MEMORANDUM OF UNDERSTANDING/COOPERATIVE POLICING AGREEMENT: BART POLICE DEPARTMENT AND WALNUT CREEK POLICE DEPARTMENT
MEMORANDUM OF UNDERSTANDING/COOPERATIVE POLICING AGREEMENT
BART POLICE DEPARTMENT AND WALNUT CREEK POLICE DEPARTMENT

The San Francisco Bay Area Rapid Transit District Police Department (BART PD) and the Walnut Creek Police Department (WCPD) agree to execute a cooperative policing agreement memorializing the respective obligations of the BART and Walnut Creek police departments regarding: communications; calls for service; investigative procedures and disposition; related to the Walnut Creek BART station and Transit Village.

PURPOSE

The purpose of this agreement is to memorialize the jurisdictional responsibilities of policing the Walnut Creek BART station, and the Transit Village at the Walnut Creek BART station location.

DEFINITIONS

1. Primary Jurisdiction, BART PD: All areas that are the sole jurisdiction of the BART PD and for which the BART PD has sole law enforcement responsibility:

2. Primary Jurisdiction, Walnut Creek PD: All areas that are the sole jurisdiction of WCPD and for which WCPD has sole law enforcement responsibility:

3. Transit Village Area: All areas outside the BART station identified as Transit Village area. (refer to Transit Village map)

4. Paid Area: Areas of the station that are inside of the fare gates where a revenue ticket is required:

5. Free Area: All other areas within the confines of a station that are outside of the fare gates where a revenue ticket is not required.

POLICY

BART PD and WCPD mutually agree to take immediate prudent action required to protect life and property, stabilize crime scenes, locate witnesses, and apprehend suspects for on-viewed or reported violations within each other’s jurisdiction. As soon as practicable after a crime has been stabilized, BART and WCPD agree to relinquish the crime scene and investigative responsibility to the law-enforcement agency that has primary jurisdiction.

In keeping with strong inter-agency cooperation and in the furtherance of justice, both BART PD and the WCPD will exchange information and provide available expertise on
an ongoing basis, particularly during the course of criminal investigations of major significance.

WCPD agrees to advise BART PD anytime WCPD personnel enter the BART trackway. When possible, for the safety of all involved, WCPD personnel should notify BART PD dispatch of their intent to enter the trackway prior to the action.

**OFFICER INVOLVED SHOOTINGS**

BART PD: If an officer involved shooting occurs on BART’s primary jurisdiction, BART PD will conduct the entire investigation. If the officer involved shooting occurs on the primary jurisdiction of Walnut Creek, WCPD will handle.

If an officer involved shooting occurs on any BART property in the City of Walnut Creek involving WCPD personnel, BART PD and WCPD will conduct a joint investigation.

The investigation of law enforcement-involved fatal incidents (LEIF) occurring on property where Walnut Creek has primary jurisdiction should comply with the county-wide protocol for the investigation of such incidents as outlined in the Contra Costa County Protocol for Law Enforcement Involved Fatal Incidents. It is strongly suggested that the county-wide protocol be followed when law enforcement fatal incidents involving WCPD personnel occur on property where BART PD has the primary jurisdiction.

**HOMICIDES**

If a homicide occurs on the primary jurisdiction of BART PD, BART PD will conduct the investigation.

If the homicide occurs on the primary jurisdiction of Walnut Creek, WCPD will conduct the investigation.

**GENERAL PROTOCOL**

BART PD's primary jurisdiction shall include the following areas:

The BART paid and free areas, the bus terminal, the passenger parking structure west of the platform and north of the bus terminal, the passenger parking structure west of the platform and south of the bus terminal, all BART PD offices and the areas on BART property directly below the elevated platform.

Walnut Creek PD's primary jurisdiction shall include the following areas:

The residential and retail areas west of the BART platform that border Pringle Avenue including the underground parking areas, the residential and retail areas east of the platform that border Ygnacio Valley Road and California Boulevard including the underground parking areas and the pedestrian walkways in and around the residential

BART PD - WCPD MOU, 2012
and retail areas (see attached Jurisdictional Boundary Map for exact boundary demarcation lines).\footnote{The BART Transit Village will be completed in three phases. The building west of the platform will be completed in Phase II and the building east of the platform in Phase III. Walnut Creek PD will take over jurisdictional responsibility when the first residential or retail tenant occupies a space during Phases II and III.}

Each police department, when requested, agrees to forward a copy of any report covering any felony occurring in the free area of the BART/Transit Village station. This does not preclude the departments from agreeing to exchange other reports as needed.

In all cases where WCPD makes an arrest in any area of the BART/Transit Village station, WCPD will be responsible for all reports, follow-up investigations, court preparation and presentation.

In all cases where BART PD makes an arrest in any area of the BART/Transit Village station, BART PD will be responsible for all reports, follow-up investigations, court preparation and presentation.

Nothing in this Directive shall be construed to preclude either BART PD or WCPD from handling “on-view” situations in any area within the BART/Transit Village station. When such cases arise, the handling department shall forward a copy of the police report to the agency with primary jurisdiction.

Any changes to this cooperative agreement must be approved by the Chief of Police from both police agencies.
MEMORANDUM OF UNDERSTANDING/COOPERATIVE POLICING AGREEMENT
BART POLICE DEPARTMENT AND WALNUT CREEK POLICE DEPARTMENT

Joel Bryden  
Chief of Police  
Walnut Creek Police Department

Kenton W. Rainey  
Chief of Police  
BART Police Department
1. WCPD and/or BART PD, if notified, will respond to any emergencies and/or crimes in progress despite the jurisdiction.
2. WCPD has primary jurisdiction over residential areas including underground parking.
3. BART PD has primary jurisdiction over BART facilities including fare gate, elevated platform, patron drop-off, taxi stand, both BART parking structures and bus terminal.
4. CCC Sheriff has primary jurisdiction over on-board bus patrons through contract with County Connection/CCCTA.