



OFFICE OF THE INDEPENDENT
POLICE AUDITOR
BAY AREA RAPID TRANSIT

MONTHLY REPORT

AUGUST 2025

EXECUTIVE SUMMARY

During August 2025, a total of five new complaints were filed, with three received by OIPA and two by Internal Affairs (IA). Sixteen cases were closed during the month, including two resolved by OIPA and fourteen concluded by IA. The total number of open cases declined to seventy-one by the end of the period, down from one hundred and twelve a year ago.

OIPA maintains an active caseload with eleven ongoing investigations and five complainant-initiated appeals. The office is actively monitoring six IA investigations and reviewed twenty-six cases during August. Of the two complaints resolved by OIPA and presented to the BART Police Civilian Review Board (BPCRB), one was administratively closed, while the other resulted in sustained findings for unlawful detention and late body-worn camera (BWC) activation.

IA resolved one administrative investigation involving a high-risk traffic stop, which resulted in sustained findings for performance of duty and BWC activation failure. In addition, IA resolved thirteen community complaints. In one case, an officer was sustained for discourteous conduct and failure to provide their name and badge number during a juvenile detention.

During this reporting period, BPD imposed discipline in five cases where misconduct was sustained. Corrective actions included oral counseling, letters of discussion, additional training, and, in one case, the termination of an officer following sustained findings for use of force in an officer-involved shooting.

Over the past several months, OIPA has observed an increase in sustained BWC violations in both IA and OIPA investigations. OIPA is researching this trend and will present data on the violations at the November BPCRB meeting to facilitate discussion of various aspects of the policy.

OIPA completed its review of IA complaint investigations during this reporting period and did not identify any cases requiring additional investigative steps. All cases closed by IA were resolved before the expiration of the statute of limitations, and OIPA was contacted by IA prior to closure in cases monitored by OIPA.

QUANTITATIVE REPORT

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 **August 1, 2025 through August 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)).*

	Aug '24	Sep '24	Oct '24	Nov '24	Dec '24	Jan '25	Feb '25	Mar '25	Apr '25	May '25	Jun '25	Jul '25	Aug '25
Cases Filed	7	8	14	5	10	8	11	4	10	5	8*	9	5
Open Cases²	112	113	115	118	119	118	114	107	107	90	89	83	71
Cases Closed	18	7	12	2	9	8	15	14	10	19	9	15	16
OIPA Cases Closed³	1	1	2	0	1	0	2	1	1	2	0	1	2
Appeals to OIPA⁴	0	0	0	1	0	0	0	1	0	1	0	0	0
Appeals by BPCRB⁵	0	0	0	1	0	0	0	0	0	0	0	0	0

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. 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.

* The Cases Filed and Open Cases for July '25 were increased by one additional case, IA #2025-060 which is summarized in the section of investigations initiated by BPD.

	CURRENT TOTALS
OIPA Investigations Being Conducted	11
Complainant-Initiated Appeals to OIPA	3
BPD-Initiated Appeals	0
Investigations Being Monitored by OIPA	6
Investigations Reviewed During Current Month by OIPA	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.

TYPES OF CASES FILED

Community Complaints (Formal)	5
Informal Complaints ⁶	0
Administrative Investigations	0
Inquiries ⁷	0
TOTAL	5

COMMUNITY COMPLAINTS RECEIVED PER DEPARTMENT⁸

OIPA	3
BART Police Department	2
TOTAL	5

COMPLAINTS/INVESTIGATIONS INITIATED DURING REPORTING PERIOD

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

OIPA # (IA Case #)	Nature of Complaint	Action Taken	Days Elapsed Since Complaint Filed
1 OIPA #25-30 (IA#2025-056)	Officer: • Performance of Duty • Conduct Unbecoming an Officer • Policy/Procedure	OIPA is investigating.	68

2 OIPA #25-32 (IA#2025-057)	Officers #1 & #2: • Arrest or Detention • Neglect of Duty • Performance of Duty • Policy/Procedure Officer #3 • Performance of Duty • Policy/Procedure	OIPA is investigating.	76
3 OIPA #25-35 (IA#2025-059)	Officer: • Force • Arrest/Detention • Bias-Based Policing • Conduct Unbecoming an Officer • Policy/Procedure	OIPA is investigating.	56

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

IA Case #	Nature of Complaint	Action Taken	Days Elapsed Since Complaint Filed
1 IA#2025-058	Officer #1: • Force Officer #2: • Force	BPD is investigating.	66
2 IA#2025-061	Fare Inspector: • Conduct Unbecoming	BPD is investigating.	55

During July 2025, BPD initiated **1 Administrative Investigation** not previously reported:

IA Case #	Nature of Complaint	Action Taken	Days Elapsed Since Complaint Filed
1 IA#2025-060	Officer: • Policy/Procedure (Data Access)	BPD is investigating.	110

COMPLAINTS/INVESTIGATIONS CONCLUDED DURING REPORTING PERIOD

During August 2025, OIPA resolved **2 Complaints**:

OIPA # (IA Case #)	Nature of Complaint	Disposition	Days Elapsed Since Complaint Filed	Days Taken to Complete Investigation
1 OIPA #24-23 (IA#2024-048)	The complainant alleged officers improperly detained him and his daughter for fare evasion.	OIPA closed the case by Administrative Closure based on an insufficient basis to continue the investigation.	541	466
2 OIPA #24-45 (IA#2024-104)	The complainant alleged officers used excessive force and turned off his phone without his consent when he was attempting to record his detention for failing to provide officers proof of payment.	Officer #1: • Detention (proof of payment) - Sustained • Excessive/Unnecessary Use of Force – Exonerated • Policy/Procedure (late BWC activation) - Sustained • Policy/Procedure (interference with cellular phone recording) – Unfounded Officer #2: • Detention (proof of payment) - Sustained • Policy/Procedure (late BWC activation) - Sustained • Policy/Procedure (interference with cellular phone recording) – Unfounded	374	302

BPD resolved **1 Administrative Investigation:**

IA Case #	Nature of Complaint	Disposition	Days Elapsed Since Complaint Filed	Days Taken to Complete Investigation
IA#2024-083	Administrative investigation initiated by the police department for a high-risk traffic stop by BPD officers.	Officer #1: • Force – Not Sustained • Performance of Duty – Sustained • Policy/Procedure (BWC activation) – Sustained Officer #2: • Force – Unfounded • Performance of Duty – Sustained • Policy/Procedure (BWC activation) – Sustained	422	354

During August 2025, BPD resolved **13 Complaints**:

(IA Case #)	Nature of Complaint	Disposition	Days Elapsed Since Complaint Filed	Days Taken to Complete Investigation
1 IA#2024-080	The complainant alleged two BPD officers grabbed and pushed him against a bench while conducting a fare evasion enforcement. He also alleged that an officer acted bias toward him being an immigrant, acted unprofessionally, and damaged his property.	Officer #1: • Force – Exonerated Officer #2: • Force – Exonerated • Bias-Based Policing – Unfounded • Policy/Procedure (failure to identify) - Unfounded • Conduct Unbecoming an Officer – Unfounded	422	353
2 IA#2024-081	The complainant alleged that an officer stomped on his head when the complainant was being taken into custody.	Officer • Force - Unfounded	419	360
3 IA#s2024-086	The complainant alleged that officers used excessive force by pointing a taser at him, making an unprofessional comment and assaulting him at the jail after detaining him for fare evasion.	Officer #1: • Policy/Procedure (BWC activation) – Sustained Officer #2: • Force – Exonerated • Conduct Unbecoming an Officer – Unfounded	406	347

4 IA#2024-090	The complainant alleged that an officer slammed his head when the complainant was being taken into custody.	Officer: • Force – Exonerated	418	358
5 IA#2024-091	The complainant alleged that a BPD Dispatcher was unprofessional and did not properly handle the complainant's call for service due to racial bias against the complainant.	BPD Dispatcher: • IA Administrative Closed the case based on a preliminary investigation and determined no further investigation is warranted.	385	330
6 IA#2024-092	The complainant alleged that a BPD officer improperly detained him for fare evasion and did not provide their name and badge number upon request.	Officer: • Detention – Exonerated • Policy/Procedure (failure to identify) – Unfounded	381	322
7 IA#2024-093	The complainant alleged that a BPD officer almost hit her with their vehicle and then laughed about the incident.	Officer: • Policy/Procedure – Unfounded • Conduct Unbecoming an Officer - Unfounded	382	323
8 IA#2024-097	The complainant alleged that a BPD officer used excessive force to slam her on the ground during her arrest.	Officer: • Force – Exonerated	375	315

9 IA#2024-098	The complainant alleged that a BPD officer used excessive force and racially profiled him as the basis for contacting him for fare evasion.	Officer: • Force – Exonerated • Bias-Based Policing - Unfounded	367	307
10 IA#2024-099	The complainant alleged that a BPD officer injured him by slamming, slapping, and punching him during a detention for fare evasion.	Officer: • Force – Exonerated	366	299
11 IA#2024-108	The complainant alleged that a BPD officer used excessive force by pulling their hair and failed to return their identification card after issuing them a citation for fare evasion.	Officer: • Force – Exonerated • Policy/Procedure (failure to return property) - Unfounded	348	293
12 IA#2024-109	The complainant alleged that an officer acted unprofessionally during a detention of a juvenile and failed to provide his name and badge number upon request to the complainant.	Officer: • Conduct Unbecoming an Officer (discourteous) – Sustained • Conduct Unbecoming an Officer (failure to identify) – Sustained	341	286

13 IA#2025-020	This was an internally generated supervisor complaint requested for review by IA due to BPD officers' failure to properly activate their BWCs.	Officer: • IA Administrative Closed the case based on a preliminary investigation and determined no further investigation is warranted. IA determined that the supervisory responsibilities for handling of the incident were properly met.	248	193
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DISCIPLINE ISSUED DURING REPORTING PERIOD

During this reporting period, BPD took the following actions in **5 cases** where allegations of misconduct were sustained:

Case #	Nature of Sustained Allegation(s) †	Classification of Sustained Allegation(s)	Action Taken
1	The officers failed to activate their BWC in a timely manner.	Officers #1 & #2: • Policy/Procedure (BWC Late Activation) – Sustained	• Letter of Discussion

†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).

2	An officer made an improper detention for a mental health evaluation and the supervising officer approved of an insufficient report of the detention.	Officer #1: • Detention – Sustained • Performance of Duty – Sustained • Supervision – Sustained Officer #2: • Detention – Sustained • Performance of Duty – Sustained	• Officer #1: Oral Counseling • Officer #2: Letter of Discussion
3	The officer failed to activate their BWC after observing a subject fare evade.	Officer: • Policy/Procedure (BWC Activation) – Sustained	• Letter of Discussion
4	While still in Field Training, the officer failed to activate their BWC in a timely manner during a fare evasion enforcement.	Officer: • Policy/Procedure (BWC Late Activation) – Sustained	• Training
5	The officer used unnecessary force during an officer-involved shooting in violation of department policies.	Officer: • Force (De-Escalation) – Sustained • Force (Deadly Force Applications) – Sustained • Force (Shooting at or from Moving Vehicles) – Sustained • Force (Unreasonable and Unwarranted) - Sustained	• Termination

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.⁹ 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 this reporting period, OIPA completed its review of BPD complaint investigations and did not identify any cases requiring additional investigative steps.

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 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.

³ 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.

⁴ 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).

⁵ 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).

⁶ 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)).

⁷ 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.

⁸ 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.

⁹ 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.