

Date: October 07, 2013  
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 July, August and September, 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
Thomas H. Minshew	BART Police Officers and Managers Association

During the regular meeting on July 8<sup>th</sup>, Ms. Kidd was elected Chairperson and Mr. White was elected Vice-Chairperson.

**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).

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 four complaints/appeals.

The CRB met in closed session with the Independent Auditor and Investigator during the regular meeting on July 7th to review a confidential report regarding a complainant's appeal of a BART PD Internal Affairs finding that both allegations were unfounded. A majority of the CRB agreed with the OIPA's determination that one allegation was unfounded and the other was not sustained.

The CRB met in closed session with Chief Rainey on August 12<sup>th</sup> regarding the findings and discipline that he had imposed in an internal affairs complaint. This was an unusual situation in that Chief Rainey had brought the case to the CRB on his own initiative for discussion and input. The CRB did not take a formal vote, however; there was a general consensus that the Chief's actions, finding and discipline were reasonable.

The CRB met in closed session on September 9, 2013 to consider two complainants' appeals of separate BART PD Internal Affairs findings. In the first case the CRB agreed with the OIPA's recommendation that the IAB finding of "not sustained" was a proper disposition. In the other case the CRB also agreed with the OIPA's recommendation. In this case the OIPA recommended that the IAB finding of "service review" was appropriate but also added a second discourtesy allegation with a "not sustained" disposition.

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

During the meeting on August 12<sup>th</sup>, Lieutenant Franklin presented information to the CRB on BPD's Mobile Watch Tower. This is a new piece of equipment that can be set up for surveillance operations. The CRB asked that the department return in six months with an update on the deployment of the watch tower.

During the meeting on August 12<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 had discussions with Chief Rainey and his staff during several meetings this quarter regarding placing a link to the BPD complaint form on the CRB website page. CRB members recommended that the police modify their complaint/commendation form by making two separate forms, one for commendations and one for complaints. The CRB also asked that contact information for the OIPA be included on the form. Chief Rainey agreed to these recommendations and presented the revised forms to the CRB on September 9<sup>th</sup>. The CRB then voted to include the forms on their webpage.

## **Reporting**

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

## **Monitor Study Recommendations**

The police department has 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 July 16, 2013 to provide him with input on his work.

## **OTHER CRB ACTIVITIES**

### **BART ACTIVITIES**

#### **Training**

The CRB received training on BPD's CompStat process during the meeting on August 12<sup>th</sup>. Lt. Gilbert Lopez gave a detailed PowerPoint presentation on various crime statistics and the department's strategies to address crimes.

Officer Scott Hamilton provided the CRB with training on Pepper Spray policy and deployment during the regular meeting on September 9<sup>th</sup>.

#### **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 – Lateral Officer oral board on July 29<sup>th</sup> and Entry Level orals on Sept. 27<sup>th</sup>.
- Sharon Kidd – Dispatcher Orals on July 29<sup>th</sup>, Lateral promotions orals on Sept. 11<sup>th</sup>

## **COMMUNITY OUTREACH**

On August 6<sup>th</sup> CRB member Sharon Kidd participated in National Night Out with Richmond Police Department.

CRB member Les Mensinger, along with Independent Auditor Mark Smith attended an information meeting with San Francisco's Mo' Magic organization on Thursday, August 22, 2013.

On September 9<sup>th</sup> CRB members Ken Jones and Sharon Kidd, along with Independent Auditor Mark Smith, Investigator Kobia West and Senior Analyst Anita Grayson attended the Alice B. Toklas Lesbian and Gay Democratic Club to speak on BART Civilian Oversight.

## **OTHER ACTIVITIES**

CRB member Sharon Kidd observed the Oakland Police Department Dispatcher Division from 5:00 p.m. to 1:00 a.m on August 3<sup>rd</sup>.

On August 8, 2013 CRB member Sharon Kidd participated in a National Association for Civilian Oversight of Law Enforcement (NACOLE) Outreach Meeting conference call.

On August 12<sup>th</sup> Sharon Kidd received the NACOLE 2013 Founders' Community Scholarship Award.

On August 15<sup>th</sup>, CRB member Les Mensinger, along with Chief Rainey and Independent Auditor Smith, attended a meeting in Burlingame sponsored by the National Association on Mental Illness (NAMI) on Law Enforcement's Response to Mental Illness.

On August 22<sup>th</sup> CRB members Sharon Kidd and Les Mensinger attended the NACOLE Meet and Greet at 25 Van Ness Avenue, San Francisco. Attendees included San Jose Office of Independent Police Auditor, Oakland Citizen Police Review Board, Berkeley Police Review Commission, Richmond Police Commission, Sacramento OPSA, and the San Francisco Office of Citizen Complaints to name a few.

From September 22<sup>nd</sup> to 24<sup>th</sup> CRB member Sharon Kidd, along with the OIPA staff, attended the 2013 NACOLE Conference in Salt Lake City, Utah.