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 18th 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 18th, 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 18th, 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 18th and again on December 9th, 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 18th and again on December 9th.

Auditor Smith made presentations to the CRB on November 18th and again on December 9th 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 5th 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 1st and 2nd.
• Les Mensinger – Sergeant panel on December 2nd and Officer panel on December 20th

Award Ceremony

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

COMMUNITY OUTREACH

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

The OIPA organized a community forum on December 10th 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.