

Officer-Involved Shootings and Deaths

310.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured or dies as the result of an officer-involved shooting or dies as a result of the actions of an officer.

In other incidents not covered by this policy, the Chief of Police may decide that the investigation will follow the process provided in this policy.

310.2 POLICY

The policy of the Bay Area Rapid Transit Police Department is to ensure that officer-involved shootings and deaths are investigated in a thorough, fair and impartial manner.

310.3 TYPES OF INVESTIGATIONS

Officer-involved shootings and deaths involve several separate investigations. The investigations may include:

- A criminal investigation of the suspect's actions.
- A criminal investigation of the involved officer's actions.
- An administrative investigation as to policy compliance by involved officers.
- A civil investigation to determine potential liability.

310.4 CONTROL OF INVESTIGATIONS

Investigators from surrounding agencies may be assigned to work on the criminal investigation of officer-involved shootings and deaths. This may include at least one investigator from the agency that employs the involved officer.

Jurisdiction is determined by the location of the shooting or death and the agency employing the involved officer. The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings and deaths.

310.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect's crime occurred. For example, the Bay Area Rapid Transit Police Department would control the investigation if the suspect's crime occurred in BART.

If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The investigation may be conducted by another agency, at the discretion of the Chief of Police and with concurrence from the other agency.

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310.4.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

The control of the criminal investigation into the involved officer's conduct during the incident will be determined by the employing agency's protocol. When an officer from this department is involved, the criminal investigation will be handled according to the Criminal Investigation section of this policy.

Requests made of this department to investigate a shooting or death involving an outside agency's officer shall be referred to the Chief of Police or the authorized designee for approval.

310.4.3 ADMINISTRATIVE AND CIVIL INVESTIGATION

Regardless of where the incident occurs, the administrative and civil investigation of each involved officer is controlled by the respective employing agency.

310.4.4 INVESTIGATION RESPONSIBILITY MATRIX

The following table helps identify the possible scenarios and responsibilities for the investigation of officer-involved shootings. This may vary based on the incident county and their protocol.

	Criminal Investigation of Suspect(s)	Criminal Investigation of Officer(s)	Civil Investigation	Administrative Investigation
BPD Officer in This Jurisdiction	BPD Investigators	BPD Investigators w/District Attorney's Office	BART Legal Counsel	BPD Office of Professional Standards
Allied Agency's Officer in This Jurisdiction	BPD Investigators	District Attorney's Office	Involved Officer's Department	Involved Officer's Department
BPD Officer in Another Jurisdiction	Agency where incident occurred	Decision made by agency where incident occurred	BART Legal Counsel	BPD Office of Professional Standards

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310.5 INVESTIGATION PROCESS

The following procedures are guidelines used in the investigation of an officer-involved shooting or death. The following checklist is a guideline that should be followed following an officer-involved shooting or death incident:

- Take all necessary life-saving efforts.
- Request additional manpower as needed.
- Assign an officer to ride with injured in ambulance with a recording device; a) maintain physical evidence, b) maintain custody of arrestee, c) obtain spontaneous statements or dying declaration, d) transmit information to and from medical personnel.
- Make necessary notifications (refer to 310.5.3, Notifications)
- Obtain basic facts from involved officers (public safety statement) – statement to establish crime scene boundaries, location of evidence, outstanding suspects etc.
- Confirm who are the involved officer(s). If necessary, check all firearms of witness officers. Make sure to take notes on each, collecting any which were fired or misfired.
- Locate, identify, and sequester civilian witnesses as soon as possible.
- Start canvas of the area for other witnesses, locating unaccounted for vehicles, weapons, people, etc.
- Radio broadcasts and teletypes regarding outstanding suspects, vehicles, witnesses, etc.
- Collect gunshot residue from shooters and involved persons being transported.
- Collect the involved officers' body worn cameras.
- The Chief of Police or designee makes the determination if the involved officer/witness officers have access to view their body worn camera video of the incident. The involved officer/witness officers shall not be allowed to access their body worn camera, without the expressed permission from the Chief of Police or designee.
- Identify and secure all scenes (original location, escape/chase route, fatal scene, vehicles involved, hospital etc.; leave officer's vehicle in place, but collect keys for later removal).
- Evidence technicians should process the scene, including photographs and collection in counties where the local crime lab will not respond. If local crime lab is responding, preservation steps (including collection, if necessary) should be undertaken to prevent the destruction of evidence.
- Limit entry into scene to absolute minimum.
- Maintain scene log to record every entry and exit (who, when, why).
- Instruct involved officers to keep guns holstered until replacement weapons are provided. When replacement weapon is available, supervisor/evidence technician should collect any fired weapons without opening or disturbing condition or trace evidence. Note and record details of collection, condition, adhering evidence, chain of custody etc.
- Have involved officers taken to the police station by independent officers. Order all involved personnel not to discuss the incident. Allow personnel to contact attorney or family prior to detailed interview. Keep involved personnel sequestered prior to interview.
- Ensure that a drug/alcohol test is administered to the involved officer (coordinated through

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the Operations Control Center Manager). Accommodations should be made for the involved officer to be later driven to his/her place of residence after the conclusion of the initial investigation.

- Collect available information to brief investigators.
- In cases of officer involved shootings where an officer fatality is involved, a Department Chaplain or representative from the Department should be assigned as a liaison to the family of the deceased.

310.5.1 OFFICER IN CHARGE - RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting, the first uninvolved BPD officer will be the officer-in-charge and will assume the responsibilities of a supervisor until properly relieved. This officer should, as appropriate:

- (a) Secure the scene and identify and eliminate hazards for all those involved.
- (b) Take reasonable steps to obtain emergency medical attention for injured individuals.
- (c) Request additional resources from the Department or other agencies.
- (d) Coordinate a perimeter or pursuit of suspects.
- (e) Check for injured persons and evacuate as needed.
- (f) Brief the supervisor upon arrival

310.5.2 WATCH COMMANDER RESPONSIBILITIES

Upon learning of an officer-involved shooting or death, the Watch Commander shall be responsible for coordinating all aspects of the incident until he/she is relieved by the Chief of Police or a Bureau Commander.

All outside inquiries about the incident shall be directed to the Watch Commander.

310.5.3 NOTIFICATIONS

The following notifications shall be made soon as practical after an officer involved shooting:

- BART Police Communications Center
- On-duty supervisor and officers responsible for the area in which the incident occurred
- On-duty Watch Commander or on-call command officer
- If other than BART Police, the agency having primary investigative responsibility
- Detective Sergeant and on-call detective
- Chief of Police and appropriate command officers
- Operations Control Center (If necessary)
- County Officer Involved Shooting Protocol rollout team
- Department of Media Affairs as directed by the Chief
- Coroner (if necessary)

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- BPMA/BPOA Representative
- Trauma Response Team
- Office of the Independent Police Auditor

310.6 CRIMINAL INVESTIGATION

The District Attorney's Office is responsible for the criminal investigation into the circumstances of any officer-involved shooting or death.

If available, investigative personnel from this department may be assigned to partner with investigators from outside agencies or the District Attorney's Office to avoid duplicating efforts in related criminal investigations.

Once public safety issues have been addressed, criminal investigators should be given the opportunity to obtain a voluntary statement from involved officers and to complete their interviews. The following shall be considered for the involved officer:

- (a) BPD supervisors and Office of Internal Affairs personnel should not participate directly in any voluntary interview of BPD officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.
- (b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators (Government Code § 3303(i)). However, in order to maintain the integrity of each involved officer's statement, involved officers shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.
- (c) If any involved officer is physically, emotionally or otherwise not able to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.
- (d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators.

310.6.1 REPORT WRITING

The assigned investigator or designee shall write any required report on behalf of the involved officer(s). If suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require involved BPD officers to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals (Government Code § 3304(a))

Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal activities by suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

Nothing in this section shall be construed to deprive an involved BPD officer of the right to consult with legal counsel prior to completing any such criminal report.

Reports related to the prosecution of criminal suspects will be processed according to normal procedures but should also be included for reference in the investigation of the officer-involved

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shooting or death.

310.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or death may become unavailable or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available personnel for the following:

- (a) Identification of all persons present at the scene and in the immediate area.

When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.

Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.

- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigator may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Department.

When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

- (c) Promptly contacting the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to the incident.

310.7 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting or death, this department will conduct an internal administrative investigation of BPD officers to determine conformance with department policy. The investigation will be conducted under the supervision of the Office of Internal Affairs and will be considered a confidential officer personnel file.

Interviews of members shall be subject to department policies and applicable laws (see the Personnel Complaints Policy).

- (a) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.

1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.

- (b) If an involved officer has elected to not provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative

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interview to determine all relevant information.

1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.
2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed (Government Code § 3303(i)). Administrative interviews should be recorded by the investigator. The officer may also record the interview (Government Code § 3303(g)).
3. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, he/she should be given his/ her *Lybarger* or *Garrity* rights and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.
4. The Office of Internal Affairs shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
5. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.
6. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

310.8 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the supervisor and department representative responsible for each phase of the investigation. Releases will be available to the Watch Commander, Criminal Investigations Section Bureau Commander and Media and Public Affairs Manager in the event of inquiries from the media.

It will be the policy of this department to not release the identities of involved officers absent their consent or as required by law. Moreover, no involved officer shall be subjected to contact from the media (Government Code § 3303(e)) and no involved officer shall make any comments to the press unless authorized by the Chief of Police or a Bureau Deputy Chief.

Department members receiving inquiries regarding officer-involved shootings or deaths occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

310.9 DEBRIEFING

Following an officer-involved shooting or death, the Bay Area Rapid Transit Police Department

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shall conduct both a critical incident/stress debriefing and a tactical debriefing.

310.9.1 TACTICAL DEBRIEFING

A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Chief of Police should identify the appropriate participants. This debriefing should not be conducted until all involved members have provided recorded or formal statements to criminal and/or administrative investigators.

310.9.2 CRITICAL INCIDENT/STRESS DEBRIEFING

A critical incident/stress debriefing should occur as soon as practicable. The Support Services Bureau Commander is responsible for organizing the debriefing. Notes and recorded statements should not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a traumatic event.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law or a valid court order.

Attendance at the debriefing shall only include those members of the Department directly involved in the incident, which can include support personnel (e.g., [dispatchers, other civilian personnel]). Family or other support personnel may attend with the concurrence of those involved in the incident. The debriefing shall be closed to the public and should be closed to all other members of the Department, including supervisory and Office of Internal Affairs personnel.

310.10 REPORTING

If the death of an individual occurs in the Bay Area Rapid Transit Police Department jurisdiction and qualifies to be reported to the state as a justifiable homicide or an in-custody death, the Patrol Bureau Commander will ensure that the Records Supervisor is provided with enough information to meet the reporting requirements (Penal Code § 196; Penal Code § 13022; Government Code § 12525).

310.11 RETURN TO ACTIVE DUTY

The following checklist guideline outlines the protocol which should be followed involved officer's return to active duty after an Officer Involved Shooting where death/serious bodily injury occurs.

- The involved officer is not cleared for regular patrol duties until results of the mandatory drug testing clears the involved officer for duty.
- The involved officer undergoes a session with a Department approved psychologist and cleared to return to work.
- The Chief of Police or designee may keep the officer from active duty if they believe that the placing of the officer on active duty poses an unreasonable risk to the Department, the employee, other employees, or the public.
- The Chief of Police or designee may keep the officer from active duty if a preliminary determination appears to show that the employee's conduct was not in compliance with Policy.
- A member of Staff should consult with the involved officer to confirm if they feel ready to return to full duty.
- The involved officer shall complete a range qualification course with the Department Rangemaster.



S.F. Bay Area Rapid Transit District Police Department

Arrest and Control

Arrest and Control Training CPTN - 2016

MISSION: Arrest and Control instructors will provide officers of this department with Arrest and Control training.

GOAL: By utilizing hands-on guidance, Arrest and Control instructors will teach the Officers of this department the proper control holds, searching and handcuffing techniques.

1. Lecture

III (g,j,k)

- Roundtable (any questions from participants on UOF policy/Handcuffing policy – participants required to review prior to training).
- Responsibility of Officer to notify supervisor on use of force
- Searching Techniques
 - Discuss pat search, full search incident to arrest
 - Review Policy 322.4 – Search Protocol, 322.5 – Documentation
--Protocol for searching subjects of opposite sex
- **De-escalation Techniques (Tactical Communications)**
 - **Critical Decision Making**
 - Collect information
 - Assess situation, threats, risks
 - Identify options, determine best course of action (Do I have to act now, or can I wait?)
 - Act, review, and re-assess
 - **Active Listening**
 - 80-20 rule (80% listening, 20% speaking)
 - Ask open-ended questions
 - Demonstrate you are listening
 - **Verbal Communication**
 - Use team concept
 - Establish rapport
 - Provide clear, single questions/commands

- Graham v. Connor
 1. Officer with similar training and experience
 2. In similar situation
 3. Act in similar manner
 Not best decision, but reasonable one
 - Scott v. Heinrich
 1. Force Options
 2. No need for escalation of force options
 - Safety Points:
 - Injuries (Past, Present, & Future)
 - Spatial Awareness
 - Dangerous Conditions
 - Mindset (i.e., awareness)
 - Report Articulation
 - MVR Activation
-

2. Warm-up

III (a)

- Jumping jacks (25)
- Neck rotations
- Shoulder rotations
- Arm rotations
- Side bends (left and right). 4 reps.
- Trunk twists (left and right). 4 reps.
- Hamstring stretch
- Quad stretch
- Lower back stretch
- Wrist stretches

3. Break falls

III (b,f,g,i)

- Front fall
- Side fall
- Back fall

4. Footwork (from POI) – 4 reps each

III (b,h,i)

- Forward shuffle
- Rear shuffle
- Left shuffle
- Right shuffle
- Normal pivot
- Shuffle pivot
- Progressive pivot

5. Searching/ Handcuffing/ Self-Defense (3 Reps per Officer)
(b,d,e,f,h,i)

III

- a) Review Twist lock
 - b) Quick Cuffing (**low risk**)
 - 1) Grabbing of fingers
 - Twist-locks (top to bottom; bottom to top)
 - Lower body search
 - c) Standing Modified (**low/med risk**) Search; to handcuffing
 - d) Prone Handcuffing (**high risk**)
 - 1) Challenge suspect
 - Handcuffing
 - Search Emphasize nuances (i.e. bear most of own weight, knee not to go past upper shoulder, hand off the back, palm facing the feet, finger towards the shoulder).
 - Controlling hands thumb must wrap around suspects hand, fingers.
 - f) Assailant swings at officer
 - Arm Sweep takedown
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8. Scenario(s)

- **5150 contact at Powell Street Station.**
Officers will simulate MVR activation, use de-escalation techniques, and demonstrate proper searching and handcuffing techniques.

REMINDER

A memo must be completed and submitted to supervisor if an Officer is unable to perform any of the above listed Defensive Tactics/Arrest Control techniques.

END LESSON

NOTES:



S.F. Bay Area Rapid Transit District Police Department

Arrest and Control

Arrest and Control Training 2017 AOT Curriculum

MISSION: Arrest and Control instructors will provide officers of this department with training regarding Arrest and Control technique as well as Impact Weapons.

GOAL: By utilizing hands-on guidance, Arrest and Control instructors will teach the Officers of this department the proper control holds, searching and handcuffing techniques. The instructors will give Officers techniques when responding to resistance during these techniques. The training will also include the proper techniques for Impact Weapons

1. Lecture

III (g,j,k)

- A) Lead discussion of revised Use of Force Policy 300.
 - a. Officers are required to document and report all UOFs.
 - b. Sergeants have the task of which level of investigation they are to perform.
- B) Clarify administrative vs technical terms
 - a. Non-dynamic takedown vs takedown technique taught by staff
- C) Explain development of curriculum to make relevant to students
 - a. Curriculum vetted by one year of statistical analysis wherein nearly 75% of the UOFs involved Arrest & Control or attempt thereof
 - b. Curriculum vetted by observations of UOF Review Board showing deficiencies
- D) Strive for Minimum Force is a valid goal and concept. Critically analyze the policy and emphasize the many contingencies and factors to consider when using force
- E) De-escalation Techniques (Tactical Communications)
 - a. Critical Decision Making
 - i. Collect information
 - ii. Assess situation, threats, risks
 - iii. Identify options, determine best course of action (Do I have to act now, or can I wait?)
 - iv. Act, review, and re-assess
 - b. On-going evaluation of situation
 - i. Before, during, and after UOF
 - ii. When to slow down
 - iii. Situational awareness of scene – 360 environment

- c. WIN – What’s Important Now?
 - i. Use team concept
 - ii. Provide clear, single questions/commands

 - F) Graham v. Connor
 - a. Officer with similar training and experience
 - b. In similar situation
 - c. Act in similar manner
 - i. Not best decision, but reasonable one
 - G) Scott v. Heinrich
 - a. Force Options
 - b. No need for escalation of force options
 - H) Safety Points:
 - a. Injuries (Past, Present, & Future)
 - b. Spatial Awareness
 - c. Dangerous Conditions
 - I) Mindset
 - a. Full contact chess analogy
 - b. What are you prepared to do?
 - c. Why are you doing it?
 - J) Report Articulation
 - K) MVR Activation
-

2. Warm-up

III (a)

- Jumping jacks
- Neck rotations
- Shoulder rotations
- Arm rotations
- Side bends (left and right)
- Trunk twists (left and right)
- Hamstring stretch
- Quad stretch
- Lower back stretch
- Wrist stretches

3. Break falls

III (b,f,g,i)

- Front fall
- Side fall
- Back fall

4. Footwork (from POI)

III (b,h,i)

- Forward shuffle
 - Rear shuffle
 - Left shuffle
 - Right shuffle
 - Shuffle pivot
-

5. Control Holds/ Searching/ Handcuffing/ Self Defense

III (b,d,e,f,h,i)

A) Review Twist Lock and Twist Lock Search

a. Response to Resistance

- i. Disengage, transition to tools
- ii. Apply Twist Lock to disrupt Suspect's actions
- iii. Critical Response: Takedown
 1. Twist Lock Circle Down
 2. Twist Lock TD to the Rear/ disengage
 3. Twist Lock Throw (most injurious)

b. Quick Cuffing (low risk)

- i. Grabbing of fingers
- ii. Twist-locks (top to bottom; bottom to top)
- iii. Response to Resistance:
 1. For "Grabbing of Fingers" – disengage (push) and transition to weapons
 2. For Twist-lock grips
- iv. apply Twist Lock, de-escalate
 1. disengage
 2. take down
 3. disengage and transition

c. Standing Modified (**low/med risk**) Search

- i. review: systematic, quadrant, crushing search
- ii. Response to Resistance during search
 1. disengage, de-escalate, transition to tools
 2. take down to rear (straight pull down)
 3. shoulder compression
 4. Handcuffing
 - a. emphasize one-person technique
 - b. one officer should focus on technique; one officer should focus on de-escalating
- iii. Twist Lock option with review of responses to resistance

- iv. Rear Wrist Lock option
 - 1. emphasize pre-planning (clearing wrists)
 - 2. technique heavy option; requires more practice
 - B) Moving seated patron
 - a. Review/ Introduce Pressure Points
 - i. Mastoid
 - ii. Salivary Gland
 - iii. Brachial Plexus
 - iv. Radial Nerve
 - v. *Emphasize bracing and expected reactions*
 - b. Review last year's technique
 - i. Replace Pressure Points for officer with cross face pin
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6. Ground Defense

- A) Discuss Critical Attack Positions and responses
 - a. Officer prone with suspect mounted is the most vulnerable position
 - i. Officer is defensive only and must explode to gain position
 - ii. Explosive rolls/ twist to prone position
 - b. Officer supine with mounted suspect is second most vulnerable position
 - i. Officer is defensive only and must explode to gain position or fight for neutral
 - ii. Suspect mounted below belt: shrimp to escape
 - iii. Suspect mounted above belt: review escape technique
 - iv. Fight for neutral: double under-hooks or over/under grab and keep close
 - c. Officer Ground Defense position
 - i. Emphasize maintaining distance/ fighting to get up
 - ii. Target suspect's lower legs and knees with kicks
 - iii. Importance of movement

7. Ground Control

- A) Hip Press + movement: This is maintaining a neutral ground position
- B) Review:
 - a. Leg Trap
 - b. Figure-4 Leg Lock (emphasize locking ankle is knee joint for maximum effectiveness)
 - c. 2 officer response exercise
 - i. one officer working Hip Press Technique
 - ii. second officer enters exercise utilizing Leg Trap and/ or Fig-4 Leg Lock
 - iii. second officer should announce presence and intent

8. Impact Weapons

A) Target Zones

- a. Zone 1, define
- b. Zone 2, define
- c. Joints and areas where skins is closest to the bone (lower arms and legs) are preferred
- d. How to articulate in a report
 - i. Example: I performed two zone 2 strikes. One strike apparently struck the suspect's thigh area causing a deep bruise. One strike apparently struck the suspect's lower arms. This was an apparent reflexive defense move by the suspect and resulted in a broken arm.

B) Areas to Avoid

- a. Head, Neck
- b. Spine
- c. Direct Jabs to the heart
- d. Groin
- e. Areas to Avoid unless Lethal Force is justified

C) Draws

- a. Cross Draw
- b. Power Draw
- c. Stepping forward or stepping back
- d. Advantages of gun-side forward strikes
 - i. Distance
 - ii. Gun protection
 - iii. Back health

D) Zone 1 strikes breakdown

- a. Forehand
- b. Backhand
- c. Snap Strikes
- d. Forehand to Backhand
- e. With footwork
- f. With commands
- g. On standing bags with holder (safety 1st)

E) Zone 2 strikes breakdown

- a. All of Zone 1 with a lower center of gravity
- b. Mixed strikes (Zones 1 & 2)

F) Alternate strikes

- a. One-handed jab
- b. Two-handed jab
- c. Zone 2 strike from "on guard"
- d. Chop strikes from "on guard"

G) Expandable Baton

a. Draws

i. On-side

1. Hi

2. Low

ii. Off-side

1. Hi

2. Low

b. Expanded strikes are same as Zone 1/ Zone 2 strikes above

H) Closed format/ Emergency Impact Weapon Strikes

a. Yawara style (especially for flashlights)

i. Jab

ii. Backhand

iii. Bottom Fist (Hammer Fist)

iv. Slap Strike

v. Palm Up Hook

vi. Palm Down Hook

I) In-hand retentions

a. Circle-In/ Circle-Out

b. Figure-8

REMINDER

A memo must be completed and submitted to supervisor if an Officer is unable to perform any of the above listed Defensive Tactics/Arrest Control techniques.

END LESSON

NOTES:



S.F. Bay Area Rapid Transit District Police Department
Arrest and Control

**Impact Weapons Training
2018 AOT Curriculum**

MISSION: Arrest and Control instructors will provide officers of this department with training regarding Impact Weapons.

GOAL: By utilizing hands-on guidance, Arrest and Control instructors will teach the Officers of this department the proper use of Impact Weapons. The instructors will give Officers techniques when responding to resistance during these techniques. The training will also include the proper techniques for de-escalation.

1. Lecture

III (g,j,k)

- A) Lead discussion of revised Use of Force Policy 300 & 308.
 - a. Officers are required to document and report all UOFs.
 - b. Sergeants have the task of which level of investigation they are to perform.
- B) Explain development of curriculum to make relevant to students
 - a. Curriculum vetted by one year of statistical analysis wherein nearly 75% of the UOFs involved Arrest & Control or attempt thereof
 - b. Curriculum vetted by observations of UOF Review Board showing deficiencies
- C) Strive for Minimum Force is a valid goal and concept. Critically analyze the policy and emphasize the many contingencies and factors to consider when using force
- D) De-escalation Techniques (Tactical Communications)
 - a. Critical Decision Making
 - i. Collect information
 - ii. Assess situation, threats, risks
 - iii. Identify options, determine best course of action (Do I have to act now, or can I wait?)
 - iv. Act, review, and re-assess
 - b. On-going evaluation of situation
 - i. Before, during, and after UOF
 - ii. When to slow down
 - iii. Situational awareness of scene – 360 environment

- c. WIN – What’s Important Now?
 - i. Use team concept
 - ii. Provide clear, single questions/commands
 - iii. Aeronautical parallel:
 - 1. Aviate, Navigate, Communicate vs Police terms: Solve the immediate problem, Confirm location, Communicate relevant information
 - 2. This has been an issue in UOF reviews wherein officers:
 - a. Fail to see and solve immediate threat of combative subject
 - b. Fail to report accurate location or best information
 - c. Communicate non-relevant or unimportant information at the wrong time
- E) Graham v. Connor
- a. Officer with similar training and experience
 - b. In similar situation
 - c. Act in similar manner
 - i. Not best decision, but reasonable one
- F) Scott v. Heinrich
- a. Force Options
 - b. No need for escalation of force options
- G) Safety Points:
- a. Injuries (Past, Present, & Future)
 - b. Spatial Awareness
 - c. Dangerous Conditions
- H) Mindset
- a. Full contact chess analogy
 - b. What are you prepared to do?
 - c. Why are you doing it?
 - d. Just because you can, should you?
- I) Report Articulation
- a. Policy 300.3 lists 26 factors to consider when using force
 - b. Policy 300.2.2 list 6 de-escalation techniques to consider
- J) MVR Activation: especially in context of current UOF reporting
- K) Target Zones
- a. Zone 1, define
 - b. Zone 2, define
 - c. Joints and areas where skins is closest to the bone (lower arms and legs) are preferred
 - d. How to articulate in a report
 - i. Example: I performed two zone 2 strikes. One strike apparently struck the suspect’s thigh area causing a deep bruise. One strike apparently struck the suspect’s lower arms. This was an apparent reflexive defense move by the suspect and resulted in a broken arm.

- L) Areas to Avoid
- a. Head, Neck
 - b. Spine
 - c. Direct Jabs to the heart
 - d. Groin
 - e. Areas to Avoid unless Lethal Force is justified
-

1. Warm-up

III (a)

- Jumping jacks
- Neck rotations
- Shoulder rotations
- Arm rotations
- Side bends (left and right)
- Trunk twists (left and right)
- Hamstring stretch
- Quad stretch
- Lower back stretch
- Wrist stretches

2. Footwork (from POI)

III (b,h,i)

- Forward shuffle
- Rear shuffle
- Left shuffle
- Right shuffle
- Shuffle pivot
- Behind-you strike

3. Impact Weapons

A) Target Zones

- f. Zone 1, define
- g. Zone 2, define
- h. Joints and areas where skins is closest to the bone (lower arms and legs) are preferred
- i. How to articulate in a report
 - i. Example: I performed two zone 2 strikes. One strike apparently struck the suspect's thigh area causing a deep bruise. One strike apparently struck the suspect's lower arms. This was an apparent reflexive defense move by the suspect and resulted in a broken arm.

B) Areas to Avoid

- a. Head, Neck
- b. Spine
- c. Direct Jabs to the heart

- d. Groin
- e. Areas to Avoid unless Lethal Force is justified
- C) Draws
 - a. Cross Draw
 - b. Power Draw
 - c. Stepping forward or stepping back
 - d. Advantages of gun-side forward strikes
 - i. Distance
 - ii. Gun protection
 - iii. Back health
- D) Zone 1 strikes breakdown
 - a. Forehand
 - b. Backhand
 - c. Snap Strikes
 - d. Forehand to Backhand
 - e. With footwork
 - f. With commands
 - g. On standing bags
- E) Zone 2 strikes breakdown
 - a. All of Zone 1 with a lower center of gravity
 - b. Mixed strikes (Zones 1 & 2)
- F) Alternate strikes
 - a. One-handed jab
 - b. Two-handed jab
 - c. Zone 2 strike from “on guard”
 - d. Chop strikes from “on guard”
- G) Expandable Baton
 - a. Draws
 - i. On-side
 - 1. Hi
 - 2. Low
 - ii. Off-side
 - 1. Hi
 - 2. Low
 - b. Expanded strikes are same as Zone 1/ Zone 2 strikes above
- H) Closed format/ Emergency Impact Weapon Strikes
 - a. Yawara style (especially for flashlights)
 - i. Jab
 - ii. Backhand
 - iii. Bottom Fist (Hammer Fist)
 - iv. Slap Strike
 - v. Palm Up Hook
 - vi. Palm Down Hook

- I) Retentions
 - a. In-hand Circle-In/ Circle-Out
 - b. In-hand Figure-8
 - c. 3 From the Ring

4. Introduction to FIST Suit

- A) Target Zones
 - 1) Zone 1: chest pad
 - 2) Zone 2: thigh pad
- B) Non-Target Areas
 - 1) Head & neck
 - 2) Back
 - 3) Any and all non-padded areas
- C) Striking
 - 1) start at 75% power
 - 2) finish at 100%
 - 3) The acceleration should be less than 10 strikes per student

REMINDER

A memo must be completed and submitted to supervisor if an Officer is unable to perform any of the above listed Defensive Tactics/Arrest Control techniques.

END LESSON

NOTES:



S.F. Bay Area Rapid Transit District Police Department
Arrest and Control

**Arrest and Control Training
2018 AOT Curriculum**

MISSION: Arrest and Control instructors will provide officers of this department with training regarding Arrest and Control technique as well as Impact Weapons.

GOAL: By utilizing hands-on guidance, Arrest and Control instructors will teach the Officers of this department the proper control holds, searching and handcuffing techniques. The instructors will give Officers techniques when responding to resistance during these techniques. The training will also include the proper techniques for Impact Weapons

1. Lecture

III (g,j,k)

- A) Lead discussion of revised Use of Force Policy 300.
 - a. Officers are required to document and report all UOFs.
 - b. Sergeants have the task of which level of investigation they are to perform.
 - c. On-going changes and revision – read carefully and discuss as updates come out.
- B) Clarify administrative vs technical terms
 - a. Non-dynamic takedown vs takedown technique taught by staff
- C) Explain development of curriculum to make relevant to students
 - a. Curriculum vetted by one year of statistical analysis wherein nearly 75% of the UOFs involved Arrest & Control or attempt thereof
 - b. Curriculum vetted by observations of UOF Review Board showing deficiencies
- D) Strive for Minimum Force is a valid goal and concept. Critically analyze the policy and emphasize the many contingencies and factors to consider when using force
- E) De-escalation Techniques
 - a. Critical Decision Making
 - i. Collect information
 - ii. Assess situation, threats, risks
 - iii. Identify options, determine best course of action (Do I have to act now, or can I wait?)
 - iv. Act, review, and re-assess
 - b. On-going evaluation of situation
 - i. Before, during, and after UOF
 - ii. When to slow down
 - iii. Situational awareness of scene – 360 environment

- c. WIN – What’s Important Now?
 - i. Flying terms: Aviate, Navigate, Communicate vs Police terms: Solve the immediate problem, Confirm location, Communicate relevant information
 - 1. This has been an issue in UOF reviews wherein officers:
 - a. Fail to see and solve immediate threat of combative subject
 - b. Fail to report accurate location or best information
 - c. Communicate non-relevant or unimportant information at the wrong time
 - ii. Use team concept
 - 1. Contact & cover
 - 2. Switch roles if it’s more effective
 - iii. Provide clear, single questions/commands
 - iv. Actively listen to suspect and use that information
 - d. Just because can you do it, should you? Do you need to?
-
- F) Case Law review:
 - a. Graham v. Connor
 - i. Officer with similar training and experience
 - ii. In similar situation
 - iii. Act in similar manner
 - 1. Not best decision, but reasonable one
 - b. Scott v. Heinrich
 - i. Force Options
 - ii. No need for escalation of force options
-
- G) Safety Points:
 - a. Injuries (Past, Present, & Future)
 - b. Spatial Awareness
 - c. Dangerous Conditions
-
- H) Mindset
 - a. Full contact chess analogy
 - b. What are you prepared to do?
 - c. Why are you doing it?
 - d. Just because can you do, should you? Do you need to?
-
- I) Report Articulation
 - a. Policy 300.3 lists 26 factors to consider when using force
 - b. Policy 300.2.2 list 6 de-escalation techniques to consider
-
- J) MVR Activation: especially in context of current UOF reporting

2. Warm-up

III (a)

- Jumping jacks
- Neck rotations
- Shoulder rotations
- Arm rotations
- Side bends (left and right)
- Trunk twists (left and right)
- Hamstring stretch
- Quad stretch
- Lower back stretch
- Wrist stretches

3. Break falls

III (b,f,g,i)

- Front fall
- Side fall
- Back fall

4. Footwork (from POI)

III (b,h,i)

- Forward shuffle
 - Rear shuffle
 - Left shuffle
 - Right shuffle
 - Shuffle pivot
-

5. Control Holds/ Searching/ Handcuffing/ Self Defense III (b,d,e,f,h,i)

- A) Review Twist Lock and Twist Lock Search
 - a. Response to Resistance
 - i. Disengage, transition to tools
 - ii. Apply Twist Lock to disrupt Suspect's actions
 - iii. Critical Response: Takedown
 - 1. Twist Lock Circle Down
 - a. cross shoulder handcuffing
 - 2. Twist Lock TD to the Rear/ disengage
 - iv. Handcuffing: Driving method & Wrist-Roll
 - b. Quick Cuffing (low risk)
 - i. Grabbing of fingers
 - ii. Twist-locks (top to bottom; bottom to top)
 - iii. Response to Resistance:
 - 1. For "Grabbing of Fingers" – disengage (push) and transition to weapons
 - 2. For Twist-lock grips
 - a. apply Twist Lock, de-escalate
 - i. disengage
 - ii. take down
 - iii. disengage and transition
 - c. Standing Modified (**low/med risk**) Search
 - i. review:
 - 1. systematic, quadrant, crushing search
 - 2. bowed suspect body
 - ii. Response to Resistance during search
 - 1. disengage, de-escalate, transition to tools
 - 2. take down to rear (straight pull down)
 - 3. Leg Sweep
 - 4. Elbow Compression
 - 5. Handcuffing
 - a. Contact & Cover (one-person) technique
 - b. 2-officers with double Rear Wrist Locks (RWLs)
 - iii. Twist Lock option with review of responses to resistance
 - iv. Rear Wrist Lock option
 - 1. emphasize pre-planning (clearing wrists)
 - 2. technique heavy option; requires more practice

- B) Moving seated patron
 - a. Review/ Introduce Pressure Points
 - i. Mastoid
 - ii. Salivary Gland
 - iii. Brachial Plexus
 - iv. Radial Nerve
 - v. *Emphasize bracing and expected reactions*
 - b. Review last year's technique
 - i. Replace Pressure Points for officer with cross face pin
-

6. Ground Control

- A) Hip Press + movement: This is maintaining a neutral ground position
- B) Review:
 - a. Leg Trap
 - b. Figure-4 Leg Lock (emphasize locking ankle in knee joint for maximum effectiveness)
 - c. 2 officer response exercise
 - i. one officer working Hip Press Technique
 - ii. second officer enters exercise utilizing Leg Trap and/ or Fig-4 Leg Lock
 - iii. second officer should announce presence and intent

7. Personal Body Weapons

- A) Target selection
 - a. Hard hand = soft target vs soft hand = hard target
 - b. Lower body strike targets: identify and define
- B) Proper fist + wrist position = push-up exercise
- C) Palm Heel
 - a. Thumb safety
- D) Under Punch/ Upper cut
 - a. Emphasize targets
- E) Hammer Fist
- F) Elbows
 - a. Close quarters
 - b. Multiple angles
- G) Knee strikes
 - a. Duty belt limitations

- H) Extended Knee Strike/ Roundhouse
- I) Straight Kick
- J) Push Kick
- K) Cross Kick

REMINDER

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END LESSON

NOTES:



S.F. Bay Area Rapid Transit District Police Department

Arrest and Control

Arrest and Control Training 2018 AOT Curriculum *Second four hours*

MISSION: Arrest and Control instructors will provide officers of this department with training regarding Arrest and Control technique as well as Impact Weapons.

GOAL: By utilizing hands-on guidance, Arrest and Control instructors will teach the Officers of this department the proper control holds, searching and handcuffing techniques. The instructors will give Officers techniques when responding to resistance during these techniques. The training will also include the proper techniques for Impact Weapons

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 - a. Officers are required to document and report all UOFs.
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 - c. On-going changes and revision – read carefully and discuss as updates come out.
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 - a. Non-dynamic takedown vs takedown technique taught by staff
- C) Explain development of curriculum to make relevant to students
 - a. Curriculum vetted by one year of statistical analysis wherein nearly 75% of the UOFs involved Arrest & Control or attempt thereof
 - b. Curriculum vetted by observations of UOF Review Board showing deficiencies
- D) Strive for Minimum Force is a valid goal and concept. Critically analyze the policy and emphasize the many contingencies and factors to consider when using force
- E) De-escalation Techniques (Tactical Communications)
 - a. Critical Decision Making
 - i. Collect information
 - ii. Assess situation, threats, risks
 - iii. Identify options, determine best course of action (Do I have to act now, or can I wait?)
 - iv. Act, review, and re-assess
 - b. On-going evaluation of situation
 - i. Before, during, and after UOF
 - ii. When to slow down

iii. Situational awareness of scene – 360 environment

c. WIN – What’s Important Now?

i. Flying terms: Aviate, Navigate, Communicate vs Police terms: Solve the immediate problem, Confirm location, Communicate relevant information

1. This has been an issue in UOF reviews wherein officers:

- a. Fail to see and solve immediate threat of combative subject
- b. Fail to report accurate location or best information
- c. Communicate non-relevant or unimportant information at the wrong time

ii. Use team concept

1. Contact & cover
2. Switch roles if it’s more effective

iii. Provide clear, single questions/commands

iv. Actively listen to suspect and use that information

d. Just because can you do, should you? Do you need to?

F) Case Law review:

a. Graham v. Connor

- i. Officer with similar training and experience
- ii. In similar situation
- iii. Act in similar manner
 1. Not best decision, but reasonable one

b. Scott v. Heinrich

- i. Force Options
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G) Safety Points:

- a. Injuries (Past, Present, & Future)
- b. Spatial Awareness
- c. Dangerous Conditions

H) Mindset

- a. Full contact chess analogy
- b. What are you prepared to do?
- c. Why are you doing it?
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- a. Policy 300.3 lists 26 factors to consider when using force
- b. Policy 300.2.2 list 6 de-escalation techniques to consider

J) MVR Activation: especially in context of current UOF reporting

2. Warm-up

III (a)

- Jumping jacks
- Neck rotations
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- Arm rotations
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- Quad stretch
- Lower back stretch
- Wrist stretches

3. Break falls

III (b,f,g,i)

- Front fall
- Side fall
- Back fall

4. Footwork (from POI)

III (b,h,i)

- Forward shuffle
- Rear shuffle
- Left shuffle
- Right shuffle
- Shuffle pivot

5. Ground Defense

A) Discuss Critical Attack Positions and responses

- a. Officer prone with suspect mounted is the most vulnerable position
 - i. Officer is defensive only and must explode to gain position
 - ii. Explosive roll/ twist to prone position
 - iii. Leg supported roll (1/2 climb)
 - iv. Push back into 4-point squat
- b. Officer supine with mounted suspect is second most vulnerable position
 - i. Officer is defensive only and must explode to gain position or fight for neutral
 - ii. Suspect mounted above belt: review escape technique (Trap-and-Roll)
 - iii. Fight for neutral: double under-hooks or over/under grab and keep close
- c. Officer Ground Defense position
 - i. Emphasize maintaining distance/ fighting to get up
 - ii. Target suspect's lower legs (knees) with kicks
 - iii. Importance of movement

6. Ground Control

A) Hip Press + movement: This is maintaining a neutral ground position

B) Review:

- a. Leg Trap
- b. Figure-4 Leg Lock (emphasize locking ankle is knee joint for maximum effectiveness)
- c. 2 officer response exercise
 - i. one officer working Hip Press Technique
 - ii. second officer enters exercise utilizing Leg Trap and/ or Fig-4 Leg Lock
 - iii. second officer should announce presence and intent

7. Hi-Risk Stops

A) Hi-Risk Prone

- a. Most current Force Science research shows that an untrained basic academy student can get up in 1-2 seconds. It doesn't matter if palms up or down, legs or ankles crossed. Negligibly slower if legs are crossed and knees bent with ankles toward the buttocks. Lesson: The position may not be as advantageous as an officer believes. Theory of the overly-compliant suspect (luring).
- b. Clear directions. Pros/Cons of using right/left vs one knee then the other & look toward me or look away. One voice.
- c. Prone handcuffing review

B) Hi-Risk Kneeling

- a. Suspect faces away, hands on the head, proper kneeling position is erect – do not allow suspect to make a base (TASER video example)
- b. Ankles are not crossed until contact made – weapons safety.

REMINDER

A memo must be completed and submitted to supervisor if an Officer is unable to perform any of the above listed Defensive Tactics/Arrest Control techniques.

END LESSON

NOTES:

Use of Force

300.1 PURPOSE AND SCOPE

The BART Police Department's highest priority is safeguarding the life, dignity, and liberty of all persons. Officers shall demonstrate this principle in their daily interactions with the community they are sworn to protect and serve. The Department is committed to accomplishing this mission with respect and minimal reliance on the use of force by using rapport-building communication, crisis intervention, and de-escalation tactics before resorting to force, whenever feasible. This Department policy builds upon the Supreme Court's broad principles in *Graham v. Connor* (1989) 490 U.S. 386 and is more restrictive than the constitutional standard and state law. The Law Enforcement Code of Ethics requires all sworn law enforcement officers to carry out their duties with courtesy, respect, professionalism, and to never employ unnecessary force. These are key factors in maintaining legitimacy with the community and safeguarding the public's trust.

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial, non-biased, and reasonable manner.

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose. Officers must strive to use the minimal amount of force necessary.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Deadly force - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

Feasible - Capable of being done or carried out to successfully achieve a legitimate law enforcement objective without increasing the risk to the officer or bystander(s).

Force - The application of physical techniques or tactics, chemical agents or weapons to another person.

Legitimate law enforcement objective - Effect a lawful arrest, detention, or search; overcome resistance or prevent escape; prevent the commission of a public offense; in defense of others or in self-defense; gain compliance with a lawful order; to prevent a person from injuring himself/herself.

Minimal amount of force necessary - The lowest level of force within the range of objectively reasonable force that is necessary to effect an arrest or achieve a lawful objective without increasing the risk to others.

Bay Area Rapid Transit Police Department

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Use of Force

Non-deadly Force - Any application of force that is not reasonably anticipated and intended to create a substantial likelihood of death or very serious bodily injury shall be considered non-deadly force.

Personal Body Weapons - An officer's use of his/her body part, including but not limited to hand, foot, knee, elbow, shoulder, hip, arm, leg or head by means of high velocity kinetic energy transfer (impact) to gain control of a subject.

Proportionality - Considers whether a particular use of force is proportionate and appropriate to the totality of the circumstances, and requires officers to consider whether alternative lesser or non-force options are feasible and likely to be effective. Proportional force does not imply equal force; officers may use superior force, consistent with this policy.

Reasonable Belief - An objective belief determined by the facts and circumstances reasonably available to the officer at the time (on-scene and without hindsight) and viewed from the perspective of a reasonable peace officer in the same situation, guided by the principles set forth in this policy.

Reasonable Force - An objective standard of force viewed from the perspective of a reasonable officer, without the benefit of 20/20 hindsight, and based on the totality of the circumstances known to or perceived by the officer at the time.

Serious Bodily Injury - A bodily injury that creates a substantial risk of death; causes serious, permanent disfigurement; or results in long-term loss or impairment of the functioning of any bodily member or organ.

300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose. Officers must strive to use the minimal amount of force necessary.

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably

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Use of Force

appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by the Department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force. Retreating for a tactical advantage should be considered and utilized, when feasible and appropriate.

Officers shall not use force with bias, based upon: race; ethnicity or nationality; religion; sex, sexual orientation; economic status; age; cultural group; disability; or affiliation with any other similar identifiable group.

Use of force against vulnerable populations (such as, without limitation, children, elderly, pregnant women, people with physical and mental disabilities, and people with limited English proficiency) can undermine public trust and should only be used if no other options appear reasonable or effective. It is recognized that the above may not be readily apparent or known to the officer. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

The Department recognizes that transparency and accountability in the use of force is essential to preserving the trust of the community and to maintaining professional standards. This policy therefore requires rigorous reporting and review of all instances of the use of force.

300.2.1 DUTY TO INTERCEDE

A use of excessive force by law enforcement personnel is a matter of serious concern to the community, and even a single instance of excessive force may critically undermine public trust in the Department. Accordingly, any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when feasible, intercede to prevent the use of unreasonable force. An officer who observes another employee use force that exceeds the degree of force permitted by law shall promptly report these observations to a supervisor.

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Use of Force

300.2.2 DE-ESCALATION TECHNIQUES

Officers shall use de-escalation techniques whenever feasible and appropriate: to potentially reduce or eliminate the need to use force; and to prevent injuries to the subject, the public and the officer(s). Use of de-escalation techniques must allow for the fact that officers are often forced to make split-second decisions, with limited information, and in circumstances that are tense, uncertain and rapidly evolving.

- (a) Officers shall, when feasible, continually assess the dynamics of a situation, and modulate their response and actions appropriately. Officers may be justified in using force at one moment, but not justified in using force the next moment due to a change in dynamics.
- (b) De-escalation techniques may include verbal persuasion, warnings and tactical de-escalation techniques, such as: slowing down the pace of an incident; “waiting out” subjects; creating distance (and thus the reactionary gap) between the officer and the threat; and requesting additional resources (e.g., specialized units, mental health care providers, negotiators, etc.) to resolve the incident.
 - 1. Officers should recognize that they may withdraw to a position that is tactically advantageous or allows them greater distance to de-escalate a situation.
 - 2. Officers should consider a variety of options, including lesser force or no force options.
 - 3. Officers should perform their work in a manner that avoids unduly jeopardizing their own safety or the safety of others.
 - 4. Officers shall not intentionally and unnecessarily escalate and/or create a need to use force.
 - 5. Officers should attempt to understand and consider possible reasons why a subject may be noncompliant or resisting arrest. A subject may not be capable of understanding the situation because of a medical condition; mental, physical, or hearing impairment; language barrier; drug interaction; or emotional crisis, and have no criminal intent. These situations may not make the subject any less dangerous, but understanding a subject’s situation may enable officers to calm the subject and allow officers to use de-escalation techniques while maintaining public and officer safety.
 - 6. Officers should continue de-escalation techniques, when feasible and appropriate, and take as much time as reasonably necessary to resolve the incident, in effort to avoid and/or minimize the use force.
- (c) When an officer recognizes that mental illness, post-traumatic stress disorder, alcohol and/or drug addictions, or other health issues are causing an individual to behave erratically, the officer shall, when feasible and appropriate, try to de-escalate the situation using de-escalation and/or Crisis Intervention techniques.

Establishing Communication - Communication with non-compliant subjects is often most effective when officers establish rapport, use the proper voice intonation, ask questions and provide advice to defuse conflict and achieve voluntary compliance before resorting to force options.

Use of Force

Supervisors conducting a use of force investigation will indicate de-escalation as a force option in BlueTeam whenever de-escalation was attempted or used in an incident.

300.3 FACTORS TO DETERMINE THE REASONABLENESS OF FORCE

The United States Supreme Court in *Graham v. Connor* (1989) 490 U.S. 386 held that an officer's use of force must be objectively reasonable under the totality of circumstances known to the officer at the time. The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than 20/20 hindsight, and without regard to the officer's underlying intent or motivation.

There are circumstances in which a force option may be legally justified under the principles set forth in *Graham v. Connor*, but the use of that force option may not be appropriate, warranted, and/or necessary.

This policy builds upon the broad principles in *Graham v. Connor* by adding additional, more restrictive factors upon which an officer's use of force shall be evaluated. These factors should be considered when determining whether to apply force (as time and circumstances permit), and in evaluating whether an officer has used reasonable force.

Factors from *Graham v. Connor*:

- (a) The severity of the crime at issue.
- (b) Whether the suspect poses an immediate threat to the safety of the officer and others.
- (c) Whether the suspect is actively resisting arrest or attempting to evade arrest by flight.

Factors from the California Penal Code:

- (a) Any peace officer may use reasonable force to effect an arrest, to prevent escape or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance on the part of the person being arrested; nor shall an officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest, prevent escape or to overcome resistance (Penal Code § 835a).
- (b) An officer may not, under color of authority, without lawful necessity, assault or beat any person (Penal Code § 149).

Additional factors set forth by case law and by this Policy:

- (a) Immediacy and severity of the threat to officers or others.
- (b) The feasibility, efficacy, and safety of alternative lesser or non-force options, including the availability of de-escalation techniques that might reduce or eliminate the need to use force, or prevent injuries to the subject, the public and the officer(s).
- (c) Whether the force option is proportionate and appropriate to the totality of the circumstances, and whether alternative lesser or non-force options are feasible and likely to be effective. Proportional force does not imply equal force; officers may use superior force, consistent with this policy.

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Use of Force

- (d) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (e) The conduct of the officer prior to the use of force. Specifically, did the officer violate policy and unnecessarily escalate the situation to a use of force.
- (f) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (g) The effects of drugs or alcohol.
- (h) Subject's mental state or capacity, including any apparent/known mental health issues.
- (i) Proximity of weapons or dangerous improvised devices.
- (j) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (k) The availability of other options and their possible effectiveness.
- (l) Seriousness of the suspected offense or reason for contact with the individual.
- (m) Training and experience of the officer.
- (n) Potential for injury to officers, suspects and others.
- (o) Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the officer.
- (p) The risk and reasonably foreseeable consequences of escape.
- (q) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- (r) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (s) Prior contacts with the subject or awareness of any propensity for violence.
- (t) Any other exigent circumstances.
- (u) Officers must strive to use the minimal amount of force necessary.

300.3.1 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the person can comply with the direction or orders of the officer
- (c) Whether the person has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

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300.3.2 PERSONAL BODY WEAPONS

Personal body weapon strikes, punches, lifts or kicks for which the officer has received department-approved training, may be used when the officer reasonably believes that the use of such force appears necessary to further a legitimate law enforcement purpose.

Personal body weapon strikes, punches, or kicks to the rear of the head, neck or spine are prohibited. The only exception to this prohibition would be under exigent circumstances when deadly force is justified and reasonable.

300.3.3 CAROTID CONTROL HOLD

The use of the carotid restraint is prohibited. The only exception to this prohibition would be under exigent circumstances when deadly force is justified and reasonable.

300.3.4 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the Department for this specific purpose.

300.3.5 DRAWING/DEPLOYING A FIREARM

Whenever an officer draws/deploys a firearm during the performance of his/her duties to defend, detain or take any person into custody (the suspect is contacted or arrested, the officer is present and is within potential sight of the suspect), it is considered a use of force and an account of the incident must be made in a police report. The officer should include in the narrative of the report how the weapon was used in the incident, as well as the justification for such action. The documentation of how the weapon was used should include information on how the weapon was presented. The officer must notify a supervisor as soon as practical, and the supervisor will complete a Use of Force Investigation with accompanying documentation as outlined in this policy.

Whenever an officer draws/deploys a firearm during the performance of his/her duties in the presence of others, but does not use the firearm to defend, detain or take any person into custody (the suspect is not contacted or arrested), it is not considered a use of force and an account of the incident must be made in a police report.

Whenever an officer draws/deploys a firearm during the performance of his/her duties in the not presence of others, it is not considered a use of force and no documentation is required. An example of that type of incident would include, but is not limited to, the search of an empty building or car where no person is contacted during the search.

300.4 DEADLY FORCE APPLICATIONS

Use of deadly force is justified in the following circumstances:

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- (a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.
- (b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the person has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the subject is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes any of the following:

- (a) The person has a weapon or is attempting to access one and it is reasonable to believe the person intends to use it against the officer or another.
- (b) The person is capable of causing serious bodily injury or death without a weapon and it is reasonable to believe the person intends to do so.

Strikes, punches, or kicks to the rear of the head, neck or spine are prohibited, unless exigent circumstances exist and use of deadly force is justified.

Choke holds are also prohibited, unless exigent circumstances exist and use of deadly force is justified.

The use of deadly force against a person who presents only a danger to himself/herself is prohibited.

When feasible, officers should immediately attempt to administer or obtain medical aid for a person who has been subject to injury resulting from the use of deadly force.

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective. It is also noted that in many circumstances, disabling the driver of a vehicle may increase the potential for harm to bystanders and/or the officer.

- Officers should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants.
- Officers shall not intentionally and unnecessarily move into the path of an approaching vehicle to create their own exigent circumstance.
- Officers should not shoot at any part of a moving vehicle in an attempt to disable the vehicle.
- Officers shall not discharge a firearm at a moving vehicle or its occupants when there are other reasonable means available to avert the threat.
- Officers shall not discharge a firearm from a moving vehicle when there are other reasonable means available to avert the present threat.

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- Officers may only shoot at a moving vehicle under exigent circumstances, when the driver and/or occupants are targeting others with the intent to cause great bodily injury or death and there are no other reasonable means available to avert the threat.

300.4.2 WARNING SHOTS

Discharging a firearm for the purpose of a “warning shot” is prohibited.

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances.

Supplemental reports will be completed by personnel who are present when force is used by another officer. Officers have a duty to report all pertinent facts known to them.

All police reports, inclusive of any supplemental reports, involving the documentation of a use of force must be reviewed and approved by a supervisor prior to the employee going off duty.

300.5.1 NOTIFICATION TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of a control device as defined in Policies 308 and 309:
 1. Batons and other impact weapons
 2. Chemical agents (OC Spray)
 3. SIMS Projectile
 4. Conducted Electrical Weapon (any activation whether effective or not)
- (f) Any application of a restraint device other than handcuffs or the WRAP.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An officer draws/deploys a firearm during the performance of his/her duties to defend, detain or take any person into custody (the suspect is contacted or arrested, the officer is within potential sight of the suspect).
- (j) An individual alleges any of the above has occurred.

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300.5.2 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Records Manager or the authorized designee shall ensure that data required by the Department of Justice (DOJ) regarding all officer-involved shootings and incidents involving use of force resulting in serious bodily injury is collected and forwarded to the DOJ as required by Government Code § 12525.2.

300.5.3 EMPLOYEES WHO USE FORCE WHILE ON A SPECIAL ASSIGNMENT

When a BART Police employee has a use of force as defined in this policy, the use of force must be reported to a BART Police supervisor and investigated in accordance with this policy.

When two or more BART Police officers are temporarily assigned to assist an outside agency or multi-agency task force in the performance of law enforcement activities, a BART police supervisor should also be present.

300.6 MEDICAL CONSIDERATION FOLLOWING A USE OF FORCE

Prior to booking or release, and as soon as possible under the circumstances, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed.

Based upon the officer's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff or medical staff at the jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage nearby if appropriate.

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300.7 SUPERVISOR RESPONSIBILITY

An uninvolved supervisor should respond to the scene of a reported use of force. The supervisor is expected to do the following:

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. This interview should not be conducted in the presence of officers who were involved in using force. If this interview is conducted without the person having voluntarily waived his/ her Miranda rights, the following shall apply:
 1. The content of the interview should not be summarized or included in any related criminal charges.
 2. The recording should be saved and attached in the BlueTeam entry for the use of force investigation.
 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses to the use of force. Interview and record witness statements for inclusion in the use of force investigation.
- (f) Review the portion(s) of the Axon Flex video pertaining to the use of force and/or allegation of misconduct.
- (g) Review and approve all related reports.

In the event that an uninvolved supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit. The investigation will be documented in a Use of Force Investigation checklist and narrative as warranted.

When practical, supervisors who use force or witness the use of force by another officer in a given situation should not obtain statements from other officers as part of a report on the use of force, as such is the responsibility of an uninvolved supervisor. Furthermore, involved supervisors and officers shall not attempt to influence other officers' or civilian witnesses' accounts of what occurred during the incident or otherwise compromise the integrity of the use of force investigation.

Use of Force Investigation Reports will be forwarded and reviewed through the chain of command. Each reviewer in the process will make a determination as to whether the use of force was justifiable or non-justifiable.

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300.7.1 USE OF FORCE INVESTIGATION, DOCUMENTATION, AND REVIEW

Use of force must be documented in a police report and reviewed by a supervisor who was not directly involved in the incident.

The following categories and parameters will explain levels of force and the respective reporting, investigation, documentation, and review requirements. Incidents will be categorized as Level 1, Level 2, Level 3, or Level 4.

Level 1: Not a Reportable Use of Force:

Level 1 Incident Parameters:

- (a) Subject allowed him/herself to be searched, escorted, and/or handcuffed. The suspect offered no resistance, and the officer did not use force to overcome resistance. The officer did not use force in the absence of resistance.
- (b) No suspect injury or complaint of injury due to interaction with officer.
- (c) No allegation of misconduct against officer, regarding force.
- (d) Officer body camera was activated in a timely manner, per policy.
- (e) Officer used any of following:
 - 1. Professional presence and/or verbalization
 - 2. TASER/LLIMs Deployed (no activation)
 - 3. Drawn/deployed firearm, but no suspect contacted or arrested

Level 1 Incidents should be documented by an officer in an appropriate police report, citation, Field Interview, and/or CADS entry. Supervisors will review police report narratives for approval.

Level 2: Use of Force

Level 2 Incident Parameters:

- (a) No suspect injury or complaint of injury due to interaction with officer.
- (b) No allegation of misconduct against officer, regarding force.
- (c) Officer body camera was activated in a timely manner, per policy.
- (d) Officer used any of the following force options:
 - (a) Control holds/pressure point application
 - (b) Leverage
 - (c) Grab
 - (d) Bodyweight
 - (e) Takedown that is non-dynamic (no forceful impact)
 - (f) Vehicle pursuit with no collision

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- (g) Firearm drawn/deployed but not fired, suspect contacted

An uninvolved supervisor will respond to the scene and conduct a Use of Force Investigation, including taking statements from the suspect and witnesses, and taking photos of the involved parties. If the incident fits the parameters for a Level 2 incident, the supervisor will enter all applicable data into BlueTeam and attach a completed Use of Force Investigation Checklist.

Supervisors do not need to take witness statements from fire and medical personnel under the following circumstance: an officer assists medical personnel to restrain and/or secure a subject to a gurney for medical transport in a non-criminal detention (i.e. 5150 or 5170 detention), and all of the following conditions are met:

- (a) The officer only used force options limited to the following: grab, hold, leverage, and/or bodyweight.
- (b) No subject injury or complaint of injury due to interaction with officer.
- (c) No allegation of misconduct against officer, regarding force.
- (d) Officer body camera recorded the use of force.
- (e) The unit number for the fire and medical personnel is obtained.

Level 3: Use of Force

Level 3 Incident Parameters:

- (a) Would have otherwise been classified as a Level 2, except one of more of the following apply:
 - 1. Suspect injury or complaint of injury due to interaction with officer.
 - 2. Allegation of misconduct against officer, regarding force.
 - 3. Officer body camera was not activated during use of force.
- (b) The use of force is Level 3 if the officer used any of the following force options:
 - 1. Dynamic/forcible takedown
 - 2. TASER Activation/LLIMS Activation
 - 3. Chemical Agents/Munitions
 - 4. Impact Weapon Strikes Personal
 - 5. Body Weapons
 - 6. Police canine deployment resulting in injury

An uninvolved supervisor will respond to the scene and conduct a Use of Force Investigation, including taking statements from the suspect and witnesses. If the incident fits the parameters for a Level 3 incident, the supervisor will enter all applicable data into BlueTeam and attach a completed Use of Force Investigation Checklist. The supervisor will also complete a Use of Force

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Investigation Report narrative for review through the Use of Force Review process. Use of Force involving police canines will be documented and reviewed additionally per Policy 318.

Level 4: Use of Deadly Force

Level 4 Incident Parameters:

- (a) Use of firearm, officer involved shooting
- (b) Or any force likely to cause death or serious bodily injury

An uninvolved supervisor will respond to the scene. The incident will be investigated, documented, and reviewed in adherence to Policy 310.

300.7.2 WATCH COMMANDER RESPONSIBILITY

A watch commander will review the Use of Force Investigation Report to ensure compliance with this policy and that any training issues are addressed.

Nothing in the policy precludes the watch commander from requiring that a supervisor complete a Use of Force Investigation Report for any incident involving force.

300.8 TRAINING

Officers will receive annual training on this policy (at a minimum) and demonstrate their knowledge and understanding.

300.9 USE OF FORCE ANALYSIS

At least annually, the Operations Bureau Deputy Chief should prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Police, the Office of the Independent Police Auditor, and the BART Police Citizen Review Board. The report should not contain the names of officers, suspects or case numbers, and should include:

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

Media Relations

346.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

346.2 RESPONSIBILITIES

Media and Public Affairs (M&PA) should handle any police case with the media that impacts system operation, such as any emergency or incident that cause train delays or system closures. That does not preclude authorized department representatives from dealing with the media and/or M&PA on information that is law-enforcement sensitive and/or could compromise an ongoing-police investigation.

District policy requires that M&PA be the clearinghouse for all information that is given to the news media. This will be strictly adhered to by the department and requires a timely effort by Command Officers and Sergeants to advise M&PA, the Chief and the Deputy Chiefs of any police dealings with reporters.

Only police managers may prepare a department News Release form. This form is located on the G:\drive under New Police Forms/News Release. Before a news release is e-mailed, faxed, or otherwise distributed to news providers, it must be reviewed and approved by M&PA, even during non-business hours. Contact information for M&PA approvers is available in the Communication Center.

If reasonable attempts to reach an M&PA employee, and a public-safety concern demands a speedy distribution of a department news release, the Command Officer, Sergeant, or supervisor may send it to media sources, but he/she will also e-mail a copy of the department news release to M&PA, the Chief and the Deputy Chiefs.

The aforementioned procedure does not preclude department managers from granting or authorizing interviews to reporters, especially for an ongoing case where a public-safety concern exists. As soon as practicable following such interviews, an e-mail or voice message will be sent to M&PA, the Chief and the Deputy Chiefs. The message must include: who was interviewed; by whom and the news agency; and a synopsis of what was disclosed to the reporter(s).

Compliance with this policy will ensure that M&PA, the Chief and the Deputy Chiefs are apprised of any communication that the department has with news reporters, so that M&PA and the department are on the same page as to what has been disclosed to the media and what information should not be divulged.

346.2.1 MEDIA REQUEST

Any media request for information or access to a law-enforcement situation shall be referred to the designated department-media representative, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, employees shall consider the following:

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- In situations involving multiple law-enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.
- Under no circumstance should any member of this department make any comment(s) to the media regarding any law-enforcement incident not involving this department without prior approval of the Chief of Police.

346.3 MEDIA ACCESS

Authorized members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions (Penal Code § 409.5(d)):

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.
- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.
 1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the department Media and Public Affairs Manager or other designated spokesperson.
 2. Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Watch Commander. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR 91.137).
- (c) No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved employee (Government Code § 3303(e)).
- (d) Media interviews with individuals who are in custody should not be permitted without the approval of the Chief of Police and the express consent of the person in custody.

A tactical operation should be handled in the same manner as a crime scene, except the news media shall be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through a supervisor or the Media and Public Affairs Manager.

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346.3.1 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of officers and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception the Chief of Police will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

346.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

The department will maintain a daily information log of significant law enforcement activities that shall be made available, upon request, to media representatives through the Administrative Services bureau. This log will generally contain the following information:

- (a) The date, time, location, case number, type of crime, extent of injury or loss, city of residency and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation
- (b) The date, time, location, case number, name, birth date and charges for each person arrested by this department unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation
- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law

At no time shall identifying information pertaining to a juvenile arrestee, victim or witness be publicly released without prior approval of a competent court.

Information concerning incidents involving certain sex crimes and other offenses set forth in Government Code § 6254(f) shall be restricted in accordance with applicable statutory provisions.

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Coroner's Office.

Any requests for copies of related reports or additional information not contained in this log shall be referred to a records bureau clerk, or if unavailable, to the records bureau supervisor. Such requests will generally be processed in accordance with the provisions of the Public Records Act (Government Code § 6250, et seq.)

346.4.1 RESTRICTED INFORMATION

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department. When

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in doubt, authorized and available legal counsel should be obtained. Examples of such restricted information include, but are not limited to:

- (a) Confidential peace officer personnel information (See Policy Manual § 1026)
 - 1. The identities of officers involved in shootings or other major incidents may only be released to the media pursuant to consent of the involved officer or upon a formal request filed and processed in accordance with the Public Records Act.
- (b) Copies of traffic collision reports (except to the involved parties and their authorized representatives) (Vehicle Code § 20012)
- (c) Criminal history information
- (d) Information that would tend to endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation
- (e) Information pertaining to pending litigation involving this department
- (f) Information obtained in confidence
- (g) Any information that is otherwise privileged or restricted under state or federal law. (Government Code § 6254(k)).