

Date: January 11, 2016
To: BART Board of Directors
From: BART Police Citizen Review Board
Cydia A. Garrett, Chairperson
Subject: Quarterly Report to Board of Directors

This quarterly report from the Bart Police Citizen's Review Board (BPCRB) to the BART Board of Directors covers the BPCRB's most significant activities for October, November and December, 2015.

Citizen Review Board Members:

Benjamin L. Douglas	District 1
Sukari Beshears	District 2
William White	District 3
Darren White	District 4
Douglas N. Hambleton	District 5
Les Mensinger (Vice-Chairperson)	District 6
Sharon Anne Kidd	District 7
David W. Rizk	District 8
George Perezvelez	District 9
Cydia A. Garrett (Chairperson)	Public-At-Large
Richard Knowles	BART Police Officers and Managers Associations

During this quarter the Board of Directors acted on our recommendation to change our name from the Citizen Review Board to the BART Police Citizen Review Board.

Meetings:

The BPCRB normally meets in the district boardroom at 4 pm on the second Monday of the month. Meeting agendas and minutes are posted on the district website and can be found at www.bart.gov/about/bod/meetings.aspx. The regular agenda items include monthly oral reports by BART Chief of Police Kenton Rainey and Independent Police Auditor Mark Smith. Mr. Smith also presents the BPCRB with a written monthly report, which can be found on the Auditor's webpage at www.bart.gov/policeauditor.

Primary Duties and Responsibilities

The Citizen Oversight Model lists several primary duties and responsibilities for the BPCRB. The general topic headings below describe our activities related to these tasks:

Receiving complaints, reviewing investigative reports and making recommendations for corrective action.

The Independent Auditor has received a number of complaints and appeals, which are being investigated. During the quarter four case investigations were presented to the CRB for consideration. The BPCRB made finding/recommendation in all of these cases.

In October the BPCRB met in closed session to consider two cases.

- In case #13-77 the BPCRB voted unanimously to accept the OIPS's Unfounded and Exonerated finding for one of the two involved officers and the Not Sustained finding for another officer.
- In case #14-78 the BPCRB voted unanimously to accept the OIPA's Unfounded and Exonerated findings for six of the allegations. The BPCRB also agreed with the OIPA's Sustained finding and recommendation for a written reprimand in the seventh allegation.

In November the BPCRB met in closed session to consider one case.

- Case #15-04, involved allegations that included unnecessary or excessive use of force, racial profiling/bias based policing concerning a detention. The BPCRB unanimously agreed with the OIPA's Exonerated and Unfounded findings.

In September the CRB met in closed session to consider one case.

- The allegations against both officers in case #15-44 were racial profiling/biased based policing and courtesy. The BPCRB unanimously agreed with the OIPA's finding that all of the allegations were Unfounded.

Recommendations on Procedures, Practices and Training

Starting in September and for all three meetings this quarter there have been discussions of the BART Watch Smartphone Application and an article in the East Bay Express regarding the types of incidents and the potential for biased reporting by members of the public. Deputy Chief Fairow made several presentations and both he and Chief Rainey were present during the December meeting when BPCRB members gave them informal feedback on their concerns regarding bias associated with the public's use of the application and possible improvements that might be implemented. The BPCRB did not take any formal vote/action, while Chief Rainey agreed to take the input into consideration when making changes.

In November the BPCRB had a lengthy discussion with Independent Auditor Smith and Chief Rainey regarding the policy on allowing officers to review their Mobile Video Recorder video's prior to writing their police reports, being interviewed for administrative complaint investigations and being interviewed for criminal investigations such as officer involved shootings. The current policy provides that officers may view the recordings in these situations except in unusual situations as determined by the Chief of Police. The Auditor has

recommended that officers not be allowed to view the recordings prior to complaint interviews and shooting investigations. Some BPCR members had strong feelings on both sides of this issue and there was no consensus or formal vote taken. It is likely that the BPCR will revisit this issue in 2016.

In December Lt. Ed Alvarez made a presentation on the standard procedures for the development and modification of department policies. This included the role of the Police Officers Association, the Police Managers Association, the BPCR, the department's internal committee and Lexipol, the outside company that provides draft policies and training material.

Reporting

This is the sixteenth formal written report to the Board of Directors. All these reports have been prepared by member Doug Hambleton and approved by the full BPCR.

Monitor Study Recommendations

N/A

OTHER BPCR ACTIVITIES

BART ACTIVITIES

Cydia Garrett and Les Mensinger attended a meeting of the BART Police Management Association on October 20th.

Les Mensinger attended a memorial event for Sgt. Tommy Smith on October 30th.

Sharon Kidd and Les Mensinger attended the BART PD Awards Recognition and Holiday event on December 15th.

Training

Les Mensinger attended the BART PD Advanced Officer all-day training classes on October 21st and 22nd.

Participation in Oral Boards

One of the recommendations from the NOBLE report was that BART PD include citizens in their entry level and promotional oral boards. The Department has adopted this recommendation and has invited CRB members to participate on a regular basis. CRB members served on oral panels as follows:

- Les Mensinger – Officer orals on Oct. 15th, 16th, 28th, 29th and Nov. 20th.
- Bill White – Officer orals on Oct. 29th.
- Les Mensinger – Revenue Protection Guard orals on Nov. 12th and 13th.

COMMUNITY OUTREACH AND OTHER ACTIVITIES

Sharon Kidd continues to be an active member the National Association for Citizen Oversight of law Enforcement (NACOLE). She was recently appointed to the NACOLE Engagement and Recruitment Committee.

Sharon Kidd and Les Mensinger attended the NACOLE annual conference in Riverside on October 4-8.

Sharon Kidd attended the Community Engaged Workshop sponsored by the Student Union at the University of Southern California on October 25th.

Sharon Kidd spearheaded the All Lives Matter panel at Moreau High School in Hayward on October 29th. Other participants included members of the Oakland Police Citizen Review Board, Adonte Pointer from the Law Office of John Burriss as well as three other community advocates.

Les Mensinger attended a forum on Community Engagement in Police Reform at the UC Hastings School of Law on November 6th.

Les Mensinger, along with Auditor Smith, Deputy Chief Fairow and Sgt. Scott, attended the Gang Resistance and Education Training (GREAT) graduation at Tom Kitayama Elementary School in Union City on November 16th.

Sharon Kidd attended the National Organization of Black Law Enforcement Executives Region Six Christmas party in Oakland on December 3rd.