



OFFICE OF THE INDEPENDENT
POLICE AUDITOR
BAY AREA RAPID TRANSIT

MONTHLY REPORT

MAY 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 **May 1, 2025 through May 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
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	107	14*	1	1	0
April 2025	10	107	10	1	0	0
May 2025	3	91	19	2	1	0

TYPES OF CASES FILED

Community Complaints (Formal)	3
Informal Complaints ⁷	0
Administrative Investigations	0
Inquiries ⁸	2
TOTAL	5

COMMUNITY COMPLAINTS RECEIVED PER DEPARTMENT⁹

OIPA	3
BART Police Department	0
TOTAL	3

* IA2025-004 was not previously reported as closed during the month of March. The case has been added to list of Investigations Resolved by Internal Affairs for this reporting period and summarized as an administrative investigation concluded by Internal Affairs.

COMPLAINTS/INVESTIGATIONS INITIATED DURING REPORTING PERIOD

During May 2025, OIPA received **3 Community Complaints (Formal)**:

OIPA Complaint # IA Case #	Nature of Complaint	Action Taken	Days Elapsed Since Complaint Filed
1 OIPA #25-20 /IA#2025-033	Officers #1 & #2: <ul style="list-style-type: none"> • Policy/Procedure • Performance of Duty 	OIPA is investigating.	67
2 OIPA #25-21 /IA#2025-045	Officers #1 & #2: <ul style="list-style-type: none"> • Arrest/Detention • Performance of Duty • Policy/Procedure • Truthfulness 	OIPA will monitor the IA investigation.	61
3 OIPA #25-23 /IA#2025-037	Officers #1 & #2: <ul style="list-style-type: none"> • Arrest/Detention • Bias-Based Policing • Policy/Procedure 	OIPA is investigating.	56

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

OIPA Complaint # IA Case #	Nature of Complaint	Action Taken	Days Elapsed Since Complaint Filed
1 OIPA #25-24 /IA#2024-058	Officer: <ul style="list-style-type: none"> • Bias-Based Policing – Not Sustained • Arrest/Detention – Not Sustained • Conduct Unbecoming an Officer – Not Sustained • Policy/Procedure (Providing Name/Badge #) – Not Sustained • Policy/Procedure (Body Worn Camera Activation) - Sustained 	OIPA is reviewing the request.	55

During May 2025, OIPA concluded **2 Community Complaints**:

(OIPA Case#/IA Case #)	Nature of Complaint	Disposition	Days Elapsed Since Complaint Filed	Days Taken to Complete Investigation
1 (OIPA#24-36/ IA#2024-057)	Complainant alleged that they witnessed the number of responding officers appeared excessive given the incident.	Administratively Closed – No BPD policy violation.	389	320
2 (OIPA#24-35 /IA#2024-056)	Complainant alleged that a BPD officer improperly detained and cited them for fare evasion. Additionally, the complainant alleged that they were treated unfairly by the officers based on the complainant's appearance.	Officer: <ul style="list-style-type: none"> • Arrest/Detention – Exonerated • Policy/Procedure – (Fare Evasion Enforcement) – Exonerated • Conduct Unbecoming an Officer – Not Sustained 	398	331

BPD concluded **1 Administrative Investigation**, previously not reported in March 2025:

(IA Case #)	Nature of Complaint	Disposition	Days Elapsed Since Complaint Filed	Days Taken to Complete Investigation
1 (IA#2025-004)	Administrative investigation initiated by the police department for a BPD employee making unauthorized recordings and untruthful statements.	BPD Personnel: <ul style="list-style-type: none"> • Conduct Unbecoming (Demeanor) – Not Sustained • Conduct Unbecoming (Truthfulness) – Sustained • Policy/Procedure (Disgraceful Conduct and Use of Personal Communication Device) – Sustained 	179	71

During May 2025, BPD concluded **17 Complaints**:

(IA Case #)	Nature of Complaint	Disposition	Days Elapsed Since Complaint Filed	Days Taken to Complete Investigation
1 (IA#2023-001)	The complainant alleged officers intentionally removed or destroyed their personal property during their detention.	Officers #1-#3: <ul style="list-style-type: none"> • Conduct Unbecoming – Unfounded 	923	861 [†]

[†] The expiration of the statute of limitation for this investigation was previously tolled due to a subject officer being on Industrial Leave and unavailable for interview from March 20, 2023 - June 30, 2024.

2 (IA#2023-070)	The complainant alleged that the officer used excessive force during their arrest by punching the complainant several times in the head.	Officer: • Force – Not Sustained	718	656
3 (IA#2024-035)	The complainant alleged that officers used excessive force during his arrest for resisting after the complainant fare evaded.	Officers #1 & #2: • Force – Exonerated	485	411
4 (IA#2024-039)	The complainant alleged that the officer used excessive force by slamming him to the ground and not de-escalating the situation during the complainant's detention for fare evasion and subsequent arrest for resisting.	Officer: • Force – Exonerated	422	360
5 (IA#2024-042)	The complainant alleged that an officer used excessive force during their arrest and destroyed their California identification card.	Officer: • Force - Exonerated • Conduct Unbecoming an Officer – Not Sustained	437	363
6 (IA#2024-043)	The complainant alleged officers used excessive force by slamming a woman on the ground after she fare evaded and resisted officers.	Officers #1 & #2: • Force – Exonerated	416	357

7 (IA#2024-044)	The complainant alleged an officer neglected to investigate a reported theft.	Officer: • Performance of Duty – Exonerated	412	338
8 (IA#2024-050)	The complainant alleged that officers used excessive force by slamming him to the ground and placing a knee on the complainant's back during an arrest.	Officers #1 -#3: • Force – Exonerated	409	356
9 (IA#2024-058)	The complainant alleged witnessing an officer use excessive force and behave in a biased manner toward a Black man who was smoking on the train. The complainant did not respond to follow-up requests for additional information.	Officer: • Bias-Based Policing – Not Sustained • Arrest/Detention – Not Sustained • Conduct Unbecoming an Officer – Not Sustained • Policy/Procedure (Providing Name and Badge #) – Not Sustained • Policy/Procedure (Body Worn Camera) - Sustained	385	325
10 (IA#2024-059)	The complainant alleged officers used excessive force by throwing a subject on the ground, choking and then breaking the subject's arm during a detention for proof of payment that led to a subsequent arrest for resisting.	Officers #1 -#3: • Force – Exonerated	385	311

11 (IA#2024-060)	The complainant alleged that officers used excessive force, kidnapped and tortured them.	Officer #1: <ul style="list-style-type: none"> • Force – Exonerated • Arrest - Exonerated • Detention - Exonerated • Conduct Unbecoming an Officer – Sustained Officer #2: <ul style="list-style-type: none"> • Force – Exonerated • Arrest - Exonerated • Detention – Exonerated 	385	325
12 (IA#2024-061)	The complainant alleged an officer used excessive force by grabbing the complainant's arm to prevent them from catching the bus during a detention for fare evasion.	Officer: <ul style="list-style-type: none"> • Force – Exonerated 	375	300
13 (IA#2024-063)	The complainant alleged an officer used excessive force by using a knee strike on a subject during an arrest.	Officer: <ul style="list-style-type: none"> • Force – Exonerated 	364	305

14 (IA#2024-064)	<p>The complainant alleged that a BPD officer failed to properly respond to a call for service for a person the complainant believed to be deceased.</p>	<p>Officer:</p> <ul style="list-style-type: none"> • Conduct Unbecoming an Officer – Administratively Closed (further investigation is not warranted) • Performance of Duty – Administratively Closed (further investigation is not warranted) • Policy/Procedure – Administratively Closed (further investigation is not warranted) 	<p>417</p>	<p>364</p>
15 (IA#2024-068)	<p>The complainant alleged that BPD officers unlawfully detained the complainant for smoking, illegally seized their phone, used excessive force while handcuffing them and acted unprofessionally.</p>	<p>Officer #1:</p> <ul style="list-style-type: none"> • Force – Exonerated • Conduct Unbecoming an Officer – Unfounded • Arrest/Detention – Exonerated • Search or Seizure – Not Sustained <p>Officers #2 & #3:</p> <ul style="list-style-type: none"> • Force – Exonerated • Conduct Unbecoming an Officer – Unfounded 	<p>355</p>	<p>308</p>

16 (IA#2024-088)	An administrative investigation initiated internally from a complaint of policy violations by an officer with regards to their assigned duties.	Officer: <ul style="list-style-type: none"> • Truthfulness – Sustained • Performance of Duty – Sustained • Conduct Unbecoming an Officer (Gym Use on Duty) - Sustained • Conduct Unbecoming an Officer (Timecard Fraud) – Not Sustained 	294	240
17 (IA#2025-010)	An internally generated complaint regarding an officer using offensive and derogatory language in the workplace.	Officer: <ul style="list-style-type: none"> • Bias-Based Policing – Not Sustained • Conduct Unbecoming an Officer – Sustained 	314	259

DISCIPLINE ISSUED DURING REPORTING PERIOD

During this reporting period, 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	The officer made rude statements and acted in a discourteous manner toward a member of the public during a detention for fare evasion.	Officer: <ul style="list-style-type: none"> • Conduct Unbecoming an Officer – Sustained 	<ul style="list-style-type: none"> • Informal Counseling¹⁰

‡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).

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	12
Complainant-Initiated Appeals	4
BPD-Initiated Appeals	0
Investigations Being Monitored	14
Investigations Reviewed During Current Month	26†

†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.

During the current reporting period, the Office of the Independent Police Auditor (OIPA) completed its review of BPD complaint investigations and did not identify any cases requiring additional investigative steps.

However, one investigation—IA#2023-070—was concluded by BPD beyond the applicable statutory deadline. OIPA has continued its discussions with BPD Internal Affairs regarding cases that are closed after the statute of limitations.

In recent months, OIPA has observed BPD increase its investigative capacity by assigning trained patrol sergeants to conduct investigations outside of the Internal Affairs unit. This strategy has helped reduce the backlog of complaints. While Internal Affairs continues to close a small number of cases beyond the statutory deadline, this month marks the highest number of complaints resolved in a single month over the past ten months. Notably, one serious investigation—IA#2025-010—was concluded within 105 days.

OIPA also identified a concern this month regarding the imposition of discipline. In one case involving a sustained finding for Conduct Unbecoming an Officer, the subject officer was not notified of the intended discipline before the expiration of the statute of limitations. As a result, BPD reduced the disciplinary action to informal counseling and had a supervisor discuss the misconduct directly with the officer.

In an effort to improve and align investigative processes, OIPA and Internal Affairs plan to meet to establish a shared goal of completing complaint investigations within 270 days of the complaint being filed. This collaborative initiative aims to reduce investigation timelines and ensure that disciplinary decisions are issued within statutory deadlines.

OIPA will continue to provide updates of Internal Affairs' and OIPA's progress toward improving the timeliness of investigations in future monthly reports. In the meantime, both

OIPA and Internal Affairs are prioritizing the most serious complaints to ensure those cases are completed within applicable timeframes.

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 Informal Counseling (first level of Informal Discipline): Informal Counseling is conducted by a supervisor with the employee. The employee’s misconduct is shared with the employee but not documented. Furthermore, if the employee fails to correct the behavior, there will be cause to move to the next level of the process (Agreement Between SF BART and BPOA, July 1, 2018 – June 30, 2025).

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.