



SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT INDEPENDENT OFFICE OF THE INSPECTOR GENERAL

SUMMARY OF EMPLOYEE MISCONDUCT INVESTIGATIONS

INVESTIGATION RESULTS



The BART Office of the Inspector General (OIG) completed three investigations into alleged employee misconduct. We are providing this summary report to remain compliant with California Public Utilities Code § 28841, which requires that we keep BART administration, the Board of Directors, and the public informed of our findings and recommendations. After reviewing documentation and records, and conducting observations and interviews, we found none of the allegations to be substantiated.

- 1: We investigated an allegation that a BART employee had been taking a District vehicle to their residence without approval, a potential violation of the Employee Code of Conduct. We inquired with management officials who informed us that prior managers had permitted the employee in question to take the vehicle home for operational necessity, but they had ended this practice and had already addressed this allegation. Therefore, we did not substantiate the allegation of vehicle misuse.
- 2: We investigated allegations that a BART employee improperly used the District's prestige and influence for private gain and that their spouse, a former BART employee, kept and misused their BART identification card (badge) for that purpose, both potential violations of the Employee Code of Conduct. We reviewed court filings and other records provided to us by the complainant, interviewed the BART employee, and spoke with Human Resources officials. We learned that the employee's spouse claimed to have lost their badge when they left District service, and that the employee's spouse and complainant were engaged in a private business dispute outside of our purview. Therefore, we did not substantiate the allegation that the BART employee used District prestige for private gain. However, we informed Human Resource officials that the former employee purportedly has their BART badge and is using it for private gain and notified General Counsel of the court filings.

WHY THESE INVESTIGATION MATTER



Time theft is illegal; misuse of District property is wasteful; and using the District's influence for private purposes is deceptive. They harm the District, BART employees, and the public by taking resources away from critical needs such as maintenance and repairs, and damaging BART's reputation. Such misconduct hinders the District's ability to provide safe, clean, and reliable service, and to obtain support for public funding. Therefore, it is important to demonstrate through independent and confidential investigations that the OIG addresses such allegations.

RELEVANT POLICIES

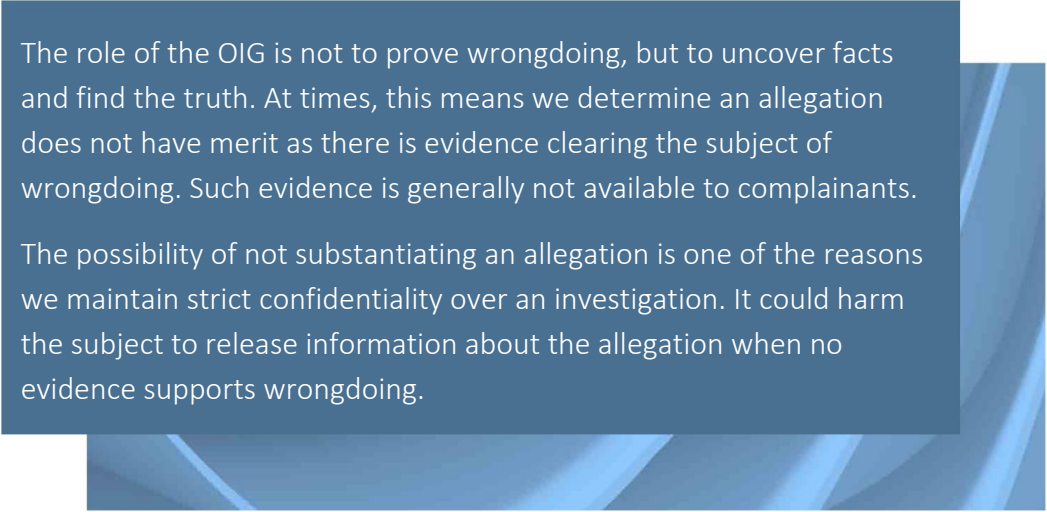


Employee Code of Conduct Section X (Use of District Employment and Facilities for Private Gain) prohibits use of District time, property, or resources for activities other than District business. Resources include facilities, equipment, and intellectual property. Section XIV (Incompatible Employment, Activities, and Enterprises) prohibits activities that conflict with an employee's duties such as using their District employee badge or the District's prestige for private gain. Operations Rules and Policies Section 1703 (Falsification of Records) prohibits falsifying District records such as time sheets and reports.

3: We investigated an allegation that a BART police officer received pay for excessive, unnecessary, or unworked overtime from approximately May 2023 through July 2024, potential violations of the Employee Code of Conduct. We reviewed the officer's overtime records and statements made by the officer's supervisor during an interview conducted by the Office of Independent Police Auditor (OIPA) for their independent investigation of related matters, which supported that the overtime was properly documented and approved, and reasonable for the position. Therefore, we did not substantiate the allegation of time theft.

OIG DISCLOSURE PRACTICES

We identify those involved in our investigations in only limited circumstances. This avoids violating privacy and confidentiality rights granted by law and creating unwarranted actions against those involved with our investigation. The decision to provide names is made on a case-by-case basis and considers all elements of an investigation. This practice does not prevent individuals from requesting documents under the California Public Records Act (CPRA). However, such disclosures may be restricted or limited by law. The cases described in this report are associated with case numbers 259-2025, 275-2025, and 287-2025.



The role of the OIG is not to prove wrongdoing, but to uncover facts and find the truth. At times, this means we determine an allegation does not have merit as there is evidence clearing the subject of wrongdoing. Such evidence is generally not available to complainants.

The possibility of not substantiating an allegation is one of the reasons we maintain strict confidentiality over an investigation. It could harm the subject to release information about the allegation when no evidence supports wrongdoing.

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Providing Independent Oversight of the District's Use of Revenue

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