

Date: November 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 July, August and September, 2014.

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 (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 meeting on July 14, 2014, Sharon Kidd was reelected as Chairperson and Les Mensinger was elected as Vice-Chairperson.

The board position representing the Police Officers Association and the Police Managers Association has been vacant for over a year.

Meetings:

The CRB 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 CRB 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 CRB. The general topic headings below describe the CRB 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 regular meeting in May, the CRB met in closed session to review the investigation of complaint #13-49 that had been completed by the Office of the Independent Auditor. During the July meeting the CRB voted to reconsider their vote on this OIPA case. Case #13-49 involved sustained allegations that officers had failed to activate their body cameras during a search. Previously, the CRB had voted to accept the OIPA findings and discipline recommendations. In July the board again decided to accept the OIPA findings, but then voted by a slim majority to recommend "training" as the recommended discipline. This is the lowest level of discipline and less than had previously been recommended by the OIPA.

In August, the CRB reviewed the OIPA report, findings and recommendations in case # 13-81. The CRB voted to accept the OIPA findings and recommendations by a vote of 7 to 1.

In September the CRB met in closed session to consider the OIPA's findings and recommendations in case #13-88. The CRB agreed with the OIPA finding that the three allegations were unfounded, exonerated and unfounded.

Recommendations on Procedures, Practices and Training

In July, Officers Reiss and Alvarez and Mr. O'Dell, a representative from Safe Restraints, Inc., gave a demonstration of "The Wrap" restraint equipment and answered questions from the CRB. This restraint equipment is used by BART PD and is designed to control resisting/combatative individuals with a minimum potential for injury and medical complications.

Also in July, The CRB discussed the issue of records retention for complaint investigations and whether the police department was in compliance with the 5-year retention period prescribed by state law. A resolution was passed recommending that the department follow the state law. Later, the CRB received a memorandum from BART's Office of the General Counsel advising that they had determined that the police were following the law.

During the September meeting Chief Rainey gave a short presentation regarding enforcement of regulations requiring emergency access in stations and the impact on persons sleeping and lying in stations.

In September, Kimberly Cohn from the organization Family Paths made a presentation on their mental health treatment and support services.

Also in September, the CRB decided to work with the department to develop a policy regarding interactions with transgender individuals.

Reporting

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

Monitor Study Recommendations

In September the CRB received a report regarding the American Transportation Association's Peer Review of BART Police Department Special Teams. The CRB discussed the recommendation to develop an "All Hazards Response Team" instead of maintaining the current SWAT team. Chief Rainey told the CRB he was considering the recommendation and would be developing a response for future discussion with the CRB.

OTHER CRB ACTIVITIES

BART ACTIVITIES

Training

N/A

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 – Police Chaplain interviews on August 20th
- Sharon Kidd and Les Mensinger – Officer oral board on August 28th
- Sharon Kidd and Benjamin Douglas – Lateral Officer oral board on September 19th

COMMUNITY OUTREACH

Members Sharon Kidd, Les Mensinger and Darren White, along with Auditor Mark Smith and Director Robert Raburn attended a meeting of the Oakland Resident Action Council and Neighbor Crime Prevention Council on July 9th.

CRB members Sharon Kidd, Darren White, and Les Mensinger along with Auditor Mark Smith and Director Robert Raburn attended a meeting of the Oakland Police Beat 26 Neighborhood Crime Protection Committee on July 17th.

Sharon Kidd and Les Mensinger participated in National Night Out on Tuesday, August 5, 2014.

Les Mensinger, along with Auditor Smith attended the Korea Town Northgate Security Meeting on August 21st.

Sharon Kidd and Les Mensinger, along with Auditor Smith, attended a meeting of the Coalition for Police Accountability on August 25th.

Sharon Kidd attended the Oakland Black Police Officers Association dinner on September 20th.

OTHER ACTIVITIES

CRB members Ken Jones, Sharon Kidd and Les Mensinger along with Auditor Smith and Ms. Grayson participated in a NACOLE Transgender and Law Enforcement webinar on August 6th.

Sharon Kidd, and Les Mensinger, along with Mr. Smith and Mr. Bloom attended the National Association for Citizen Oversight of Law Enforcement (NACOLE) conference in Kansas City on September 14 - 18.

Doug Hambleton, Sharon Kidd and Les Mensinger participated in the Alameda County Sheriff's Urban Shield SWAT exercise on Sept. 6th and 7th.