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BART Crime: How Much Should the Agency Be Telling Us?

Agency officials caught in controversy about what they're willing to make public -- and about their reasoning for wanting to withhold some information.

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By [Dan Brekke](#)



 **Live Radio** Forum (Rebroadcast) ^



If you take BART every day, you know the system has issues.

Rush-hour trains are very crowded. Equipment breakdowns, medical emergencies and "police actions" can bring the entire jam-packed system to a halt. Many stations are dirty -- really dirty -- and have become refuges for people living on the streets. And maybe it's just me, but I hardly ever make a trip on the system these days without seeing someone duck out through a side gate to avoid paying for their ride.

Now, crime on BART -- both how much crime occurs and how much the agency does and should tell the public about it -- has become the transit district's storm of the moment.

It's not that there's a bloody reign of terror on BART. Although crime is up on the system, the transit agency's crime rate pales in comparison to that of some of the communities it serves.

What's drawing attention to crime on the system's trains right now is a series of high-profile crimes and a pair of recent BART decisions regarding what it discloses about offenses that occur on BART property.

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One of those decisions involves whether to release video of recent mass robberies on BART.

The other centers on a decision by the agency's new police chief, Carlos Rojas, to halt the distribution of detailed narratives of



The fact BART police produced a detailed daily crime log may come as news to most people. The log had only a few hundred email subscribers. But it served as a tip sheet for the news media and an alert to concerned members of the public. And in comparison to CrimeMapping.com, it gave detailed descriptions of crimes and suspects.

Below is one example of the difference. First, by way of [the East Bay Times](#), a copy of BART's daily crime log from June 3:



BART Police Daily Log Email Updates

Sexual Battery – Lake Merritt Station

6/3/2017 2232 hours An officer responded to the station agent's booth to meet with a female victim who reported a male subject who had off-boarded from a train had reached under her skirt to grab her buttocks. The female described the person as being a Black male adult, 6', medium build, with a short buzz cut, wearing a light blue t-shirt and dark jeans. The male suspect fled out of the station via the 8th Street stairwell. An area check was conducted and the suspect was not located. L15 1706-0171

Possession for sales of narcotics/Possession of a dirk or dagger/Resisting arrest (Prohibition order issued) – Civic Center Station

6/3/2017 2044 hours Two officers were conducting a patrol check of the 8th Street/Market Street stairwell due to high drug activity when they observed a Hispanic male subject holding a plastic sandwich bag. When the male subject saw the officers, he took off running topside. The officers chased after him and eventually located him nearby trying to change his clothing. The officers contacted him and found he was attempting to swallow individually packaged cocaine and heroin. After taking the male into custody, the officers located a fix blade knife concealed in his waistband. The male was transported and booked into San Francisco County jail. L15 1706-0164

Battery on a transit passenger/Resisting arrest (Prohibition order issued) – MacArthur Station

6/3/2017 1955 hours An officer and a sergeant were conducting a patrol check of the platform at the station when they observed a male subject who appeared to be looking for his dropped cellular telephone. When the officers went to assist, another passenger directed them to another male who reportedly slapped the phone out of the hand of the male they had seen looking for his phone on the platform. The officers went to detain the male subject who initially didn't comply with their verbal commands and in fact threw suspected marijuana onto the nearby escalator. When the officer and sergeant grabbed onto his arms, he physically resisted their attempts to place him into handcuffs. The officers pulled the male onto the ground and eventually secured him in handcuffs. Once handcuffed, the subject stopped physically resisting and the officers were able to conduct their investigation. The officers determined the male had battered the other passenger who wished to place him under arrest for the battery. The male subject was transported and booked into Glenn Dyer jail. 1706-0162 L15

Public intoxication/Resisting arrest/Battery on a police officer (Prohibition order issued) – West Oakland Station

6/3/2017 1814 hours Officers intercepted a Dublin/Pleasanton bound train at the West Oakland station after someone reported a Hispanic male creating a disturbance on the train. When the train arrived, passengers flagged down the officer and directed him to the male. The officer determined the male subject was intoxicated and unable to care for himself. The male subject was taken into custody and placed into the back seat of a patrol vehicle. While seated in the back seat, the male subject was able to maneuver the handcuffs to the front of his body. When officers attempted to remove him from the vehicle to handcuff him behind his back, the subject began to fight with the officers. An officer was punched in the face by the subject and several other officers who were on scene assisted in controlling the male subject. The officers and the sergeant who were on scene eventually placed the male subject onto the ground and used force to secure him in the

Sexual battery -- Lake Merritt Station

6/3/2017 2232 hours An officer responded to the station agent's booth to meet with a female victim who reported a male subject who had off-boarded from a train had reached under her skirt to grab her buttocks. The female described the person as being a Black male adult, 6', medium build, with a short buzz cut, wearing a light blue t-shirt and dark jeans. The male suspect fled out of the station via the 8th Street stairwell. An area check was conducted and the suspect was not located. L15 1706-171.

Now, after I've drilled down to the week in question and filtered out all the Oakland Police Department crime reports for the area, here's how CrimeMapping.com displays the incident:

The screenshot displays the CrimeMapping.com website. At the top, the header includes the logo "CRIME MAPPING .com" with the tagline "Helping You Build a Safer Community", a "RECEIVE ALERTS" button, and a search bar. Below the header, a map of the Lake Merritt Station area is shown, with a red pin indicating a "Multiple Records" incident. The map includes street names and landmarks like the Oakland Museum of California and Lake Merritt. On the left, a sidebar contains navigation options: FILTERS, SUMMARY, WHAT, WHERE, WHEN, REPORT, CHARTS, and PRINT. On the right, a detailed incident record is displayed, including the date and time (6-3-2017 @ 10:33 PM), the location (800 BLK MADISON ST), the description (SEXUAL BATTERY (M)), the incident number (1706-0171), and related links (BART Police Department Web Site). The record also shows the police department (BART Police) and a "How close am I to this location?" section with a search bar and a "GO" button.

You can click on that image for a larger version of the screen shot and a better idea of what's on that page. But the description of the crime is now "Sexual Battery," period. The address is given as the 800 block of Madison Street in Oakland, not Lake Merritt BART. And the circumstances -- information it would be helpful for other riders to know -- have vanished.

That's not the only problem. The two other incidents reported at Oakland BART stations on the June 3 crime log -- one at MacArthur, one at West Oakland -- don't show up at all on CrimeMapping.

Chief Rojas has defended the adoption of CrimeMapping as a move to a "modern" crime-reporting tool that other agencies use. He has also said the site could be a challenge, "especially if you're not technology-savvy."

Speaking to reporters Thursday at BART's Powell Street Station, he offered another justification for the change: Compiling the daily log took up too much time in a police agency that is seriously understaffed.

"One of our problems is that we don't have enough officers out in the field, out on the system," Rojas said. "And that log -- I'm not aware of any agency that creates a log in that detail and sends it out to folks -- it would take two to three hours a shift and usually four to six hours in a 24-hour period for a lieutenant to put that together."

Still, Rojas conceded that CrimeMapping "falls short" when it comes to its crime narratives, and he repeated assurances he's given BART board members that the department will work to improve that.

Then there's BART's video controversy. To understand that, it helps to go back 18 months to an embarrassing -- some would say scandalous -- moment for the transit agency.

In January 2016, a man aboard a San Francisco-bound train shot and killed a fellow passenger at BART's West Oakland Station. The incident [exposed the fact](#) that virtually all of what looked like security cameras on the system's trains were merely boxes with flashing lights that looked like they were recording something.

The disclosure prompted BART to launch a crash program of installing cameras, and was well on its way to finishing that

In [late April](#), a crowd of teenagers jumped fare gates at the station and rushed aboard a train that was stopped at the platform. They robbed several passengers and beat up one of them before fleeing.

[Subsequent reporting](#) on the incident disclosed that only five of the nine cars on the train -- not including the car where the attack occurred -- had working surveillance cameras. However, video was captured on the station's platform and fare gates.

On June 30, [a similar incident occurred](#) aboard a train at the station, with police reporting about a dozen teenagers robbing a passenger of a mobile phone, then fighting with a passenger who pursued them and managed to retrieve it.

A couple salient points about the April 22 and June 30 incidents: The earlier attack was described in a BART police crime log, which alerted reporters and led to widespread media coverage within 48 hours.

But since the district had replaced its daily log with CrimeMapping.com weeks before the June 30 episode, its only public description of the crime was "Robbery: first degree-strong arm, hands, fists, feet etc. Incident #1706-1626." The story, featuring an off-duty security guard who confronted a group of teenagers and retrieved a stolen phone, didn't become public until the San Francisco Chronicle [broke it](#) five days later.

That left BART with some explaining to do, both internally and externally. What was up with CrimeMapping? Why hadn't the agency issued a press release about the second Coliseum robbery?

Kerry Hamill, BART's assistant general manager for external affairs, set out to answer those questions in [a July 7 memo](#) to the agency's elected board of directors.

CrimeMapping, she wrote, "has increased the efficiency, accuracy and transparency of our crime reporting." If members of the media were dissatisfied with it, Hamill said, it was because many reporters were unfamiliar with the CrimeMapping interface.

Addressing why there was no press release on the June 30 incident, Hamill said it wasn't a serious enough matter to warrant an alert to the media:

property was taken, and no injuries required medical attention.

There is no benefit to riders, criminal procedure, BART police investigations, or the District generally to elevate such an incident with a press release. To do so would be grossly out of step with other transit jurisdictions and municipal governments, and would paint an inaccurate picture of the BART system as crime-ridden when incidents of crime on transit, including BART, are fewer than in the surrounding communities. The new mapping tool presents crime in a context of what is occurring outside our stations—in the days following the recent attempted robbery, there were over 118 assaults and 33 robberies in the immediate area. All of these incidents were ignored by local media.

From there, Hamill headed for deeper water.

"Disproportionate elevation of crimes on transit interfaces with local media in such a way to unfairly affect and characterize riders of color," she wrote, "leading to sweeping generalizations in media reports and a high level of racially insensitive commentary directed toward the District through our social media channels, email, and call centers."

One of the BART directors, Contra Costa County board member Debora Allen, wrote back asking for a clarification. "I don't understand what role the color of one's skin plays in this issue," Allen wrote. "Can you explain?"

Perhaps thinking she was writing for an audience of one, Hamill did.

"The social media reaction to the original Coliseum incident in April was startling in the level of racial profiling that it prompted," Hamill told Allen. "The General Manager got a call about the incident on her voicemail that used racist and incendiary language that made my mouth drop. Many posts used patently offensive language that often involved racial slurs (no news articles ever referenced the race of the offenders yet some members of the public leapt to their own conclusions). Some telephone calls and posts even involved vague threats. The media has proven its tendency to highlight material in the most inflammatory way possible."

Neither she nor Allen had mentioned surveillance video to this point in their exchange. Then Hamill offered this observation:

Hamill is talking about stuff that actually happens in the world. It's undeniable that we in the media do gravitate toward crime stories, the more sensational and fear-inducing the better. Racial stereotyping is real and was rampant after the April 22 "mob" robbery at Coliseum BART.

But Hamill's statements managed to plow into a crowd of politically and culturally explosive topics: race, people's sense of personal safety when they're out in public, crime and punishment, the public's right to know what their institutions are doing.

Allen, the BART director who called attention to Hamill's comments, said in an interview earlier this week that though she hasn't seen the available videos of the BART Coliseum robberies, she wants BART to make them public. She says it's a matter of transparency, of making the public aware of how such incidents can occur on the transit system.

"I'm not asking for video of every phone snatching to be shown on the nightly news," she said. "I'm asking for the video of the larger attacks to be shown."

Asked whether there was a way of alerting the public to crime dangers on BART through some other means -- written reports like this one, for instance -- she said she didn't think so.

"I don't think people pay as close attention to a written report," Allen said. "I think it (video) has a different value."

BART Board President Rebecca Saltzman, who represents a district that includes parts of Berkeley and Oakland, said she recognizes that there's public dissatisfaction with the amount of crime information the district is releasing.

A regular BART rider herself, she said she feels safe when riding the trains.

"I'm often riding BART late at night or alone," Saltzman said. "But I feel more secure on BART than on many city streets."

But staying alert is key, she added.

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"You have to be aware, just like you should be aware when you're walking on a city street," Saltzman said. "It's important not to get lost in your cellphone or your tablet, especially if you're sitting by a (train) door. ... You should behave the same way you would in any public place and know unfortunately there is a potential for crime, even though overall it's quite safe."

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