

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: BART Police Department, Chief of Police

DATE: December 14, 2015

FROM: Independent Police Auditor

SUBJECT: **Policy Recommendation – BPD Policy 1053**

Chapter 1-04(G) of the Citizen Oversight Model (Model) states that the Office of the Independent Police Auditor (OIPA) shall develop recommendations concerning General Orders and Directives, procedures, practices, and training of the BART Police Department (BPD), with the goal of improving professionalism, safety, effectiveness, and accountability. In accordance with these sections of the Model, OIPA developed recommendations for changes to *BPD Policy 1053 – Business Cards and Trading Cards*.

It is not uncommon for members of the public who interact with a police officer to request that officer's identifying information (name, badge number, etc.). The purposes for such a request may stem from a desire to complain about the officer's conduct, an intention to formally commend an officer who has provided excellent assistance, or the simple notion of thorough record-keeping. Whatever the reason for the requests, it seems that BPD officers commonly responded in a few different ways. Some might provide the requestor with a business card containing their identifying information, others might simply state their names verbally, and some, in instances where a written citation has been issued by the officer, might inform the requestor that the identifying information can be located on the citation.

In an effort to maximize the professionalism of BPD officers, as well as more easily facilitate the public's recognition and acknowledgement of BPD's genuine and meaningful efforts at maintaining heightened accountability, OIPA believes that officers should always give a member of the public a business card upon request (providing the action does not interfere with any of the officer's duties). Providing an official business card with an officer's identifying information eliminates the need for a member of the public to rely on his/her memory when later recalling the officer's name, eliminates the need for a member of the public to guess at the spelling of an officer's name, and provides a uniform, reliable, and professional manner for officers to supply the information that is being requested of them by the public that they serve.

In line with OIPA's position, on April 13, 2015 OIPA presented a draft business card distribution policy to the BART Police Citizen Review Board (BPCRB) for its review and comment. Over the course of that meeting and subsequent ones, input on the draft policy was received from the BPCRB, BPD, and the BART Police Officers Association. OIPA also conducted research into comparable policies (or the lack thereof) at other law enforcement agencies in the region, and an

inquiry was made into best practices as designated by a national law enforcement accreditation association.

On November 17, 2015, BPD implemented a revised policy, including nearly all of the recommendations drafted by OIPA. Due to an oversight, OIPA did not previously make a formal submission of its recommended policy in writing to BPD (despite the fact that it was discussed by the parties listed above over the course of at least two months). In light of this, OIPA is sending this communication now. Attached for your reference is our recommended policy annotated with commentary on the suggested changes, as well as a redline version of our recommendations that illustrates each individual suggested edit.

Please feel free to contact me at your convenience with any questions.

A handwritten signature in black ink, appearing to read 'Mark P. Smith', is written over a horizontal line.

Mark P. Smith
BART Independent Police Auditor

Attachments (2)

BAY AREA RAPID TRANSIT POLICE DEPARTMENT POLICY MANUAL

POLICY 1053 - BUSINESS CARDS AND TRADING CARDS

1053.1 PURPOSE AND SCOPE

To establish a procedure for the issuance and distribution of business and trading cards for and by police personnel.

1053.2 DEFINITIONS

Business Card - A card intended for distribution by police personnel to the public, which identifies the distributing person as a BART Police Department representative and bears the distributing person's name, rank, and badge number.

Comment [OIPA1]: This definition has been expanded from the current policy to include name, rank, and badge number. However, design approval remains with the Chief of Police.

Trading Card - A card given to others that bears a person or group's name and photo. The color photo selected for the card must be department-approved.

1053.3 BUSINESS CARDS

The design of BART Police Department business cards must be approved by the Chief of Police. Business cards shall be issued by the Support Services Deputy Chief.

(a) Personalized Business Cards

Personalized business cards shall be issued to all BPD personnel at no personal expense. Such personalized business cards shall be issued to BPD personnel as soon as practicable upon employment by the Department. BPD personnel whose supply of personalized business cards is exhausted shall notify the Support Services Division Deputy Chief, who shall facilitate the issuance of additional personalized business cards.

Comment [OIPA2]: This section has been expanded with the intention of ensuring that all BPD personnel receive personalized cards instead of just managers and special units. It is OIPA's understanding that this will codify the current practice.

Additional information with regard to BPD personnel assigned to special units, such as K-9 and SWAT, may be included on those personalized business cards at the discretion of the Chief of Police.

(b) Non-Personalized Business Cards

Non-personalized business cards shall be issued at no personal expense to BPD personnel pending the delivery of personalized business cards as described in subsection (a). Such non-personalized cards shall be issued to BPD personnel by Division Supervisors.

Comment [OIPA3]: This section is intended to ensure that generic Department business cards are issued to BPD personnel while they are waiting for delivery of personalized cards.

1053.3.1 DISTRIBUTION OF BUSINESS CARDS

On-duty BPD personnel shall carry Department-issued business cards at all times, and BPD personnel shall distribute a Department-issued business card to any person upon request, providing the action does not interfere with the performance of official duties.

Comment [OIPA4]: This section states the requirement for BPD personnel to distribute cards when requested.

BPD personnel shall write their name, rank, and badge number on non-personalized business cards when distributing them.

Comment [OIPA5]: Even where a BPD member has not yet received personalized cards, the member's name, rank, and badge number should be provided in writing.

OIPA DRAFT POLICY RE BUSINESS CARDS AND TRADING CARDS

BPD personnel are not required to immediately provide a business card if:

1. Doing so presents a concern with regard to the safety of the officer or others
2. An investigation may be jeopardized
3. A police function may be materially hindered

BPD personnel shall be prepared to articulate a sufficient and reasonable explanation for any refusal to provide a Department-issued business card upon request.

Business cards are intended for distribution in the normal course of business. They shall not be used, directly or indirectly, in an effort to gain favor or special treatment for the recipient, or for BPD personnel.

Comment [OIPA6]: It is understood that there are circumstances where providing a card as required by this policy could prove problematic. However, BPD members should be prepared to explain why they were unable to provide a card when requested.

1053.4 TRADING CARDS

Photo trading cards are issued to personnel as approved by command staff.

1053.4.1 DISTRIBUTION OF TRADING CARDS

Employees distribute their trading cards to children and members of the public to promote goodwill and positive community relations. As with business cards, the trading cards shall not be used, directly or indirectly, in an effort to gain favor or special treatment for the recipient.

OIPA DRAFT Policy Recommendation for BPD POLICY 1053 - Business Cards and Trading Cards (with Comments)

~~Business Cards and Trading Cards~~

BAY AREA RAPID TRANSIT POLICE DEPARTMENT POLICY MANUAL

POLICY 1053 - BUSINESS CARDS AND TRADING CARDS

1053.1 PURPOSE AND SCOPE

To establish a procedure for the issuance and ~~reordering~~distribution of business and trading cards for ~~and by~~ police

~~personnel.~~

1053.2 DEFINITIONS

Business Card - A card ~~given to others that bears the person's name and title identifying him or her~~intended for distribution by police personnel to the public, which identifies the distributing person as a BART ~~police~~ Police Department representative, and bears the distributing person's name, rank, and badge number.

Trading Card - A card given to others that bears a person or group's name and photo. The color ~~photo~~ selected for the card must be department-approved.

1053.3 BUSINESS CARDS

~~Only authorized personnel may distribute~~

~~The design of BART Police Department business cards, the design of which~~ must be approved

~~by the Chief of Police. Business cards are ordered through~~shall be issued by the Support Services ~~Division~~Deputy Chief.
~~commander.~~

(a) Personalized Business Cards—

Personalized business cards shall be issued to all ~~police~~BPD personnel at no personal expense. Such personalized business cards shall be issued to BPD personnel as soon as practicable upon employment by the Department. BPD personnel whose supply of personalized business cards is exhausted shall notify the Support Services Division Deputy Chief, who shall facilitate the issuance of additional personalized business cards.

~~managers and other~~

~~Additional information with regard to BPD personnel assigned to special assignments/units approved by the Support Services Division~~

~~Deputy Chief.~~

~~1. Personnel have the option of ordering, such as K-9 and SWAT, may be included on those personalized business cards through at the department at their~~

~~own expense. Interested personnel must forward a memo to discretion of the Support Services Deputy Chief via the chain of command. The order for the optional personalized Police business cards shall be paid for by the employee prior to the order being placed.~~

(b) Non-Personalized Business Cards -

Non-personalized business cards shall be ~~distributed~~ issued at no personal expense to BPD personnel pending the delivery of personalized business cards as described in subsection (a). Such non-personalized cards shall be issued to BPD personnel by Division Supervisors. ~~to authorized Operations personnel by zone commanders.~~

1053.3.1 DISTRIBUTION OF BUSINESS CARDS

On-duty BPD personnel shall carry Department-issued business cards at all times, and BPD personnel shall distribute a Department-issued business card to any person upon request, providing the action does not interfere with the performance of official duties.

BPD personnel shall write their name, rank, and badge number on non-personalized business cards when distributing them.

BPD personnel are not required to immediately provide a business card if:

1. Doing so presents a concern with regard to the safety of the officer or others
2. An investigation may be jeopardized
3. A police function may be materially hindered

BPD personnel shall be prepared to articulate a sufficient and reasonable explanation for any refusal to provide a Department-issued business card upon request.

Business cards ~~can be distributed as a~~ are intended for distribution in the normal course of business. They shall not be used, directly

or indirectly, in an effort to gain favor or special treatment for the recipient, or for BPD personnel.

1053.4 TRADING CARDS

Photo trading cards are issued to personnel as approved by command staff.

1053.4.1 DISTRIBUTION OF TRADING CARDS

Employees distribute their trading cards to children and members of the public to promote goodwill and positive community relations. As with business cards, the trading cards shall not be used, directly or indirectly, in an effort to gain favor or special treatment for the recipient.