



OFFICE OF THE INDEPENDENT
POLICE AUDITOR
BAY AREA RAPID TRANSIT

MONTHLY REPORT

OCTOBER 2025 (revised)

Please note: This report was revised on September 8, 2025, to correct two errors on page 7. The "Days Elapsed Since the Complainant Filed" and "Days Taken to Complete Investigation" columns contained dates rather than calculated day counts. The correct values are 343 and 294 days for OIPA Case #24-50 (IA#2024-121), and 214 and 266 days for OIPA Case #25-03 (IA#2025-019).

EXECUTIVE SUMMARY

During October 2025, the Office of the Independent Police Auditor (OIPA) received three community complaints involving allegations such as arrest or detention, conduct unbecoming an officer, force, bias-based policing, policy/procedure violations, and racial animus. BART Police Department (BPD) received four additional community complaints and initiated three administrative investigations involving alleged misconduct, including off-duty firearm negligence and conduct unbecoming an officer involving a probationary employee.

OIPA concluded two investigations during this reporting period, including one case in which resulted in a sustained finding for discourtesy, and another that was closed administratively due to a lack of evidence and complainant cooperation. BPD resolved seven investigations and issued discipline in one case where conduct unbecoming an officer was sustained and a Letter of Discussion was issued.

At the conclusion of this reporting period, OIPA was actively conducting 11 investigations, monitoring nine Internal Affairs (IA) investigations, and reviewing 18 cases.

Notably, OIPA identified several issues requiring follow-up investigation by IA, including IA#2025-030 and IA#2025-007, which were determined to need additional investigation.

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 **October 1, 2025 through October 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)).*

	Oct '24	Nov '24	Dec '24	Jan '25	Feb '25	Mar' 25	Apr '25	May '25	Jun '25	Jul '25	Aug '25	Sep '25	Oct '25
Cases Filed	14	5	10	8	11	4	10	5	8	9	5	6	9
Open Cases²	115	118	119	118	114	107	107	90	89	83	71	69	69
Cases Closed	12	2	9	8	15	14	10	19	9	15	16	8	9
OIPA Cases Closed³	2	0	1	0	2	1	1	2	0	1	2	1	2
Appeals to OIPA⁴	0	1	0	0	0	1	0	1	0	0	0	0	0
Appeals by BPCRB⁵	0	1	0	0	0	0	0	0	0	0	0	0	0
Appeals by Chief of Police	0	0	0	0	0	0	0	0	0	0	0	2	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.

	CURRENT TOTALS
OIPA Investigations Being Conducted	11
Complainant-Initiated Appeals to OIPA	5
Investigations Being Monitored by OIPA	9
Investigations Reviewed During Current Month by OIPA	18†

†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)	7
Informal Complaints ⁶	0
Administrative Investigations	2
Inquiries ⁷	0
TOTAL	9

COMMUNITY COMPLAINTS RECEIVED PER DEPARTMENT⁸

OIPA	3
BART Police Department	4
TOTAL	7

COMPLAINTS/INVESTIGATIONS INITIATED DURING REPORTING PERIOD

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

OIPA # (IA Case #)	Nature of Complaint	Action Taken	Days Elapsed Since Complaint Filed
1 OIPA # 25-43 (IA#2025-068)	Officer: - Arrest or Detention - Conduct Unbecoming an Officer - Policy/Procedure	OIPA is investigating.	67
2 OIPA #25-44 (IA#2025-069)	Fare Inspector: - Bias-based Policing - Policy/Procedure (proof of payment) Officers #1 & #2: - Arrest or Detention - Force - Bias-based Policing - Policy/Procedure (proof of payment) - Search	OIPA is investigating.	65
3 OIPA # 25-47 (IA #2025-076)	Fare Inspector: Racial Animus	OIPA is investigating.	56

During October 2025, BPD received **4 Community Complaints (Formal)**:

IA Case #	Nature of Complaint	Action Taken	Days Elapsed Since Complaint Filed
1 IA#2025-071	Officer: Conduct Unbecoming an Officer	BPD is investigating.	57
2 IA#2025-073	Officer: Conduct Unbecoming an Officer	BPD is investigating.	61

3 IA#2025-074	Officer: • Force • Conduct Unbecoming an Officer • Policy/Procedure	BPD is investigating.	54
4 IA#2025-075	Officer: • Conduct Unbecoming an Officer	BPD is investigating.	50

During October 2025, BPD initiated **2 Administrative Investigations:**

IA Case #	Nature of Complaint	Action Taken	Days Elapsed Since Complaint Filed
1 IA#2025-070	• Conduct Unbecoming an Officer (probationary employee arrested for domestic violence)	IA is investigating.	61
2 IA#2025-078	• Policy/Procedure (unsecured off-duty firearm discharged by a third party)	IA is investigating.	39

COMPLAINTS/INVESTIGATIONS CONCLUDED DURING REPORTING PERIOD

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

OIPA # (IA Case #)	Nature of Complaint	Disposition	Days Elapsed Since Complaint Filed	Days Taken to Complete Investigation
1 OIPA #24-50 (IA#2024-121)	The complainant alleged that officer was discourteous and used excessive force during a fare evasion enforcement.	Officer: - Excessive/Unnecessary Use of Force – Exonerated - Policy/Procedure (medical assistance) – Exonerated - Policy/Procedure (BWC activation) – Unfounded - Arrest/Detention – Exonerated - Courtesy – Sustained - Biased-Based Policing – Unfounded	343	294
2 OIPA#25-03 (IA#2025-019)	The complainant alleged that three unidentified officers contacted his fiancée for proof of payment and then intimidated, harassed and improperly charged her Clipper Card.	Officers #1-#3: Conduct Unbecoming an Officer – Administratively Closed (lack of evidence and cooperation from the complainant)	314	266

During October 2025, BPD resolved **0 Administrative Investigation:**

IA Case #	Nature of Complaint	Disposition	Days Elapsed Since Complaint Filed	Days Taken to Complete Investigation
N/A	N/A	N/A	N/A	N/A

During October 2025, BPD resolved **7 Complaints:**

(IA Case #)	Nature of Complaint	Disposition	Days Elapsed Since Complaint Filed	Days Taken to Complete Investigation
1 IA#2024-096	The complainant alleged officers used excessive force to enforce an infraction (smoking).	Officers #1 & #2: Force – Exonerated	423	370
2 IA#2024-114	A probationary police officer, while in full uniform and operating a marked police vehicle, was involved in a motor vehicle accident. The officer was found to have been under the influence at the time of the collision.	Officer: - Performance of Duty – Sustained - Conduct Unbecoming an Officer – Sustained - Policy and Procedure-Safety – Sustained - Policy and Procedure – Intoxicants – Sustained - Policy/Procedure – Firearms (Alcohol)	369	307

3 IA#2024-118	A police trainee alleged during Taser training that they were initially drive-stunned with a Taser.	Officer: • Conduct Unbecoming an Officer (Conducted Energy Device) – Exonerated • Conduct Unbecoming an Officer (Communication) - Sustained • Biased Based Policing – Unfounded	361	322
4 IA#2024-120	The complainant alleged an officer used excessive force during a detention.	Officer: • Force – Sustained	354	300
5 IA#2025-003	The complainant alleged that the officers did not explain to her Spanish speaking parent why he was detained.	Officers #1-3: • Conduct Unbecoming an Officer – Administrative Closure	335	282
6 IA#2025-007	A BPD Employee alleged that another BPD employee's reckless driving resulted in an unsafe environment for passengers and caused an injury.	BPD Employee: • Conduct Becoming an Officer – Unfounded	320	281

7 IA#2025-011	The complainant alleged that the officer was rude, used excessive force, lacked reasonable suspicion to detain, and escalated during an enforcement of an infraction (fare evasion)	Officer: • Force – Unfounded • Conduct Unbecoming an Officer - Unfounded	306	267
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DISCIPLINE ISSUED DURING REPORTING PERIOD

During this reporting period, BPD took the following action in **1 case** where an allegation of misconduct was sustained:

Case #	Nature of Sustained Allegation(s) *	Classification of Sustained Allegation(s)	Action Taken
1	The officer failed to identify himself and he was discourteous.	Officer: Conduct Unbecoming an Officer – Sustained	• Letter of Discussion

STAFF UPDATES

During this reporting period, OIPA staff attended the 31st Annual National Association for Civilian Oversight of Law Enforcement (NACOLE) Conference, “Reckoning & Resilience in the Post-George Floyd Era” in Minneapolis, Minnesota on October 26-30th.

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

*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).

will reflect information regarding monitored cases, investigations, and contacts with detail not to exceed that which is allowable under state law.

During the previous reporting period, OIPA determined that case IA#2025-030 requires further investigation to justify the findings and address the issues identified by OIPA. Internal Affairs is conducting additional analysis for OIPA's review as of the date of this report.

For the current reporting period, OIPA reviewed IA#2025-007 and determined that the findings were not fully supported by the evidence contained in the investigative report. Internal Affairs has agreed to conduct additional investigation and include an allegation that was not identified in the initial complaint.

Lastly, IA#2024-096 was closed after the statute of limitations; however, there were no sustained findings.

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.