

Date: March 10, 2014  
To: BART Board of Directors  
From: Citizen Review Board  
Sharon Anne Kidd, Chairperson  
Subject: Quarterly Report to Board of Directors

This quarterly report from the Citizen's Review Board (CRB) to the BART Board of Directors covers the CRB's most significant activities for October, November and December, 2013.

### **Citizen Review Board Members**

Benjamin L. Douglas	District 1
Sukari Beshears	District 2
William White(Vice-Chairperson)	District 3
Peter D. Barnett	District 4
Douglas N. Hambleton	District 5
Les Mensinger	District 6
Sharon Anne Kidd (Chairperson)	District 7
Ken Jones	District 8
George Perezvelez	District 9
Cydia A. Garrett	Public-At-Large
Vacant	BART Police Officers and Managers Associations

During the regular meeting on July 8, 2013 Ms. Kidd was elected Chairperson and Mr. White was elected Vice-Chairperson. Thomas H. Minshew, the representative from the BART Police Officers and Managers Associations has resigned from the CRB.

### **Meetings**

The CRB normally meets in the district boardroom on the second Monday of the month. In order to facilitate public participation on even months the meetings are held at 4 PM and on odd months the meetings are held at 9 AM. Meeting agendas and minutes are posted on the district website and can be found at [www.bart.gov/about/bod/meetings.aspx](http://www.bart.gov/about/bod/meetings.aspx). The November meeting was rescheduled to Monday, November 18, due to a conflict with Veteran's day.

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 CRB with a written monthly report, which can be found on the Auditor's webpage at [www.bart.gov/policeauditor](http://www.bart.gov/policeauditor).

## **Primary Duties and Responsibilities**

The Citizen Oversight Model lists several primary duties and responsibilities for the CRB. The general topic headings below describe the CRB activities that address these tasks:

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

The CRB has not directly received any complaints. However, the Independent Auditor has received a number of complaints and appeals. During this three month period the CRB has reviewed one complaint and one appeal.

The CRB met in closed session with the Independent Auditor and Investigator during the regular meeting on November 18<sup>th</sup> to review a confidential report regarding a misconduct complainant. The CRB agreed with the OIPA's determination that the complaint was unfounded because the incident did not involve BART PD officers.

On November 18<sup>th</sup>, the CRB also met with the OIPA to review an appeal of an Internal Affairs complaint finding. The CRB voted to accept the OIPA's findings, which agreed with the Department's findings.

### **Recommendations on Procedures, Practices and Training**

During the meeting on November 18<sup>th</sup>, Supervisor Morgan gave the CRB an update on the status of the Mobile Video Recorders that all officers are now using. The CRB viewed several recordings of police/citizen interactions in order to evaluate the system.

On November 18<sup>th</sup> and again on December 9<sup>th</sup>, Chief Rainey and Lieutenant Haight discussed the BPD policy #1019 on the early Warning System and Policy #1020 on the Internal Investigation of Allegations of Misconduct. CRB members made several informal suggestions regarding the policies.

Auditor Smith made a presentation on his proposal for a dispute resolution process for complaints of misconduct. The CRB discussed this issue and provided feedback to Mr. Smith during the meetings on November 18<sup>th</sup> and again on December 9<sup>th</sup>.

Auditor Smith made presentations to the CRB on November 18<sup>th</sup> and again on December 9<sup>th</sup> regarding suggested changes to policy #300 on Use of Force and the reporting/investigation of incidents by supervisors.

## **Reporting**

This is the sixth formal written report to the Board of Directors.

## **Monitor Study Recommendations**

Earlier in the year the police department had hired an outside consultant, Patrick Oliver, to conduct an assessment of the progress in implementing the reforms recommended by the National Organization of Black Law Enforcement Executives (NOBLE). Mr. Patrick, a former police chief, was a member of the original NOBLE team and is now the Director of the Criminal Justice Program at Cedarville University, Ohio. The CRB met with Mr. Patrick during a special meeting on December 5<sup>th</sup> to review his report.

## **OTHER CRB ACTIVITIES**

### **BART ACTIVITIES**

#### **Training**

During the meeting on October 7th, Officer Jenkins made a presentation on the pre-employment background investigation process and Officer Lehman made a presentation on Tasers.

#### **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:

- Sharon Kidd – Sergeant panel on December 1<sup>st</sup> and 2<sup>nd</sup>.
- Les Mensinger – Sergeant panel on December 2<sup>nd</sup> and Officer panel on December 20<sup>th</sup>

#### **Award Ceremony**

CRB member Les Mensinger attended the BART award ceremony on December 17, 2014.

### **COMMUNITY OUTREACH**

On November 9<sup>th</sup> Sharon Kidd attended the 24<sup>th</sup> annual dinner of People United for a Better Life in Oakland (PUEBLO).

The OIPA organized a community forum on December 10<sup>th</sup> at the Mission Cultural Center for Latino Arts. Members Peter Barnett, Ken Jones, George Perezvelez and Les Mensinger represented the CRB at the event.

### **OTHER ACTIVITIES**

CRB members Doug Hambleton and Les Mensinger were volunteer participants in the Urban Shield tactical exercise on October 25-28, 2014 sponsored by the Alameda County Sheriff's Office.