

DRAFT ANNUAL REPORT

FISCAL YEAR 2025

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WELCOME

Dear BART Community,

On behalf of the Office of the Independent Police Auditor (OIPA), it is my honor to present the Annual Report for Fiscal Year 2025. This report reflects our commitment to fair, transparent, and independent oversight of the BART Police Department, as well as the collaborative work and shared dedication that support our mission.

During Fiscal Year 2025 (FY2025), OIPA completed investigations, monitored, and reviewed Internal Affairs cases to ensure they were thorough and objective, and issued recommendations aimed at improving police contacts. We also prioritized making our complaint process more accessible so that riders and community members understand how to reach our office and feel comfortable doing so. Ongoing outreach efforts, including participation in community events and direct engagement with riders and local organizations, helped increase of visibility and deepen our connection with the communities we serve.

This year also marked a period of meaningful transition within our office. We honored the retirement of Independent Police Auditor Russell Bloom and recognized his many contributions for a decade of service. At the same time, we welcomed OIPA's third Independent Police Auditor, Inez Gonzalez, whose leadership will further support our ability to provide impartial oversight and respond to community concerns with clarity and professionalism.

The progress reflected in this report is the result of strong partnerships across the District. OIPA extends deep appreciation to the BART Board of Directors for its continued support of independent police oversight, and to the General Manager's Office for its collaboration and recognition of the essential role oversight plays in maintaining accountability and public trust in policing. We are also grateful to the BART Police Civilian Review Board for its thoughtful engagement, public service, and commitment to ensuring that community voices remain central to this work.

Thank you for your support and for the opportunity to serve the BART community.

Sincerely,

A handwritten signature in black ink that reads "Patrick J. Caceres Jr." in a cursive script.

Patrick J. Caceres, Jr.

Interim Independent Police Auditor

EXECUTIVE SUMMARY

In FY2025, the OIPA oversaw 107 new investigations, including 89 formal complaints and 15 administrative investigations. Sixteen formal complaints were submitted directly to OIPA. Nearly half of all complaints involved use-of-force allegations, underscoring the importance of ensuring that force used by BART Police officers is necessary, proportional, and consistent with policy.

A total of 140 investigations were closed during the year—the highest number in at least the last seven years. Of these, 125 were formal complaints. OIPA directly investigated 13 formal complaints, monitored 22 Internal Affairs investigations, and reviewed 105 additional cases through its monthly reporting process. Sixteen percent of all investigations closed contained at least one sustained allegation, with the most common categories including conduct unbecoming an officer, body-worn camera violations, policy and procedure issues, and truthfulness. Discipline issued by the BART Police Department (BPD) ranged from corrective training and counseling to written reprimands, suspension, demotion, and termination.

OIPA completed its first mediation, resolving a complaint through a structured communication process designed to improve understanding and promote collaborative resolution. The office also monitored a major officer-involved shooting investigation, identifying gaps in the administrative review, and supporting improvements to investigative accuracy and future critical-incident response practices.

Policy improvements were informed by OIPA’s data analysis and research. One significant outcome was the implementation of OIPA’s recommendation to remove the term “excited delirium” from BART Police Department policies and future reports. This change to make policing more equitable followed a review of prior police reports and consultation with departmental leadership and the BART Police Civilian Review Board.

OIPA engaged the community and BPD personnel through 12 outreach events and 13 public engagement activities. The office also completed a comprehensive rebranding and introduced QR-code resources to improve public access to complaint information and OIPA reports. Two student interns were hosted to support community-focused projects and oversight research.

OIPA is proud of the work accomplished during Fiscal Year 2025 and remains committed to fulfilling the BART Civilian Oversight Model’s mandate to produce an annual report. The office continues to serve as a liaison between the community and the BART Police Department to help strengthen trust, improve public safety, and ensure that community concerns are heard and addressed.

ABOUT OUR OFFICE

Who We Are

The Office of the Independent Police Auditor (OIPA) provides independent civilian oversight of the BART Police Department (BPD). Established through Assembly Bill 1586 in 2010, OIPA was created in response to the community's call for greater accountability, transparency, and public trust in BART.

OIPA operates under the BART Civilian Oversight Model, which outlines our authority and partnership with the BART Police Civilian Review Board (BPCRB). Together, OIPA and the BPCRB form BART's two-part system for civilian oversight.

Our Mission

It is OIPA's mission 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, and maintaining continual communication with members of the public in the BART service area.

What We Do

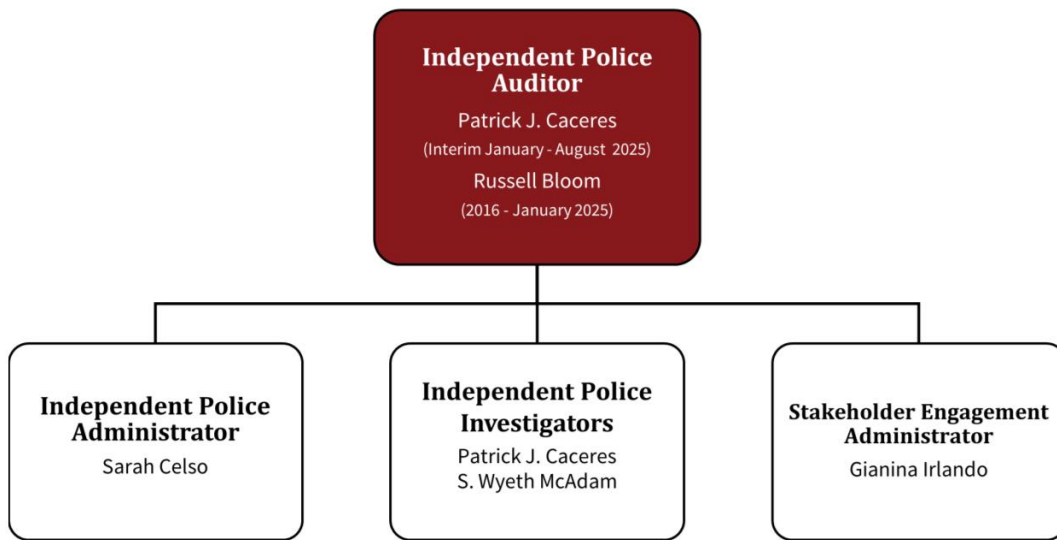
OIPA carries out a range of oversight responsibilities, including:

- Receiving and reviewing complaints of misconduct involving BART Police personnel
- Conducting independent investigations and monitoring BPD's Internal Affairs process
- Reviewing cases when complainants appeal BPD's findings
- Offering mediation or alternative resolution when appropriate
- Observing and reviewing officer-involved shooting investigations
- Recommending policy and training enhancements to improve BPD practices
- Providing public updates through reports and presentations to the BART Board of Directors and the BPCRB
- Participating in community engagement activities across the BART District (District)

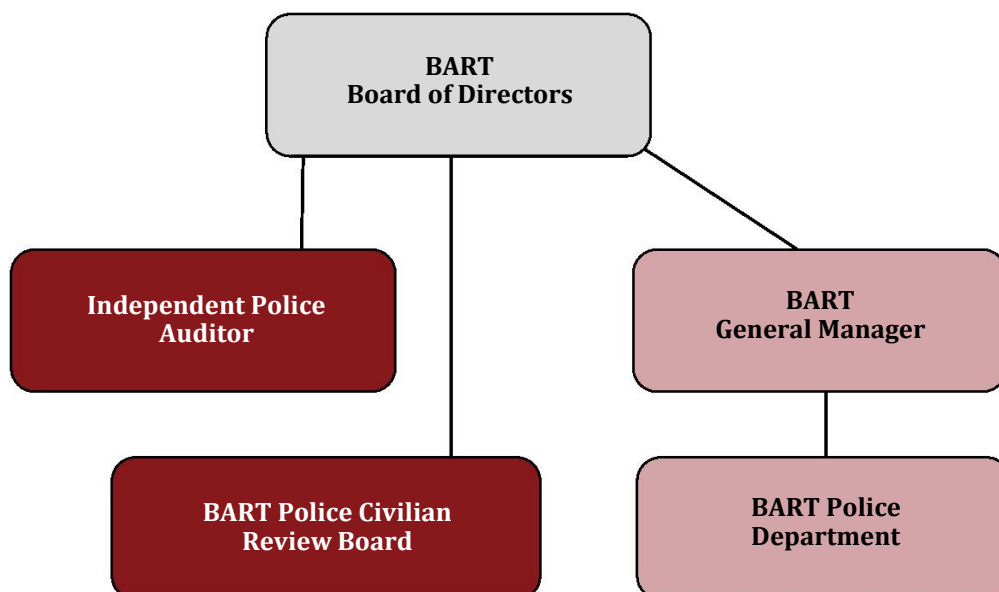
ORGANIZATIONAL CHARTS

The organizational charts below present an overview of OIPA’s internal structure and the placement of OIPA within BART’s civilian oversight system. The first chart outlines key roles within OIPA, while the second depicts the relationships among OIPA, the BART Police Civilian Review Board, the General Manager, and the BART Police Department. Together, they illustrate how oversight responsibilities are structured and supported across the District.

OIPA



BART Oversight Structure



OIPA STAFF

Patrick J. Caceres, Jr. was born and raised in San Francisco. He brings over two decades of professional experience in civilian police oversight and public safety.

Patrick currently is an Independent Police Investigator for OIPA. He previously spent ten years with the City of Oakland's City Administrator's Office, where he served as a Policy Analyst and Manager for the Citizens' Police Review Board.

Recognized as a national expert in police oversight, Patrick has presented at national conferences and delivered academic lectures on oversight practices, police accountability, and community trust.

In 2023, Patrick was honored with the Social Justice Award by the National Alliance on Mental Illness (NAMI) Contra Costa County for his impactful work at OIPA.

A proud graduate of UC Berkeley, Patrick also earned a master's in public policy from the Harvard Kennedy School of Government.

Sarah Celso is the Independent Police Administrator for OIPA. She brings nearly 30 years of administrative experience and has served in her current role since 2015. Sarah is a certified practitioner of oversight through the National Association for Civilian Oversight of Law Enforcement (NACOLE). She holds a Bachelor of Arts degree in Human Development from California State University, East Bay, and has a background in Ethnic Studies.

Sarah's dedication to oversight, education, and community service reflects her ongoing commitment to public trust and engagement.

Gianina Irlando is the Strategic Engagement Administrator for OIPA. Gia attended the University of California, Berkeley, was a fellow of the National Hispana Leadership Institute, and completed the Executive Leadership Program at the Harvard Kennedy School. She has served more than seven years on the Board of Directors for NACOLE and was elected president in 2021.

A dedicated advocate for accountability and trust in public safety, Gia brings a career rooted in equity, transparency, and community empowerment.

S. Wyeth McAdam is an Independent Police Investigator with OIPA, where she has served since 2021. Before joining BART, Wyeth was a Special Assistant United States Attorney for the Department of Justice.

A native New Yorker who made her way to the Bay Area via Boston, Wyeth earned her law degree from Northeastern University School of Law. She is an accomplished public service attorney with over 20 years of experience and a strong background in administrative and civil law. Her career includes clerking at Massachusetts Appeals Court, serving as a public defender, civil litigator, and supervising attorney at California Indian Legal Services.

BART POLICE CIVILIAN REVIEW BOARD

The BART Police Civilian Review Board (BPCRB) operates independently from the Office of the Independent Police Auditor and serves as an additional check and balance within BART's police oversight framework. BPCRB members are appointed by the BART Board of Directors.

OIPA works collaboratively with the BPCRB through the Board's review of OIPA's investigative findings in police complaint investigations. During closed sessions of BPCRB meetings, Board members vote on whether to support OIPA's findings.

Similar to OIPA, the BPCRB may also make recommendations regarding BART Police Department policies. BPCRB meetings provide a public forum where OIPA, the BART Police Department, and community members come together to discuss opportunities to improve policing. Through this work, the BPCRB helps ensure that BART Police practices reflect the values of the communities they serve.

The BPCRB generally meets on a monthly basis at the BART Board Room in Oakland, California, and welcomes public participation. Agendas, minutes, and related materials are posted in advance on [BART's Legistar website](#), and community members may attend meetings or contact the Board with questions.

[INSERT BPCRB PICTURE]

DEFINING MOMENTS

Officer-Involved Shooting Review

Improving Investigative Quality, Transparency, and Accountability

The Office of the Independent Police Auditor (OIPA) plays a central role in monitoring complex and high-profile investigations to promote investigative quality, transparency, and accountability. One such matter during the reporting period involved an officer-involved shooting at the Union City BART Station.

On November 18, 2024, a BART Police Department (BPD) officer was involved in the shooting of a motorist following a traffic stop that escalated. The officer discharged his firearm three times, striking the motorist as she drove away. The motorist survived her injuries.

BART publicly released body-worn camera footage from the incident on December 13, 2024. In September 2025, BART announced that it had reached a civil settlement with the motorist in the amount of \$6.75 million and that the officer's employment had been terminated.

In accordance with the requirements of the Police Oversight Model, OIPA closely monitored this investigation from its outset. OIPA Investigator S. Wyeth McAdam reviewed each stage of the investigation to ensure compliance with policy, the integrity of evidence, and thorough documentation, reinforcing the Model's emphasis on independent oversight in critical incidents.

Initial Response and Criminal Inquiry

On the night of the shooting, OIPA responded to the scene and obtained preliminary information from BPD. BPD notified the Alameda County District Attorney's Office (DA), as required by law. The DA determined that it would not initiate an on-scene criminal investigation that evening.

BPD later completed a criminal investigation and submitted it to the DA for review. As of the date of this report, the DA has not announced a decision regarding potential criminal charges related to the officer's use of force.

Administrative Investigation by an Independent Contractor

To further support independence and objectivity, BPD retained an external investigative firm, Chaplin & Hill, to conduct the administrative investigation. BPD confirmed in writing that OIPA would have authority to monitor the contractor's work throughout the process.

OIPA monitored key interviews, reviewed proposed investigative questions, and provided feedback during the investigation. OIPA provided real-time quality control and contributed to the overall thoroughness and reliability of the investigation.

OIPA's Impact on Accuracy and Scope

As part of its monitoring role, OIPA worked collaboratively with the contractor and BPD during the draft review process to identify and address initial gaps and inaccuracies. Areas of focus included the legal basis for the detention, use of force and available de-escalation options, the decision to discharge a firearm at a moving vehicle, medical-aid obligations, and equipment readiness.

OIPA also identified an error in one investigative finding, which was corrected from Unfounded to Exonerated in the final report. BPD agreed with this assessment and implemented the correction, reflecting the value of independent oversight in improving investigative accuracy.

Strengthening Trust Through Collaboration

At the conclusion of the investigation, OIPA determined that the administrative investigation met the standards of thoroughness, fairness, and timeliness. BPD's collaboration with OIPA to incorporate recommended improvements demonstrated the constructive role of oversight in strengthening accountability and public trust.

Building on this work, OIPA and BPD will meet in December 2025 to jointly review lessons learned from this incident and identify opportunities to further strengthen critical-incident response and investigative protocols.

When Government Works Well: Eliminating "Excited Delirium" from BPD Policy and Officer Reports

In 2022, OIPA Investigator Patrick Caceres led a proactive policy review that resulted in a meaningful and lasting change to BPD policy, demonstrating how effective civilian oversight can drive reform before harm occurs.

While OIPA's mandate includes investigating allegations of misconduct, this effort reflects the broader role of oversight in identifying emerging issues and recommending

improvements Unlike many reforms prompted by crisis or tragedy, this change was initiated proactively and advanced through collaboration with BPD and the BART Police Civilian Review Board (BPCRB).

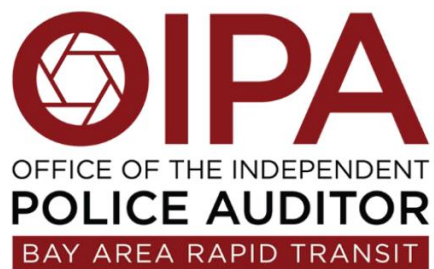
The policy review was informed by an American Medical Association (AMA) press release and a Physicians for Human Rights report, which highlighted the term’s racist origins and lack of scientific validity. In response, OIPA conducted an independent analysis of BPD officer reports from 2018 through 2021 and found that officers routinely documented specific, observable behaviors—such as incoherence, profuse sweating, or non-responsiveness—without relying on the term “excited delirium.” OIPA determined that continued use of the term was unnecessary and potentially misleading, and that it risked creating unwarranted scrutiny of otherwise justified police actions given the term’s well-documented and problematic history.

OIPA shared these findings with BPD Command Staff, focusing on areas of shared understanding and professional consensus, and subsequently presented the recommendation to the BPCRB. Following a unanimous vote of support, then-BPD Chief Ed Alvarez adopted the recommendation, revised departmental policy, and directed officers to discontinue use of the term in their reports.

As a result, BPD became the first law enforcement agency in the country to publicly eliminate the use of the term “excited delirium” from policy and reporting. This accomplishment reflects a defining moment in OIPA’s work and underscores the value of proactive, evidence-based oversight in advancing meaningful policy change and improving public safety practices.

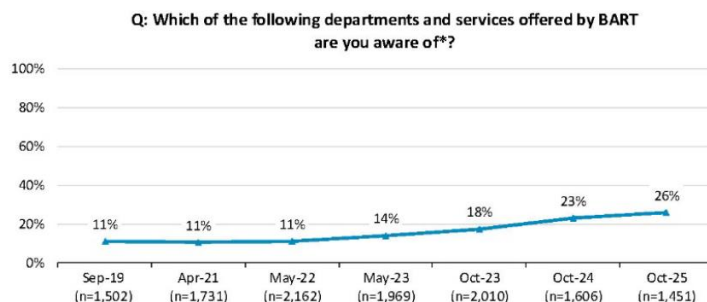
OIPA’s New Look

Another defining moment during the reporting period was OIPA’s launch of a comprehensive rebranding initiative. The new logo reflects a shift toward more inclusive, transparent, and community-centered communication. The redesigned logo incorporates a camera shutter motif, symbolizing OIPA’s commitment to uncovering the truth and using that truth to strengthen public trust. This rebranding effort, which began in late 2023, was intended to make OIPA more visible and accessible to the communities it serves. Since the launch of the new branding, OIPA has observed a notable increase in public awareness, as reflected in the 2024 BART Rider Effort Survey.



Above: New logo vs. old logo

Awareness of OIPA has increased to 26%



Source: 2024 BART Rider Effort Survey

INVESTIGATIONS

Complaint Process

Who Can File a Complaint

Oversight is for everyone — whether you’ve had an interaction with the BART Police Department or have witnessed one. Anyone who believes they have experienced or observed misconduct involving a BART Police Officer can file a complaint with OIPA.

What Happens After You File a Complaint

Investigation Begins

OIPA ensures that every complaint is reviewed through a fair, thorough, and timely process—either by our team directly or by monitoring Internal Affairs (IA) investigations completed by BPD.

Case Progress Updates

We keep complainants informed throughout the investigation by providing regular updates on the status of your case.

Independent Review & Finding

If OIPA conducts the investigation, we reach an independent conclusion based on the evidence. Our findings may include recommended corrective action—up to and including discipline, when warranted. Complainants are notified once the investigation is complete.

Review by the BPCRB

OIPA’s findings are presented in closed session to the BPCRB, which reviews the case and votes on whether to support the outcome.

Potential Routes of Appeal

If the BPCRB agrees with OIPA’s findings, the case is forwarded to the BART Chief of Police for implementation. If the Chief disagrees with the findings or recommended discipline, they may appeal to the BART General Manager, who convenes a confidential meeting with the Chief, the Independent Police Auditor, and a BPCRB member to reach a final decision.

Our Commitment to Transparency

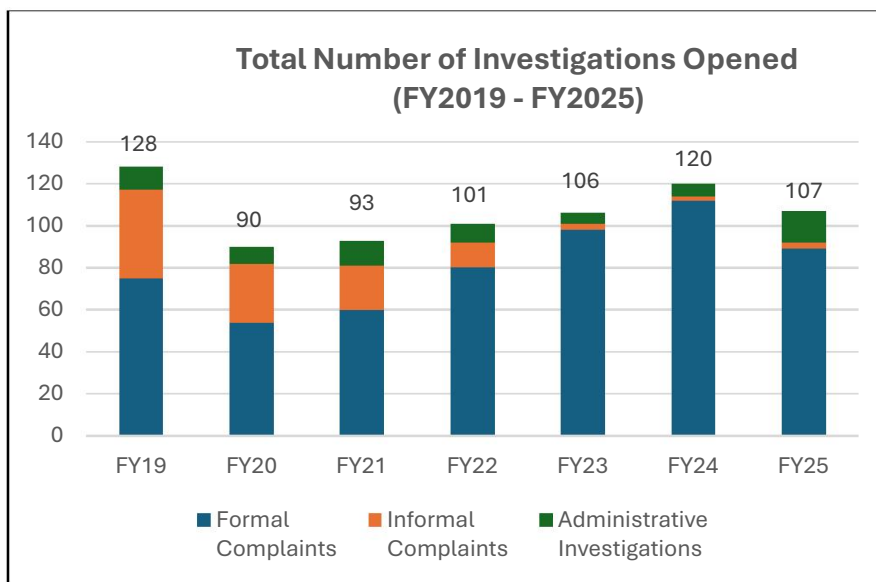
Throughout the entire process, OIPA remains committed to fairness, independence, and accountability. Every step is designed to ensure that investigations are conducted with integrity and that complainants remain informed and engaged.

2025 BY THE NUMBERS

The following complaint data are based on investigations opened and closed during Fiscal Year 2025 and include matters investigated by either the Office of the Independent Police Auditor (OIPA) or the BART Police Department's Internal Affairs (IA).

Investigations Opened

Total Number of All Investigations Opened by Fiscal Year



Graph 1: In FY2025, OIPA and IA combined opened a total of 107 investigations. These investigations include formal complaints, informal complaints, and IA-initiated administrative investigations. The total number of investigations opened in FY2025 represents a decrease from the prior fiscal year. OIPA reviews all investigations opened as part of its Monthly Reporting, which is presented to the BART Police Civilian Review Board (BPCRB).

Types of Investigations Opened by Fiscal Year

Types of Investigations Opened (FY2019 - FY2025)				
	Formal Complaints	Informal Complaints	Administrative Investigations	Total
FY19	75	42	11	128
FY20	54	28	8	90
FY21	60	21	12	93
FY22	80	12	9	101
FY23	98	3	5	106
FY24	112	2	6	120
FY25	89	3	15	107

Table 1: The number of IA-initiated administrative investigations increased to 15 in FY2025, while the number of informal complaints has continued to decline since FY2021.

Number of All Complaints Received in Fiscal Year 2025

Number of Formal Complaints Received	Count	%
OPA	16	17%
BPD	76	83%
Total	92	100%

Table 2: Of the 107 investigations opened in FY2025, 92 were opened as formal complaints. Of those formal complaints, 16 were received directly by OIPA, while the remaining 76 were received by BPD.

Primary Allegation Category of Complaints for Investigation in Fiscal Year 2025

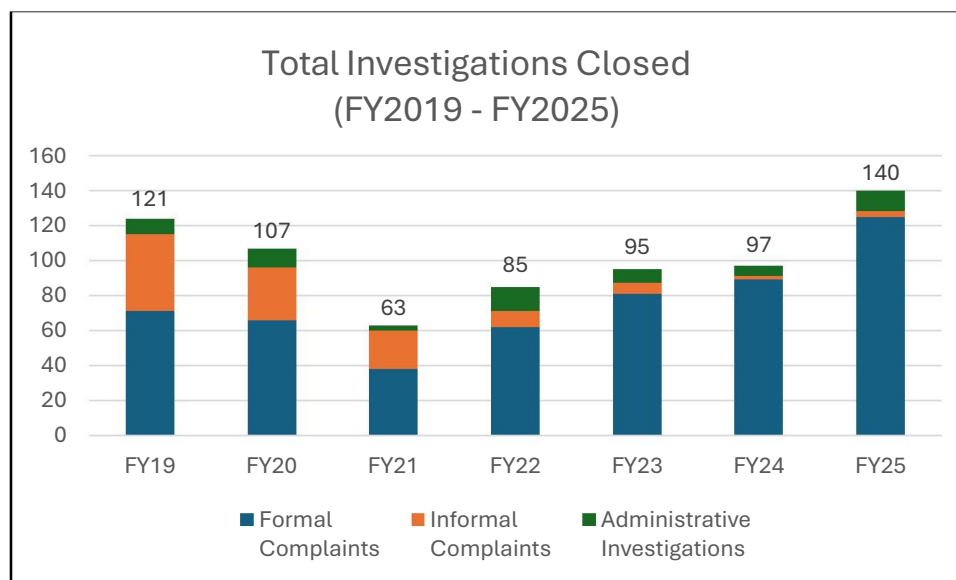
Allegation Classification	Count	%
Arrest or Detention	4	4%
Biased-Based Policing	8	9%
Conduct Unbecoming an Officer	19	21%
Courtesy	2	2%
Force	43	47%
Performance of Duty	7	8%
Policy/Procedure	6	7%
Search or Seizure	1	1%
Truthfulness	2	2%
Total	92	100%

Table 3: Of the 92 investigations opened in FY2025, the largest percentage of complaints identified force as the primary allegation category. Each investigation is classified by IA according to a single primary allegation, which reflects the most serious or significant allegation made against the involved officer.

Investigations Closed

The following data reflect investigations closed during FY2025 by either OIPA or IA.

Total Number of All Investigations Closed by Fiscal Year



Graph 2: In FY2025, OIPA and IA combined closed a total of 140 investigations. These included formal complaints, informal complaints, and IA-initiated administrative investigations. This represents a significant increase in the number of investigations closed compared to the prior fiscal year and the preceding seven-year period. The increased closure rate contributed to a reduction in investigative backlog and supported more timely resolution of current cases.

Types of Investigations Closed by Fiscal Year

Types of Investigations Closed (FY2019 -FY2025)				
	Formal Complaints	Informal Complaints	Administrative Investigations	Total
FY19	71	44	9	124
FY20	66	30	11	107
FY21	38	22	3	63
FY22	62	9	14	85
FY23	81	6	8	95
FY24	89	2	6	97
FY25	125	3	12	140

Table 4: Most investigations closed in FY2025 were formal complaints. The number of formal complaints closed has increased significantly since FY2021. Formal complaints require more extensive investigation, and the 125 formal complaints closed in FY2025 represent the highest total in the past seven years.

OIPA's Involvement All Complaints Closed in Fiscal Year 2025

FY25	Count
OIPAInvestigations	13
OIPAMonitoring Investigations	22
OIPAMonthlyIACase Reviews	105
Total Investigations Closed	140

Table 5: OIPA participated in the closure of all investigations through several oversight functions. In FY2025, OIPA directly investigated 13 complaints and presented findings to the BPCRB. Twenty-two investigations were monitored by OIPA after being referred to IA. The remaining investigations were reviewed by OIPA as part of its Monthly Reporting to the BPCRB.

Number of Formal Complaints Closed in Fiscal Year 2025

Number of Formal Complaints Closed in FY25	Count	%
BPD	112	90%
OIPA	13	10%
Total	125	100%

Table 6: Thirteen formal complaints, representing 10 percent of all formal complaints closed in FY2025, were investigated by OIPA, with findings presented to the BPCRB. The remaining formal complaints were investigated by BPD.

OIPA Case Dispositions in Fiscal Year 2025

The following table summarizes complaints investigated and closed by OIPA.

OIPA CASE DISPOSITIONS					
No.	Nature of Complaint	Type of Closure	Allegations & Findings	Discipline	Action Taken by BPD
1	Officers were alleged to have used excessive force during a fare evasion enforcement involving a person experiencing a mental health crisis.	Investigation	<ul style="list-style-type: none"> Force (2) - Exonerated Policy/Procedure (4) - Exonerated 	N/A	N/A
2	Officers were alleged to have acted in a bias manner and used excessive force during a fare evasion enforcement.	Investigation	<ul style="list-style-type: none"> Arrest/Detention (2) - Exonerated Force (2) Exonerated Bias-Based Policing (2) - Not Sustained CUBO* (1) - Exonerated CUBO* (1) - Sustained 	Informal Counseling	Accepted
3	An officer was alleged to have unnecessarily placed his hand on his firearm while talking to members of the public.	Administrative Closure	<ul style="list-style-type: none"> CUBO* - Administratively Closed 	N/A	N/A
4	A BART Station Agent alleged an officer spoke to her in a threatening and intimidating way regarding another employee's parked vehicle.	Mediation	<ul style="list-style-type: none"> CUBO* - Administratively Closed 	N/A	N/A

CUBO* - Conduct Unbecoming an Officer

WP** - Workplace Discrimination/Harassment

OIPA CASE DISPOSITIONS *(continued)*

No.	Nature of Complaint	Type of Closure	Allegations & Findings	Discipline	Action Taken by BPD
5	Anonymous BPD employees alleged a Commanding Officer engaged in numerous acts of officer misconduct.	Investigation	<ul style="list-style-type: none"> • Policy/Procedure – Exonerated • CUBO* - Exonerated • WP** Discrimination - Not Sustained • WP** Harassment - Not Sustained • Supervision - Exonerated 	N/A	N/A
6	Officers were alleged to have used excessive force on a juvenile during a fare evasion enforcement.	Investigation	<ul style="list-style-type: none"> • Force (3) – Exonerated • Policy/Procedure (1) – Sustained • Policy/Procedure (3) – Unfounded • Policy/Procedure (2) - Exonerated 	Letter of Discussion	Accepted
7	An officer was alleged to have failed to investigate a report of an aggressive person on the train.	Administrative Closure	<ul style="list-style-type: none"> • Performance of Duty - Administratively Closed 	N/A	N/A
8	An officer was alleged to have acted rude and dismissive regarding the handling of a citizen's arrest.	Investigation	<ul style="list-style-type: none"> • Performance of Duty - Exonerated • CUBO* - Exonerated 	N/A	N/A

CUBO* - Conduct Unbecoming an Officer

WP** - Workplace Discrimination/Harassment

OIPA CASE DISPOSITIONS *(continued)*

No.	Nature of Complaint	Type of Closure	Allegations & Findings	Discipline	Action Taken by BPD
9	Complainant alleged unknown officers misidentified him as a person of interest for a crime.	Administrative Closure	<ul style="list-style-type: none"> • Policy/Procedure - Administratively Closed • CUBO* - Administratively Closed 	N/A	N/A
10	Officers were alleged to have improperly detained a person not involved in a crime and used excessive force during the detention.	Investigation	<ul style="list-style-type: none"> • Arrest/Detention (2) – Exonerated • Policy/Procedure (2) – Exonerated • Force (2)- Not Sustained 	Letter of Discussion	Accepted
11	Officers were alleged to have used excessive force on a juvenile during a fare evasion enforcement.	Investigation	<ul style="list-style-type: none"> • Force – Exonerated • Bias-Based Policing (3) - Exonerated 	N/A	N/A
12	Officers were alleged to have improperly detained and cited the complainant for fare evasion.	Investigation	<ul style="list-style-type: none"> • Arrest/Detention - Exonerated • Policy/Procedure - Exonerated • CUBO* - Not Sustained 	N/A	N/A
13	The number of officers on scene for a minor incident was alleged to have been disproportionate given the situation.	Administrative Closure	<ul style="list-style-type: none"> • Policy/Procedure - Administratively Closed 		

CUBO* - Conduct Unbecoming an Officer

WP** - Workplace Discrimination/Harassment

Table 7: All 13 complaints investigated by OIPA and presented to the BPCRB are listed. Two of these investigations resulted in at least one sustained finding. In both cases, BPD adopted and implemented the recommended discipline.

In FY2025, OIPA also conducted its first mediation. The mediation involved a station agent and a sworn officer and resulted in the successful resolution and closure of the complaint after both parties agreed to the outcome.

Sustained Findings

The following data reflect investigations closed in FY2025 by either OIPA or IA that resulted in sustained findings.

All Sustained Findings in Fiscal Year 2025

At Least One Allegation Sustained in the Investigation	Count	%
Sustained	23	16%
Not Sustained, Exonerated, or Unfounded	117	84%
Total	140	100%

Table 8: Of the 140 investigations closed in FY2025, 23 investigations (16 percent) included at least one sustained allegation. A sustained finding indicates that the investigation determined, by a preponderance of the evidence, that the alleged misconduct more likely than not occurred.

All Sustained Findings by Allegation Category in Fiscal Year 2025

Sustained Allegation Classification	Count	%
Arrest or Detention	1	2%
Biased-Based Policing	0	0%
Body Worn Camera Violation	9	21%
Conduct Unbecoming an Officer	17	40%
Force	1	2%
Performance of Duty	4	9%
Policy/Procedure	7	16%
Truthfulness	4	9%
Total	43	100%

Table 9: The allegation category most frequently sustained in FY2025 was Conduct Unbecoming an Officer. This category encompasses an officer's general conduct, including interactions with the public and behavior that may reflect negatively on the department. The second most common sustained category involved body-worn camera violations, including late activation or failure to activate when required by policy. One allegation related to improper detention and one allegation related to use of force were also sustained.

Note: Internal Affairs investigates complaints involving both sworn officers and non-sworn BPD civilian employees. Some sustained findings and associated discipline in FY2025 involved civilian employees rather than sworn personnel.

Discipline

The following table summarizes discipline resulting from investigations conducted by either OIPA or IA in FY2025.

All Discipline Issued in Fiscal Year 2025

Type of Discipline Imposed	Count
Training	1
Informal Counseling	2
Letter of Discussion	6
Oral Counseling	1
Written Reprimand	1
Suspension	1
Demotion ¹	1
Termination	2
Total	15

Table 10: BPD and OIPA follow the Department's Progressive Discipline Procedure. Informal discipline includes Informal Counseling, Letters of Discussion, and Oral Counseling. Formal discipline includes Written Reprimands, Pay Step Reductions, Suspension Without Pay, Demotion, and Termination. In FY2025, both a BPD civilian employee and a sworn officer were terminated as a result of sustained findings.

¹ The demotion for the officer associated with the complaint was overturned during the Skelly Process.

COMMUNITY OUTREACH AND ENGAGEMENT

Community engagement and outreach are vital components of effective independent civilian oversight. Engagement involves developing authentic relationships and maintaining open communication with the communities served by BART. Outreach, on the other hand, ensures that these communities are aware that independent civilian oversight exists as an alternative to filing complaints directly with the police department. For many individuals, submitting a complaint to the police department, perhaps with a fellow officer with which a negative interaction occurred, can be uncomfortable, discouraging and even traumatizing.

During the past year, OIPA staff participated in more than 25 separate events, including festivals like the San Francisco Pride Parade and the annual Juneteenth Celebration in Berkeley; the annual Oscar Grant Vigil at Fruitvale Station and the annual Women in Law Enforcement Conference and Career Fair for students at Oakland's Merritt College.

Law Enforcement Collaboration

Important to the success of independent civilian oversight is the need to ensure that officers and command staff in the BPD understand the role of OIPA as part of the public safety system at BART. In fact, OIPA has received whistleblower cases from within the BPD ranks. The work of good independent civilian oversight is to investigate all allegations of misconduct, regardless of who files the complaint. The internal complaints received by OIPA affirm that accountability is a shared commitment to continuous learning and improvement within public safety.

Of the list of events that OIPA staff attended, more than 13 were with BPD officers and community members. This collaboration includes BART and BPD recruitment fairs, Gang Resistance Education And Training (GREAT) graduations with grade school youth, National Night Out, and attending award ceremonies, swearing in and graduation events.

Student Interns

Last summer, OIPA hosted two college student interns, Nai Trawick and Ryann Clark. Throughout the six-week program, they brought fresh perspectives, thoughtful questions, and a strong commitment to community-centered public safety. Both immersed themselves in learning about constitutional policing, trauma-informed practices, and the role of civilian oversight in public safety, while also engaging directly with community partners and BART staff. They were able to attend the American Public Transportation Association's annual conference and do a full day walk along with BPD Crisis Intervention Team members. Their research contributions included increasing the number and diversity of community organizations in our distribution database and identifying youth organization for individual meet and greets with OIPA staff. Nai and Ryann reinforced the importance of empowering the next generation of leaders in public service. We are grateful for their dedication and wish them continued success in their academic and professional journeys.

Positive Outcome Award: Office Tyler Cunningham

OIPA was honored to present the 2024 Positive Outcome Award to Officer Tyler Cunningham of the BART Police Department. The award recognizes a BART police officer who demonstrates outstanding skill, sound judgment, and the effective use of de-escalation techniques. During OIPA's review of use-of-force incidents and monitoring of police contacts, Officer Cunningham's conduct consistently stood out. Throughout several encounters, she demonstrated professionalism, empathy, and a genuine commitment to public safety. One notable example occurred on March 7, 2024, when she safely removed an individual intent on self-harm from the BART tracks at Ashby Station. Her calm communication, patience, and steady leadership ensured that no one was harmed and that service was restored quickly. Her actions exemplify the safe and constructive resolutions that this award is intended to honor.

The Benefits of Using Quick Response Code Stickers in Place of Paper Brochures

OIPA introduced a Quick Response (QR) code for use on all materials, promotional items and advertisements. Stickers with this QR codes were printed placed on station agent booths, providing BART riders with a modern and accessible way to connect with civilian oversight services. By scanning this QR code, riders can instantly access complaint forms, FAQs, and public reports from their smartphones.

The use of QR codes also enhances transparency by eliminating the need to search for our website. This innovation reflects OIPA's commitment to accessibility, accountability, and environmental responsibility—building public trust through clear, user-friendly, and equitable access to civilian oversight information.

STAFF TRAINING

Throughout Fiscal Year 2025, OIPA staff took part in a broad range of professional trainings. These sessions focused on improving investigative skills, deepening understanding of use-of-force standards, advancing racial equity, and exploring the ethical use of new technologies such as artificial intelligence in law enforcement. OIPA staff engaged with national experts and partner organizations including the National Association for Civilian Oversight of Law Enforcement (NACOLE), Lexipol, the California Civilian Oversight Alliance, and the BART Police Department to ensure that oversight practices remain informed, impartial, and grounded in the most current developments in policing and oversight.

Core Investigative and Oversight Skills

- BPD Use of Force Investigation Process Training
- BPD Use of Force Training
- Law Enforcement Related Case Law Review (Lance Bayer, Esq.)
- Sit-Along with BPD Dispatcher

Civilian Oversight and Accountability

- NACOLE 2024 Annual Conference - 30 Years of NACOLE: Progress, Preservation, Perseverance – Tucson, Arizona
- NACOLE Webinars:
 - Using the Intersection of Policing & Social Justice to Strengthen Stakeholder Relationships
 - The Importance of a Discipline Matrix in Policing & Civilian Oversight
 - Firearms 201 with Doc Whitestone
 - Digital Video Evidence: Technical Challenges & Limitations
 - Addressing Key Issues in Law Enforcement–Youth Interactions
 - Understanding Civilian Oversight’s Fast-Changing Legal Landscape
 - Constitutional Police–Community Encounters

Ethics, Equity, and Professional Development

- Government Alliance on Race & Equity (GARE) Conversation: Sustaining Racial Equity Work with Data & Evidence-Based Strategies
- Seattle University Webinar: Biosocial Criminology & Criminal Justice

AI, Data, and Technology in Oversight

- Lexipol Webinars:

- Balancing Innovation & Ethics: AI's Role in Modern Law Enforcement
 - The Duty to Intervene: Lessons Since George Floyd
 - Why Law Enforcement Hires Go Bad (Recruitment, Field Training, & Probation)
- California Civilian Oversight Alliance: AI in Oversight & the Future of Accountability
- UC Berkeley Larsen Justice Conference: AI & Emerging Technology in the Administration of Justice
- NACOLE Webinar: The New World of Artificial Intelligence: Opportunities for Civilian Oversight Practitioners
- Police1: Advancing Investigations with Accelerated Data Analysis

LOOKING FORWARD

In the year ahead, through our investigative work, policy analysis, and public reporting, OIPA will continue to serve as a leader and model for effective civilian police oversight. The data presented in this report reflect not only the scope of oversight activity during the reporting period, but also OIPA's ongoing commitment to ensuring accountability, transparency, and continuous improvement within the BART Police Department. Central to this work is OIPA's responsibility to help ensure that all BART riders feel safe and protected when using the BART system.

As BART continues to grow and renew its commitments to the communities it serves, OIPA remains focused on supporting BART's mission to provide safe, reliable, and equitable transportation throughout the Bay Area. Effective police oversight plays a critical role in advancing that mission by strengthening public confidence in policing practices and ensuring that investigations are fair, timely, and grounded in evidence.

In the year ahead, OIPA will improve the quality and timeliness of investigations. Priorities include reviewing BPD's Body-Worn Camera policy to reinforce evidence collection requirements and ensuring investigative findings are based on complete, reliable documentation. OIPA will also expand staff training in investigative methods, use-of-force analysis, and officer discipline, while continuing to pursue mediation when appropriate to improve communication and provide alternative pathways for resolving complaints.

To better serve the public, OIPA will work on streamlining internal investigative processes, refining workflows, and collaborating closely with Internal Affairs to enhance monitoring practices. The office will also finalize its Investigators Training Manual and provide use-of-force training to members of the BART Police Civilian Review Board to support informed and effective case review.

OIPA will continue advancing transparency by enhancing monthly reports and updating its website to make data, investigative outcomes, and policy information more accessible to the public. The office will also expand the sharing of information related to use-of-force trends and Early Warning System reviews to support accountability and reduce risk.

Guided by its Community Engagement Plan, OIPA will broaden outreach across all five counties served by BART to increase awareness of oversight services and complaint options. Strengthening relationships with riders, community organizations, and BPD personnel remains essential to building trust and ensuring that oversight is accessible to all.

As the next evaluation of the Civilian Oversight Model approaches in 2027, OIPA will continue to assess opportunities to improve civilian oversight through refined operations, improved workflows, and thoughtful evaluation of structural needs, ensuring the office remains well positioned to fulfill its mandate and serve the BART community.

GLOSSARY

§3304 Statute of Limitations: A one-year legal time limit under California Government Code §3304(d) within which an administrative investigation involving potential discipline must be completed and the officer notified of the intended discipline.

Administrative Investigation: A non-criminal investigation conducted by Internal Affairs to determine whether an employee violated BPD policies, procedures, or training standards. These investigations may lead to corrective action or discipline.

Administratively Closed: A complaint or inquiry that is closed because additional investigation is not possible or appropriate—for example, when the complainant cannot be contacted, insufficient information is available, or the issue falls outside OIPA or BPD jurisdiction.

Allegation: An unproven assertion that a BPD employee engaged in misconduct or violated policy. Allegations are evaluated through the investigative process to determine whether there is sufficient evidence to support them.

Appeal: A request to review to investigative findings or disciplinary decisions, submitted by the complainant, BPCRB, or Chief of Police.

Bias-Based Policing: The inappropriate consideration of protected characteristics—such as race, gender, or age—in police decision-making. OIPA reviews allegations of bias to determine whether officer actions were lawful and within policy.

Complaints (Formal/Informal): A concern or allegation raised by a member of the public, BART employee, or other individual regarding the conduct of a BART Police Department employee.

- Formal complaints are documented allegations of misconduct that require a written or recorded statement.
- Informal complaints raise concerns that may not meet the threshold for a formal investigation but still require review or follow-up.

Conduct Unbecoming an Officer: Behavior by a sworn officer that is inappropriate, unprofessional, or inconsistent with department standards. Such conduct may result in corrective action or discipline if sustained.

Exonerated: A finding that the alleged conduct occurred, but the officer's actions were lawful, justified, and within policy.

Inquiry: A preliminary review of a concern raised by a complainant not rising to the level of a formal complainant but requiring additional clarification.

Investigation: A formal review by either OIPA or IA of an incident of alleged officer misconduct, requiring the collection and analysis of evidence such as body-worn camera footage, reports, interviews, and other relevant information to produce findings.

Letter of Discussion: A written, non-disciplinary document used to document performance issues, expectations, or needed improvements.

Mediation: A voluntary, confidential process in which a trained neutral facilitator helps resolve a complaint through dialogue between the complainant and the involved officer. Mediation focuses on communication and understanding rather than discipline.

Not Sustained: A finding in which the available evidence is insufficient to prove or disprove the allegation.

OIPA Monthly Report: A monthly summary prepared by OIPA that outlines case activity, investigative findings, policy issues, and trends observed in complaints and BART Police Department operations. The report is presented publicly at the BPCRB meetings and posted to the OIPA website.

Oral Counseling: A non-disciplinary conversation between a supervisor and employee intended to correct minor issues and provide guidance to the police employee.

Preponderance of the Evidence: The standard of proof used in administrative investigations, including police oversight matters, requiring that the evidence shows it is more likely than not that the alleged conduct occurred. This standard is met when the weight of the evidence in support of a finding is greater than the evidence opposing it, even if only slightly.

Progressive Discipline: A corrective approach in which disciplinary actions increase in severity if misconduct continues, typically beginning with coaching and escalating to formal discipline if needed.

QR Code: A Quick Response (QR) code is a type of barcode that can be scanned using a smartphone or tablet camera to quickly access digital information, such as a website, form, or document, without manually entering a web address.

Service Review: A review of a service-related concern that does not involve misconduct—for example, questions about policy, customer service, or officer performance that may require clarification, coaching, or training.

Skelly Process: The BPD Skelly Process refers to the pre-disciplinary procedure required before the BART Police Department imposes punitive discipline on a sworn officer. Consistent with due process requirements established under *Skelly v. State Personnel Board*, the process provides the officer with notice of the proposed discipline, an explanation of the evidence supporting it, and an opportunity to respond—either orally or in writing—before a final disciplinary decision is made. The Skelly Process is intended to ensure fairness,

transparency, and accountability in administrative discipline while protecting the officer's procedural rights.

Supervisory Referral: A complaint or issue forwarded to a BPD supervisor for follow-up, coaching, or training when the concern does not rise to the level of misconduct or a full administrative investigation.

Sustained: A finding that the evidence shows the alleged misconduct more likely than not occurred, and that a policy violation was committed.

Termination (and Related Actions): A formal disciplinary action resulting in the separation of an employee from employment. Other possible formal actions include suspension, demotion, or written reprimand.

Unfounded: A finding that the alleged incident did not occur or the allegation is demonstrably false

APPENDIX

BART Civilian Oversight Model

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

CIVILIAN OVERSIGHT MODEL

Purpose: To provide an effective independent civilian oversight system that promotes integrity and encourages systemic change and improvement in the police services that the San Francisco Bay Area Rapid Transit District (BART) provides to the public by ensuring that internal police accountability system functions 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 BART Police Civilian Review Board.

Chapter 1:

- 1-01 OFFICE OF THE INDEPENDENT POLICE AUDITOR
- 1-02 APPOINTMENT OF THE INDEPENDENT POLICE AUDITOR
- 1-03 SCOPE
- 1-04 DUTIES AND RESPONSIBILITIES
- 1-05 RELATIONSHIP BETWEEN OIPA AND THE BART POLICE CIVILIAN REVIEW BOARD
- 1-06 RELATIONSHIP BETWEEN OIPA, BPD, DISTRICT SECRETARY, AND OTHER DISTRICT DEPARTMENTS
- 1-07 COOPERATION WITH OIPA
- 1-08 INDEPENDENCE OF OIPA
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Chapter 2:

- 2-01 BART POLICE CIVILIAN REVIEW BOARD
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- 2-08 RELATIONSHIP BETWEEN THE BPCRB AND OIPA
- 2-09 CONFIDENTIALITY OF RECORDS AND INFORMATION
- 2-10 CODE OF ETHICS

Chapter 3:

- 3-01 PERIODIC OVERSIGHT SYSTEM EVALUATION
- 3-02 BUDGETARY CONSIDERATIONS

Chapter 1-01 OFFICE OF THE INDEPENDENT POLICE AUDITOR

Pursuant to California Public Utilities Code Section 28767.8, the Office of the Independent Police Auditor (OIPA) shall be established by the Board of Directors (Board) in keeping with the Core Principles for an Effective Police Auditor's Office.¹

Chapter 1-02 APPOINTMENT OF THE INDEPENDENT POLICE AUDITOR

The Independent Police Auditor (IPA) shall be appointed by and report directly to the Board.

Chapter 1-03 SCOPE

OIPA shall have the authority to exercise its duties and responsibilities as outlined below, regarding any and all law enforcement and police activities or sworn personnel operating under the authority of the BART Police Department (BPD). OIPA shall be authorized to investigate any complaints alleging sworn police officer misconduct that implicate the policies of the BPD. OIPA shall be committed to the prompt, timely, and efficient resolution of all complaints, including, but not limited to, adherence to all applicable statutory requirements. OIPA's scope of authority shall not extend beyond the BPD.

Chapter 1-04 DUTIES AND RESPONSIBILITIES

A. Complaints Received from Members of the Public

Any person may file a complaint or allegation of wrongdoing with the OIPA against any sworn BPD employee. Upon receipt of a complaint or allegation, OIPA shall:

- i) Ensure that a timely, thorough, complete, objective, and fair investigation into the complaint is conducted by OIPA or BPD.
- ii) Provide the complainant and all other officers who are the subject(s) of the investigation with timely updates on the progress of all investigations conducted by OIPA, unless the specific facts of the investigation would prohibit such notification.
- iii) Reach an independent finding as to the facts of an investigation.
- iv) The OIPA shall assess the conduct of the sworn BPD employee considering the facts discovered through investigation, the law, the policies, and training of the BPD.

B. Recommendations for Corrective Action

- i) Independent investigative findings of "Sustained" made by OIPA shall include recommendations for corrective/punitive action, up to and including termination where warranted, and shall include prior complaints and their disposition. When the evidence does not support the allegations of misconduct, the IPA shall recommend a finding of Unfounded, Exonerated, or Not Sustained.
- ii) In a confidential personnel meeting, the IPA shall submit his/her investigative findings and recommendations to the BART Police Civilian Review Board (BPCRB) for review. Should the BPCRB agree by simple majority with the findings and recommendations, the report will be submitted to the Chief of Police for appropriate action. The Chief of Police shall implement the recommended action, absent appeal.
- iii) The BPCRB shall announce each member's vote regarding its acceptance of the OIPA findings and recommendations for discipline in open session, and in cases in which a non-

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

- unanimous majority agrees with the OIPA findings and recommendations, the dissenting members should generate a memorandum including the rationale for diverging from the majority opinion without divulging privileged or confidential information and evidence.
- iv) Should the Chief of Police disagree with the findings and recommendations of OIPA and the BPCRB, the Chief of Police may appeal to the General Manager (GM) within 45 calendar days of the issuance of the findings and recommendations. The Chief of Police will submit his/her appeal in a writing setting forth his/her disagreements with the findings and provide recommendations to the IPA, the BPCRB, and the GM. After receipt of the appeal, the GM shall convene a confidential personnel meeting to include the Chief of Police, the IPA, and a representative of the BPCRB. After receiving input from the Chief of Police, the IPA, and the BPCRB representative, the GM shall rule and submit his/her decision in writing to the Chief of Police, the IPA and the BPCRB. The Chief of Police shall implement the GM's decision.
 - v) Should the BPCRB disagree with the OIPA findings by simple majority, in a confidential personnel meeting, the IPA and the BPCRB shall attempt to come to a consensus. If the BPCRB and the IPA fail to come to a consensus, by simple majority, the BPCRB may appeal. The efforts made to achieve consensus shall be documented by the BPCRB and shall be forwarded to the GM as a part of the appeal. All appeals regarding findings and recommendations for corrective/punitive action or dismissal, between the BPCRB and the IPA will be appealed to the GM, in a confidential personnel meeting to include the Chief of Police. At the confidential personnel meeting, The BPCRB Chair and the IPA will submit their disagreements and recommendations to the GM. The GM shall rule on the matter and make his/her decision known to the Chief of Police, the BPCRB and the IPA. The Chief of Police shall implement the GM's decision, which will be final.
 - vi) Discipline recommended pursuant to these processes shall be subject to an administrative hearing prior to implementation in a manner consistent with addressing the due process rights of public employees, when applicable. Any final determinations that modify or rescind initial dispositions and arbitration determinations shall be evaluated by the IPA to identify any systemic issues and/or potential for the serious erosion of accountability related to such modifications, and shall be included in a public IPA report. The IPA shall work with BPD to remedy any such issues identified by the evaluation.

C. Review Legal Claims, Lawsuits, and Settlements

- i) OIPA shall be authorized to review any legal claims and/or lawsuits against BART that relate to the conduct of BPD personnel to ensure that all allegations of misconduct are thoroughly investigated by OIPA and/or BPD, and to identify any systemic issues regarding BPD practices and/or policies.
- ii) OIPA shall be authorized to review any settlements and adverse judgments involving BPD.
- iii) OIPA shall work with BPD to develop corrective action intended to remediate any systemic issues identified through review of any significant settlements or adverse judgements involving the BPD.
- iv) OIPA shall publicly report its involvement in the review of legal claims, lawsuits and settlements in a manner consistent with all applicable confidentiality requirements.

D. Review Investigations Conducted by BPD

- i) OIPA shall be authorized to review BPD Internal Affairs Bureau (IA) investigations to determine whether the investigations are complete, thorough, objective, and fair.
- ii) The IPA shall, subject to his or her discretion, have authority to monitor or require follow-up investigation into any civilian complaint or allegation that is investigated by BPD.
- iii) OIPA should provide recommendations to the BPD regarding investigative quality and/or appropriateness of disciplinary recommendations prior to the finalization of the investigative report and notification of disposition to subject officers and complainants.
- iv) OIPA is authorized to publicly report any resistance by the BPD to conduct reasonable additional investigative tasks, including by way of notification to the Board, the BPCRB, and the GM.

E. Review Uses of Force by BPD Officers

- i) OIPA shall have the authority and responsibility to review all Use of Force (UOF) incidents by BPD officers to determine whether the UOF should be the subject of an IA investigation and/or whether other issues are implicated for the individual officer or for BPD, including but not limited to training, equipment, supervision, and policy.
- ii) OIPA shall be authorized to regularly participate in the BPD UOF Review Board process by attending meetings and/or reviewing determinations made by the BPD UOF Review Board.
- iii) OIPA shall report publicly on its involvement in the BPD UOF review process including determinations made by BPD UOF reviewers in a manner consistent with all applicable confidentiality requirements.

F. BPD Early Intervention Systems

- i) OIPA shall be involved in the review and evaluation of data, alerts, and reports related to the BPD Early Intervention System (EIS).
- ii) The OIPA may use the EIS data to determine whether conduct or disciplinary issues regarding BPD or individual officers exist.
- iii) OIPA shall regularly report on the status and effectiveness of the BPD EIS in a manner consistent with all applicable confidentiality requirements.

G. Auditing

- i) OIPA shall have the necessary access and authority to review BPD data, records, and staffing information for the purpose of conducting systemic audits of BPD functions that impact the quality of the Department and the services provided by BPD to the public.
- ii) OIPA shall have the necessary access and authority to monitor any audits conducted by the BPD regarding BPD functions that impact the quality of the Department and the services provided by the BPD to the public.
- iii) OIPA shall be authorized to publicly report on the results of any audits or monitored audits as described in this section in a manner consistent with all applicable confidentiality requirements.

H. Mediation

OIPA shall develop a voluntary alternative dispute resolution (ADR) process for resolving complaints which involve conduct that may most appropriately be corrected or modified

through alternative means. OIPA shall review a draft of the voluntary ADR process with the BPCRB and BART Police Associations and secure their concurrence prior to implementation.

I. Appeal of IA Findings

Any complainant may file an appeal of an internal investigation conducted by BPD with the OIPA. Upon receipt of an appeal, OIPA shall:

- i) Review the completed BPD investigation.
- ii) Determine whether further investigation is warranted and, if necessary, ensure that a timely, thorough, complete, objective and fair follow-up investigation into the complaint or allegation is conducted. A follow-up investigation may, at the discretion of the IPA, be conducted by the OIPA, the BPD or any other competent investigative agency.
- iii) Provide timely updates on the progress of the review and any follow-up investigation to the complainant and the BPD employee who was the subject of the original investigation, to the extent permitted by law unless the specific facts of the investigation would prohibit such notification.
- iv) Based on the review of the original investigation and, where appropriate, the results of any follow-up investigation, OIPA shall reach an independent finding as to the facts of the underlying allegation or complaint.
- v) Independent investigative findings of "Sustained" made by OIPA shall include recommendations for corrective/punitive action, up to and including termination where warranted. When the evidence does not support the allegations of misconduct, the IPA shall recommend a finding of Unfounded, Exonerated, or Not Sustained.
- vi) All BPD investigative findings that are appealed to OIPA shall be subject to the procedures defined in Chapter 1-04(B).

J. Critical Incidents

- i) The IPA shall be notified immediately by BPD personnel to respond to the investigative scene(s) of any BPD officer-involved shooting, use of force resulting in life threatening injury, use of force resulting in bodily injury requiring transportation and admittance to a hospital, or in-custody death.
- ii) The BPD officer in charge at the investigative scene(s) shall provide the IPA and OIPA staff with access to the investigative scene(s) equivalent to BPD Internal Affairs Investigators upon their arrival at the investigative scene.
- iii) The OIPA shall have the authority to monitor all aspects of the ensuing investigation that the BPD Internal Affairs investigators have authority to monitor while the investigation is in progress. The BPD will grant the OIPA access equivalent to BPD Internal Affairs investigators to the site(s) of all interviews related to a critical incident involving BPD personnel.
- iv) The IPA may observe interviews of employees, public complainants, and witnesses that are conducted by BPD Internal Affairs Investigators and may submit questions to the interviewer to be asked by the interviewer in accordance with state and federal law.

K. Recommendations on Procedures, Practices and Training

- i) OIPA shall develop specific recommendations concerning policies, procedures, practices, and training of BPD personnel. The goal of the above OIPA recommendations, shall be improving the professionalism, safety record, effectiveness, and accountability of BPD

employees. OIPA shall consult with the Chief of Police and other stakeholders and shall present its recommendations to the BPCRB for review and comment.

- ii) Should BPD reject policy recommendations submitted by OIPA, the IPA may forward the recommendations to the GM and/or the Board for further consideration.
- iii) OIPA shall have the authority and responsibility to provide input to the BPD during the development of any significant BPD-initiated policy creation or revision.
- iv) OIPA shall publicly report on its involvement in the development and revision of BPD policies and shall report annually regarding any outstanding recommendations and the degree to which they were endorsed by the BPCRB and accepted by BPD.

L. BART Police Associations

- i) The IPA shall meet periodically with and seek input from the BART Police Managers Association (BPMA) and the BART Police Officers Association (BPOA) regarding the work of OIPA.
- ii) OIPA shall report annually on whether meetings with BPMA and BPOA occurred.

M. Community Outreach

OIPA shall develop and maintain a regular program of community outreach and communication for the purpose of listening to and communicating with members of the public in the BART service area. The OIPA community outreach program shall set out to educate the public regarding the responsibilities and services of OIPA and the functions of the BPCRB.

N. Reporting

The IPA shall prepare annual reports to the Board and the public in a manner consistent with all applicable confidentiality requirements, which prior to being finalized shall be reviewed, in draft form, by the BPCRB. To the extent permitted by law, reports shall include the number and types of cases filed, number of open cases, the disposition of and any action taken on cases including recommendations for corrective/punitive action, and the number of cases being appealed; findings of trends and patterns analyses; and recommendations to change BPD policy and procedures, as appropriate. The reports shall include all complaints regarding police officers received by OIPA, BPD, BART District Secretary (DSO), and other District departments.

O. Public Statements

The IPA shall be authorized to make public statements regarding any aspect of BPD policies and practices, the Civilian Oversight Model, and in conjunction with any public report or findings in a manner consistent with all applicable confidentiality requirements.

Chapter 1-05 RELATIONSHIP BETWEEN OIPA AND THE BPCRB

- A. OIPA and the BPCRB shall be established and operated as separate, complementary entities with different roles that are and shall remain independent of one another.
- B. On a no less than monthly basis, the BPCRB shall receive reports from OIPA in a manner consistent with all applicable confidentiality requirements, including the number and types

of cases filed, number of open cases, the disposition of and any action taken on cases, recommendations for corrective/punitive action, including discipline and dismissals, and the number of independent investigations concluded by OIPA. The report shall also include the number and outcome of cases being appealed either to OIPA by members of the public, the BPCRB or the Chief of Police pursuant to the appeals process described in Chapter 1-04(B), above.

- i) Reports shall include all complaints received by OIPA, BPD, BPCRB, DSO, and other District departments.
 - ii) For tracking and timeliness purposes, this report shall include the number of days that have elapsed between the date of the complaint and the date of the written report to the BPCRB.
- C. OIPA may present reports related to OIPA-monitored BPD investigations to the BPCRB in closed session for its input and feedback. BPD personnel may be present during the closed session to respond to any BPCRB inquiries regarding the investigation and/or related investigative processes.
- D. OIPA shall, for informational purposes, promptly notify the Chair of the BPCRB whenever the IPA is informed of a critical incident as described in Chapter 1-04(J).
- E. The BPCRB and OIPA will coordinate community outreach activities and communication with the public.

Chapter 1-06 RELATIONSHIP BETWEEN OIPA, BPD, DSO, AND OTHER DISTRICT DEPARTMENTS

- A. The Chief of Police, DSO and other Executive Managers with employees that routinely receive comments/complaints from the public shall each, jointly with the IPA, develop standard operating procedures to govern the relationship and flow of communication regarding complaints involving police officers between OIPA and each of their respective departments.
- B. OIPA and the Chief of Police shall provide each other with timely notification of complaints, investigations, appeals and findings and with such information and cooperation as is appropriate and necessary.

Chapter 1-07 COOPERATION WITH OIPA

- A. OIPA shall have unfettered access to police reports and police personnel records. All parties who have access to confidential information shall comply with all confidentiality requirements of the BPD, the District, and all state and federal laws.
- B. During an investigation, all involved BPD personnel shall be compelled to meet and cooperate with OIPA in accordance with Government Code Section 3300-3313.

- C. No person shall directly or indirectly force, or by any threats to person or property, or in any manner willfully intimidate, influence, impede, deter, threaten, harass, obstruct or prevent, another person, including a child, from freely and truthfully cooperating with OIPA.

Chapter 1-08 INDEPENDENCE OF OIPA

- A. The IPA and any employee of the OIPA shall, at all times, be totally independent. All investigations, findings, recommendations, and requests made by OIPA shall reflect the views of OIPA alone.
- B. No District employee or Director shall attempt to unduly influence or undermine the independence of the IPA or any employee of the OIPA in the performance of his or her duties and responsibilities set forth herein.
- C. DSO staff shall perform administrative and organizational tasks for the BPCRB, which will be intended to clarify, strengthen, and maintain the delineation and separation of the BPCRB and OIPA.

Chapter 1-09 CONFIDENTIALITY OF RECORDS AND INFORMATION

OIPA shall comply with all state and federal laws requiring confidentiality of law enforcement records, information, and confidential personnel records, and respect the privacy of all individuals involved.

Chapter 1-10 CODE OF ETHICS

The employees of OIPA shall adhere to the National Association for Civilian Oversight of Law Enforcement (NACOLE) Code of Ethics.

Chapter 1-11 TIMELINESS

Nothing in this Model is intended to delay or interfere with the timely investigation and disposition of internal affairs investigations of alleged police misconduct. OIPA and the BPCRB shall jointly develop a timeline for completion of the disciplinary process that will be concluded within 365 days from the time of discovery by BPD Internal Affairs, BPD supervisory level personnel, the OIPA, or the BPCRB.

Chapter 2-01 BART POLICE CIVILIAN REVIEW BOARD

A BART Police Civilian Review Board shall be established by the Board of Directors to increase visibility for the public into the delivery of BART police services, to provide community participation in the review and establishment of BPD policies, procedures, practices and initiatives, and to receive civilian complaints and allegations of misconduct by BPD employees. Results of investigations into allegations of misconduct by BPD employees and recommendations for corrective/punitive action, including discipline, will be reviewed by the BPCRB. The members of the

BPCRB shall adhere to the National Association for Civilian Oversight of Law Enforcement (NACOLE) Code of Ethics and comply with all applicable state and federal laws regarding confidentiality.

Chapter 2-02 APPOINTMENT OF BPCRB MEMBERS

- A. The BPCRB shall report directly to the Board.
- B. The BPCRB shall consist of eleven (11) members appointed as follows:
 - i) Each BART Director shall appoint one (1) member.
 - ii) The BPMA and BPOA shall jointly appoint one (1) member.
 - iii) There shall be one (1) Public-at-Large member to be appointed by the Board.
 - iv) All appointments or re-appointments to the BART Police Civilian Review Board shall be for two-year terms. Those members appointed by Directors representing odd numbered Districts, as well as the Public-at-Large member shall have their terms expire on June 30th of the respective even numbered year. Those members appointed by Directors from even numbered Districts, as well as the BART Police Associations' member, shall have their terms expire on June 30th of the respective odd numbered year.
 - v) Service on the BPCRB shall be voluntary.
 - vi) A newly-elected Director may replace the seated BPCRB appointee representing their District within ninety (90) calendar days of taking office, otherwise the seated BPCRB member will continue to serve until expiration of the applicable term, unless otherwise disqualified as described herein

Chapter 2-03 BPCRB MEMBER QUALIFICATIONS AND RESTRICTIONS

- A. Members of the BART Police Civilian Review Board must reside within Alameda, San Francisco, Contra Costa, or San Mateo County.
- B. BPCRB members shall agree to adhere to the Code of Ethics described in Chapter 2-10.
- C. BPCRB members must be fair-minded and objective with a demonstrated commitment to community service.
- D. No person currently employed in a law enforcement capacity, either sworn or non-sworn, shall be eligible for appointment to the BPCRB.
- E. No current or former BPD employee shall serve on the BPCRB, and no relative of any current or former BPD employee shall serve on the BPCRB.²
- F. All appointees to the BPCRB shall be subject to background checks.
- G. No person convicted of a felony shall serve on the BPCRB.

² Relatives include spouse, domestic partner, child, parent, brother, sister, grandparent, step-parent, step-child, legal guardian, father-in-law and mother-in-law.

- H. Members serving on the BPCRB are not required to be U.S. citizens.

Chapter 2-04 BPCRB MEMBER MEETING ATTENDANCE

- A. BPCRB members may not miss three regularly scheduled meetings per year.
 - i) The appointment of any BPCRB member who has been absent from three (3) consecutive regular meetings or four (4) meetings in total during the fiscal year, shall automatically expire effective on the date that such absence is reported by the BPCRB to the DSO, except in the case of an approved absence or leave of absences described herein.
 - ii) The DSO shall notify any BPCRB member whose appointment has automatically terminated, and report to the Board and the BART Police Associations that a vacancy exists on the BPCRB. The vacancy shall then be filled in accordance with Chapter 2-06.
- B. Excused Absences from Regularly Scheduled Meetings
 - i) A BPCRB Member may request an excused absence from their appointing Director, and that excuse shall be transmitted to the DSO. Such excused absences shall be granted by the Board President regarding the Public-at-Large appointee, or from the Police Associations regarding the Police Associations' appointee. Such excused absences will not count against the member's absence limitations.
 - ii) BPCRB members may be granted a leave of absence by their appointing Director not to exceed three (3) months. When such a leave of absence is granted, the seat may be filled for the period of such leave and may be filled in accordance with the procedure described herein, subject to ratification by the Board. Such leaves of absence shall be granted by the Board President regarding the Public-at-Large appointee, or from the Police Associations regarding the Police Associations' appointee.

Chapter 2-05 BPCRB VACANCIES

- A. Vacancies on the BPCRB shall be filled for the unexpired portion of the term, subject to ratification by the Board.
- B. A vacancy in a seat representing one of the nine BART Districts shall be filled by the Director whose appointee has ceased to serve.
- C. A vacancy in the seat that represents the BART Police Associations shall be filled by the BART Police Associations.
- D. A vacancy in the seat representing the Public-at-Large shall be filled by the Board from the pool of qualified applications submitted during the most recent application period for the Public-at-Large seat. If no qualified Public-at-Large applicants are available or willing to serve, the Board shall solicit new applications.
- E. The IPA may provide input to the Board regarding the performance of any BPCRB member who seeks reappointment.

- F. The Board should consider a BPCRB member's annual outreach activity when deciding whether to reappoint a member to the BPCRB.

Chapter 2-06 SCOPE

The BPCRB shall have the authority to exercise its duties and responsibilities as outlined below, regarding law enforcement and police activities or personnel operating under authority of BART.

Chapter 2-07 DUTIES AND RESPONSIBILITIES

A. Complaints Received from Members of the Public

Any person may file a complaint or allegation of wrongdoing against any BPD employee with the BPCRB. Upon receipt of a complaint or allegation, the BPCRB shall immediately turn the complaint or allegation over to the OIPA, and OIPA shall proceed according to Chapter 1-04 above.

B. Recommendations for Corrective Action

- i) The IPA shall submit his/her investigative findings and recommendations to the BPCRB for review in a confidential personnel meeting, where the processes described in Chapter 1-04(B)(ii-vi) including, but not limited to, appeal procedures shall apply.
- ii) The BPCRB shall announce each member's vote regarding its acceptance or rejection of the OIPA findings and recommendations for discipline in open session, and in cases in which a non-unanimous majority agrees with the OIPA findings and recommendations, the dissenting members should generate a memorandum including the rationale for diverging from the majority opinion without divulging privileged, protected, or confidential information and evidence.

C. Closed Session Process

- i) When the BPCRB reports out the votes from the closed session, the voting will be announced by the vote on each count.
- ii) Any BART PD policy violations referred to in an OIPA report must have a copy of the policy attached for the BPCRB to serve as a reference in closed session.
- iii) For all OIPA cases and findings, the BPCRB are expected to review all of the evidence presented. This includes written information, photos, and videos. If a BPCRB member has not reviewed all of the evidence for a sustained finding, the member MUST abstain from voting.
- iv) The BPCRB may choose to bifurcate allegations and findings as necessary per Sturgis rules of parliamentary procedure. When this parliamentary procedure is utilized, BART subject Police officer(s) may be separated for an individual up and down vote per the recommended OIPA finding(s) and allegation(s). Each of the OIPA findings will then be listed in a numerical order and referred to as "officer one, officer 2, finding one, finding two, allegation one, allegation 2" etcetera, etcetera. When the BPCRB reports out the votes from the closed session, the voting will be announced by the vote on the agreement or disagreement with the OIPA recommendations in totality or with exceptions.
- v) Any BPCRB members who vote to not accept an OIPA finding may write a dissenting memo. A draft of any dissenting memos must be reviewed by an attorney assigned by

the BART Legal Department to ensure no confidential information is divulged. Once the BART legal department deems the memo to be in compliance, the memo must be distributed and a copy sent to the BART General Manager, the BART Chief of Police, and the BPCRB Chairperson. If there are multiple dissenting members, they may collaborate and submit one dissenting memo.

D. BPCRB Legal Support

The BPCRB will be assigned an attorney from the BART Legal Department to be available to assist the BPCRB with any and all legal issues.

E. Recommendations on Policies, Procedures, Practices and Training

- i) The BPCRB shall develop and review recommendations as to the policies, procedures, and practices of BPD in consultation with the IPA.
- ii) The goal of BPCRB recommendations shall be to improve the professionalism, safety record, effectiveness, and accountability of BPD employees.
- iii) The BPCRB may make recommendations to the Chief of Police, GM, and Board, as appropriate.
- iv) The BPCRB shall review and comment on all additions and changes to policy, procedures and practices as well as all new initiatives (including training and equipment) proposed by BPD or OIPA and make recommendations to the Board. For purposes of this section, changes or additions to equipment does not include items that are functionally the same or similar to existing equipment issued by the Department such as a supplier change of equipment with the same design and functionality as existing equipment. The BPCRB may agendaize in a subsequent meeting for discussion and action any proposed changes. Further actions may include but are not limited to language or timeline proposals and the creation of a subcommittee for further discussion, review, and recommendations.
- v) The BPCRB may agendaize in a subsequent meeting for discussion and action any proposed changes. Further actions may include but are not limited to language or timeline proposals and the creation of a subcommittee for further discussion, review, and recommendations.
- vi) The Chief of Police retains the authority to implement changes to policy, training, and/or equipment at any time as required for the effective functioning of the BART Police Department. The BPCRB and OIPA shall be notified by the BPD in writing, inclusive of redlines, 14 days prior to any changes in policies or procedures as well as all new initiatives (inclusive of training and equipment). The updated policy, training, and/or equipment should be placed on the Chief's agenda for the next available BPCRB meeting for discussion.
- vii) In instances where a change to policy, training, and/or equipment is implemented with less than 14-days' notice to the BPCRB, OIPA, the Chief of Police shall provide written notification to the BART General Manager, OIPA and BPCRB of the change and the reason for the change. The updated policy, training, and/or equipment should be placed on the Chief's agenda for the next available BPCRB meeting for discussion.

F. Disagreements Regarding Proposed Policies, Procedures, Practices, and Training

The Board shall review and resolve all disagreements regarding proposed policies, procedures, practices, and training that may arise between the BPCRB and the Chief of Police, IPA, or GM. The Board shall make the final determination in all such instances.

G. BART Police Associations

The BPCRB shall meet periodically with and seek input from the BPMA and BPOA on issues of interest to the parties. The BPCRB shall report annually on whether meetings with the BPMA and the BPOA occurred.

H. Community Outreach

The BPCRB shall develop and maintain a regular program of community outreach and communication for the purpose of listening to and communicating with members of the public in the BART service area. The BPCRB community outreach program shall seek to educate the public about the responsibilities and services of OIPA and functions of the BPCRB.

- i) The DSO will provide staff support to and facilitate training for the BPCRB.
- ii) The BPCRB should endeavor to conduct meetings in varying locales, where feasible to increase exposure of its work to a wider array of community members.

I. Reporting

The BPCRB shall file quarterly reports of its activities with the DSO for distribution to the Board and shall prepare an annual report on its accomplishments and activities (including recommendations to improve BPD services) for presentation to the Board and the public.

J. Monitor Study Recommendations

The BPCRB shall report on the accomplishments and progress made by BPD in implementing recommendations resulting from periodic studies that may be conducted to look at departmental policies, procedures, practices, and training.

K. Public Statements

The Chair of the BPCRB shall be authorized to make public statements on behalf of the BPCRB regarding the role and processes of the BPCRB when an exigency to respond to an inquiry is presented.

L. Selection of the Chief of Police

The BPCRB (as well as the BART Police Associations) shall participate in an advisory role in the selection of the Chief of Police by interviewing finalist candidates.

M. Staff Support for the BPCRB

The District will provide staff support to the BPCRB including but not limited to the following:

- i) Preparation and maintenance of records of meetings of the BPCRB.
- ii) Distribution of reports by the BPCRB to the Board and the public.
- iii) Facilitation of the application process for appointment to the BPCRB and coordination of the selection and ratification processes with the Board.
- iv) Provision of training including scheduling and maintenance of a curriculum designed for newly-appointed BPCRB as well as an ongoing in-service training program.

- v) Implementation with the assistance of the BPCRB and OIPA, of an onboarding and orientation program for all new BPCRB members.
- vi) Assist the BPCRB with all community outreach efforts.
- vii) Monitor email and field calls from members of the public in regard to the work of the BPCRB and report on all calls and communications on a monthly basis.
- viii) May attend seminars, webinars, conferences and/or oversight training, budget permitting, in order to fully assist the BPCRB in its oversight functions.
- ix) Provision of attendance to and record keeping of all closed sessions meetings and votes.

Chapter 2-08 RELATIONSHIP BETWEEN THE BPCRB AND OIPA

- A. No less than monthly, the BPCRB shall receive reports from the IPA including the number and types of cases filed, number of open cases, the disposition of and any action taken on cases, recommendations for corrective/punitive action, including discipline and dismissals, and the number of independent investigations concluded by OIPA.
 - i) The report shall also include the number of cases being appealed either to OIPA by members of the public or by the BPCRB pursuant to the appeals process described in Chapter 1-04(B), above.
 - ii) OIPA reports to the BPCRB shall include all complaints received by OIPA, BPD, the BPCRB, DSO, and other District departments.
 - iii) This report shall also include the number of days that have elapsed between the date of the complaint and the report to the BPCRB.
 - iv) OIPA reports shall include the degree to which OIPA and BPCRB disciplinary recommendations were implemented by BPD.
- B. The Chair of the BPCRB shall, for informational purposes, be promptly informed by the OIPA of all critical incidents involving BPD.
- C. The BPCRB may report to the Board of Directors' Personnel Committee on the performance and effectiveness of OIPA.
- D. The BPCRB (as well as the BART Police Associations) shall participate in an advisory role in the process of selecting all successors to the first IPA.
- E. The BPCRB will participate in a regular program of community outreach and communication with the public, in conjunction with OIPA.
- F. The BPCRB shall make forms available at BPCRB meetings to accept complaints and allegations of police misconduct from the public and shall forward any received complaints to OIPA for appropriate action.

Chapter 2-09 CONFIDENTIALITY OF RECORDS AND INFORMATION

Members of the BPCRB shall comply with all state and federal laws requiring confidentiality of law enforcement records, information, and confidential personnel records, and shall respect the privacy of all individuals involved.

Chapter 2-10 CODE OF ETHICS

The members of the BPCRB shall adhere to the National Association for Civilian Oversight of Law Enforcement (NACOLE) Code of Ethics.

Chapter 3-01 OVERSIGHT SYSTEM EVALUATION

The Board, with input from the BPCRB, IPA, BART Police Associations, GM, DSO, complainants, and the public will evaluate the BART Police civilian oversight structure every 3 years to determine whether the need exists to make changes and/or otherwise make adjustments to the system to improve its continued performance. These evaluations shall in no way be intended to eliminate the BART Police civilian oversight structure.

Chapter 3-02 BUDGETARY CONSIDERATIONS

To ensure training and increase the legitimacy of the BPCRB as an independent oversight entity, the Board of Directors shall review during the yearly District budget process any a budgetary allocation pertinent to the funding of administrative support, training, and development as well as, organizational memberships and attendance to relevant subject matter webinars and conferences like NACOLE.

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