



OFFICE OF THE INDEPENDENT  
**POLICE AUDITOR**

**BAY AREA RAPID TRANSIT**

# **MONTHLY REPORT**

January 2025

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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 **January 1, 2025 through January 31, 2025.**<sup>1</sup> *(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 <sup>2</sup>	Open Cases <sup>3</sup>	Investigations Resolved	OIPA Investigations Concluded <sup>4</sup>	Cases Appealed to OIPA <sup>5</sup>	Cases Appealed by BPCRB <sup>6</sup>
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
January 2025	8	118	8	0	0	0

**TYPES OF CASES FILED**

Citizen Complaints (Formal)	4
Informal Complaints <sup>7</sup>	1
Administrative Investigations	3
Inquiries <sup>8</sup>	0
<b>TOTAL</b>	<b>8</b>

**CITIZEN COMPLAINTS RECEIVED PER DEPARTMENT<sup>9</sup>**

OIPA	1
BART Police Department	3
<b>TOTAL</b>	<b>4</b>

## COMPLAINTS/INVESTIGATIONS INITIATED DURING REPORTING PERIOD

During January 2025, OIPA received **1 Citizen Complaint (Formal)**:

OIPA Complaint # IA Case #	Nature of Complaint	Action Taken	Days Elapsed Since Complaint Filed
<b>1</b> (OIPA 25-03) (IA2025-019)	Officer #1 -#3: <ul style="list-style-type: none"> <li>• Courtesy</li> <li>• Conduct Unbecoming an Officer</li> <li>• Policy/Procedure</li> </ul>	OIPA initiated an investigation.	41

During January 2025, BPD received **3 Citizen Complaints (Formal)**:

IA Case #	Nature of Complaint	Action Taken	Days Elapsed Since Complaint Filed
<b>1</b> (IA2025-002)	Officer #1: <ul style="list-style-type: none"> <li>• Arrest or Detention</li> <li>• Force</li> <li>• Conduct Unbecoming an Officer</li> </ul> Officer #2: <ul style="list-style-type: none"> <li>• Arrest or Detention</li> <li>• Force</li> </ul>	BPD initiated an investigation.	61
<b>2</b> (IA2025-003)	Officer: <ul style="list-style-type: none"> <li>• Conduct Unbecoming an Officer</li> </ul>	BPD initiated an investigation.	60
<b>3</b> (IA2025-005)	Officer: <ul style="list-style-type: none"> <li>• Arrest or Detention</li> </ul>	BPD initiated an investigation.	56

During January 2025, BPD opened **3 Administrative Investigations:**

Complaint # IA Case #	Nature of Complaint	Action Taken	Days Elapsed Since Complaint Filed
<b>1</b> <b>(IA2025-004)</b>	BPD Employee: <ul style="list-style-type: none"> <li>• Truthfulness</li> <li>• Policy/Procedure</li> </ul>	BPD initiated an investigation.	57
<b>2</b> <b>(IA2025-006)</b>	Officer: <ul style="list-style-type: none"> <li>• Arrest or Detention</li> <li>• Supervision</li> <li>• Performance of Duty</li> </ul>	BPD initiated an investigation.	48
<b>3</b> <b>(IA2025-007)</b>	BPD Employee: <ul style="list-style-type: none"> <li>• Conduct Unbecoming an Officer</li> </ul>	BPD initiated an investigation.	45

During January 2025, BPD concluded **8 Citizen Complaints:**

(IA Case #)	Nature of Complaint	Disposition	Days Elapsed Since Complaint Filed	Days Taken to Complete Investigation
<b>1</b> <b>(IA2023-087)</b>	Unknown officers left a vehicle running idle.	Administratively closed	572	532
<b>2</b> <b>(IA2024-002)</b>	Officers used excessive when detaining a person during a contact for a welfare check. An officer failed to provide their name and badge number.	Officers #1 - #4: <ul style="list-style-type: none"> <li>• Force – Exonerated</li> </ul> Officer #5: <ul style="list-style-type: none"> <li>• Force – Exonerated</li> <li>• Policy/Procedure (provide name and badge) – Sustained</li> </ul>	431	370

<b>3</b> <b>(IA2024-003)</b>	Officers improperly detained the complainant for fare evasion.	Officers #1 & #2: <ul style="list-style-type: none"> <li>• Detention - Exonerated</li> <li>• Conduct Unbecoming an Officer – Unfounded</li> </ul>	430	369
<b>4</b> <b>(IA2024-006)</b>	Officers acted in a discriminatory way against the complainant because the complainant is homeless.	Officers #1 & #2: <ul style="list-style-type: none"> <li>• Bias-Based Policing – Unfounded</li> </ul>	401	355
<b>5</b> <b>(IA2024-007)</b>	Officer pushed complainant against the patrol vehicle and injured complainant’s face.	Officer: <ul style="list-style-type: none"> <li>• Force – Unfounded</li> </ul>	399	344
<b>6</b> <b>(IA2024-008)</b>	Officer used unnecessary force by spraying the complainant with pepper spray.	Officer: <ul style="list-style-type: none"> <li>• Force – Exonerated</li> </ul>	399	345
<b>7</b> <b>(IA2024-028)</b>	Officer used excessive force and made improper threatening verbal statements during an arrest.	Officer: <ul style="list-style-type: none"> <li>• Force – Exonerated</li> <li>• Conduct Unbecoming an Officer (Statement) – Exonerated</li> </ul>	398	352
<b>8</b> <b>(IA2024-106)</b>	Officer unethically used sick leave to take time off.	Administratively closed	130	69

## DISCIPLINE ISSUED DURING REPORTING PERIOD

During January 2025, BPD issued no officer discipline.

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 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	15
Complainant-Initiated Appeals	2
BPD-Initiated Appeals	0
Investigations Being Monitored	16
Investigations Reviewed During Current Month	15†

†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.<sup>10</sup> 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 January 2025

OIPA's review of BPD's handling of police misconduct allegations in January 2025 identified generally ongoing issues with timeliness and case management,\* as well as new concerns about transparency and accountability:

#### Timeliness of Investigations

##### Untimely Closures:

- Two cases were closed after the statute of limitations (3304) had passed:
  - In one case, BPD administratively closed the case five months after the statute.

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\* See OIPA Monthly Report November 2024, Key Findings for the Reporting Period July – November 2024, at p. 6.

- In another case, BPD did not clearly document when the initial complaint was received (see Transparency & Accountability section below).

## **Transparency & Accountability**

- In two cases, BPD was vague or silent about when BPD received the complaints. Without clear documentation, it is difficult for OIPA to verify adherence to the statute of limitations (California Government Code Section 3304).

## **Recommendations for the Reporting Period January 2025**

By implementing these recommendations, BPD can improve internal and external accountability, build public trust, and ensure fair treatment for officers and complainants alike:

### **1. Expedite Investigations**

- Complete investigations well before statutory deadlines. Expired statutory deadlines raise concerns about due process and accountability for the officer, undermining the public's trust in BPD's internal investigations.

### **2. Enhance Investigative Training**

- Develop comprehensive training for Internal Affairs investigators on proper classifications of findings to ensure consistency and accuracy in investigative outcomes.

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<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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

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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.

<sup>5</sup> 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).

<sup>6</sup> 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).

<sup>7</sup> 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)).

<sup>8</sup> 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.

<sup>9</sup> 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.

<sup>10</sup> 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.