



OFFICE OF THE INDEPENDENT
POLICE AUDITOR
BAY AREA RAPID TRANSIT

MONTHLY REPORT

MARCH 2025

This report is filed pursuant to the BART Civilian Oversight Model, Chapter 1-05 (B), which requires the Office of the Independent Police Auditor (OIPA) to submit reports to the BART Police Civilian Review Board (BPCRB). This report provides information for the period **March 1, 2025 through March 31, 2025.**¹ *(The Quantitative Report includes all complaints received and administrative investigations initiated by both OIPA and the BART Police Department (BPD) Internal Affairs Bureau (IA)).*

QUANTITATIVE REPORT

	Cases Filed ²	Open Cases ³	Investigations Resolved	OIPA Investigations Concluded ⁴	Cases Appealed to OIPA ⁵	Cases Appealed by BPCRB ⁶
March 2024	11	116	9	2	0	0
April 2024	9	115	9	1	0	0
May 2024	16	123	8	0	0	0
June 2024	8	123	8	1	0	0
July 2024	14	121	19	3	0	0
August 2024	7	112	18	1	0	0
September 2024	8	113	7	1	0	0
October 2024	14	115	12	2	0	0
November 2024	5	118	2	0	1	1
December 2024	10	119	9	1	0	0
January 2025	8	118	8	0	0	0
February 2025	11	114	15	2	0	0
March 2025	4	106	13	1	1	0

TYPES OF CASES FILED

Community Complaints (Formal)	3
Informal Complaints ⁷	1
Administrative Investigations	0
Inquiries ⁸	0
TOTAL	4

COMMUNITY COMPLAINTS RECEIVED PER DEPARTMENT⁹

OIPA	1
BART Police Department	3
TOTAL	4

COMPLAINTS/INVESTIGATIONS INITIATED DURING REPORTING PERIOD

During March 2025, OIPA received **1 Community Complaint (Formal)**:

OIPA Complaint # IA Case #	Nature of Complaint	Action Taken	Days Elapsed Since Complaint Filed
1 OIPA #25-13 /IA#2025-026	Officers #1 & #2: <ul style="list-style-type: none">• Arrest/Detention• Search/Seizure• Policy/Procedure	OIPA is investigating.	45

During March 2025, OIPA received **1 Appeal**:

OIPA Complaint # IA Case #	Nature of Complaint	Action Taken	Days Elapsed Since Complaint Filed
1 OIPA #25-14 /IA#2024-016	Officer: <ul style="list-style-type: none">• Conduct Unbecoming an Officer	OIPA is reviewing the investigation.	45

During March 2025, BPD received **1 Community Complaint (Informal)**:

IA Case #	Nature of Complaint	Action Taken	Days Elapsed Since Complaint Filed
1 (IA2025-023)	BPD Employee: <ul style="list-style-type: none">• Performance of Duty	BPD initiated a review.	54

During March 2025, BPD received **2 Community Complaints (Formal)**:

IA Case #	Nature of Complaint	Action Taken	Days Elapsed Since Complaint Filed
1 (IA2025-018)	Officer #1: <ul style="list-style-type: none"> • Arrest/Detention • Conduct Unbecoming an Officer • Policy/Procedure – BWC Violation Officer #2: <ul style="list-style-type: none"> • Arrest/Detention • Policy/Procedure – BWC Violation 	BPD initiated an investigation.	67
2 (IA2025-022)	Officer: <ul style="list-style-type: none"> • Force 	BPD initiated an investigation.	58

During March 2025, OIPA concluded **1 Community Complaint**:

(OIPA Case#/IA Case #)	Nature of Complaint	Disposition	Days Elapsed Since Complaint Filed	Days Taken to Complete Investigation
1 (OIPA#24-22 /IA2024-036)	Complainant alleged an officer was rude and dismissive regarding the handling of the complainant's citizen's arrest for an assault.	Officer: <ul style="list-style-type: none"> • Performance of Duty – Exonerated • Conduct Unbecoming an Officer – Exonerated 	383	314

During March 2025, BPD concluded **12 Community Complaints**:

(IA Case #)	Nature of Complaint	Disposition	Days Elapsed Since Complaint Filed	Days Taken to Complete Investigation
1 (IA2018-060)	An anonymous caller alleged that the BPD officer responsible for the criminal investigation showed a lack of concern for community safety by not sharing information with the public sooner given that the suspect was still at large.	<ul style="list-style-type: none"> • Service Review 	2,485	2,431
2 (IA2024-014)	The complainant alleged officers acted in a discriminatory way and used excessive force during the detention for fare evasion.	Officers #1 & #2: <ul style="list-style-type: none"> • Force - Exonerated • Bias-Based Policing – Unfounded 	438	376 (case was previously tolled)

3 (IA2024-015)	The complainant alleged an officer took his identification during an improper arrest and BPD employees assisted.	Officer: <ul style="list-style-type: none"> • Bias-Based Policing – Unfounded • Arrest/Detention – Exonerated • Policy/Procedure (Property Handling) – Unfounded • Conduct Unbecoming an Officer – Unfounded BPD Employee #1 & #2: <ul style="list-style-type: none"> • Bias-Based Policing – Unfounded 	438	379
4 (IA2024-016)	The complainant alleged an officer acted in a retaliatory way, issuing the complainant an improper parking citation.	Officer: <ul style="list-style-type: none"> • Conduct Unbecoming an Officer – Not Sustained 	437	384
5 (IA2024-021)	An anonymous complainant sent in a video that they watched on YouTube involving BART Police Officers detaining a subject who declined to stop using an electrical outlet on a BART Train.	Officer #1: <ul style="list-style-type: none"> • Arrest/Detention – Not Sustained • Body Worn Camera (Late Activation) – Sustained • Force – Exonerated • Policy/Procedure (Improper Citation) – Exonerated • Force – Exonerated Officer #2: <ul style="list-style-type: none"> • Arrest/Detention – Unfounded • Body Worn Camera (Late Activation) – Sustained • Force – Exonerated 	420	362

6 (IA 2024-022)	An officer alleged a supervisor treated them unfairly and retaliated against them by completing an employee evaluation that did not accurately represent their performance.	Officer: • Conduct Unbecoming an Officer – Not Sustained • Performance of Duty – Unfounded	419	357
7 (IA 2024-026)	The complainant alleged an officer was rude and attempted to unlawfully detain her for fare evasion.	Officer: • Detention – Exonerated • Conduct Unbecoming an Officer – Exonerated	405	352
8 (IA 2024-029)	The complainant alleged an officer acted unprofessionally by refusing to contact the complainant's employer after the complainant was misidentified as a suspect of a crime and detained.	Officer: • Conduct Unbecoming an Officer – Sustained	405	349
9 (IA 2024-030)	The complainant alleged an officer forced him to stay in the station agent's booth against his will and threatened to hit and arrest him.	Officer: • Conduct Unbecoming an Officer - Sustained	410	355

10 (IA2024-034)	The complainant alleged an officer choked him and used force to hold his head up during a detention and subsequent arrest.	Officers #1 & #2: • Force – Exonerated	389	343
11 (IA2024-095)	An BPD employee improperly parked their vehicle at the Walnut Creek BART Station.	Officer: • Policy/Procedure (unauthorized computer database access) – Sustained	214	168
12 (IA2024-102)	An officer is alleged to have detained an individual without reasonable suspicion.	Officer: • Arrest/Detention (proof of payment) – Exonerated • Force – Exonerated • Arrest/Detention (blocking free movement) – Sustained • Policy/Procedure (BWC) - Sustained	202	140

DISCIPLINE ISSUED DURING REPORTING PERIOD

During March 2024, BPD took the following actions in a case where one allegation of misconduct was sustained:

Case #	Nature of Sustained Allegation(s) *	Classification of Sustained Allegation(s)	Action Taken
1	Officers failed to properly activate body worn cameras in accordance with BPD policy.	Officers #1 & #2: • Policy/Procedure (Body Worn Camera) – Sustained	Officer: • Letter of Discussion ¹⁰

In accordance with the BART Civilian Oversight Model (Model), OIPA investigates certain complaints, conducts complainant-initiated appeals, and monitors and/or reviews complaint investigations conducted by BPD. Though potentially work-intensive, some complaint investigation reviews are completed informally, with any concerns being addressed through a conference with BPD's Internal Affairs investigators. Noting the various kinds of work that OIPA undertakes regarding complaints and investigations, the following chart includes some of the pending cases in which OIPA is involved as of the end of this reporting period.

Investigations Being Conducted	16
Complainant-Initiated Appeals	2
BPD-Initiated Appeals	0
Investigations Being Monitored	12
Investigations Reviewed During Current Month	17†

†This number does not include all OIPA reviews, as OIPA commonly looks at a variety of cases in the Internal Affairs database to obtain updates on both pending and completed investigations.

ISSUES DETECTED

The Model provides that OIPA shall have authority to require follow-up investigations into any community complaint or allegation that is handled by BPD.¹¹ The OIPA Monthly Report will reflect information regarding monitored cases, investigations, and contacts with detail not to exceed that which is allowable under state law.

The investigations reviewed by OIPA during this reporting period did not result in any notable recommendations for revisions or additional investigation. Two complaints resolved

*Some details regarding the nature of sustained allegations may be withheld to avoid unintentionally breaching mandatory confidentiality requirements. In some instances, the relative infrequency of the alleged misconduct may tend to allow for identification of the subject officer in violation of the applicable CA Penal Code section (832.7).

during this period were closed beyond the statutory deadline. These cases were discussed with BPD, and internal processes have been implemented to help prevent future delays in complaint investigations.

¹ In addition to reporting on complaints received by the BART Police Department, the Civilian Oversight Model requires reporting on all complaints received by the “Civilian Board, Office of the District Secretary, and other District departments.” As complaints received by the BART Police Civilian Review Board are customarily directed to OIPA for further action, such complaints are included in the Quantitative Report above; OIPA is also made aware of additional complaints about the BART Police Department by the Office of the District Secretary or other District departments.

² This number includes all Community Complaints filed against members of the BART Police Department, as well as Administrative Investigations generated internally by BART Police Department members (as opposed to being filed by a community). This number also includes previously completed cases that have been re-opened during the current reporting period.

³ This number indicates all investigations that are open as of the end of the reporting period. It includes Community Complaints (regardless of whether the investigation is being conducted by OIPA, the BART Police Department, or both) and Administrative Investigations.

⁴ This number includes all cases completed by OIPA during the reporting period for which OIPA’s findings are required by the BART Civilian Oversight Model to be submitted to the BART Police Civilian Review Board. It therefore includes independent investigations, as well as reviews of completed BART Police Department investigations initiated via appeal from a complainant. Unless otherwise noted, it does not include reviews of BART Police Department investigations initiated at the discretion of OIPA, which happen commonly and do not always generate a formal report; it also does not include reviews conducted by OIPA of complaint investigations where the complaint was filed with OIPA but did not fall under OIPA’s investigative jurisdiction.

⁵ This number refers to appeals filed with OIPA by complainants who have been issued the findings of the BART Police Department’s internal investigation into their complaint regarding on-duty incidents. OIPA has a responsibility to review such appeals pursuant to the BART Civilian Oversight Model, Chapter 1-04 (E).

⁶ This number refers to all appeals initiated by the BART Police Civilian Review Board after receiving and reviewing the findings issued by OIPA in each case. The routes of all such appeals are described in detail in the BART Civilian Oversight Model, Chapter 1-04 (B) (iv-v).

⁷ The BART Police Department defines an Informal Complaint as, “A comment on the actions of a Department employee, where the reporting party expressly states that he or she does not feel that the matter should be formally investigated with the understanding that an Informal Complaint does not hold the potential to result in disciplinary action against the employee.” (BART Police Department Policy Manual, Policy 1020.1.1(d)).

⁸ BPD policy provides that if a person alleges or raises an issue that does not constitute a violation of Department policy, procedure, rules, regulations, or the law, the Department will classify the issue as an inquiry.

⁹ It is important to note that OIPA does not separate community complaints it receives into “Formal” and “Informal” classifications. This chart reflects all community complaints received by OIPA and all Formal Complaints received by the BART Police Department.

¹⁰ Letter of Discussion (second level of Informal Discipline): A Letter of Discussion is conducted by a supervisor with the employee. The employee’s misconduct is shared with the employee, documented and kept in the employee’s personnel file up to one (1) year. Furthermore, if the employee fails to

correct the behavior, there will be cause to move to the next level of the process (BPOA Collective Bargaining Agreement).

¹¹ OIPA may submit recommendations to IA regarding minor clerical or record-keeping adjustments which are intended to maintain the integrity of the data collection and record-keeping processes at BPD. These are not considered by OIPA to be substantive recommendations requiring reporting herein.