

The Office of the Independent Police Auditor

Driven by the Bay Area community's need for restored public confidence and trust in the BART Police Department, and by the call for systemic change to address that need, BART's Office of the Independent Police Auditor was created.

It is the mission of the Office of the Independent Police Auditor to provide all members of the public with effective and independent oversight of the BART Police Department by:

- Conducting unbiased and thorough independent investigations and reviews of police department investigations
- Making policy recommendations to improve the performance of the police department
- Maintaining continual communication with members of the public in the BART service area



Office of the
**INDEPENDENT
POLICE AUDITOR**

BAY AREA RAPID TRANSIT DISTRICT

Office of the Independent Police Auditor

Bay Area Rapid Transit District (BART)

300 Lakeside Drive, 14th Floor
Oakland, CA 94612

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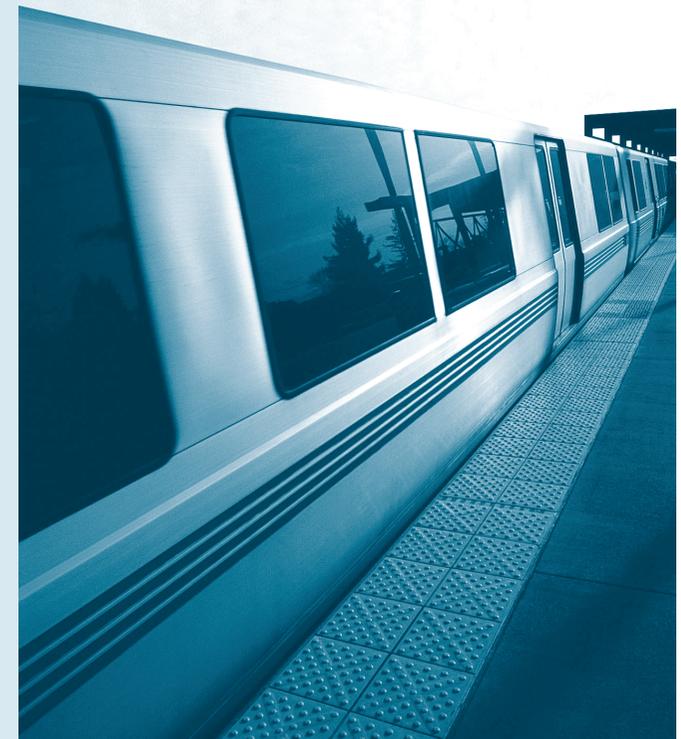
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www.bart.gov/policeauditor



Office of the
**INDEPENDENT
POLICE AUDITOR**

BAY AREA RAPID TRANSIT DISTRICT



Providing the Public with
Effective and Independent
Oversight of the
BART Police Department

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OUTSIDE of Brochure

Independent Oversight: A Positive New Direction

The Office of the Independent Police Auditor (OIPA) is an integral component of the *Citizen Oversight Model* (“*Model*”) adopted by BART’s Board of Directors. As dictated by the *Model*:

- The Auditor has unfettered access to police reports and police personnel records
- All involved sworn personnel shall be compelled to meet and cooperate with the Auditor in accordance with the Government Code 3300-3313
- No one shall in any manner willfully intimidate, influence, impede, deter, threaten, harass, obstruct or prevent, another person, including a child, from freely and truthfully cooperating with the OIPA

To download a copy of the *Citizen Oversight Model*, visit www.bart.gov/policeauditor.

Providing Access and Transparency

The Office of the Independent Police Auditor (OIPA) is charged with a number of specific duties including:

- Accept complaints of misconduct
- Investigate complaints filed with the OIPA that involve allegations of unnecessary or excessive use of force, racial profiling, sexual orientation bias, sexual harassment, the use of deadly force, and suspicious and wrongful deaths
- Review Internal Affairs investigations conducted by the BART Police Department
- Develop a mediation process for resolving some complaints
- Respond to the scene of officer-involved shooting incidents and monitor the ensuing BART Police Department investigation

Who Can File a Complaint?

Complaints may be filed by a victim of on-duty police misconduct, a parent or guardian of a victim, or a witness to police misconduct.

How Do You File a Complaint?

You can file a complaint with the Office of the Independent Police Auditor (OIPA) in a number of convenient ways:

 **Phone:** (510) 874-7477

 **Fax:** (510) 874-7475

 **Email:** oipa@bart.gov

 **Mail:**
Office of the Independent Police Auditor
Bay Area Rapid Transit District
P.O. Box 12688, Oakland, CA 94604-2688

 **In-person Visit:**
300 Lakeside Dr., 14th Floor, Oakland, CA 94612

An OIPA Complaint Form is available for download at www.bart.gov/policeauditor. You can also file a complaint by making a public comment at a BART Citizen Review Board meeting. Or you can file a complaint with the BART Police Office of Internal Affairs at (877) 679-7000 ext. 7029 or ia@bart.gov.

What Happens After You File a Complaint with the Office of the Independent Police Auditor?

1 An Investigation is Initiated

The Office of the Independent Police Auditor (OIPA) is responsible for ensuring that a timely, thorough, complete, objective and fair investigation into your complaint is conducted. In some cases the investigation may be conducted by the OIPA; in other cases it may be conducted by BART PD.

2 Progress is Regularly Reported

The OIPA will provide you with timely updates on the progress of those investigations it is responsible for completing.

3 OIPA Produces an Independent Finding

Complaints investigated by the OIPA will result in an independent finding, with a recommendation for corrective action where warranted, up to and including termination. Any corrective action recommended will consider prior complaints and their dispositions. When the evidence does not support the allegations of misconduct, the OIPA will recommend that the matter be dismissed. The OIPA will notify you of its finding once it is complete.

4 Findings are Sent to Citizen Review Board

Investigative findings made by the OIPA are submitted to the BART Citizen Review Board (CRB). The steps that follow the submission of findings to the CRB are described in greater detail in the *Citizen Oversight Model*, which is available for download at www.bart.gov/policeauditor.

5 Potential Routes of Appeal

If the CRB agrees with the OIPA’s finding, it will be forwarded to the BART Chief of Police for implementation. If the BART Chief of Police disagrees with the finding, the chief can appeal to the BART General Manager, who will make the final decision.

If the CRB disagrees with the OIPA’s finding, the CRB can appeal to the BART Chief of Police, who will make a decision. If the CRB disagrees with the chief’s decision, the CRB can then appeal to the BART General Manager, who will make the final decision.

6 Resolution

If the final decision in an investigation is to sustain allegations of misconduct, then discipline may be implemented. Any such discipline remains subject to applicable administrative appeal rights of the involved employee(s).