



OFFICE OF THE INDEPENDENT
POLICE AUDITOR

BAY AREA RAPID TRANSIT

MONTHLY REPORT

December 2024

Issue date: February 10, 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 **December 1, 2024 through December 31, 2024.**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
December 2023	9	114	4	0	0	0
January 2024	5	107	10	1	0	0
February 2024	12	118	7	1	0	0
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

TYPES OF CASES FILED

Citizen Complaints (Formal)	8
Informal Complaints ⁷	0
Administrative Investigations	2
Inquiries ⁸	0
TOTAL	10

CITIZEN COMPLAINTS RECEIVED PER DEPARTMENT⁹

OIPA	1
BART Police Department	7
TOTAL	8

COMPLAINTS/INVESTIGATIONS INITIATED DURING REPORTING PERIOD

During December 2024, **1 Citizen Complaint (Formal)** were received by OIPA:

OIPA Complaint # IA Case #	Nature of Complaint	Action Taken	Days Elapsed Since Complaint Filed
1 (OIPA 24-50) (IA2024-121)	Officer #1: <ul style="list-style-type: none"> • Arrest/Detention • Excessive/Unnecessary Use of Force • Conduct Unbecoming an Officer Officer #2: <ul style="list-style-type: none"> • Arrest/Detention • Excessive/Unnecessary Use of Force • Conduct Unbecoming an Officer 	OIPA initiated an investigation.	53

During December 2024, **7 Citizen Complaints (Formal)** were received by BPD:

IA Case #	Nature of Complaint	Action Taken	Days Elapsed Since Complaint Filed
1 (IA2024-112)	Officer: <ul style="list-style-type: none"> • Bias-Based Policing • Conduct Unbecoming 	BPD initiated an investigation.	69
2 (IA2024-113)	Officer: <ul style="list-style-type: none"> • Force 	BPD initiated an investigation.	70
3 (IA2024-115)	Officer: <ul style="list-style-type: none"> • Force 	BPD initiated an investigation.	62
4 (IA2024-116)	Officer: <ul style="list-style-type: none"> • Bias-Based Policing • Performance of Duty 	BPD initiated an investigation.	62
5 (IA2024-118)	Officer: <ul style="list-style-type: none"> • Bias-Based Policing • Performance of Duty • Conduct Unbecoming an Officer 	BPD initiated an investigation.	59
6 (IA2024-119)	Community Service Officer: <ul style="list-style-type: none"> • Conduct Unbecoming an Officer 	BPD initiated an investigation.	55

7 (IA2024-120)	Officer: • Force	BPD initiated an investigation.	53
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During December 2024, **2 Administrative Investigation** was opened by BPD:

Complaint # IA Case #	Nature of Complaint	Action Taken	Days Elapsed Since Complaint Filed
1 (IA2024-114)	Officer: • Performance of Duty • Conduct Unbecoming an Officer • Policy/Procedure	BPD initiated an investigation.	66
2 (IA2024-117)	Officer: • Truthfulness • Policy/Procedure – Time Reporting	BPD initiated an investigation.	61

COMPLAINTS/INVESTIGATIONS CONCLUDED DURING REPORTING PERIOD

During December 2024, **1 Citizen Complaint** was concluded by OIPA:

OIPA Complaint # IA Case #	Nature of Complaint	Disposition	Days Elapsed Since Complaint Filed	Days Taken to Complete Investigation
(OIPA #24-07 IA2024-018)	Station Agent alleged a BPD Sergeant spoke to them in a threatening and intimidating way.	• Mediation	349	286

During December 2024, **8 Citizen Complaints** were concluded by BPD:

(IA Case #)	Nature of Complaint	Disposition	Days Elapsed Since Complaint Filed	Days Taken to Complete Investigation
1 (IA2023-050)	Officer used excessive force injuring the complainant's shoulder while handcuffing them during a detention.	Officer: • Force – Exonerated	613	544
2 (IA2023-113)	Officers used excessive when the complainant was banged against the wall and had their arms pulled and twisted by the officers during their arrest.	Officers #1 - #4: • Force – Exonerated	427	358
3 (IA2023-114)	Officers were unprofessional and aggressive toward the complainant during a contact.	Officers #1 & #2: • Conduct Unbecoming an Officer – Not Sustained	427	358
4 (IA2023-115)	Officers used excessive force by choking the complainant during a detention.	Officers #1 - #4: • Force – Exonerated	418	349
5 (IA2023-116)	Officers used excessive force by slamming the complainant to the ground and bending their wrist during an arrest.	Officers #1 & #2: • Force – Exonerated	416	347

6 (IA2023-117)	Officer used unnecessary force by pushing the complainant back as the complainant was a bystander to an arrest.	Officer: • Force – Exonerated	411	357
7 (IA2023-118)	Officers failed to secure the complainant’s property during an investigation.	Officers #1 - #3: • Performance of Duty – Exonerated	410	347
8 (IA2024-001)	Officers were dismissive of the complainant’s wanting to report a crime and the complainant being the victim.	Officer #1: • Bias-Based Policing – Unfounded • Conduct Unbecoming an Officer – Sustained Officer #2: • Bias-Based Policing – Unfounded	405	351

DISCIPLINE ISSUED DURING REPORTING PERIOD

During December 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	Officer failed to properly assist a member of the public professionally in accordance with the expectations of the department and as required by BPD policy.	Officer: • Conduct Unbecoming an Officer (Professionalism)	Officer: • Oral Counseling 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

*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).

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 with regard to 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	37
Investigations Reviewed During Current Month	20†

†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 investigation into any citizen 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.

Key Issues Identified for the Reporting Period December 2024

These findings highlight areas where processes could be improved to ensure thoroughness, timeliness, and adherence to policy.

1. Timeliness of Investigations

- **Last-Minute Closures:** BPD completed seven out of eight investigations just 9–20 days before the 3304 statute of limitations deadline to discipline officers.
- **Missed Deadline:** One case exceeded the 3304 statute of limitations deadline by over two months.

2. Thoroughness of Investigations

- **Force Analysis Deficiencies:** One case revealed insufficient analysis of a use-of-force incident. In another case, a potential de-escalation policy violation was not included in the analysis and finding of the investigation.

3. Disciplinary Retention Period:

- There are disciplinary process ambiguities in IA resulting in inconsistencies regarding the retention of officer discipline in their personnel files. Officer discipline should remain the officers’ personnel files from the date they receive notification of the discipline. During this reporting period, an officer was notified that the discipline they received would remain in their file for one year starting from the date that the IA investigator signed the report rather than the date that the officer was notified of the discipline.

¹ In addition to reporting on complaints received by the BART Police Department, the Citizen Oversight Model requires reporting on all complaints received by the “Citizen Board, Office of the District Secretary, and other District departments.” As complaints received by the BART Police Citizen 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 Citizen 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 citizen). 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 Citizen 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 Citizen Oversight Model to be submitted to the BART Police Citizen 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 Citizen Oversight Model, Chapter 1-04 (E).

⁶ This number refers to all appeals initiated by the BART Police Citizen Review Board after receiving and reviewing the findings issued by OIPA in a given case. The routes of all such appeals are described in detail in the BART Citizen 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 citizen complaints it receives into “Formal” and “Informal” classifications. This chart reflects all citizen complaints received by OIPA and all Formal Complaints received by the BART Police Department.

¹⁰ Oral Counseling (third level of Informal Discipline): Oral Counseling is conducted by a supervisor with the employee. The employee’s misconduct shared with the employee, documented and kept in the employee’s personnel file up to one (1) year. Furthermore, Oral Counseling is the last level of Informal Discipline, if the employee fails to correct the behavior, there will be cause to move to the next level of the process to formal progressive discipline (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.