

Appendix 3

Request for Addition of a Deputy Independent Police Auditor (IPA) Position

Background: The workload of the BART Independent Police Auditor (IPA) and OIPA's four employees is expansive, covering training, investigative, administrative, and public engagement responsibilities. The IPA's current obligations include overseeing complaint investigations, tracking legal and policy compliance, auditing use of force incidents, and reviewing police department (BPD) practices. Additional tasks include policy review, community engagement, and administrative duties like performance evaluations, timesheet approval, and marketing.

Key Areas of Responsibility:

1. Training and Development:

- The IPA and the staff are responsible for staying updated on current laws and best practices, attending relevant training and conferences, such as those provided by NACOLE, IACP, and NOBLE).¹

2. Oversight and Investigations:

- The IPA reviews all Internal Affairs (IA) complaint investigations, conducts independent investigations, supervises two investigators, and monitors IA investigations.
- OIPA is responsible for tracking use of force incidents, reviewing BPD daily logs for policy violations, ensuring CALEA and POST standards are met, and monitoring SB 1421 and RIPA compliance.²
- The IPA regularly meets with the police chief to discuss trends, concerns, and to support BPD performing constitutional policing, internal investigations, and improved public safety for all riders.

3. Administrative Duties:

- These include managing internal performance evaluations, approving timesheets, and creating public-facing marketing materials.

¹ National Association for Civilian Oversight of Law Enforcement (NACOLE) ; International Association of Chiefs of Police (IACP); and National Organization of Black Law Enforcement Executives (NOBLE).

² Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) and State of California Commission Peace Officer Standards and Training (POST).

4. Engagement and Reporting:

- The OIPA's duties include producing monthly and annual reports to various stakeholders, including the BART Board of Directors, the BART Police Citizen Review Board (BPCRB), and the public.
- Additionally, the IPA manages and participates in community engagement, attends BART diversity and equity group meetings, and handles media and public inquiries.

5. Special Projects and Incident Response:

- The IPA directly handles high-profile incidents like officer-involved shootings (e.g., the Tindle case, where IA deferred to OIPA's investigation)³ and other complex whistleblower complaint investigations from BPD employees.

Role of the Deputy IPA:

Given the extensive range of tasks, a Deputy IPA would relieve much of the operational burden from the IPA, focusing on:

- Triaging complaints and managing intake processes.
- Supervising routine investigations and use of force reviews.
- Overseeing day-to-day administrative operations, such as approving timesheets and managing media inquiries.
- Facilitating policy review and expanding mediation, team-building, and wellness programs given the significant evidence of violence and traumatic incidents OIPA staff review.

This division of labor allows the IPA to concentrate on high-stakes investigations, strategic planning, additional audits, and community engagement.

Efficiency Gains with a Deputy IPA: A Deputy IPA would enhance office efficiency by:

- **Improving Case Processing Times:** They would manage routine audits, reducing backlog and expediting complaint resolutions.
- **Focus on High-Priority Cases:** Delegating less critical cases would allow the IPA to dedicate attention to complex investigations and policy reforms.
- **Strengthening Audits:** The Deputy IPA could manage audit programs focused on compliance with best/effective practices, state and federal laws and internal policies.

³ BPD deferred its obligation to conduct a concurrent investigation when a BPD officer fatally shot Mr. Sahleem Tindle, IA relied on OIPA's findings and recommendations.

- **Enhanced Public Engagement:** The Deputy IPA could engage in media relations, lead public meetings, and draft routine reports, freeing the IPA to focus on broader engagement and collaboration with external oversight bodies to improve the oversight of BPD.
- **Increase OIPA Staff's Focus:** The Deputy IPA could alleviate current staff from increasingly performing duties outside their job descriptions, thereby enhancing their effectiveness and focus on their regular responsibilities.

Conclusion: The appointment of a Deputy IPA would significantly strengthen BART's police oversight system by streamlining OIPA's operations, improving case resolution efficiency, increasing OIPA reporting, and enhancing strategic community and policy-focused initiatives. This role aligns with BART's existing structure, where deputy positions serve as critical support across departments. By creating this position, the IPA's office would be better positioned to fulfill its mission of transparency, accountability, and equitable policing practices, while managing its diverse and complex workload.