

DRAFT

BART Police Citizen Oversight

Purpose: To provide an effective, independent citizen oversight system that will encourage systemic change and improve the police services BART provides to the public by ensuring that internal police accountability systems function properly; that behavioral, procedural and policy deficiencies are identified and appropriately addressed, including racial profiling and allegations of racially abusive treatment; and, that complaints are investigated through an objective and fair process for all parties involved. The system will analyze allegations of misconduct; utilize data to identify trends, including disciplinary outcomes and trends; recommend corrective action and or training; maintain confidentiality; make policy recommendations; and, report regularly to the BART Board of Directors and the public. The essential community involvement component of the system shall be accomplished through the inclusion of a Citizen Advisory Board.

I. Office of the Independent Police Auditor

The Office of the Independent Police Auditor (Auditor) shall be established by the Board of Directors (Board) in keeping with the Core Principles for an Effective Police Auditor's Office.¹ The Auditor shall be appointed by and report directly to the Board and shall have the following authority and responsibilities, as related to the BART Police Department (BPD):

- A. Conducts independent investigations of all citizen allegations of unnecessary or excessive force, hate crimes, racial profiling, and allegations of racially abusive treatment.
- B. Review BPD investigations of complaints against police officers to determine if the investigation was complete, thorough, objective and fair.
- C. Receive timely notice of and monitor all citizen complaints received by the District, including those received through the BPD or Office of the District Secretary.
- D. Request further investigation in cases which require additional investigation, as determined by the Auditor.
- E. In conjunction with the Citizen Advisory Board, recommend changes and additions to BPD policy, procedures and officer training.
- F. Coordinate with the Citizen Advisory Board to conduct public outreach to educate the community on the responsibilities and services of the Independent Police Auditor and Citizen Advisory Board functions.

¹ Report of the First National Police Auditors Conference, March 26-27, 2003, Prepared by Samuel Walker

- G. Prepare annual reports for the Board of Directors and the public, in conjunction with the Citizen Advisory Board. Reports shall include the number of cases filed, number of open cases, the disposition and any action taken on cases, and the number of cases being appealed; findings of trends and patterns analyses; and, recommendations to change BPD policy and procedures, as appropriate. Meet at least monthly with the Citizen Advisory Board to review this information.
- H. The Auditor shall be immediately informed of all critical on-duty officer involved incidents where death or serious bodily injury results, and shall act as an observer to any criminal, administrative or civil investigation conducted by or on behalf of the BPD.
- I. The Auditor shall comply with all state and federal laws requiring law enforcement records, information, and confidential personnel records; and respect the privacy of all individuals involved.
- J. The Auditor shall provide the BPD Chief with timely notification of complaints, investigations, appeals and findings and with such information and cooperation as is appropriate and necessary. [BPD Chief will be responsible for providing the same information to and cooperating with the Auditor.]
- K. The Auditor shall, at all times, be totally independent. All investigations, findings, recommendations and requests made by the Auditor shall only reflect the views of that Office.
- L. Attend training annually to remain current on law changes and best practice trends in the conduct of citizen oversight.
- M. Meet with and seek input from the BART Police Managers Association and the BART Police Officers Association, as appropriate.
- N. Adhere to the National Association for Civilian Oversight of Law Enforcement (NACOLE) Code of Ethics.

II. Citizen Advisory Board

The Board of Directors shall appoint the xx member Citizen Advisory Board, which will report directly to the Board of Directors and shall have the following responsibilities, as related to the BART Police Department (BPD):

- A. Receive timely reports from the Auditor on citizen allegations of unnecessary or excessive force, hate crimes, racial profiling, and allegations of racially abusive treatment.
- B. Coordinate with the Auditor to conduct community outreach to ensure broad community awareness of the responsibilities of the Auditor and the functions of the Citizen Advisory Board.
- C. Recommend strategies to improve police/community relations.
- D. Seek community input on the police services provided by BART to help shape any policy recommendations made in conjunction with the Independent Police Auditor.
- E. Monitor implementation of the NOBLE study recommendations.

- F. Meet at least monthly with the Independent Police Auditor to receive reports on the number of cases filed, number of open cases, the disposition and any action taken on cases, and the number of cases being appealed; findings of trends and patterns analyses; and, recommendations to change BPD policy and procedures, as appropriate.
- G. Report quarterly to the Board of Directors.
- H. Prepare an annual report for the Board of Directors and the public on the accomplishments of the Citizen Advisory Board.
- I. Meet with and seek input from the BART Police Managers Association and the BART Police Officers Association, as appropriate.
- J. Attend training annually to remain current on law changes and best practice trends in the conduct of citizen oversight.
- K. Adhere to the National Association for Civilian Oversight of Law Enforcement (NACOLE) Code of Ethics.

III. Oversight System Evaluation

The Board of Directors will review the BART citizen oversight structure after the first year of implementation to determine if the need exists to make changes and or otherwise make adjustments to the system.