

Office of the Independent Police Auditor

MONTHLY REPORT

January 2026

(REVISED)

Please note: This report was revised on March 18, 2026, to address the following:

1. **Section VII – Appeals (Pg. 8):** Elapsed days were previously miscalculated; the correct total is 123 days for both appeals.
2. **Section VIII – Trend Analysis (Pg. 8):** Totals for the “Total Community Complaints Received by Organization” chart have been added.
3. **Section XII – All Discipline Issued During Reporting Period (Pg. 11):** The chart was updated to reflect a total of four discipline cases.



COMPLAINT TRENDS



INVESTIGATIONS



ACCOUNTABILITY

I. EXECUTIVE SUMMARY

The January 2026 Monthly Report marks an important step in the Office of the Independent Police Auditor's (OIPA) ongoing organizational development. This revised format separates OIPA oversight activity from the BART Police Department (BPD) operational data, introduces narrative explanations to provide greater clarity and context, and expands reporting to include legal claims, lawsuits, and settlements related to allegations of misconduct. These enhancements advance compliance with the BART Civilian Oversight Model (Model) while building a structured data foundation that will allow for longitudinal analysis and more informed oversight in the years ahead. The report's modernized cover design symbolizes OIPA's commitment to growth, innovation, and the deliberate transition toward a measurable, data-driven oversight model.

Inez M. Gonzalez
Independent Police Auditor

II. OIPA STAFF ACTIVITIES AND COMMUNITY OUTREACH

OIPA Annual Report

OIPA completed and presented its Fiscal Year 2025 Annual Report to the BART Police Civilian Review Board (BPCRB). The report, available on the OIPA website, fulfills the reporting requirements of the Model. It includes data on cases received, investigative findings, and policy recommendations.

Download the Annual Report here: <https://www.bart.gov/about/policeauditor/reports>.

OIPA Newsletter – “The Aperture”

To enhance communication with the BART Board of Directors, the Independent Police Auditor (IPA) launched a monthly newsletter highlighting the office's current work, staff updates, areas of focus and challenges to OIPA's work.

Community Outreach: 17th Annual Oscar Grant Vigil



On New Year's Day, Investigator Wyeth McAdam represented the OIPA at the 17th Annual Oscar Grant Vigil at the Community United for Restorative Youth Justice (CURYJ) Center in Oakland's Fruitvale neighborhood. The vigil commemorated the life of Oscar Grant, who was fatally shot by a BART Police Officer on January 1, 2009, at the Fruitvale BART Station. The gathering centered community voices through reflection, prayer, music, and spoken word, honoring Mr. Grant and reaffirming ongoing calls for police accountability and reform.

Internal Policy Created – Administrative Closures

To better allocate investigative resources, OIPA adopted an internal policy outlining criteria for Administrative Closure of complaints following preliminary review. The policy aligns with BPD Policy 1020 – Personnel Complaints and clarifies when cases may be closed without a full investigation. Criteria include non-cooperation by the complainant, lack of jurisdiction, insufficient evidence, or circumstances in which review of body-worn camera footage resolves the allegations.

BART Mid-Manager Program Participation

We are pleased to announce that Investigator McAdam was accepted in the BART Emerging Mid-Manager Academy Class 2026. The leadership program initiative includes specialized training to enhance leadership skills, strategic thinking, and organizational performance. This program focuses on preparing internal talent for high level roles.

III. OIPA COMPLAINTS BY MONTH

JANUARY 2026	
Cases Filed with OIPA	2
OIPA Cases Closed	3
Appeals to OIPA	0
Appeals by BPCRB	0
Appeals by BPD Chief of Police	0

IV. OIPA CURRENT TOTAL INVESTIGATIONS

In accordance with the 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.

The IPA reviewed BPD case IA2025-077 and approved its administrative closure based on a review of officers' body worn camera (BWC) recordings.

TOTALS	
OIPA Active Investigations	11
Complainant-Initiated Appeals to OIPA	0
BPD Investigations Being Monitored by OIPA	0
BPD Cases Reviewed by OIPA for Administrative Closure	1
BPD Closed Cases Reviewed	6

The following chart includes OIPA’s pending investigations as of the end of this reporting period. OIPA currently has eleven ongoing investigations listed in the table below in order by date received. A primary allegation is identified for each complaint that represents the most significant allegation for the investigation. Additionally, a column for “Complexity” is included with “1” being the least complex type of investigation and “3” being the most complex because of the number of officers involved, amount of evidence to be collected or the seriousness of the complaint or allegation.

OIPA PENDING INVESTIGATIONS							
	Case Number	Date Received	Primary Allegation	90 Days	180 Days	Complexity	Status
1	#25-32	08/05/25	Improper Arrest	11/03/25	02/01/26	2	In Progress
2	#25-43	10/05/25	Improper Detention	01/01/26	04/01/26	1	In Progress
3	#25-44	10/07/25	Improper Arrest	01/03/26	04/03/26	2	In Progress
4	#25-52	11/08/25	Policy/Procedure	02/04/26	05/05/26	2	In Progress
5	#25-54	11/21/25	Conduct Unbecoming an Officer	02/17/26	05/18/26	1	In Progress
6	#25-56	11/30/25	Excessive Force	02/28/26	05/29/26	2	In Progress
7	#25-60	12/08/25	Excessive Force	03/08/26	06/06/26	2	In Progress
8	#25-61	12/19/25	Improper Detention	03/19/26	06/17/26	2	In Progress
9	#25-62	12/31/25	Supervision	03/31/26	06/29/26	3	In Progress
10	#26-01	01/06/26	Improper Detention	04/06/26	07/05/26	3	In Progress
11	#26-05	01/27/26	Conduct Unbecoming an Officer	04/27/26	07/26/26	2	In Progress

V. OIPA NEW COMPLAINTS

During January 2026, OIPA received **2 Community Complaints**. Neither of the two complaints filed involved a use of force by BPD officers.

OIPA #26-01 was related to a law enforcement contact initiated by officers for a detention for fare evasion.

The second complaint, OIPA #26-05, was brought by a BART employee against an officer. Both complaints are being investigated by OIPA and are currently pending.

OIPA Case Number	Allegations	Investigator Assigned	Received Date
1 OIPA #26-01	Officers #1 & #2: <ul style="list-style-type: none"> • Improper Detention • Bias Based Policing • Policy/Procedure 	Wyeth McAdam	1/06/26
2 OIPA #26-05	Officer: <ul style="list-style-type: none"> • Conduct Unbecoming an Officer • Performance of Duty 	Wyeth McAdam	1/27/26

VI. OIPA INVESTIGATIONS CONCLUDED DURING REPORTING PERIOD

During January 2026, OIPA completed **4 Investigations**.

In OIPA #25-17, the complainants alleged that the wrong individual was improperly detained at gunpoint by BPD officers. During the investigation, a policy violation was identified related to the non-activation of officers' body-worn cameras. Corrective action was recommended for the two subject officers.

In OIPA #25-33, the case was administratively closed due to insufficient information to conduct a full investigation.

In OIPA #25-50, the case was administratively closed for a lack of jurisdiction and forwarded to the City of San Leandro's Office of the Independent Police Auditor.

In OIPA #25-53, the case was administratively closed due to insufficient information and no articulable officer misconduct.

1 OIPA #25-17 IA2025-031	The complainants alleged that the wrong person was improperly detained at gun point by BPD officers.			
	OIPA Investigative Findings	Officers #1 - #5: <ul style="list-style-type: none"> • Improper Detention – Exonerated • Excessive/Unnecessary Use of Force – Exonerated Officers #2 & #3 • Policy/Procedure (non-activation body-worn camera activation) – Recommended Discipline: Officer #2 – Training Point and Officer #3 – Informal Counseling Policy Recommendations: N/A		
	Date Completed:	12/23/25	Days Taken to Complete Investigation:	256
2 OIPA#25-33 IA2025-067	The complainant alleged that on an unknown date at the Bay Fair BART Station, unidentified BPD officers entered a train car and pointed at a subject who was seated directly in front of the complainant.			
	OIPA Investigative Findings	Officers: <ul style="list-style-type: none"> • Excessive/Unnecessary Use of Force – Administratively Closed (Insufficient Information) 		
	Date Completed:	12/22/25	Days Taken to Complete Investigation:	109
3 OIPA #25-50 IA2025-093	The complainant alleged he was forced by an unknown San Leandro police officer to show his identification, but the officer did not ask other individuals in the same train car to do so.			
	OIPA Investigative Findings	Officer: <ul style="list-style-type: none"> • Improper Detention – Administratively Closed (No Jurisdiction) • Bias Based Policing – Administratively Closed (No Jurisdiction) Note: Complaint forwarded to City of San Leandro Office of the Independent Police Auditor.		
	Date Completed:	1/7/26	Days Taken to Complete Investigation:	69

4 OIPA #25-53 IA2025-084	The complainant alleged a BPD officer attempted to grab him during a contact that stemmed from a misunderstanding regarding fare.			
	OIPA Investigative Findings	Officer: <ul style="list-style-type: none"> Improper Detention – Administratively Closed (Insufficient Information and No Articulate Officer Misconduct) 		
	Date Completed:	12/30/25	Days Taken to Complete Investigation:	43

VII. APPEAL CASES

Two investigations conducted by the OIPA were previously appealed by the BPD Chief of Police and are currently pending. A summary and status of those two investigations is listed below:

OIPA #24-45

Date of Complaint: October 11, 2024
Date Closed: August 8, 2025
Date Appealed: September 24, 2025
Hearing Date: November 6, 2025
By Whom: Chief of Police
Status: Pending General Manager
Elapsed Days from Appeal: 123

OIPA #24-46

Date of Complaint: October 28, 2024
Date Closed: September 8, 2025
Date Appealed: October 13, 2025
Hearing Date: November 6, 2025
By Whom: Chief of Police
Status: Pending General Manager
Elapsed Days from Appeal: 123

VIII. TREND ANALYSIS

TOTAL COMMUNITY COMPLAINTS RECEIVED BY ORGANIZATION

Organization	Jan. 2026	Jan. 2025	Dec. 2025
OIPA	2	1	3
BPD Internal Affairs	3	3	0
TOTAL	5	4	3

IX. BPD NEW COMPLAINTS*

During January 2026, BPD received **3 Community Complaints (Formal)**.

IA Case #	Nature of Complaint	Action Taken	Received Date
1 IA#2026-001	Officers #1 -#3: • Force	BPD is investigating.	01/06/26
2 IA#2026-002	Officers #1 & #2: • Courtesy	Supervisory Referral.	01/17/26
3 IA#2026-003	Officer: • Arrest or Detention	BPD is investigating.	01/26/26

X. BPD NEW INTERNALLY INITIATED INVESTIGATIONS*

During January 2026, BPD opened **0 Administrative Investigations (Internally Generated)**:

IA Case #	Nature of Complaint	Action Taken	Days Elapsed Since Complaint Filed
N/A	N/A	N/A	N/A

XI. BPD INVESTIGATIONS CONCLUDED DURING THIS REPORTING PERIOD*

A. During January 2026, BPD completed **5 Investigations**:

(IA Case #)	Nature of Complaint	Disposition	Received Date	Days Taken to Complete Investigation
1 IA#2024-084	The complainant alleged an officer made false statements during a preliminary court appearance.	Officer: • Untruthfulness – Administratively Closed	8/09/24	517 (Investigation was tolled due to an ongoing criminal court case.)

2 IA#2025-008	The complainant alleged that a fare inspector made an unprofessional comment in response to the complainant's concerns about how a patron in a wheelchair was treated.	Fare Inspector: <ul style="list-style-type: none"> • Conduct Unbecoming an Officer – Exonerated 	2/04/25	337
3 IA#2025-009	The complainant alleged that an officer acted unprofessionally in response to the complainant's report of a crime in progress.	Officer: <ul style="list-style-type: none"> • Conduct Unbecoming an Officer – Sustained 	2/04/25	351
4 IA#2025-017	The complainant alleged that an officer used excessive force during an arrest following a detention for fare evasion.	Officer: <ul style="list-style-type: none"> • Force – Exonerated 	2/26/25	316
5 IA#2025-077	The complainant alleged officers used excessive force during their detention and subsequent arrest for battery.	Officer #1 - #3: <ul style="list-style-type: none"> • Force – Administratively Closed (BWC review) 	11/03/25	66

B. During January 2026, BPD resolved **1 Administrative Investigation (Internally Generated)**:

IA Case #	Nature of Complaint	Disposition	Days Elapsed Since Complaint Filed	Days Taken to Complete Investigation
IA#2025-060	Unauthorized use of a Law Enforcement database.	Officer: <ul style="list-style-type: none"> • Policy/Procedure – Sustained 	7/02/25	190

XII. ALL DISCIPLINE ISSUED DURING REPORTING PERIOD*

During this reporting period, BPD took the following action in **4 cases** where allegations of misconduct were sustained:

Case #	Nature of Sustained Allegation(s) ¹	Classification of Sustained Allegation(s)	Action Taken
1	An officer used excessive force during a detention while the subject was in handcuffs.	Officer: <ul style="list-style-type: none"> Excessive Use of Force – Sustained 	<ul style="list-style-type: none"> Written Reprimand
2	An officer accessed and used unauthorized police records for personal use. The officer was then untruthful when asked about it as part of an investigation.	Officer: <ul style="list-style-type: none"> Policy/Procedure (Misuse of Records) – Sustained Performance of Duty – Sustained Truthfulness – Sustained 	<ul style="list-style-type: none"> Released from Probation for failing to meet the standards of the probationary period.
3	<p>An officer was determined to be at fault for a vehicle collision while driving at a high rate of speed.</p> <p>Another officer involved in the collision was not at fault but did not follow proper safety protocols when responding Code 3.</p>	<p>Officer #1:</p> <ul style="list-style-type: none"> Policy/Procedure (Requirements for Responding Code 3) Policy/Procedure (Safety) <p>Officer #2:</p> <ul style="list-style-type: none"> Policy/Procedure (Initiating a Code 3 Response) Policy/Procedure (Requirements for Responding Code 3) Policy/Procedure (Safety) 	<ul style="list-style-type: none"> Suspension Written Reprimand
4	An officer made an unprofessional comment to a person attempting to report a crime.	Officer: <ul style="list-style-type: none"> Conduct Unbecoming an Officer - Sustained 	<ul style="list-style-type: none"> Letter of Discussion

XIII. 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.

The OIPA disagreed with BPD's findings for IA#2025-008. Because the complaint involves a non-sworn member of BPD, no further action is permitted.

XIV. LEGAL CLAIMS, LAWSUITS, AND SETTLEMENTS

MONTHLY STATUS REPORT OPEN BPD CLAIMS

The following update serves as a status report for January 2026.

BART Claim No.	Plaintiff	Date of Loss	Location	Court Case No.	Plaintiff Attorney	Defense Attorney	Status
B240030	Joseph Banks	9/12/23	Embarcadero Station	CGC-24-619300	In pro per	Edrington, Schirmer & Murphy	Pending; no trial date set
Summary	After getting in an altercation with another patron, Banks alleges that BPD officers who arrived on scene, used force, falsely detained him, and questioned him based on his race.						
B230052	James Robinson	3/08/24	Aboard train at Fruitvale	3:24-cv-08788-TLT	Law Offices of John Vanucci	Allen, Glaessner, Hazelwood & Werth	Trial is set for Sept. 2027
Summary	Plaintiff was using an outlet on a train and refused BPD orders to unplug. He was escorted off the train and out of Fruitvale Station. He alleges excessive force by BPD during detention.						
B240155	Travis Sims	3/25/24	Warm Springs Station	4:25-cv-03277-DMR	Pointer & Buelna	Castillo Moriarty Robinson	Another Mandatory Settlement Conference was scheduled for 2/18/26
Summary	Plaintiff was intoxicated and showed signs of not being able to care for himself. BPD officers went to detain him, Sims resisted, and they fell to the ground. Plaintiff knocked out some crowns in his mouth and suffered facial lacerations.						
B240150	LaToya Henry	5/21/24	Fruitvale Station	3:25-cv-05780-LIC	Pointer & Buelna	Castillo Moriarty Robinson	A Mandatory Settlement Conference is set for 6/03/26
Summary	Plaintiff is the mother of a juvenile who fare evaded out of Fruitvale during fare evasion enforcement. She resisted being detained and was taken to the ground by BPD officers.						
B250079	Roscoe Duncan	8/12/24	Fruitvale Station Alameda Superior	24CV095242	In pro per	Castillo Moriarty Robinson	No court date has been set

Summary	Plaintiff intentionally fare evaded out of the station and claimed he was a sovereign citizen and not subject to our laws. He refused to provide identification and was arrested and taken to jail.						
B250054	Chunwen Chen	12/05/24	Oakland, CA Alameda Superior	25CV137442	Lawrence Wong	Law Offices of Damien Morozumi	Pending
Summary	Plaintiff was involved in a motor vehicle accident with BPD. The accident was an intersection collision where plaintiff attempted to make left turn in front of oncoming BPD vehicle.						
BART Claim No.	Plaintiff	Date of Loss	Location	Court Case No.	Plaintiff Attorney	Defense Attorney	Status
B250063	Johar Johar	12/28/24	Oakland, CA	25CV134991	Venardi Zurada	Law Offices of Damien Morozumi	Pending
Summary	Plaintiff was involved in a major three car motor vehicle accident with BPD. The accident was an intersection collision where two BPD vehicles were responding Code 3 to West Oakland Station and collided with one another.						
B260001	John Murphy	11/02/24	MacArthur Station	-	-	-	Pending
Summary	Claimant is alleging that after he was arrested, BPD lost or destroyed his personal belongings that were secured and placed into holding.						

¹ Some details regarding the nature of sustained allegations may be withheld to avoid unintentionally breaching mandatory confidentiality requirements in violation of the applicable CA Penal Code section (832.7).

* The data contained in this report as it pertains to the BPD was provided by the BPD and was not independently verified by the OIPA. The OIPA assumes no responsibility for any discrepancies in the data.