

Date: March 10, 2014  
To: BART Board of Directors  
From: Citizen Review Board  
Sharon Anne Kidd, Chairperson  
Subject: 2013 – Annual Summary Report to Board of Directors

This is the second annual report from the Citizen’s Review Board (CRB) to the BART Board of Directors. The report covers calendar year 2013 and includes the most significant events that are also included in the previous four quarterly reports for the year. This report provides a summary rather than the full text from the prior reports. Please refer to those reports for more details.

**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

Mr. Douglas was the chairperson and Ms. Kidd was the Vice-Chairperson from January to June. In July Ms. Kidd was elected Chairperson and Mr. White was elected Vice-Chairperson.

Ms. Garrett joined the CRB as the public-at-large representative in March.

Thomas H. Minshew, the representative from the BART Police Officers and Managers Associations resigned mid-year and that position has remained vacant.

**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).

During the year the CRB held twelve regular monthly meetings and two special meetings regarding the NOBLE study.

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 which have been presented to the CRB for a formal disposition. During the year the CRB met in closed session and made findings on two complaints and 5 appeals of BART PD Internal Affairs cases. There were no major disagreements or discrepancies between CRB findings and those of the OIPA and BART PD Internal Affairs.

In addition, Chief Rainey presented a confidential Internal Affairs case to the CRB that would not normally come before the board. The CRB did not make formal finding in the case, but members expressed their support for the Department's disposition.

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

During the course of the year the Department presented CRB with information on procedures, practices and training on the following topics:

- Tasers
- Pepper Spray
- Prohibition Orders (AB-716)
- Use of Force Reporting
- Internal Affairs Investigation process
- Early Warning System to identify/correct performance issues
- Mobile Video Recorders
- Pre-employment Background Investigations
- Training Policy
- Watch Tower Surveillance System
- Comp. Stat. crime analysis
- Force Options Simulator

The BART Office of General Counsel made a presentation on the confidentiality of personnel records and complaint investigations.

The OIPA provided the CRB with training on consensual encounters and detentions by law enforcement.

The Independent Auditor presented the CRB with policy recommendations regarding the following topics:

- Officers viewing of incident videos prior to complaint interviews
- Mediation or dispute resolution process for complaints
- Use of Force Reporting and Investigations for incidents involving supervisors

CRB members recommended to the Department that they revise the complaint and commendation form, making two different forms, adding contact information for the OIPA and placing the forms on the website. After several discussions with Chief Rainey and his staff, the Department made the suggested revisions.

The CRB has found that Chief Rainey and his staff have been receptive to informal recommendations regarding policy and practices. Accordingly, the CRB has not found a need to pass formal resolutions in order to impact departmental policy.

### **Monitor Study Recommendations**

The Department is working with the Consortium on Police Leadership in Equity on an assessment of racial profiling or bias based policing related to fare evasion enforcement. The CRB met with the researchers early in the year and provided input. The CRB intends to follow-up on this issue once the consortium completes their research.

The CRB met with consultant Patrick Oliver at the beginning of his assessment of the Department's progress in implementing the reforms recommended by the National Organization of Black Law Enforcement Executives (NOBLE). At the end of the study the CRB met with Mr. Oliver a second time to hear his findings and recommendations. The CRB intends to follow-up and continue to monitor the Department's progress during the next year.

## **OTHER CRB ACTIVITIES**

### **BART ACTIVITIES**

Two CRB members have participated in the BART PD Recruitment and Retention Committee meetings.

### **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 have served a total of 18 days interviewing, dispatch, entry officer applicants, lateral officer applicants and promotional candidates.

### **COMMUNITY OUTREACH**

CRB members have participated in all four of the community forums that have been organized by the OIPA. Members also participated in 12 other community outreach events during the year.

### **OTHER ACTIVITIES**

Several CRB members belong to the National Association for Civilian Oversight of Law Enforcement (NACOLE). Chair Sharon Kidd attended the NACOLE annual conference and is active in the outreach committee.

Two CRB members attended a day-long seminar on Suicide by Cop.