

NOBLE RECOMMENDATIONS (see revisions on model document)

1. The process of establishing an independent Citizen Oversight System for the BART Police Department should be developed at a pace sufficient for proper planning and should not be established solely because of the urgent and vocal demands of the community. The community may not like the end results because the system may be flawed as a result of establishing the policies, procedures and system too rapidly. The System must also be properly subsidized and carefully thought out and planned.
2. The Independent Police Auditor, members of the Citizen Board or Investigators should not be police officers or former law enforcement officers. When police officers are part of Citizen Boards they can function as or be perceived not being independent or as objective as non-police practitioners. In fact, since recommendations shall be made about BART Police Officers' behavior and conduct, respected psychologists and sociologists might consider to be members of the Citizen Board since for example, psychologists are trained to perform psychological research, testing and therapy. They can recognize aggressive, "hyper-vigilant" police officers. Sociologists study human social behavior (Harris, Cathy, Powerless Civilian Review Boards, February 26, 2007, Pg. 2).

This shall also be helpful when reviewing complex cases involving multiple complainants, witnesses and police officers.

3. The BART Board of Directors should not appoint the Citizen Board. The Citizen Board should be free of politics and even the perception that they are influenced by politicians. If Board of Directors are politicians (or associated with politicians), appointment of Citizen Board members by politicians may appear impartial. Citizen Board members can be interviewed and hired by NACOLE, the California Human Relations Commission or another independent organization that they recommend. Minimum qualifications for the Independent Police Auditor, Citizen Board members and Investigators should be established.
4. There must be a clear, dedicated funding source for the Citizen Oversight System. The source of funding should be determined prior to finalizing the model. A budget must also be established as well as an organizational structure.
5. Specific time limits were also placed in appropriate sections of the model example.

Please review the following revisions that are also denoted in "red" characters.

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

Note: The primary purpose is to provide objective, complete, comprehensive and timely investigations of police employees alleged misconduct. This model is reactive and not a proactive approach to police misconduct. A Citizen Board (Advisory Committee) would help develop a proactive approach to preventing police misconduct.

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Chapter 1-01 OFFICE OF THE INDEPENDENT POLICE AUDITOR

The Office of the Independent Police Auditor shall be established by the Board of Directors in keeping with the Core Principles for an Effective Police Auditor's Office.¹

Chapter 1-02 APPOINTMENT OF THE AUDITOR

The Auditor shall be appointed by and report directly to the BART Board of Directors.

Chapter 1-03 SCOPE

The Office of the Independent Police Auditor shall have the authority to exercise its duties and responsibilities as outlined below, with regard to any and all law enforcement and police activities or personnel operating under authority of the San Francisco Bay Area Rapid Transit District. The Auditor's scope of authority does not extend beyond the BART Police Department.

Chapter 1-04 DUTIES AND RESPONSIBILITIES

A) Citizen Complaints

A victim of on-duty or off-duty (when applicable) police misconduct, a victim's parent or guardian, or a witness to misconduct may file with the Office of the Independent Police Auditor a complaint or allegation of wrongdoing against a BART police officer. Upon receipt of such complaint or allegation, the Office of the Independent Police Auditor shall:

i) Assign a case number to each complaint and ensure its completion within 60 days of the initial complaint unless an extension (10 calendar

Days) is agreed upon with the Chief of Police. All extensions must be called to the attention of the Citizens Board on the same date the Chief of Police is notified. Requests for extensions forms must be endorsed and dated by the Chief of Police and the Independent Police Auditor.

ii) Ensure that a timely, thorough, complete, objective and fair

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

investigation into the complaint is conducted. The Police Auditor shall investigate all complaints of allegations of police officer misconduct regarding unnecessary or excessive use of force, racial profiling, sexual orientation bias, sexual harassment, and the use of deadly force, suspicious and wrongful deaths. However, the list of complaints is not all inclusive.

- ii) Provide timely updates (at least every 30 calendar days) on the progress of all investigations conducted by the Office of the Independent Police Auditor to the complainant and the officer who is the subject of the investigation in writing, unless the specific facts of the investigation would prohibit such notification.
- iii) Based on the results of the investigation, reach an independent finding as to the facts. The Auditor shall assess the conduct of the BART police officer in light of the facts discovered through the investigation, the law, and the policies and training of the BART Police Department.

B)

Recommendations for Corrective Action

- i) Independent investigative findings made by the Office of the Police Auditor shall include recommendations for corrective action, up to and including termination where warranted and shall include prior complaints and their disposition. Discipline that is recommended shall be consistent with past practice and uniformly applied. Any discipline action initiated by the Bart Police Department will comply with the Positive Discipline System guidelines (e.g. Operational Directive #77), other appropriate guidelines and any labor agreements in effect. Every officer is entitled to Due Process. When the evidence does not support the allegations of misconduct, the Auditor shall recommend to the Citizen Board that the matter be dismissed. The Citizen Board shall have a simple vote to determine if the matter shall be dismissed. This process must be appropriately documented in writing and endorsed by the Auditor and each member of the Citizen Board. Proper notification must be made in writing to the complainant and the BART police officer regarding the disposition of the investigation.

If the complainant wishes to withdraw a complaint, the Auditor shall forward documentation to the Citizen Board that is endorsed by the complainant. These procedures must be clearly communicated to all parties including the community.

- ii) In a confidential personnel meeting, the Auditor shall submit his/her investigative findings and recommendations in writing to the Citizen Board for review within 10 calendar days. Should the Citizen Board agree 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 in accordance with

the Positive Discipline System guidelines, absent appeal.

- iii) Should the Chief of Police disagree with the findings and recommendation of the Auditor and Citizen Board, the Chief of Police, in a confidential personnel meeting, may appeal to the General Manager in writing within 10 calendar days. The Chief of Police will submit his/her disagreements and recommendations to the General Manager. In a confidential personnel meeting, the General Manager shall make a decision and make his/her decision known to the Chief of Police, Citizen Board and the Auditor in writing within 10 calendar days. The Chief of Police shall implement the General Manager's decision, absent appeal. Appeal of decisions made by the General Manager shall follow the process outlined in Chapter 1-04(B)vi.
- iv) Should the Citizen Board disagree with the Auditor's findings, by simple majority, in a confidential personnel meeting, the Auditor and the Citizen Board shall attempt to come to a consensus within 10 calendar days. If the Citizen Board and the Auditor fail to come to a consensus, by simple majority, the Citizen Board may appeal in writing within 10 calendar days. The efforts made to achieve consensus shall be documented by the Citizen Board and shall be forwarded to the Chief of Police as a part of the appeal within 10 calendar days. All appeals regarding findings and recommendations for corrective action or dismissal, between the Citizen Board and the Auditor will be initially appealed in writing to the Chief of Police, in a confidential personnel meeting within 10 calendar days. The Citizen Board will submit their disagreements and recommendations to the Chief of Police, in a confidential personnel meeting within 10 calendar days. The Auditor will submit his/her recommendation to the Chief of Police, in a confidential personnel meeting. The Chief of Police shall make a decision on the matter and make his/her decision known to the Citizen Board and the Auditor, in a confidential personnel meeting within 10 calendar days. The Chief of Police shall implement discipline or dismissal in accordance with the Positive Discipline System guidelines, absent appeal.
- v) If the Citizen Board disagrees with the Chief of Police's decision and it is reflected by simple majority of its members, they may appeal to the General Manager, in a confidential personnel meeting within 10 calendar days. The Citizen Board and the Auditor's recommendations will be submitted to the General Manager, in a confidential personnel meeting within 10 calendar days. The General Manager will render a finding and report it to the Chief of Police and Citizen Board, in a confidential personnel meeting within 10 calendar days. The Chief of Police shall implement the General Manager's decision in accordance with the Positive Discipline System guidelines, absent appeal.

vi) All appeals stop at the General Manager. The decision at that level is final. The Board of Directors is a policy making body of elected officials and should avoid issues of management oversight other than for the General Manager (original section was deleted).

vii) Discipline recommended herein 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.

C) Review Internal Affairs Investigations conducted by the BART Police Department

The Office of the Independent Police Auditor shall review internal affairs investigations conducted by the BART Police Department to determine if the investigations are complete, thorough, objective and fair. The Auditor, at his or her discretion, shall have authority to monitor or require follow-up investigation into any citizen complaint or allegation that is handled by the BART Police Department.

D) Mediation

The Office of the Independent Police Auditor shall develop a voluntary alternative dispute resolution process for resolving those citizen complaints which involve conduct which may most appropriately be corrected or modified through less formal means. The Auditor shall review a draft of the voluntary alternative dispute resolution process with the Citizen Board and BART Police Associations and secure their concurrence prior to implementation. Applicable BART guidelines and contract agreements shall be adhered to.

E) Appeal of Internal Affairs Investigation Findings

Any complainant may file with the Office of the Independent Police Auditor an appeal of the findings of an internal investigation conducted by the BART Police Department regarding on-duty or applicable off-duty incidents. Upon receipt of such an appeal, the Office of the Independent Auditor shall:

i) Review the completed investigation.

ii) Determine whether or not 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. This follow-up investigation may, at the discretion of the Auditor, be conducted by the Office of the Independent Police Auditor, the BART Police Department or any other competent investigative agency within 60 calendar days.

- iii) Provide timely updates on the progress of the review and any follow-up investigation to the complainant, to the extent permitted by law, and to the BART police officer who was the subject of the original investigation (within 30 calendar days), unless the specific facts of the investigation would prohibit such notification.
- iv) Based on the review of the original investigation and the results of any follow-up investigation (if conducted), reach an independent finding as to the facts.
- v) Independent investigative findings made by the Office of the Police Auditor shall include recommendations for corrective action, up to and including termination where warranted and when the evidence does not support the allegations of misconduct, the Auditor shall recommend that the matter be dismissed.
- vi) All internal affairs investigative findings that are appealed to the Office of the Independent Police Auditor shall be subject to the procedures for corrective action as outlined in Chapter 1-04.B, above.

F) On-Duty Officer Involved Shooting Incidents

The Auditor shall be notified immediately by the officer in charge at the scene to respond to the investigative scene regarding an officer involved shooting, resulting in the death or serious bodily injury to a citizen or a police officer.

G) Recommendations on Procedures, Practices and Training

The Office of the Independent Police Auditor shall develop specific recommendations concerning General Orders and Directives, procedures, practices and training of the BART Police Department. Such recommendations should have as their goal improved professionalism, safety, effectiveness and accountability of BART Police Department employees. The Office of the Independent Police Auditor shall review with the Chief of Police and other stakeholders and shall present its recommendations to the Citizen Board for review and comment.

H) BART Police Associations

The Auditor shall meet periodically with and seek input from the BART Police Managers Association and the BART Police Officers Association regarding the work of the Office of the Independent Police Auditor.

I) Community Outreach

The Office of the Independent Police Auditor, in conjunction with the Citizen Board, shall develop and maintain a regular program of community outreach and communication for the purpose of listening to and communicating with citizens in the BART service area, and educating the public on the responsibilities and services of the Independent Police Auditor and functions of the Citizen Board. Meetings shall be documented by keeping minutes.

J) Reporting

The Auditor shall prepare annual reports for the Board of Directors and the public, which prior to being finalized shall be reviewed in draft with the Citizen Board. 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 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 the Office of the Independent Police Auditor, BART Police Department, Office of the District Secretary, and other District departments.

Chapter 1-05 RELATIONSHIP BETWEEN OFFICE OF THE INDEPENDENT POLICE AUDITOR AND THE CITIZEN BOARD

- A) At least monthly, the Citizen Board shall receive reports from the Independent Police Auditor on the number and types of cases filed, number of open cases, the disposition of and any action taken on cases, recommendations for corrective action, including discipline and dismissals; the number of independent investigations concluded by the Office of the Independent Auditor; and, the number of cases being appealed either to the Office of Police Auditor by citizens or in the case of disagreements between the Chief of Police and the Auditor, Citizen Board to the General Manager or Citizen Board to the BART Board of Directors.

Reports shall include all complaints received by the Office of the Independent Police Auditor, BART Police Department, Citizen Board, Office of the District Secretary, and other District departments. For tracking purposes and to insure timeliness, this report shall include the number of days that have elapsed between the date of the complaint and the report to the Citizen Board.

- B) The Office of the Independent Police Auditor shall, for informational purposes, promptly notify the Chair of the Citizen Board whenever the Auditor is informed of a critical on-duty officer involved incident where death or serious bodily injury results.

The following sections are inappropriate. The Independent Police Auditor should not

associate with the Citizen Board in this manner. This does not give the appearance of independence and could be perceived as collusion.

- C) The Office of the Independent Police Auditor (*use the Citizen Board Chairperson*) will facilitate the preparation of reports by the Citizen Board to the Board of Directors and the public.
- D) The Office of the Independent Police Auditor (*use the Citizen Board Chairperson*) will provide staff support to and facilitate training for the Citizen Board.
- E) Deleted
- E) The BART Board of Directors (deleted Office of the Independent Police Auditor) will facilitate the application process for seats on the Citizen Board and will coordinate the selection process with NACOLE, the Office of the District Secretary and the Board of Directors.
- G) Deleted

Chapter 1-06 RELATIONSHIP BETWEEN OFFICE OF THE INDEPENDENT POLICE AUDITOR, BART POLICE DEPARTMENT, OFFICE OF THE DISTRICT SECRETARY, AND OTHER DISTRICT DEPARTMENTS

- A) The Chief of Police, District Secretary and other Executive Managers with employees that routinely receive comments/complaints from the public shall each, jointly with the Auditor, develop standard operating procedures to govern the relationship and flow of communication regarding complaints involving police officers between the Office of the Independent Police Auditor and each of their respective departments.
- B) The Office of the Independent Police Auditor 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 THE OFFICE OF THE INDEPENDENT POLICE AUDITOR

- A) The Auditor 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 Department, the District, and all state and federal laws. The Auditor should also have access to prior as well as current and pending complaint files. The BART Police Department shall not withhold their policies, procedures, memorandums,

records, reports, tape recordings, or civilian complaints filed independently with the Department. When appropriate, pictures of the alleged victim or complainant should also be taken and forwarded to the Auditor upon request.

- B) During an investigation all involved sworn personnel shall be compelled to meet and cooperate with the Auditor in accordance with the Government Code 3300-3313. The police officer shall be informed of all allegations lodged against him/her prior to the interview. When applicable, administrative warnings shall be read (Garrity).
- 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 the Office of the Independent Police Auditor.

Chapter 1-08 INDEPENDENCE OF THE OFFICE OF THE INDEPENDENT POLICE AUDITOR

- A) The Auditor and any employee of the Office of the Independent Police Auditor shall, at all times, be totally independent. All investigations, findings, recommendations and requests made by the Office of the Independent Police Auditor shall reflect the views of the Office of the Independent Police Auditor alone.
- B) No District employee or Director shall attempt to unduly influence or undermine the independence of the Auditor or any employee of the Office of the Independent Police Auditor in the performance of the duties and responsibilities set forth in this Chapter.

Chapter 1-09 CONFIDENTIALITY OF RECORDS AND INFORMATION

The Office of the Independent Police Auditor 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 the Office of the Police Auditor shall adhere to the National Association for Civilian Oversight of Law Enforcement (NACOLE) Code of Ethics.

Chapter 1-11 TIMELINESS

Nothing in this section is intended to delay or interfere with the timely investigation and disposition of internal affairs investigations of alleged police misconduct. The Auditor and Citizen Board shall jointly develop a timeline for completion of the disciplinary process that will be concluded within 365 (change to 120) days. Why 365 days? This is

too long and may have a problem with Due Process. This is not timely, 120 days should be sufficient.

Chapter 2-01 CITIZEN BOARD If Board of Directors are politicians, appointment of Citizen Board members by politicians may appear impartial. Citizen Board members can be interviewed and hired by NACOLE or another independent organization. Minimum qualifications for Citizen Board members should be established.

A Citizen Board shall be established by the Board of Directors (Citizen Board should be established by NACOLE or the California Human Relations Commission or it's equivalent) to increase visibility for the public into the delivery of BART police services, to provide community participation in the review and establishment of BART Police Department policies, procedures, practices and initiatives, and to receive citizen complaints and allegations of misconduct by BART Police Department employees. Results of investigations into allegations of misconduct by BART police and recommendations for corrective action, including discipline, will be reviewed by the Citizen Board.

Chapter 2-02 APPOINTMENT OF CITIZEN BOARD MEMBERS

The BART Board of Directors should not directly appoint the Citizen Board. The Citizen Board should be free of politics and even the perception that they are influenced by politicians. If Board of Directors are politicians (or associated with politicians), appointment of Citizen Board members by politicians may appear impartial. Citizen Board members can be interviewed and hired by NACOLE, the California Human Relations Commission or another independent organization that they recommend. Minimum qualifications for the Independent Police Auditor, Citizen Board members and Investigators should be established. The BART Board of Directors should select from an approved list by NACOLE.

The Citizen Board shall report directly to the BART Board of Directors. The Citizen Board shall consist of eleven (11) members appointed as follows: Each BART Director shall appoint one (1) member. The BART Police Associations (BPMA and BPOA) shall jointly appoint one (1) member, who will not be a current member of either Association. There shall be one (1) public-at-large member to be appointed by the BART Board of Directors. Members of the Citizen Board must reside in one of the three counties that make up the BART District and shall agree to adhere to the Code of Ethics described in Chapter 2-08. The initial appointments of Citizen Board members will be a combination of one-year and two-year terms. All subsequent appointments or re-appointments to the Citizen Board shall be for two-year terms. Service on the Citizen Board shall be voluntary. (*COMPENSATION TO BE DETERMINED*)

Chapter 2-03 CITIZEN BOARD MEMBER QUALIFICATIONS

Citizen Board members must reside in one of the three counties that make up the BART District. Citizen Board members must be fair minded and objective with a demonstrated commitment to community service. All appointees to the Citizen Board shall be subject

to background checks. No person convicted of a felony shall serve on the Citizen Board.

Chapter 2-04 TRAINING

Regular and consistent training must be provided to Citizen Board members. This training shall include familiarization with POST, the BART system, Operational Directives (especially Positive Discipline Policy or Disciplinary Code), Contract Agreements, Grievance Procedures, Due Process Policies and Internal Affairs policies and

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procedures.

Chapter 2-05 SERIOUS CASES FOR PROSECUTION

Citizen Board members as well as the Auditor should have a relationship with local prosecutors (District Attorney) along with the Offices of the State Attorney General and the United States Attorney. Complainants allegations should be forwarded to the appropriate agency for action.

Chapter 2-06 REMOVAL OF CITIZEN BOARD MEMBERS

The members of the Citizen Advisory Board 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. Citizen Board members shall not miss more than three regularly scheduled meeting per year. In cases that warrant removal of a member from the Citizen Board for reasons including but not limited to breach of ethics, confidentiality, or criminal conviction, said removal shall be accomplished only by a resolution adopted by the majority of the Board of Directors.

Chapter 2-07 SCOPE

The Citizen Board shall have the authority to exercise its duties and responsibilities as outlined below, with regard to law enforcement and police activities or personnel operating under authority of the San Francisco Bay Area Rapid Transit District.

Chapter 2-08 DUTIES AND RESPONSIBILITIES

A) Citizen Complaints

A victim of on-duty police misconduct, a victim's parent or guardian, or a witness to misconduct may file, at any public meeting of the Citizen Board, a written complaint or allegation of wrongdoing against a BART police officer. Upon receipt of such complaint or allegation, the Citizen Board will immediately turn the complaint or allegation over to the Office

of the Independent Police Auditor for investigation.

B) Recommendations for Corrective Action

- i) In a confidential personnel meeting, the Auditor shall submit his/her investigative findings and recommendations in writing to the Citizen Board for review within 60 calendar days. Should the Citizen Board agree with the findings and recommendations, the report will be submitted to the Chief of Police for appropriate action within 10 calendar days. The Chief of Police shall implement the recommended action in accordance with the Positive Discipline guidelines, absent appeal.
- ii) Should the Chief of Police disagree with the findings and recommendation of the Auditor and Citizen Board, the Chief of Police, in a confidential personnel meeting, may appeal to the General Manager within 10 calendar days. The Chief of Police will submit his/her disagreements and recommendations in writing to the General Manager. In a confidential personnel meeting, the General Manager shall make a decision and make his/her decision known to the Chief of Police, Citizen Board and the Auditor within 10 calendar days. The Chief of Police shall implement the General Manager's decision in accordance with Positive Discipline guidelines, absent appeal.
- iii) Should the Citizen Board disagree with the Auditor's findings by simple majority, in a confidential personnel meeting, the Auditor and the Citizen Board shall attempt to come to a consensus within 10 calendar days. If the Citizen Board and the Auditor fail to come to a consensus, by simple majority, the Citizen Board may appeal. The efforts made to achieve consensus shall be documented by the Citizen Board and shall be forwarded to the Chief of Police as a part of the appeal within 10 calendar days. All appeals regarding findings and recommendations for corrective action or dismissal, between the Citizen Board and the Auditor will be initially appealed to the Chief of Police, in a confidential personnel meeting. The Citizen Board will submit their disagreements and recommendations in writing to the Chief of Police, in a confidential personnel meeting within 10 calendar days. The Auditor will submit his/her recommendation in writing to the Chief of Police, in a confidential personnel meeting within 10 calendar days. The Chief of Police shall make a decision on the matter and make his/her decision known to the Citizen Board and the Auditor in writing, in a confidential personnel meeting within 10 working days. The Chief of Police shall implement discipline or dismissal in accordance with Positive Discipline guidelines, absent appeal.
- iv) If the Citizen Board disagrees with the Chief of Police's decision and it is reflected by simple majority of its members, they may appeal to

the General Manager in writing, in a confidential personnel meeting within 10 calendar days. The Citizen Board, Auditor and Chief of Police recommendations will be submitted to the General Manager in writing, in a confidential personnel meeting within 10 calendar days. The General Manager will render a finding and report it to the Chief of Police, Auditor and Citizen Board in writing, in a confidential personnel meeting within 10 calendar days. The Chief of Police shall implement the General Manager's decision, absent appeal.

v) **DELETE SECTION AND ADD:** All appeals stop at the General Manager. The decision at that level is final. The Board of Directors is a policy making body of elected officials and should avoid issues of management oversight other than for the General Manager.

vi) Discipline recommended herein 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

C) Recommendations on Procedures, Practices and Training

The Citizen Board shall develop and review recommendations as to the general orders and directives, procedures, and practices of the BART Police Department in consultation with the Auditor. Recommendations should have as their goal improved professionalism, safety, effectiveness and accountability of BART Police Department employees. The Citizen Board may make recommendations to the Chief of Police, General Manager, and Board of Directors, as appropriate.

The Citizen Board 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 the BART Police Department or the Office of the Independent Police Auditor and make recommendations to the BART Board of Directors.

The Citizen Board shall also advise the BART Police administrators about steps they can initiate to curtail abuse and outline concrete recommendations on how to prevent future incidents involving misconduct.

D) Disagreements Regarding Proposed Policies, Procedures, and Practices

The Board of Directors shall review and resolve all disagreements regarding proposed policies, procedures, and practices that may arise between the Citizen Board and the Chief of Police, Auditor or General Manager. The Board of Directors shall make the final determination in all

such instances.

E) BART Police Associations

The Citizen Board shall meet periodically with and seek input from the BART Police Managers Association and the BART Police Officers Association on issues of interest to the parties.

F) Community Outreach

The Citizen Board, in conjunction with the Office of the Independent Police Auditor, shall develop and maintain a regular program of community outreach and communication for the purpose of listening to and communicating with citizens in the BART service area, and educating the public on the responsibilities and services of the Independent Police Auditor and functions of the Citizen Board. The Citizen Board shall also promote community awareness regarding how to initiate the complaint process concerning police misconduct. They are also responsible for disseminating information on how and where to file a complaint. It is also important to educate the public regarding their rights when coming in contact with police and about the importance of an Independent Citizen Oversight System.

G) Reporting

The Citizen Board shall file quarterly reports of its activities with the Office of the District Secretary for distribution to the Board of Directors and shall prepare an annual report on its accomplishments and activities (including recommendations to improve BART Police Department services) for presentation to the Board of Directors and the public.

The Citizen Board shall review and comment on annual report drafts

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