplete and data entry is backlogged largely due to the difficulty associated with entering records. The system is slow and difficult to work with.

Recommendation: The agency needs to undertake an evaluation and analysis of the Training Record system.

Justification: CALEA 33.1.7 *The agency maintains records of each training class it conducts to include, at a minimum:*

- a. course content (lesson plans);*
- b. names of agency attendees; and*
- c. performance of individual attendees as measured by tests, if administered*

The intent of the standard is to ensure that the agency documents the nature of the instruction, the identity of those attending the sessions, and the performance of the attendees. The standard would be satisfied in part by maintaining on file the lesson plans used by the course instructors

Implementation Strategy: At a minimum, we would suggest that the TMS be replaced with a commercial database that could be designed and maintained by the BART Police Department. We support the effort to place more training records in the EDI system but recognize that the department must also maintain a separate database for its training that is not POST certified. We would also suggest that the department only maintain one in-house repository rather than two.



Recommendation: Every instructor/monitor should complete a roster of attendees and have each participant sign the roster which will certify completion of the instruction. The form should be sent to Training where the information should be entered into each participant's training record and the sign-in sheet stored in accordance with records retention standards.



BART Police Management Audit

Topical Area: Training

Issue: Relationship with outside training facilities and academies.

Current Application or Practice: Much of BART Police Department's training takes place at outside academies and the guidelines for attendance, transportation, payments, allowances and time are contained in training orders and, to some degree, in Operational Directive #5, "Reporting of Absences Due to Illness."

Recommendation: Consolidate the policies and procedures relating to training in one directive.

Justification: *CALEA 33.2.4 If agency personnel are trained in an outside academy, a written directive governs the training to be received by agency personnel regarding agency policies, procedures, rules, and regulations.*

In addition to the training and skills taught at an outside academy, the agency should provide instructions in policies and procedures that are specific to the agency. The written directive may provide for such training at the outside facility or after the personnel return to the agency following completion of training

Implementation Strategy: These provisions should be incorporated into a comprehensive directive covering specific guidelines for the department's training program.



BART Police Management Audit

Topical Area: Training

Issue: Field Training

Current Application or Practice: The BART Police Department requires that every new officer successfully complete their Field Training Program.

Commendation: Despite the ability to waive the field training requirement for lateral entry officers, the BART Police Department puts each new officer through the entire program.

Justification: CALEA 33.4.3 *A written directive establishes a field training program for all newly sworn officers with a curriculum based on tasks of the most frequent assignments with provisions for the following:*

- a. field training of at least four weeks for trainees, during and/or after the required classroom training;*
- b. a selection process for field training officers;*
- c. supervision of field training officers;*
- d. liaison with the academy staff, if applicable;*
- e. training and in-service training of field training officers;*
- f. rotation of recruit field assignments;*
- g. guidelines for the evaluation of recruits by field training officers; and*
- h. reporting responsibilities of field training officers.*

The goal of field training is to provide recruit trainees with "on street" experiences following the completion of classroom training as required in recruit training. A minimum four-week period permits time for rotation of recruits among the various training activities and objectives with which they may be familiar. In some cases, field training may be presented at intervals as part of a logically coherent classroom training program. Here, training is managed by providing classroom training followed by a short segment in the field to provide the trainee with "on street" experience in those curricular areas just covered in the classroom.

California POST Administrative Manual

Section B – Regulations

B-6d

1004. Field Training Program

(a) Program Requirements: Any department which employs peace officers and/or Level I Reserve peace officers shall have a POST-approved Field Training Program. Requests for



approval of a department's Field Training Program shall be submitted on POST form 2-229 (Rev. 04/02), signed by the department head attesting to the adherence of the following program requirements:

- (1) The Field Training Program shall be delivered over a minimum of 10 weeks and based upon the structured learning content as specified in PAM Section D-13.
- (2) A trainee shall have successfully completed the Regular Basic Course before participating in the Field Training Program.

(b) Program Exemption: A department may request an exemption of the Field Training Program requirement if:

- (1) the department does not provide general law enforcement uniformed patrol services;
or
- (2) the department hires only lateral entry officers possessing a POST Basic Certificate and who have either:

- (A) completed a POST-approved Field Training Program, or
- (B) one year previous experience performing general law enforcement uniformed patrol duties. Requests for an exemption shall be made on POST form 2-229 (Rev. 04/02), signed by the department head, along with written documentation attesting to the department's qualification(s) for an exemption. In the event that a department no longer meets the exemption criteria, a request for POST-approval of the department's Field Training Program shall be made as outlined in PAM Section D-13.

(3) The Field Training Program shall have a Field Training Supervisor/Administrator/Coordinator (SAC) who:

- (A) has been awarded or is eligible for the award of a POST Supervisory Certificate **or**
- (B) has been appointed by the department head (or his/her designate).
- (C) meets the training requirement specified in 1004(c) below.

(4) The Field Training Program shall have Field Training Officers (FTOs) who:

- (A) have been awarded a POST Basic Certificate (not Specialized);
 - (B) have a minimum of one year general law enforcement uniformed patrol experience;
- and,

- (C) have been selected based upon a department-specific selection process; and,
- (D) meets the training requirements specified in 1004(d) below.

(5) Trainees shall be supervised depending upon their assignment

- (A) A trainee assigned to general law enforcement uniformed patrol duties shall be under the direct and immediate supervision (physical presence) of a qualified Field Training Officer (as described in (4) above).
- (B) A trainee temporarily assigned to non-enforcement, specialized function(s) for the purpose of specialized training or orientation (i.e., complaint/dispatcher, records, jail, investigations) is not required to be in the immediate presence of a qualified Field Training Officer while performing the specialized function(s).

(6) Trainee performance shall be:



- (A) documented daily through journaling, daily training notes, or Daily Observation Reports (DORs) and shall be reviewed with the trainee by the Field Training Officer; and,
- (B) monitored by a Field Training Program SAC, or designee, by review and signing of the DORs **or**, by completing and/or signing weekly written summaries of performance. (e.g., Supervisor's Weekly Report, Coaching and Training Reports) that are reviewed with the trainee.

Implementation Strategy: Every officer who enters into service with the BART Police Department must be certified in the Field Training Program. Typically, agencies modify their FTO program for "laterals" who are certified experienced officers who are coming into the organization from other law enforcement agencies. The officers are all California POST certified and their training records are in compliance with POST requirements.

Most agencies conduct a modified FTO course for officers who are hired laterally but do not require them to complete FTO Program. This is noteworthy and commendable. While there might be a financial savings in the decision to shorten the field training experience, it doesn't equate to effect that this program can have in the socializing every new employee to the organization.



BART Police Management Audit

Topical Area: Training

Issue: In-Service Training

Current Application or Practice: The department is in full compliance with the state mandate to provide a minimum of twenty-four (24) hours within every two year period of service. The department is in the process of establishing a Training Plan.

Recommendation: Expand the list of courses in the Training Plan to include more courses in the communication, verbal judo, human diversity, handling emotionally disturbed persons, community policing, etc.

Justification: California POST Manual
Commission Procedure D – 2
Continuing Professional Training and Perishable Skills

Purpose

2-1. Continuing Professional Training (CPT), Advanced Officer Course, and Perishable Skills/Communications: This Commission procedure provides the recommended CPT topics, Advanced Officer Course requirements, and alternative methods for satisfying the CPT requirement, and content and instructional methodology requirements for Perishable Skills.

CPT Topics and Advanced Officer Course Requirements

2-2. Recommended CPT Topics and Advanced Officer Requirements: The Commission recommends the following topics be considered for CPT, but not required, for officers assigned to enforcement duties:

- New Laws
- Recent Court Decisions and/or Search and Seizure Refresher
- Officer Survival Techniques
- New Concepts, Procedures, Technology
- Discretionary Decision Making (Practical Field Problems)
- Civil Liability-Causing Subjects
- Ethics

The Advanced Officer Courses shall consist of time blocks of not less than two hours each, regardless of the subject matter, with an overall minimum of no less than 24 hours. The maximum time period for presenting an Advanced Officer Course is 180 days. Completion of an Advanced Officer Course satisfies the Continuing Professional Training requirement.



2-3. Non-POST Certified Courses. The successful completion of the following non-POST-certified courses satisfies the CPT requirement:

Course and Hours Presenter

FBI National Academy (236) Federal Bureau of Investigation
FBI National Executive Institute (120) Federal Bureau of Investigation
Dignitary Protection Service (48) United States Secret Service
Traffic Accident Reconstruction 1 (40) Northwestern Traffic Institute
Traffic Accident Reconstruction 2 (80) Northwestern Traffic Institute
National Sheriff's Institute (80) National Sheriffs Association
Post-Blast Investigative Techniques (69) Federal Law Enforcement Training Center
Hazardous Devices School, AL (200) Federal Bureau of Investigation
Special Weapons and Tactics (24 minimum) Entities of the United States Armed Forces
Senior Management Institute for Police (90) Police Executive Research Forum (PERF)
Anti-Terrorism Course Federal or State Agency
Weapons of Mass Destruction Course Federal or State Agency

Implementation Strategy:

The department recently published a Training Plan for each position within the organization. It is thorough and could form the basis of a career development plan for each member.

A review of the proscribed courses, based on the community policing philosophy of the department should reflect more communication, human diversity, customer service and other similar courses. The curriculum is virtually devoid of these topics. We would think that BART would place a high priority on the kinds of training that would prepare employees for the diverse community in which they serve.

There would appear to be a high emphasis on tactical courses and while they are important and no amount of tactical training can ever be considered to be enough, there needs to be a balance between them and "soft skills" training which prepares the officer for non confrontational encounters and those which assist in the community engagement process.



BART Police Management Audit

Topical Area: Training

Issue: In-Service, Shift Briefing, and Advanced Training

Current Application or Practice: This training is being conducted in accordance with POST and BART Police Department policy but no written directive outlines the procedures.

Recommendation: Develop and publish a written directive that outlines the policy and procedures concerning in-service, shift briefing and advanced training.

Justification: *CALEA 33.5.1 A written directive requires all sworn personnel to complete an annual retraining program, including legal updates.*

The agency should ensure that personnel are kept up to date with new laws, technological improvements, and revisions in agency policy, procedures, rules, and regulations. The mandatory retraining may also be designed to provide supervisory, management, or specialized training to participants. Retraining may be used to supplement promotional training, training prior to assignment to a specialized component, or executive development training for higher-ranking officers. The agency should ensure that information included in retraining is included on promotional examinations.

The program should be structured to motivate experienced officers and to further the professionalism of the agency. The training should include a review of the following topics: agency policy, procedures, and rules and regulations, with emphasis on changes; leadership; ethics and integrity, taking into consideration cultural influences, policy compliance, and doing what is correct rather than what is not illegal; statutory or case law affecting law enforcement operations, with emphasis on changes; the functions of agencies in the local criminal justice system; exercise of discretion in the decision to invoke the criminal justice process; interrogation and interviewing techniques; agency policy on the use of force, including the use of deadly force; emergency medical services; the performance evaluation system; emergency fire suppression techniques; new or innovative investigative or technological techniques or methods, if any; hazardous materials incidents; contingency plans, if any, including those relating to special operations and critical incidents; crime prevention policies and procedures; collection and preservation of evidence; report writing and records system procedures and requirements; and victim/witness rights, policies, and procedures.

California POST Administrative Manual

Chapter D

Continuing Professional Training (CPT) (Required). CPT is required for certain peace officer and dispatcher personnel who are employed by POST participating departments.

The purpose of CPT is to maintain, update, expand, and/or enhance an individual's



knowledge and/or skills. CPT is training that exceeds the training required to meet or requalify in entry-level minimum standards.

(1) Requirement: Every peace officer (other than a Level III Reserve Peace Officer), every Public Safety Dispatcher, and every Public Safety Dispatch Supervisor shall satisfactorily complete the CPT requirement of 24 or more hours of POST-qualifying training during every two-year CPT cycle, based on the statewide CPT Anniversary Date. Effective January 1, 2009, certain peace officers in specific duty assignments must satisfy a portion of the CPT requirement by completing Perishable Skills and Communications Training.

Implementation Strategy: The BART Police Department is in full compliance with the California POST requirements for all of the aforementioned training including supervisors, managers, executives and dispatchers but has no written directive of its own outlining these requirements and the manner in which the requirements will be satisfied by the organization. As we have noted elsewhere, the modern forward thinking police department has up to date written policy outlining the manner in which the department carries out the training mandates of the state. It also assigns responsibilities to both field and administrative staff who have duties related to the training function.



BART Police Management Audit

Topical Area: Training

Issue: Shift/Roll Call Training

Current Application or Practice: Much of the BART shift level training is conducted by field supervisors and consists largely of both POST mandatory and non-mandatory courses that are presented by DVD. No Operational Directive outlines the policies and procedures to be followed for the delivery and record keeping associated with this kind of training.

Recommendation: Develop and publish a written directive describing the policies, procedures and purposes of shift/roll call training.

Justification: *CALEA 33.5.2 A written directive governs shift briefing training.*

Shift briefing training is a technique that may supplement all other training. Shift briefing training may be a useful element of agency training, if it is well managed and supervised. The goal of this training should be to keep officers up to date between formal retraining sessions. Agencies which do not have formal shift briefings, e.g., resident state troopers, deputy sheriffs, may accomplish the purpose of shift briefing training through other methods, to include in-car computers and other electronic means. To be useful to the agency, the shift briefing training program should be well structured and reflect the needs of the agency while being flexible enough to fit into a shift briefing setting. The written directive should include: planning for shift briefing training; techniques used in shift briefing training; relationships with the academy; instructional methods; instructional personnel; evaluation of shift briefing training; scheduling of training; and role of supervisors and officers.

Implementation Strategy: Much of the information concerning shift/roll call training is published in Training Orders. A significant portion of the material in the Training Orders is repetitive and redundant. Much of this information could be placed in a standing order with other similar training related policies and procedures .



BART Police Management Audit

Topical Area: Training

Issue: Specialized Training

Current Application or Practice: No Operational Directive outlines the department's policies and procedures relating to specialized assignments and the requisite pre- and/or post-assignment training associated with the specialized position.

Recommendation: Develop and publish a written directive describing the policies, procedures relating to specialized assignments and any pre- or post-training required for the position.

Justification: CALEA 33.6.1 *A written directive identifies the assignments for which specialized training is required, and includes the following:*

- a. description of the required training; and*
- b. retraining requirements, if any.*

The agency should identify all of the functions for which both pre- and post-assignment specialized training is required. Specialized training includes supervised on-the-job training provided by the agency, training mandated by governmental authority such as training for certification as a breathalyzer operator, and training deemed necessary by the agency for the development and enhancement of the skills, knowledge, and abilities particular to the specialization, such as motorcycle units or marine patrol.

Persons responsible for crime scene processing should receive specialized criminalistics training commensurate with their duties and responsibilities. For example, DNA evidence should be collected only by persons appropriately trained.

The supervision and management of specialized functions includes responsibility for ensuring that persons assigned to the function receive adequate training and support services.

Implementation Strategy: While it is desirable to have this information in a directive devoted to training, it might very well be placed in an Operational Order devoted to specialized assignments.



BART Police Management Audit

Topical Area: Training

Issue: Tactical Team Training

Current Application or Practice: The tactical and SWAT units of the BART Police Department participate in regular and frequent training but no Operational Directive outlines the frequency of training and the requirements for membership.

Recommendation: Develop and publish a written directive that documents the training requirements for all tactical units.

Justification: *CALEA 33.6.2 If the agency participates in a tactical team, the agency requires that all personnel assigned to the team engage in training and readiness exercises.*

The purpose of this standard is to ensure that tactical team members have ample opportunity to practice their special skills and develop their abilities to function effectively as a team. This is necessary because many skills are perishable and should be exercised to build and maintain proficiency. Operational simulations should be included in the training program, and if the agency also has a separate hostage negotiation team, its personnel should be required to train periodically with the tactical team. All tactical training must be documented and the records retained.

Implementation Strategy: While we certainly endorse the establishment of appropriate written directives relating to all of the training areas that we reviewed, we also had questions concerning the tactical units.



BART Police Management Audit

Topical Area: Training

Issue: Non Sworn Employee Training

Current Application or Practice: No Operational Directive outlines the department's policies and procedures concerning non sworn employee pre- and post-hiring training.

Recommendation: Develop and publish a directive devoted to the training requirements for non sworn employees.

Justification: CALEA 33.7.1 *A written directive requires all newly appointed civilian personnel to receive information regarding:*

- a. the agency role, purpose, goals, policies, and procedures;*
- b. working conditions and regulations; and*
- c. responsibilities and rights of employees.*

CALEA 33.7.2 *A written directive identifies the civilian positions for which pre-service and in-service training is required.*

The agency personnel should receive initial and on-going training commensurate with their responsibilities. Such training should stress not only the skills necessary to perform technical aspects of their jobs but also the importance of the link they provide between citizen and agency, which often shapes a citizen's opinion of the agency

Implementation Strategy: While most of our discussion has centered around the publication of directives relating to the training of sworn personnel, non sworn employee training should similarly be placed into a permanent document within the directive system. Non sworn training is significantly different that it should probably be placed in its own order. Dispatcher training might be addressed in a separate directive devoted to their unique positions, entry level and in-service training requirements.



BART Police Management Audit

Topical Area: Training

Issue: Career Development

Current Application or Practice: We saw no career development plan or program.

Recommendation: Using the Training Plan as a foundation, establish a career development plan and publish a written directive outlining the policies and procedures associated with the plan. This plan should help employees of the BART PD in either their vertical or horizontal career plan development aspiration goals.

Justification: *CALEA 33.8.1 A written directive establishes training requirements for all personnel conducting career development activities.*

Personnel, such as supervisors and counselors, who are assigned to conduct career development activities should undergo a period of orientation that should provide increased knowledge and skills in at least the following areas: general counseling techniques; techniques for assessing skills, knowledge, and abilities; salary, benefits, and training opportunities of the agency; educational opportunities and incentive programs; awareness of the cultural background of ethnic groups in the program; record-keeping techniques; career development programs of other jurisdictions; and availability of outside resources.

CALEA 33.8.2 *The agency provides job related training to all newly promoted personnel. Such training should be commensurate with their new duties and should take place either prior to promotion or within the first year following promotion.*

CALEA 33.8.3 *A written directive describes the agency's career development program. The agency should assist employees in planning their career paths through the utilization of formal schooling opportunities and law enforcement related training courses to improve their skills, knowledge, and abilities*

Implementation Strategy: An important building block of a sustained effort to modernize a progressive police department is the development of its members so that they are prepared to assume positions of responsible leadership. For this effort to be successful, the management of the organization must make it an important part of the performance evaluation and training programs.



Secondary Recommendations

Our reviewers had a number of observations that did not lend themselves to specific recommendations but, most often, suggestions about some areas that deserve additional thought or study.

Defensive Tactics

The BART Police Department recently assigned a Lieutenant to oversee the Defensive Tactics for the agency. This is a step in the right direction. There has been an absence of defensive tactics training over recent years. While there appears to have been a significant effort devoted to firearms training, virtually no defensive tactics training has been conducted by the department. A comprehensive and meaningful defensive tactics program should devote sixteen (16) to twenty-four ((24) hours each year to ensuring that every sworn employee is familiar and comfortable with all of the weapons that they routinely carry and with the tactics associated with the use of force as outlined in the organizations policies and state law.

Training

We are not sure why a lieutenant is not designated as the Training Director or Officer. Most of the important administrative functions of the BART Police Department are assigned to Lieutenants. Training is not. Several other functional areas that are not as important and vital to the success of the organization are assigned to lieutenants for oversight. Some thinking should be devoted to the civilianization of the Training Program for the BART Police Department. Since training, as it is currently constituted, is a clearinghouse for the administration of training courses and conducts the clerical support to maintain training records, we see no reason that the entire unit could not be civilianized and the current members assigned to field duties.

Supervisory Training

BART Police supervisors and managers all appear to have been exposed to both basic and advanced training programs offered within the POST certified courses. We would note, however, that supervisors don't appear to have much experience in designing specific patrol strategies for officers within their respective commands. It appeared to our reviewers that officers, while given general information about the focus of their work, i.e. "attention to specific stations, parking lots or other areas of concern, there were not routine directed patrol activities that were assigned to specific officers for specified periods of time that were then monitored, evaluated and analyzed for their impact on crime, safety or community and rider concerns.

Executive Training

The department has had a number of members attend California POST sponsored executive development classes. Many have attended the FBI National Academy. The Department should be commended for its commitment to develop current and future managers of the organization in command and management positions.

Community Policing

The department, on its web site, has a decidedly tactical bearing. The SWAT and K-9 units are showcased and the community based deployment scheme is barely mentioned. The appearance



gives the impression that department places a higher priority on its tactical units than the interaction with community it serves and its ridership.

The assignment of Zone lieutenants would give the impression of a certain geographic accountability but, in reality, the lieutenants are typically watch commanders and do not engage with specific communities and the local police who have the concurrent jurisdiction.

There are several assignment schemes that would place more emphasis on greater geographic accountability. We would envision specific field managers assigned permanently to zones. They would design the crime prevention and crime reduction activities of their subordinates and would maintain close working relationships with the local police and the communities that live near their respective stations.

The current alignment does not lend itself to geographic accountability or organizational accountability.

SWAT

Our Review Team had questions about the establishment of a SWAT unit within the BART Police Department. We believe that the department, the General Manager, the Board of Directors, and the public should consider this issue.

While the unit seems to have its primary value and on-going function of the execution of high-risk warrants, its overall benefit needs to be evaluated against cost, value, and liability. Since the entire rail service area is contiguous with other jurisdictions with full service SWAT and hostage negotiation units, it might be beneficial and cost effective to establish MOU's with each respective jurisdiction for SWAT, and possibly, high risk warrant service. However, to have a SWAT team available across all the respective jurisdictions with a counter-terrorism focus also has value. In a post-9/11 society, transit systems which have always been a high value community asset, have a greater degree of vulnerability.

Tactical Unit

Our sense is that tactical units are more the norm for similarly situated departments and, with the elimination of the SWAT unit, more resources might be devoted to this functionality. We would think that more senior experienced officers be assigned this kind of duty. However, the threat of terrorism to a transit system increases the value of a transit police SWAT team. **The agency should conduct its own analysis in this area to validate its decision.**

We believe that the BART Police Tactical Unit is primarily focused on crowd control and management, but that they might operate off of a more flexible platform and perform general emergency duty that would include evacuations, derailments, power outages, etc.

The San Francisco side of the BART jurisdiction is typically patrolled by officers who ride the trains in pairs. On the Oakland side, officers, if they patrol the trains at all, they do so by themselves and depend on officers in patrol vehicles to assist them. It would seem that the officers on patrol in vehicles almost always operate in a reactive mode. These officers usually respond to assistance calls. This kind of work is best performed by officers with years of



experience who are trained to handle volatile situations and who understand disengagement tactics and who have demonstrated restraint in their use of force and have demonstrated their ability to de-escalate tense and dangerous situations.

Revenue Protection

While this area was not one of our specific areas of study, we could not overlook certain issues that arose during our visit. Unfortunately, in the development of the BART System, there were no provisions developed for the collection of funds from the stations during non peak hours or, preferably, when stations were closed to the public by a “money train” which is a method seen in several other similarly situated departments.

The idea of having money collected “internally” after stations are closed and then having the money funds moved by rail to the collection point by rail strikes us as the most efficient, cost-effective and secure method of moving cash within the system.

The collection point was never built to accommodate the acceptance of revenue by train and therefore is probably unusable for this method of transport.

We also raised the question of having sworn police officers accompany the collection personnel in their rounds giving the system employees who are fully empowered to take any and all police action in an emergency.

We have drawn no conclusions about the area of revenue collection and protection but suggest that further study be undertaken to assess the ability to substantially upgrade and improve this function.

We would certainly suggest that future construction or renovation to existing rail facilities might present an opportunity to substantially improve the ability to move revenue in a more secure and efficient manner.

Fare Evasion

There would appear to be a lack of clear direction on how officers should approach and handle cases of fare evasion.

There really does need to be a generally accepted direction from the Board of Directors on the manner in which BART Police should approach and handle cases of fare evasion, especially at high crime and densely populated stations where the possibility for less serious infractions turning into volatile situations because of the participation and interference by bystanders and onlookers who may feel empathy toward young minority males being “hassled” or “rousted” by police officers.

We heard a significant number of complaints from our citizen group meetings concerning the practice of some officers who routinely conduct stops, frisks and field interviews of young minority men who have not trespassed or committed any infraction or law and who, because of



their attire or demeanor are targeted by BART police officers for special attention and questioning.

The organization should, at a minimum, monitor the number of stops and arrests for fare evasion, disorderly conduct, loitering and other order maintenance charges, by officer, to detect patterns of conduct and behavior that are contrary to the mission of the department and the rail service.

Visibility

We have a number of questions about the visibility of BART Police Department Personnel on BART property and on BART trains. Our observations and information that we received from community meeting participants have led us to believe that the department should create more opportunities for the public to see BART Officers and possibly CEO's in a more visible way. As we looked at other similarly situated transit police agencies, we generally more aggressive efforts to ensure that officers rode trains and were visible to riders, especially during rush and late evening hours.

A review of the July-September 2008 Passenger Environment Survey (PES) conducted by the BART Marketing and Research Department outlined survey results for the four quarters of FY 2008 and the first quarter of FY 2009 as well as goals for FY 2009.

The PES measured the following three (3) categories that relate to the BART Police Department:

System Total – Weekdays & Weekends Combined

▪	BART Police Personnel in Stations						
	FY 2008	Q1	Q2	Q3	Q4	FY 2009 Goal	FY 2009 Q1
		16%	15%	13%	17%	19%	15%
▪	BART Police Personnel in Parking Lots/Garages						
	FY 2008	Q1	Q2	Q3	Q4	FY 2009 Goal	FY 2009 Q1
		6%	6%	8%	5%	15%	5%
▪	BART Police Personnel on Trains						
	FY 2008	Q1	Q2	Q3	Q4	FY 2009 Goal	FY 2009 Q1
		2%	4%	1%	3%	7%	2%

1st Quarter FY09 – Weekdays & Weekends Combined

▪	BART Police Personnel in Stations					
	System	Zone-1	Zone-2	Zone-3	Zone-4	FY 09 Goal
	15%	23%	19%	11%	9%	19%
▪	BART Police Personnel in Parking Lots/Garages					
	System	Zone-1	Zone-2	Zone-3	Zone-4	FY 09 Goal
	5%	10%	4%	5%	3%	15%
▪	BART Police Personnel on Trains					
	System	Zone-1	Zone-2	Zone-3	Zone-4	FY 09 Goal
	2%	3%	0%	4%	1%	7%

Summary Results Table

FY08Q1	FY08Q2	FY08Q3	FY08Q4	FY09Q1
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Stations	16%	15%	13%	17%	15%
Pkg. Lots/Garages	6%	6%	8%	5%	5%
On Trains	2%	4%	1%	3%	2%

The only finding pertaining to the BART Police listed as "Favorable" among Statistically Significant Trends was an increase in Police Presence in Zone 3 of 4% (0% in FY08 Q4 – 4% in FY09 Q1)

The percentages of BART Police Personnel present in each of these categories are extremely low and in most cases they do not come close to the projected goals. It would appear, from our review, that no concerted effort was mounted to get better results.



BART Police Management Audit

Topical Area: Retention

Issue: Post-training Academy

Current Application or Practice: BART PD has a two week orientation for new officers after they graduation from the basic academy. This should be transition to a post-training academy. The orientation program follows graduation from the basic training academy. There is some familiarization with BART for new basic academy graduates.

Commendations or Recommendation: Utilize a formal in-depth post-training academy. The post-training academy provides an opportunity to transition new recruits from the basic training academy to the field training officers program. The focus is on familiarization with key people within the region and key resources that recruits will interface with. It is an opportunity to provide an orientation to the administration of BART. A tour can be given of all the BART buildings and respective departments. Recruits could have the opportunity to visit all of the BART police stations and facilities and meet members of the command staff. Recruits may be provided an opportunity to shadow dispatchers in the communications center. Each recruit may also have the opportunity to spend time with their manager and all police managers for BART and visit all key geographical locations within the BART district.

The post-training academy should be designed to provide any information which is not ideally suited for the basic training academy, but would be advantageous to understand prior to beginning field training.

Justification: CALEA 33.2.1 It's a law enforcement best practice to have a post-training academy. This post-training academy addresses issues which help prepare the police recruit to begin the field training officers program.

Implementation Standards: Design and implement a 40-hour minimum post training academy which addresses key issues not well-suited for either the basic training academy or the field officers training program. The focus of this post training academy should be in the following key areas:

1. Meeting key individuals in the organization;
2. Becoming familiar with key facilities within the 3 counties;
3. Familiarization with the key geographical areas of the counties; and
4. Briefings on any information or specialized topic not addressed in the basic-training academy.



NOTE: This may be formalized by each patrol area as they receive new graduates from the basic academy.



Chapter 4

Equipment



BART Police Management Audit

Topical Area: Equipment (Regional Anti-terrorism and Integrated Law Enforcement System, Computer Aided-Dispatch and Records Management Systems)

Issues (Per Professional Services Agreement): To assess if BART Police Department is best **equipped** to promote customer service, public trust and effective policing in the diverse communities in which BART operates and with which BART's Police Department interacts.

Are facilities and **equipment** adequate to meet the Department's responsibilities?

Review departmental policies, procedures, practices and tactics regarding **equipment selection** and determine if they are comprehensive and current (reflecting best practices), comply with legal requirements, and are effective.

Current Application or Practice:

Does the BART Police Department address this issue by following policy and standard practice?

A review of *A Business Case for Implementing the Regional Anti-Terrorism and Integrated Law Enforcement System (RAILS)*, April 2009 that was authored by BART Police Department consultant (Cit Com) was referenced by this NOBLE consultant. I have made references to the RAILS "Business Case" document. The RAILS "Business Case" findings was used to justify the procurement and acquisition of a new integrated Computer-Aided-Dispatch (CAD) and Records Management System (RMS). Although **it is standard practice to develop such reports**, this consultant identified several conflicts in the report as a result of interviewing BART Police personnel and reviewing pertinent documents.

One follow-up document that was submitted by the BART Police Department's CAD/RMS Administrator in response to the RAILS "Business Case" document was also used as a reference. However, there is overwhelming evidence that procurement of a new system(s) was justified. Yet, some practices appear to be questionable and need improvement.

The BART Police Department started an initiative in late 2007 to upgrade and improve law enforcement technology and the security infrastructure in order to address crime and terrorism. The acquisition of modern technology systems shall improve public trust and promote customer service.

Phase I encompasses the construction of a new BART Police communications center (Integrated Security Response Center-ISRC).

Phase II entails the acquisition and implementation of the Regional Anti-terrorism and Integrated Law Enforcement System (RAILS). RAILS shall feature a new Computer-Aided-Dispatch (CAD), Records Management System (RMS) and Mobile Data Systems (MDS).



The RAILS Mission Statement is:

To acquire, install and maintain a regional anti-terrorism and law enforcement technology solution that ascribes to national standards and industry best practices, and which enhances our ability to prevent terrorism and crime alike, while forging a partnership with the criminal justice community to exchange timely and relevant data.

The new communications center went "live" August 8, 2009. BART Police personnel have relocated to the new facility. However, Phase II of this project shall not be fully completed until the Summer of 2010. The Department is currently in a transition. In reference to the new CAD/RMS, the Department is still in the process of developing the technical specifications for the Request For Purchase (RFP). The RFP should go out October 2009. BART policies and industry standards were adhered to regarding the procurement process for acquisition of equipment for the new communications center and the new CAD/RMS.

The old CAD/RMS (Alliance by Cyrun), in some respects, did not meet the Department's minimum business and technical requirements. These issues shall be discussed in the next section.

Recommendation:

General Weaknesses

Dispatch Center and Equipment

Since Facilities and Equipment have common characteristics, it is also important to discuss the current conditions of both these topical areas. However, the primary focus shall be on equipment.

The old communications center had significant weaknesses. It was located in a seismic volatile area with in-service rail conveyances and infrastructure located above. In fact, the BART Police Department's administrative and primary headquarters is still located in that structure. The communications center is too small and appears to be restrictive and cluttered with antiquated equipment and furniture. Personnel do not have enough room to operate the current equipment that is often not located at their work stations. Only four dispatchers can be on duty at the same time.

The consoles are old and inefficient. The equipment such as monitors, computers, closed circuit television and alarm displays appear to be haphazardly placed throughout the center. Dispatchers must sometimes leave their immediate area in order to be accessible to CCTV monitors, the radio system, alarm/access systems, telephones and other equipment. They often pivot, unnecessarily in their work stations to use equipment and resources. This is a public safety issue for police officers and passengers who rely on the dispatchers to initiate expeditious emergency response without physical impediments.

Lack of Integration with Equipment and External Agencies



Furthermore, it is important to implement RAILS because the various systems and equipment located in the old center were not integrated. For example, in a fully-integrated environment, when an alarm is activated, the CAD system should automatically initiate calls for service. The CAD should also automatically activate the CCTV camera closest to the alarm point. Combining Automatic Vehicle Locator AVL systems, CAD, alarms and CCTV systems permits expeditious responses once an alarm is activated. The existing CAD/RMS does not permit this because the equipment does not interface with other components.

Deficient CAD/RMS

Also, the current CAD/RMS that are products of Alliance by Cyrun appear to have some deficiencies. For example, the systems:

- Are incapable of hosting a regional law enforcement and anti-terrorism sharing system.
- The core database is currently incompatible with the United States Department of Justice (DOJ) Global Justice Extensible Markup Language (GJXML) data model which is a national standard for integrated justice information sharing. However, Cyrun will complete their database built upon DOJ GJXML in the near future.
- Lacks adequate security features allowing appropriate personnel to determine who may have modified or deleted records.
- Are not compliant with Federal Bureau of Investigation's (FBI) Criminal Justice Information Systems.

In order to correct the aforementioned deficiencies without purchasing a new system, the BART Police Department would have to develop custom interfaces and convert data amongst other things.

The BART Police Department also needs to share and exchange more data with external agencies. The Alliance system currently interfaces with Alameda County, California's and other federal databases for real-time information. So there is limited interoperability in this respect. For various reasons, including the desire not to pay for an annual maintenance fee, the BART Police Department terminated arrangements to share data with one agency for example.

Inferior Search and Reporting Capabilities

The Alliance system reportedly has inferior search and reporting capabilities. Running such reports requires specialized training. Although it was indicated in the "RAILS Business Case" report that the majority of BART Police users found the search and reporting features to be "cumbersome," there also appears to have been limited BART personnel trained to acquire the skills to generate reports. A minimum of three training sessions were recommended (Basic, Intermediate and Advanced). However, the department only completed Basic and portions of Intermediate.

Multiple Historic Records

Reports and other important documents are stored in individual systems. The systems do not interface. Research or retrieval of records requires the user to use microfiche (1969-2002 records), Data IMX (for 2003-2004 records), or Alliance (for 2004-2009).

On-Line-Resources



Contrary to the "RAILS Business Case" report, General Orders and Penal Codes are currently available to BART Police Department employees in electronic format along with other documents. According to CAD/RMS Administrator, documents that need to be made available on-line can be made available upon request.

CAD-RELATED WEAKNESSES

CAD Geofile Errors

The CAD Geofile, which is a location geographic information database file used by the old CAD systems contains a number of errors and inaccuracies that include outdated and missing locations. However, it is also important that personnel assigned to the communications center be fully trained and aware of alternatives that can be used to help mitigate errors and inaccuracies. For example, the Geofile and translation table can be altered to facilitate correcting habitual errors made during data entry.

Workstations Distributed

Dispatchers had a minimum of five applications running at each workstation. As a result of having to move or pivot from one piece of equipment to another, this was too laborious and distracting.

Lack of CAD/Alarm/CCTV Integration

The current systems are not integrated or interfaced. As a result, this amounts to a less coordinated and slower response by dispatchers because they must move to different work stations to use equipment separately. However, it was possible for Alliance Cyrun to integrate alarms to initiate "calls for service" for example, and interface these applications with CCTV. Cyrun would require a scope of work and specifications. However, a new CAD/RMS system that interfaces these systems is more cost effective (in the long run) as opposed to "adding on" new interface applications. "Adding on" various applications, that are also made by different manufacturers can be costly and possibly result in a dysfunctional system. The new CAD/RMS shall eliminate these concerns.

Inability to Cut/Paste

The Alliance by Cyrun system does have the ability to cut/paste according to the CAD/RMS Administrator. This is contrary to the RAILS "Business Case" review.

Emergency Updates Difficult to Read

Contrary to the RAILS "Business Case" review, the BART Police Department's CAD/RMS Administrator indicated that "call types" are displayed in the detail and summary fields in the CAD/RMS and that the information can be updated. There was a concern that dispatchers have not been able to update these fields if an incident escalated into something serious (i.e. from a hospital case to an aggravated assault) when using the old CAD/RMS.

Lack of CAD Test Environment

The CAD/RMS Administrator indicated that there is an environment to test the CAD. This is also contrary to the RAILS "Business Case" review conducted by the consultant. She indicated



the “dummy” CAD workstation is both the “Supervisor” workstation and the “System Administrator” workstation. A training database is also available. Furthermore, upgrades are tested on at least two personal computers before they are released and used by the Department.

Lack of Supervisory Features

Contrary to the RAILS “Business Case” review, supervisors can currently take command (control) of a trainee workstation remotely. The CAD/RMS Administrator indicated a supervisor can take control of a call at anytime from another workstation.

Lack of Non-BPD Resource Tracking

The CAD/RMS Administrator indicated that dispatchers have other options rather than creating manual logs to track ancillary service providers for example. This information can be entered into the “Notes” section of the old CAD/RMS.

There are a number of examples where the RAILS “Business Case” review indicated CAD related weaknesses to justify procurement of a new CAD/RMS. However, the BART Police Department’s CAD/RMS Administrator had a difference of opinion from the consultant (CIT Com) in the aforementioned areas and the following areas.

Case Closure Cumbersome

The CAD/RMS Administrator also indicated that Case Closure was not cumbersome. The key F5 will close an event. When a Dispatcher selects that option they are asked two questions (which can be removed if desired), and a Disposition is required as well. Five steps are all that is required currently, but can be changed to a three step process.

Lack of CAD Research Tools

This section is too vague to be able to address according to the CAD/RMS Administrator. Research tools always require user intervention or they wouldn’t be research. No other application can search the information in the Alliance Event Desk.

Absent Transit-Specific CAD Functionality

The CAD/RMS Administrator also indicated there was a reason the CAD was absent transit-specific functionality. Cyrun is able to manage real-time transit information if the District is willing to provide live time access to the data. During implementation, the District was unwilling to allow live time access to the transit data.

National Crime Database Error

Having experience with the Department of Justice on the CJIS and NCIC databases, the CAD/RMS Administrator indicated the warrant returns are programmed to return multiple names based upon syntax searches of name. This is contrary to the consultant’s comments. Furthermore, the Administrator indicated that multiple returns would be produced regardless of which CAD interface was being used. In addition, multiple returns for the same individual can appear from each individual agency, in BPD’s case, Federal, State, and County databases.

CAD Inquiry Design Flaw



The consultant's comments indicate when searching Alliance for historic information on people, places and vehicles, the system opens an immovable window that blocks the Dispatcher's view of other screens until the window is closed. However, the CAD/RMS Administrator indicated the person locator form is a moveable form. The address form can also become moveable, if that is a requested feature.

Report Approval Process is Manual

The CAD/RMS Administrator also indicated that the Report Approval Process is not only manual. She stated, "electronic editing functionality does currently exist in Alliance. It is BPD's current policy that supervisors will use the manual process and not make electronic edits. To change this function, it is a matter of policy change, and a single mouse click.

Inability to Merge Master Name Index

This function has existed in Alliance since its installation in November 2004. The responsibility for this function rests with the Supervisors (Records and Dispatch) according to the RMS/CAD Administrator.

Lack of Standardized Reporting

The RMS/CAD Administrator also believed this statement was incorrect. She indicated more than 50% of the RMS data entry fields require data validation. Fields that are multi-character and textual, can not be entirely validated electronically in any software.

UCR Limitations

This function was approved as fully functional by BPD in September 2008 according to the RMS/CAD Administrator.

Lack of Citation Module

This function has existed in Alliance since its installation in November 2004, BPD is currently using this module in Alliance and has been since 2005.

Antiquated Property/Evidence Features

The bar-coding function has existed in Alliance since its installation in November 2004. BPD opted out of using this function. BPD is currently in the process of procuring 23 handheld scanners and barcode printers due to a recent decision change regarding the bar-coding.

Lack of Security

Cyrun has upgraded the security module in Alliance once, and can do so again, if requested. Alliance does maintain a number of security logs.

Manual Processes Developed as Security Workaround

Alliance has a confidential database component that Cyrun has recommended three times. The Police Department has declined to deploy the solution without reason.

Non-Compliance with National Security Policies

The CAD/RMS Administrator indicated she was unable to find a single requirement where Alliance is not in compliance with CJIS requirements.



Poor Technical Support

The CAD/RMS Administrator also indicated that BPD personnel are not permitted to contact Cyrun directly, and have never been permitted so, with exception of the System Administrator and Dispatch in extreme emergencies. Cyrun has always been in compliance with the response requirements as outlined in our contract with them, whereby they are required to respond to BPD within 10 minutes of an emergency failure being reported, and they are required to continually work on the problem until it is resolved.

The CAD/RMS Administrator did not comment on the weaknesses in the old RMS. However, the RAILS "Business Case" document indicated weaknesses in the following areas:

RMS-RELATED WEAKNESSES (of old system)

- Report Approvals Process is Manual
- Inability to Merge Master Name Index (MNI)
- Lack of Standardized Reporting
- UCR (Uniform Crime Report) Limitations
- Lack of Citation Module
- Antiquated Property/Evidence Features
- Lack of Security
- Manual Processes Developed as Security Workaround
- Lack of Security Audit Features
- Non-Compliance with National Security Policies
- Poor Technical Support

Commendation or Recommendation:

It is recommended that BART work to strengthen the deficiencies identified in this area.

Current Strengths of Cyrun Alliance CAD/RMS

The general strengths of the Cyrun Alliance system, according to the RAILS "Business Case" review that NOBLE concurs with are:

1. It provides a technological resource for assisting the BART Police Department with many common business tasks, including dispatching and records management.
2. The technology is used for achieving efficiency gains over manual processes.
3. To a degree, the BART Police Department has trained its employees in the use of the Alliance software. The employee's familiarity with the products, in some cases, is a clear strength.

Yet, there were a number of weaknesses that are outlined in the previous section. This consultant however is most concerned about the veracity of the findings outlined in the RAILS "Business Case" document authored by the consultant Cit Com, Inc. Prior to this document being issued or published, the BART Police Department's CAD/RMS Administrator should have reviewed the draft report and provided an opportunity to respond in order to reconcile differences if possible.



However, the BART Police Department and the consultants made a prudent decision to replace the Cyrun Alliance CAD/RMS with a new system. Although, there appears to be some discrepancies regarding the veracity of some portions of the RAILS "Business Case" document, BART appropriately considered the alternatives of either upgrading, replacing or doing nothing at all. BART and the consultants derived at their decision by considering the following alternatives:

- Product functionality to be yielded by the alternative
- Cost of the alternative
- The time necessary to implement the alternative

There is no doubt that the decision to replace the old system(s) as opposed to upgrading was the proper decision. Doing nothing at all was not appropriate and would have definitely been a significant disadvantaged to the Department and BART.

The RAILS (including CAD/RMS) implementation shall occur in 2010 and 2011. The various phases include:

- CAD Installation, Training, Testing, Acceptance
- Mobile Installation, Training, Testing, Acceptance
- RMS Installation, Training, Testing, Acceptance
- Regional Participation

As outlined in the RAILS "Business Case" document, the CAD/RMS/Mobile features are necessary and appropriate to have a modern, technologically advanced system. These features consist of but are not limited to:

- Use of Graphical User Interface (GUI) and "Windows" Technologies
- Flexible Search Capabilities
- Ad-hoc Reporting Capabilities
- "Super" Query Capabilities
- Receive priority call updates automatically
- Integration of Commercial and Departmental Electronic References
- Electronic Routing of Documents
- Security
- Data Entry Interface Flexibility
- Streamline Data Entry
- Validation and Edits
- Consolidated Workstation Access
- Open System Architecture
- Loosely Coupled Interfaces
- Redundant Processing Systems
- System Availability
- Data Conversion
- Interfaces
 - CLETS/DOJ/NCIC
 - CCTV
 - Alarm System



- Access Control Systems
- DMV photo database
- Train Control System
- GIS/Mapping
- Automatic office/vehicle Locator
- CAL ID/CAL Gangs

Specific Records Management and Mobile Features:

- Comprehensive and Integrated RMS Modules
- Master Name File
- Master Vehicle Index (MVI)
- Incident and Crime Reports
- Property and Evidence
- Training
- Automatic Field Reporting
- Field Interviews
- Case Management
- Crime Analysis
- Officer Notification

New Dispatch Center

To correct these weakness of having a small, ineffective communications center, BART has appropriately completed a 2,100 square-foot innovative communications center in the Joseph P. Bart MetroCenter. Besides being seismically hardened to meet the American Institute of Steel Construction seismic design standards, the new center is equipped with:

- The latest environmental controls
- Ten ergonomically-engineered workstations
- CCTV monitors that can be viewed from any dispatch location
- Dedicated equipment room that includes CCTV hardware, alarms, access control, two-way radio, train locator systems, 911 systems and criminal databases

CALEA standards appear to have been met regarding the following areas in the new communications center. There is:

- Limited access to authorized personnel
- Equipment is protected
- There is limited but some back-up resources (a back-up communications center should be considered)
- To a degree, security is provided for transmission lines, antennas, and power sources

Monthly Technology and Process Meetings

The BART Police Department's CAD/RMS Administrator appropriately conducts monthly project management meetings to discuss and address pertinent issues regarding this project. This consultant has concluded that this practice is necessary and beneficial to the overall success of these capital projects. Police department personnel (sworn and civilian), BART's Information Technology Department, consultants and other appropriate staff attend the meetings. However,



it is important that appropriate representatives consistently participate in these meetings. BART Police command staff and BART administrators must reinforce this issue with all stakeholders involved in this project.

This consultant attended one of these meetings on Thursday, July 9, 2009. Some topics of discussion included:

- Completed Projects
- Current Projects
- Alliance Equipment Module
- Communications Center Move
- Citrix Upgrade

Complaints about Training and Support (Enhancing Professional Skills)

Regardless how sophisticated a CAD/RMS system the BART Police Department has, support and training must be provided or these systems will not be fully utilized to their fullest potential. This is at a detriment to the Department and a waste of resources, time and money.

For example, several employees who did not want to be identified indicated the BART Police Department has not adequately trained personnel to operate Mobile Data Terminals or Systems.

It is also clear that some personnel assigned to the communications center are not fully trained to take advantage of all the user functions available to them. Many applications and functions are not used. Additionally, all dispatchers and supervisors should receive training and be certified by credible organizations such as the Association of Police Communications Officers (APCO). BART Police dispatchers must also receive annual in-service training and re-certifications.

It is very important that all command staff personnel embrace new technologies. However, they must also ensure that such systems are fully utilized and that all employees are properly trained. This does not appear to be the case after interviewing a number of police supervisors, police officers and civilians.

There must also be sufficient staff assigned to the BART Police Department with degrees and certifications in Information Technology or related disciplines. Using police supervisors or other police personnel and civilians with little formal training and education is not sufficient. A Technology and Support Unit (or something similar) specifically assigned to the BART Police Department should be considered. The supervisor or commander of this unit should be accessible to or report directly to the Chief of Police. It is also critical that this individual have a close working relationship with BART's Information Technology Department and/or consultants.

Justification: Research on the topic which supports policy procedure or practice. The Audit Team research of the issues and related criminal justice documents supports these recommendations.

The NOBLE Audit Team has referred to:



1. The Law Enforcement Information Technology Standards Council (LEITSC) that developed national standards relating to CAD/RMS.
2. A Project Manager's Guide to: RMS/CAD System Software (LEITSC), Bureau of Justice Assistance
3. A Project Manager's Guide to: RMS/CAD System Software Acquisition (LEITSC), Bureau of Justice Assistance
4. Association of Police Communications Officer (APCO) standards
5. Global Justice Extensive Markup Language Standards (GJXML)
6. Various magazines and periodicals
7. Agency-specific analysis

Implementation Strategy: BART should work to correct the list of identified deficiencies in the RMS/CAD areas.

Commendation or Recommendation: Many of the issues regarding the weaknesses of the old CAD/RMS and the inadequate communications center have been or are being addressed as a result of RAILS. However, the NOBLE consultant makes the following recommendations:

1. The BART Police Department and BART's Information Technology (IT) Department must improve communication when completing future capital projects. It is important that each group is included from the onset through the completion of these projects. For various reasons, collaboration and inclusiveness appeared not to have occurred during the preliminary phases of this project. It is important that the Commander of Support Services and/or the Chief provide leadership and ensure that all personnel understand the importance of communication and technology.
2. The BART Police Department should form it's own Information Technology and Support Unit. These individuals should have formal education (degrees) and prior experience in IT. Assigning police supervisors or civilians with limited IT experience or education to technical functions is inadequate. Although BART has an Information Technology Department, it would be an asset to have IT trained personnel assigned directly to the Police Department. Preferably with law enforcement experience or a civilian that is intricately familiar with operations in the Department. Appropriate grants, including funding derived from Stimulus and Homeland Security grants should be explored to determine the feasibility of this recommendation. This process should begin as soon as possible. The commander or administrator of this unit should have direct access to the Chief of Police to demonstrate the importance of technology and to get direct feedback from the Chief. This individual should also be high enough in rank to make command decisions at meetings.
3. Training on RAILS and other related systems must be provided to all appropriate BART Police Department employees. The training must be ongoing and not just during the implementation phases. The Information Technology and Support Unit can facilitate the training and ensure that all members of the department are competent when using equipment. They can keep records of in-service training and coordinate this with a



Training Unit. The BART Police Department should have it's own Training Unit (refer to Training Consultant).

4. All personnel assigned to the communications center should also be APCO (Association of Police Communications Officers) certified and receive re-certifications annually. The Department must dedicate the time and resources in order to make this happen as soon as possible. The communications center supervisor can also become a certified APCO trainer. He/She can be responsible for re-certifications.
5. Mobile Data Terminals (MDT) should be installed in all appropriate BART Police vehicles. However, it is vitally important that all patrol officers and other appropriate personnel be trained to use the MDTs. Presently, a limited number of officers know how to use the MDTs. The MDTs can also have wireless interfaces so that officers approaching stations that have CCTV can see what is going on before they enter. Using Internet Protocol or a Local Area Network may be an option.
6. Also, the Department does not appear to have a clear policy or written procedures for the use of MDTs or other similar technologies. For example, this could not find a policy that prohibited the unauthorized introduction of software programs or files or the manipulation or alteration of current software running on the Department's mobile, desktop or handheld computers. A written policy should be written according to CALEA standards.
7. It is also important to develop a back-up communications center and computer system (CAD/RMS). Although alternative power sources do exist in the new communications center, it should be tested monthly. Although a new communications center has just been completed, it is necessary to have redundancy. This should also be included in a Continuity of Operations Plan (COOP). The CAD/RMS Administrator, appropriate police personnel, the consultants and the Project Team for RAILS should discuss this issue immediately. The "scope of work" may have to be changed in order to accommodate this recommendation. Consideration should also be given to having a formal Memorandum of Understanding with another police department or public safety agency to use their Mobile Command Center.
8. The Department should also consider using hand-held computers to facilitate completion of reports and streamlining the data entry process. Patrol officers can have the ability to enter data directly in incident reports that can be downloaded into the RMS. However, when officers input data themselves, there is little chance that the reports can be misinterpreted by dispatchers who presently enter data into the CAD/RMS. It is also imperative that BART Patrol Officers document when they are riding trains, checking platforms, stations, mezzanines, stairs and concourses. The reliance on mobile patrols is too great. BART Officers must have increased presence on the transit system to facilitate interaction with the community. Being isolated in patrol vehicles creates a culture of "us against them" mentality. Handheld computers can be used to facilitate the process of completing "electronic" patrol logs to ensure foot beat officers are effectively patrolling trains, stations and platforms. Going "paperless" is also good for the environment.



9. The Department should consider implementing the Comstat process and using new RAILS technology. For example, crime mapping, crime analysis and other reports generated by the new RMS can be used during the Comstat process. Comstat meetings with police command staff and police personnel should be conducted on a weekly basis.

10. The Department should also consider having a liaison with the Northern California Regional Intelligence Center located in San Francisco. This technological advanced facility can interface the BART Police Department's RMS/CAD and Radio Communications System with other local, state and federal agencies throughout the region



BART Police Management Audit

Topical Area: (Equipment) Radio Communications System

General Issues: (Per Professional Services Agreement)

To assess if BART Police Department is best **equipped** to promote customer service, public trust and effective policing in the diverse communities in which BART operates and with which BART's Police Department interacts.

In addition to compliance with POST training requirements, determine the adequacy of training regarding the use of equipment.

Are facilities and **equipment** adequate to meet the Department's responsibilities?

Review departmental policies, procedures, practices and tactics regarding **equipment selection** and determine if they are comprehensive and current (reflecting best practices), comply with legal requirements, and are effective.

Current Application or Practice:

The BART Police Department and the entire District uses and operates on an 800 Mhz, 10 channel Enhanced Digital Access Communications System (EDACS) simulcast trunked radio system that is manufactured by M/A-Com. It also operates on the National Public Safety Planning, Advisory Committee (NPSPAC) frequencies.

This above ground trunked system is used for voice communications between Operations Control Center and trains, BART Police dispatchers and police officers, maintenance workers and for administrative purposes. It is the primary radio system used throughout BART. The existing network consists of 31 UHF Base Stations, not including sites that only receive radio transmissions.

In underground areas of the BART system, the trunked radio signals are propagated by a Distributed Amplifier Cable System. There are "dead spots" in some areas of the system.

The radio system is designed to provide clear communications from portable radios with area coverage reliability of 95% or better. In various locations, radio signal penetration into distant facilities and stations is insufficient. The use of a Bi-directional Radio Amplifier (BDA) system within distant structures can eliminate this condition.

The radio system is designed to cover five Bay Area Counties and approximately 100 miles of track. Only one main half-duplex simulcasts channel is shared by 160 sworn BART Police officers.



The entire transit system is controlled by 22 position radio/telephone consoles. Four of the consoles were dedicated to the BART Police. However, the BART Police communications center recently (August 8, 2009) relocated from a small, ineffective communications center, to a new facility that has appropriately 2,100 square-feet. Besides being seismically hardened to meet the American Institute of Steel Construction seismic design standards, the new center is equipped with:

- The latest environmental controls
- Ten ergonomically-engineered workstations
- CCTV monitors that can be viewed from any dispatch location
- Dedicated equipment room that includes CCTV hardware, alarms, access control, two-way radio, train locator systems, 911 systems and criminal

However, as a result of expectations to expand the BART system, modifications are expected to be made to the radio network in the future. The Regional High Level (RHL) Radio System is a part of the BART Radio network. The RHL system is used for voice communications between Operations Control Center and trains when a portion of the BART trunked system has malfunctioned or out of service, or when BART Police officers roam beyond coverage of the BART trunked system. It is a secondary and redundant radio communication medium that exists throughout the BART District, that generally extends to the borders of the counties having BART facilities and infrastructure.

The BART RHL Radio System only works well in certain areas because of interference from Nextel radio sites. The 800 MHz rebanding project should improve radio communications.

The Federal Communications Commission (FCC) has required many public safety radio communications systems to modify their radio frequencies to prevent interference problems. The affected radio communications operations encompasses the 800 Mhz band because Nextel and other cellular-type commercial radio service (CMRS) providers operate adjacent to public safety and other private wireless radio systems. The close proximity of the CMRS and non-CMRS has led to dangerous interference during a significant number of public safety operations. The FCC's solution is to reband 800 HHz to separate public safety channels in order to further remove them away from CMRS channels. Many public safety 800 MHz systems will have to change frequencies in the band. Nextel shall cover all the costs of the rebanding efforts. Each public safety agency has to negotiate with Nextel on how best to resolve this problem in details. This issue may take some time to be resolved at BART and other public safety agencies in the Bay area.

Oakland Police Department Radio Communications

In regards to Interoperability, the Oakland Police Department can interface by switching to talk groups used by the BART Police Department. Oakland Police Officers can talk directly with the BART communications center. However, when using BART's task groups, Oakland Police can not talk directly to Oakland Police dispatchers. However, Oakland Police Officers appear to need more training to find the BART Police Department talk groups on their portable radios. This is important for underground communications. Oakland however, only has two underground stations. San Francisco has many more.



San Francisco Police Radio Communications

Two mutual aide channels have been installed in BART's underground tunnels to permit interoperability with San Francisco Police Department. When San Francisco Police responds to an underground BART station, they can switch their portable radios to a mutual aid channel. Then BART can patch the San Francisco Officers to their communications center. San Francisco Officers have not been trained to switch their radios to the mutual aid channel.

Also, San Francisco consistently fails to contact BART informing them that their officers are in stations making apprehensions, possibly in the track area. San Francisco Officers may also fail to notify their own communications center that they are in BART stations.

Oakland Fire Department Radio Communications

BART has provided portable radios to fire departments adjacent to the transit system. The portable radios provided to the Oakland Fire Department works underground and new talk groups have been recently added. However, Oakland fire fighters using these radios can only speak directly with BART's communications center from underground. A BART portable radio would have to be placed in Oakland's communication center to permit direct communications from an underground station.

San Francisco Fire Department Radio Communications

When the San Francisco Fire Department arrives at a BART station, they switch their portable radios to the mutual aid channel prior to going into the underground stations. Their communications center also contacts BART by telephone. At this time, BART initiates a "patch" from their console, enabling underground radio communications over the mutual aid channel. The San Francisco Fire Department has trained to follow this protocol.

The BART Police Department also maintains interoperability with other police departments and public safety agencies to various degrees throughout the region.

Commendation or Recommendation: What is currently being done effectively or what needs to be done to meet a standard of performance?

1. Basic Radio Communications

The basic radio communications system does satisfy the immediate information needs of the BART Police Department routinely and during emergencies according to CALEA standards (81). However, there are some problems that can not be overlooked. Although the communications center has relocated August 2009 into a new modern, secure facility, there are still some issues that need to be resolved operationally. For example, it is apparent that some officers need additional training on radio protocol. They do not call in or out of service for example.



2. More Talk Groups and Channels

Although the police are only provided with channels, it has not created enormous problems to date. However, consideration should be given to providing the Department with additional channels and talk groups for emergencies and redundancy.

3. P25 Radios

BART Police Department is considering using a P25 compliant radio system. These radios can communicate in analog mode with legacy radios or digital. P25 radios also allow for a reasonable amount of interoperability and shall improve communications in BART's service area with other public safety agencies.

4. FCC Licenses Reviewed

BART does maintain current FCC licenses and has access to the regulatory rules and regulations. According to CALEA standards (81.2.1), the BART Police Department provides 24-hour, toll-free voice and TDD telephone access. Passengers and the general public can contact BART Police communications center at all times for information or assistance required during an emergency. However, the licenses should be reviewed annually by legal staff to ensure that compliance is still be maintained and regulations have not changed.

5. Maintaining Two-Way Radio Communications

The Department also maintains continuous two-way communication capability between the communications center and officers on duty (81.2.2).

6. Poor Written Policy for Obtaining Information

Based on CALEA standards (81.2.3), a BART's written directive does establish procedures for obtaining and recording relevant information of each request for service or self-initiated activity. For example, BART Police General Orders, 1.014, Communications Section states, "The Communications Section is responsible for the operation of a variety of communications equipment which receives and transmits poice related messages. It is here that initial calls for police service are received, evaulated and channeled for appropriate action. This section is also responsible for the computer inputting or cases reported and subsequent action taken."

7. More Robust Policy Needed

The Department also must develop a more robust written policy establishing procedures for communications between field personnel and the communications center (CALEA 81.2.4). Although a new policy, Communications Section, Standard Operating Procedures, December 12, 2007 adequately addresses operations in the communications center, more emphasis must be given to field operations.

8. Access to Resources

Communications personnel do have immediate access to at least the following departmental resources based off CALEA standards:

- Officer in charge
- Duty roster of all personnel
- Residential telephone number of every agency member
- Visual maps detailing the agency's service area



- Officer status indicators

9. Improved Communications Directives Required Based off CALEA - APCO

A review of the entire section 81 of the CALEA standards indicate that written directives should be established regarding Communications in the BART Police Department. The Chief of Police should review and develop these standards immediately. An entire Communications Manual should be completed based off CALEA and APCO standards

10. Purchase Interoperability System

The Department should consider purchasing a Radio Interoperability System or ACU 1000 to facilitate communications with outside agencies.

11. Train and Certify Communications Center Personnel

All Communications Center personnel, including supervisors should be APCO certified and receive annual in-service training by a certified instructor.

12. Obtain Memorandums of Understanding with San Francisco and Oakland

In order to facilitate interoperability initiatives and emergency response by outside agencies on the BART system, formal written Memorandums of Understanding should be developed. These MOUs should also compel each agency to train personnel to switch radios to mutual aid channels and to contact BART when responding to incidents on the transit system.

Justification: The Audit Team's agency-specific analysis, CALEA standards, and criminal justice research are the basis of these recommendations.

Implementation Strategy: In order to establish additional talk groups and acquire additional channels, an internal evaluation and survey should be conducted. Future growth of BART and not just the police department should be considered. Other BART departments share the 800 MHz system.

The Department should seek funding sources to subsidize the procurement of P25 radios. A consortium of public safety agencies may be able to facilitate this process.

The Chief of Police should mandate that a separate comprehensive Communications Manual with directives applicable to the new communications center and a modern police force. The current directives are too old and are also insufficient. The CALEA and APCO standards should be adhered to.



BART Police Management Audit

Topical Area: (Equipment) Procurement

Issues: General Issues (Per Professional Services Agreement):

To assess if BART Police Department is best **equipped** to promote customer service, public trust and effective policing in the diverse communities in which BART operates and with which BART's Police Department interacts.

In addition to compliance with POST training requirements, determine the adequacy of training regarding the use of equipment.

Are facilities and **equipment** adequate to meet the Department's responsibilities?

Review departmental policies, procedures, practices and tactics regarding **equipment selection** and determine if they are comprehensive and current (reflecting best practices), comply with legal requirements, and are effective.

Current Application or Practice:

Procurement Procedures

The BART Police Department follows standard procurement procedures to purchase equipment and other items. This process is facilitated by a Civilian Supervisor who also oversees Budget Coordination, Crime Analysis and Vehicle Procurement.

The Department uses at least 2 procurement manuals. According to the BART's procurement guidelines (Bizzi Guide), before completing a Purchase Requisition, the product must be clearly defined. Reviewing previously purchased documents, obtaining assistance from suppliers and contacting the Procurement Department is also recommended.

The Department is also expected to put together a Purchase Requisition Package (PR Package) that contains other important documents that describes to Procurement what is needed. These documents include:

- Purchase Requisition
 - Describes the item(s) to be purchased, the quantity, the estimated cost, delivery requirements and other information.
- PR Worksheet
 - Prompts the Department for information to assist Procurement in determining the procurement process and method best suited for your purchase.
- Technical Specifications
 - Describes in detail the physical characteristics, standards, and functional performance requirements of an item.



- Sole Source Justification
 - In the event an item can only be obtained from one supplier, a written justification must be prepared and submitted with the signature-concurrence by the Department's management.
- Contract Notification Form 0866
 - By Memorandum of Understanding, BART must provide notification to the Service Employee International Union, Local 790 of the District's intention to contract for services when they may be similar to the work performed by members of SEIU, Local 790.
- Cost Estimates
 - The estimated cost of the procurement usually dictates the procurement process and methods used.
- Drug and Alcohol Prevention/Testing
 - This form is required for the District to comply with Department of Transportation (DOT) regulations regarding the Drug and Alcohol Prevention Program

All purchases over \$100,000. must receive approval from the BART Board of Directors. BART also uses the bidding process.

Go Card

BART Police and other Departments use Go Cards for purchases under \$2500. According to the Procurement Manual, Chapter 5 Supplement: Small Purchases Under The Micro-Purchase Threshold, "The State of California has awarded a contract for statewide commercial credit card services to US Bank (Contractor). The contract was intended to provide, at the request of state ordering agencies, statewide commercial purchase cards and associated services to state employees for the purpose of paying for purchases made for official state purposes.

The policy continues, "In 1995 the State made these services available to any of its political subdivisions of which BART as a public utility district qualifies for participation in the program. On July 1, 1996, the District commenced its program and issued these procedures.

Vehicle Procurement

According to the non-revenue fleet inventory list, the BART Police Department currently has 80 vehicles in-service and 2 out of service. The age of the fleet ranges from 1996 (1 Jeep Cherokee with 76,000 miles) to 2009 (1 Dodge Charger with 11,716 miles). The majority of the police fleet consists primarily of Police Ford Interceptors (50). The entire fleet consists of:

- Ford Interceptors (50)
- Dodge Chargers (4)
- Ford Taurus (2)
- Ford Escape Hybrid (5)
- Ford Escape (7)
- Ford Ranger (3)
- Dodge Ram 2500(4)



- Dodge Dakota (2)
- GMC C5500 Utility (1)
- Ford Van (1)
- Ford Club Wagon (1)
- Jeep Cherokee SE (1)

The police fleet is in relatively good condition with the highest mile vehicle having 123,411 miles (Interceptor - 2004). The largest amount of vehicles by age is the Interceptor - 2006 (21 sedans). The majority of the police fleet is "police packaged".

Each Department at BART is allocated a certain number of vehicles. Generally speaking, BART Police vehicles are replaced once they reach the 100,00 mile mark. Five vehicles had over 100,00 miles. Only a certain amount of vehicles are purchased each year.

BART's Maintenance and Engineering Department is primarily responsible for procurement of the police fleet. That department completes the specifications with the input from police personnel. Equipment for the police fleet is purchased from an outside vendor. The bidding process is adhered to when purchasing new vehicles. At times, police vehicles are also purchased using a State contract.

Commendation or Recommendation:

1. What is currently being done effectively or what needs to be done to meet a standard of performance?

Although BART has a policy that dictates procedures for procurement, the BART Police does not have a specific policy as is recommended by CALEA. However, the CALEA standards appear to be met in the BART policy. CALEA standards:

1. Specifications for items requiring standardized purchases
2. Bidding procedures
3. Criteria for the selection of vendors and bidders

There is a formal procedure for controlling requisitioning and purchasing of the Department's supplies and equipment. However, BART's Procurement Department provides little assistance during much of this process. Personnel who were interviewed indicated they often have to maneuver through the procurement process because the Procurement Department has inadequate staffing levels, appears to be disorganized and is non-responsive. BART Police indicated that they have little formal training in the procurement process and this leads to a high level of frustration when little assistance is provided. According to one BART Police official, if BART Police personnel do not get directly involved with the procurement process, requisitions and other important documents often remain on desks in BART's Procurement Department resulting in significant delays. Little guidance is provided by the Procurement Department. This is the most significant concern for police personnel. Procurement training sessions should also be given to police personnel.



Although the "Go Card" is a great asset and process, and facilitates the procurement process significantly, not enough money is allocated towards the non-material budget to rent firearms ranges for example.

According to CALEA standards, vehicles used in routine or general patrol service, whether conspicuously marked or unmarked, must be equipped with operational emergency lights and a siren. Conspicuously marked patrol cars are readily identified as law enforcement agency vehicles from every view and from a long distance, even at night. The BART Police Department appears to have met this standard as observed by this consultant.

CALEA also indicates that a written directive specifies the equipment to be included in every patrol vehicle and establishes a system to ensure replenishment of supplies for operational readiness. Although there is a written directive (#1 - Vehicle Equipment Inventory and Operation of Department Vehicles), it is outdated (October 20, 1999). This is a significant and consistent problem that the Operational Directives have not been revised or updated at least every two years. The policy should indicate a wider variety of equipment that should be in each vehicle. For example, first-aid kits, equipment against transmission of blood-borne pathogens and reflective cones were not listed in the policy.

Presently BART must pay every time prisoners are held at many local and county facilities. For example, BART pays the City of Berkley \$190 per day to hold prisoners. BART pays the Heywood Police Department \$200 per day. Booking fees are also assessed and BART is billed. Combined with the fact that BART also pays for leasing firearms ranges and having blood drawn for DUI cases, maintaining contracts and keeping records regarding such transactions can be confusing especially when BART personnel have little or no training in the Procurement process. Reasonable alternatives should be discussed with BART's Procurement Department to alleviate the costs and also to provide assistance.

Justification: The Audit Team's agency-specific analysis, CALEA standards, and criminal justice research are the basis of these recommendations.

Implementation Strategy: (How should each recommendation be implemented by the agency?) Who (component), what, when and where should be addressed as appropriate.



BART Police Management Audit

Topical Area: Equipment (Lethal and Non-Lethal Weapons)

General Issues: (Per Professional Services Agreement):

To assess if BART Police Department is best **equipped** to promote customer service, public trust and effective policing in the diverse communities in which BART operates and with which BART's Police Department interacts.

In addition to compliance with POST training requirements, determine the adequacy of training regarding the use of lethal and less lethal force **equipment/weapons (Overlaps with Training)**

Are facilities and **equipment** adequate to meet the Department's responsibilities?

Review departmental policies, procedures, practices and tactics regarding **equipment selection** and determine if they are comprehensive and current (reflecting best practices), comply with legal requirements, and are effective.

Current Application or Practice: To identify the type(s) of lethal and non-lethal equipment/weapons the Bay Area Rapid Transit (BART) Police Department use and to determine if this is appropriate. The consultant shall also address issues relevant in the General Issues section.

Lethal

Issued Pistol: Uniform patrol officers are typically issued the Sig Sauer 40 Cal, Model # P226R with a 4 1/2 inch barrel. Officers with smaller hands or assigned to the detective unit have the option to carry models #P229R or #P239R (4 inch barrel). The Sig Sauer pistols are "**double-action**" only. The issued departmental **ammunition** for the Sig Sauer is the Federal, HST, 180 Grain, Nickel, Hollow Point. **Practice ammunition** consist of whatever is available that is full metal jacket and 180 Grain. Officers are issued **3 magazines** that hold 12 rounds.

Pistols: BART Officers are permitted to purchase their own "on-duty" pistols (other than Sig Sauer). However, officers are required to qualify at the range with these pistols. The department does not reimburse officers for pistol purchases. The **most popular "on-duty" weapon appears to be Glock (Models #22 & #35)**. Other popular weapons include the **Colt (Model #1911), Springfield (Model XD) and the STI**. BART Officers are also permitted to carry a "**back-up**" weapon but must qualify annually with pistols they carry.

Non-Lethal Weapons: All BART Officers are trained with the **Tasers (Model #X-26)**. However, the officer has the option to carry a Taser. Tasers are communal and exchanged during the change of shifts. Officers can wear the factory ordered holster for the Taser or purchase their own holster. The holsters are not triple or double retention.



Radio Patrol Cars: All Radio Patrol Cars are equipped with **Remington 870 Breaching Shotguns.**

SWAT Firearms: Members of SWAT are typically assigned to Zones and work with other patrol officers. They wear patrol uniforms unless deployed. Weapons that SWAT officers carry include: **Colt AR-15 Long Rifle; Sniper Remington 700; H & K MP - 5 Sub Machine Gun; 40 ML Chem Launchers - Def Tec; Remington 870 Breaching Shotgun.**

Non-Lethal Weapons

All BART Officers are trained with the **Tasers (Model #X-26)**. However, the officer has the option to carry a Taser. Tasers are communal and exchanged during the change of shifts. Officers can wear the factory ordered holster for the Taser or purchase their own holster. The holsters are not triple or double retention.

Non-Lethal

Non-Lethal weapons are those control devices/instruments authorized for use in the control of violent or potentially violent subjects when less forceful means have been ruled inadequate. Non-lethal force may be administered by members using the following control devices/instruments:

- Pepper Spray or Chemical Gas
- Police Batons
- Taser

1. **Pepper Spray or Chemical Gas:** MK-6, MK-4, First Defense for all police officers?
2. **40 ML Chem Launchers:** Def Tee, for SWAT, Soft Rubber Round with exact impact
3. **Police Baton:** Straight Wooden, T-Shaped is authorized
4. **Tasers:** All BART Officers are trained with the Tasers (Model #X-26). However, the officer has the option to carry a Taser. Tasers are communal and exchanged at the end of each shift. Officers can wear the factory ordered holsters for the Taser or purchase their own holster. The holsters are not triple or double retention.

Commendation or Recommendation:

What is currently being done effectively or what needs to be done to meet a standard of performance?

1. Sig Sauer - Good Selection

The standard issued Sig Sauer P226R 40 caliber 4 ½ inch barrel is an good choice of firearm because it works well in the mass transit environment. This is primarily because there is less ricochet possibilities and the 40 caliber has more stopping power than a 9 millimeter firearm. By using the hollow point ammunition, it increases the effectiveness of the firearm. It also aids in the ability to incapacitate the subject with less possibility of causing harm to the public.

Having the options to carry Sig Sauer models P229R and P239R is a good choice for officers who have smaller hand grips or for plainclothes or detectives who need these firearms for better concealment. The ammunition that is used (Federal, HST, 180 Grain, Nickel, Hollow Point) is



an acceptable choice. The double action feature is also acceptable and a standard feature on most firearms.

2. Standardization Required

According to **CALEA** standards, the agency (BART Police Department) should determine the specifications and authorize all personal equipment and apparel, not issued by the agency, used/worn by uniformed personnel to ensure uniformity and prevent use of unauthorized or substandard items (41.3.4). **CALEA** also indicates the agency develop a written directive that requires only weapons and ammunition authorized by the agency be used by agency personnel in the performance of their responsibilities. The directive shall apply to weapons and ammunition carried both on and off duty... (1.3.9).

However, NOBLE does not concur with the practice of BART Officers being permitted to purchase their own "on-duty" pistols (other than Sig Sauer). Although, officers are required to qualify at the range with these pistols, the practice of purchasing their own pistols creates many problems. The Department should be able to establish appropriate equipment and firearms standards for the department for the safety of the officers and the general public. It is difficult for the department to regulate/standardize training, the ammunition that is being used and the quality of the firearm selected.

Departmental standards for equipment and firearms must be established to maintain order, continuity and compliance with departmental policy and industry practices that lessen the likelihood for liability. This decision should not be relegated to front line police officers, bargaining units or influences from external agencies. Permitting officers to carry firearms that are not departmental issued increases liability while on and off duty.

Standardization also permits exchange of firearms and equipment during exigent, or emergency incidents. Officers will be familiar with using firearms of other officers in the should their weapons malfunction or become inaccessible.

As a result of industry best practices, particularly amongst transit police departments, standardization of equipment and firearms is acceptable. As a result of analysis and interviews conducted of the BART Police Department, standardization is prudent and beneficial.

3. No Back-up Firearms

NOBLE also does not recommend that officers be permitted to carry back-up weapons for the above stated reasons. This also creates an additional firearm that must be serviced, inspected, maintained and documented. A standard firearm should be armored and inspected on a regular basis by a certified department armorer.

4. Triple Retention Holsters Recommended

Officers have the option to wear triple retention, double retention or single retention holsters. The type of holster worn is also contingent on the type of pistol carried. *However, it is recommended that officers carry triple retention holsters which will provide improved safety for officers and the general public. Officers should have no problems drawing from the holster after proper training and practice. The triple retention feature will give officers added safety and*



will be a conscious reminder when firearms are being drawn. Retention holsters are being utilized throughout the industry on a widespread basis.

5. Consider Desolving SWAT Unit and Weapons

Members of SWAT are typically assigned to Zones and work with other patrol officers. They are rarely deployed. An evaluation of the viability and usefulness of a SWAT unit should be assessed. Weapons that SWAT officers carry include: **Colt AR-15 Long Rifle; Sniper Remington 700; H & K MP - 5 Sub Machine Gun; 40 ML Chem Launchers - Def Tec; Remington 870 Breeching.** These are all weapons that can be utilized by SWAT in high risk tactical situations. However, BART officers are rarely deployed in this manner.

6. No Shotguns for Patrol Cars

All Radio Patrol Cars are equipped with **Remington 870 Breeching shotguns.** *There appears to be no reasons why BART Officers should be equipped with shotguns given the potential hazards of using this weapon in the restrictive, enclosed, crowded patrol environment of mass transit. Even using the shotgun in a non-lethal way (bean bag rounds), gives a negative perception of using excessive and deadly force.*

7. Purchase Firearm Simulator

*NOBLE strongly recommends that the Department purchase a **Firearms Simulator (FATS)** or other similar technology. This develops the opportunity to develop shoot/don't shoot skills. Simulators can also be used for Non-Lethal weapons. **BART Operational Directive #68, Authorized Firearms, Training and Qualification (revised July, 1996),** clearly indicates guidelines for the use of a simulator. However, the BART Police Department does not have a simulator at this time.*

8. Outdate Operational Directives

*More importantly, **Directive #68 is outdated and must be revised.** For example, this directive indicates that the issued department firearm is the **Beretta Model 92FS (9mm) or Model 96F (.40 S & W), 5 inch barrel, double action semi-automatic pistol shall be the issued weapon for sworn members, and employees authorized to carry firearms on duty.** When in fact today, uniform patrol officers are typically issued the **Sig Sauer 40 Cal, Model # P226R with a 4 1/2 inch barrel.***

*Also, **Directive #68 indicates the authorized weapons include: Beretta, Glock, Heckler and Koch, Sig Sauer, Smith and Wesson, and other modern semi-automatic pistols.** For the above mentioned reasons, this policy is too flexible.*

9. Laxed Firearms Requalification

NOBLE also recommends that oversight be given regarding the re-qualification of police officers. Some officers are reportedly not re-qualifying when returning back to work after being on long term sick or injured on duty leave. Some police administrators also have not been to the firearms range for extended periods of time. Consideration should be given to increase firearms requalification annually (4 hours, 3 times per year). Annual "active shooter" training and critical incident response should be part of firearms requalification.



Non-Lethal

Non-Lethal weapons are those control devices/instruments authorized for use in the control of violent or potentially violent subjects when less forceful means have been ruled inadequate.

Non-lethal force may be administered by members using the following control devices/instruments:

- Pepper Spray
 - Chemical Gas
 - Police Batons
 - Taser
- **Pepper Spray (O.C.) MK-6, MK-4or Chemical Gas**
 - **40 ML Chem Launchers:** Def Tee, for SWAT, Soft Rubber Round with exact impact.
 - **Police Baton:** Straight Wooden, T-Shaped is authorized.

10. Pepper Spray, Chem Launchers and Baton Recommendations

*NOBLE concurs with the use of **Pepper Spray (O.C.)**. Use of other forms of chemical agents or non-lethal weapons with the exception of the taser and expandable baton is acceptable. However, using other types of devices that also permit officers to purchase their own presents problems with monitoring, inspecting, maintenance and training. Ultimately it increases the departments liability and can jeopardize the safety of the officer and the public. NOBLE recommends that the Department uses the **ASP or the monadnock** auto lock baton because these batons are commonly used by various departments throughout the country and is National Institute of Justice approved. The use of **40 ML Chem Launchers** does not appear practical. BART Police Officers would have little if no opportunity to deploy this weapon.*

11. Taser Recommendations

All BART Officers are trained with the Tasers (Model #X-26). However, the officer has the option to carry a Taser. Tasers are communal and exchanged at the end of each shift. Officers can wear the factory ordered holsters for the Taser or purchase their own holster. The holsters are not triple or double retention. The taser that the Department presently uses is approved by the National Institute of Justice. *NOBLE approves the use of this Taser. NOBLE approves the new taser Operational Directive/Policy 309 that was updated April 2009 (Electronic Control Device - Taser). This policy indicates the taser can be carried in a holster, opposite side from the duty weapon with no portion of the TASER crossing the midline of the officer's belt when it is holstered.*

- a. When carried in this manner, the officer shall use a support hand draw or a dominant hand cross body draw. *However, NOBLE recommends that this section also indicates that the Taser is in an opposing grip away position when using the dominant hand cross body draw.*
- b. A drop leg holster worn on the support hand side only. *NOBLE concurs with this procedure.*
- c. On the duty weapon side, only if the TASER is in an opposing grip away position from the duty weapon requiring a cross body support hand draw. *NOBLE does not concur. The Taser MUST not be carried on the duty weapon side under any circumstances.*



An officer may purchase his/her own departmentally approved yellow TASER® X26 for duty use. It must be inspected by a department TASER armorer and meet with departmental standards before it can be carried for duty. If the TASER armorer approves the TASER for duty use, the armorer who inspects the TASER will complete a memo to document the inspection, serial number and approval of the TASER. The memo will be maintained in the officer's personnel file. Maintenance of this TASER is the responsibility of the owner. *NOBLE does not endorse officers purchasing their own TASER under any circumstances. This opens the Department up to unnecessary liability. The TASER also should not be communal. Each officer should be issued their own TASER. It is not necessary that all members of the department have a TASER. Supervisors, Field Training Officers or special units (Tactical Teams and K-9 Teams) can be issued TASERS.*

12. Lead-less Practice Ammunition

All practice ammunition should be lead-less because have less lead exposure during firearms prequalification or practice. The firearms instructor should be responsible for ensuring that this ammunition is procured. The practice of procuring lead-less ammunition should occur immediately because of issues relating to over exposure.

Justification: Justification for the previous recommendations are based on the following:

- CALEA standards
- National Institute of Justice Standards
- Research on the topic
- Agency-specific analysis

Standards Used:

- CALEA standards
- National Institute of Justice Standards
- Research on the topic
- Agency-specific analysis

Implementation Strategy:

- Standardization of firearms and equipment selection should be dictated by revised policy and oversight of the Support Services Section or appropriate police administrator. This also entails the requirement that back-up weapons not be carried. The Chief of Police is authorized to change policy. This should occur immediately.
- The department should also change policy that indicates all uniform patrol officers must use triple retention holsters. This should also be implemented immediately.
- The Chief of Police should consider abolishing the SWAT Unit after evaluation. This evaluation should include a review of how many times the unit was deployed during the last two calendar years (2007 and 2008) and if the special weapons were used. This evaluation should take place immediately.
- The Chief of Police should abolish the use of the shotgun and change the policy. This should also occur immediately.



- A Firearms Simulator should be purchased. Grants or funding may be available. The Capital Grants Department (or appropriate department) at BART should facilitate this process. The Chief should consider purchasing a system out of his operating budget. It is possible that other police departments would share the costs.
- A review of all police directives should occur annually. The Chief of Police is ultimately responsible for revising the directives. He can delegate the responsibility to the appropriate commander and approve the revisions. BART's Legal Department should also review important directives including Use of Force and other policies involving lethal and non-lethal weapons. This should occur immediately.
- Policies regarding Batons and Tasers should be revised based off the aforementioned recommendations. This should also occur immediately.
- Leadless ammunition can be purchased through the procurement process. This should also be done immediately by the Civilian Supervisor.

