

Date: August 10, 2015
To: BART Board of Directors
From: Citizen Review Board
Cydia A. Garrett, 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 January, February and March, 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 (Past Chairperson)	District 7
Ken Jones	District 8
George Perezvelez	District 9
Cydia A. Garrett (Chairperson)	Public-At-Large
Richard Knowles	BART Police Officers and Managers Associations

Sharon Kidd was the Chairperson for the period covered by this report. Cydia Garrett was elected Chairperson in July while Les Mensinger was re-elected as Vice-Chair. Ken Jones’ appointment expired at the end of the quarter and he has been replaced by David W. Rizk.

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 quarter five cases were presented to the CRB for consideration. The CRB made finding/recommendation in four of these cases. The other was held over until August.

In April the CRB met in closed session and voted unanimously to agree with the OIPA's Unfounded and Exonerated findings in complaint #14-36.

In May the CRB met in closed session to consider three cases. In case #14-53 the CRB and voted unanimously to accept the OIPA's Unfounded and Exonerated findings. After the OIPA presentation, case #14-67 was tabled so that the investigator could gather additional information regarding the accused officer's discipline history. In case #14-73 the CRB accepted the OIPA's Not Sustained by a mixed vote of 6 yes and 4 abstentions. In this case some members felt the case should have been administratively closed due to lack of cooperation by the complainant rather than having a formal finding.

In June the CRB met in closed to continue the consideration of case #14-67. In this case the CRB voted unanimously to approve the OIPA's findings which included three Unfounded allegations, one Exonerated allegations and four Sustained allegations. In a second vote the CRB approved the OIPA's discipline recommendation by a vote of 7 yes, 1 no, and 1 abstention.

Recommendations on Procedures, Practices and Training

In April, Chief Rainey and Supervisor Morgan made a presentation on the BART Station Video Recording Systems.

In April and again in May the CRB received information from their OIPA regarding their recommendation that the BPD issue business cards to employees and that they be required to provide them to members of the public when requested. CRB members provided input regarding the proposed policy.

In October of last year the CRB initiated discussions on a proposed new general order on police interaction with transgender individuals. Several drafts of the order were completed by Investigator Bloom and another was submitted by the Police Manager's Association. A final proposal was approved by the CRB during the March meeting. In June the final order was issued by Chief Rainey. CRB members are proud to have initiated this change in policy and local advocacy groups were very pleased to see this groundbreaking action by the department.

Reporting

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

Monitor Study Recommendations

N/A

OTHER CRB ACTIVITIES

BART ACTIVITIES

On June 2nd, Sukari Beshears, Cydia Garrett, Ken Jones, Sharon Kidd, Les Mensinger, and William White attended the BART Citizen Advisor Appreciation reception for volunteers at 300 Lakeside Drive, Oakland.

On June 15th, Les Mensinger attended the BART PD Badge Pinning & Appointment Ceremony at the Metropolitan Transportation Commission Auditorium on 8th Street in Oakland.

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:

- Sharon Kidd – department range master oral interviews on May 26th
- Sharon Kidd and Les Mensinger – entry officer orals on May 29th
- Les Mensinger – entry officer orals on June 3rd
- Les Mensinger lateral officer orals on June 4th

COMMUNITY OUTREACH

On May 14th, Sharon Kidd was one of the speakers at an event on racial profiling and unconscious bias at St. Paul's United Methodist Church in San Jose. Les Mensinger also attended.

On June 3rd, Sharon Kidd attended a community outreach meeting at the West Oakland Library.