

Date: March 14, 2013
To: BART Board of Directors
From: Citizen Review Board
Benjamin L. Douglas, Chairperson
Subject: Quarterly Report to Board of Directors

This is the second written report from the Citizen's Review Board (CRB) to the BART Board of Directors. The first report covered the CRB most significant activities up to mid-October 2012. This report will cover the last quarter of 2012.

Citizen Review Board Members:

Benjamin L. Douglas (Chairperson)	District 1
Sukari Beshears	District 2
William White	District 3
Peter D. Barnett	District 4
Douglas N. Hambleton	District 5
Les Mensinger	District 6
Sharon Anne Kidd (Vice-Chairperson)	District 7
Ken Jones	District 8
George Perezvelez	District 9
Vacant Position	Public-At-Large
Thomas H. Minshew	BART Police Officers and Managers Association

Rev. Daniel Buford has resigned from the CRB and the public-at-large position is vacant. The Board was in the process of filling the vacancy from the list of original CRB applicants, but had not made an appointment by December 31, 2012.

Meetings:

The CRB 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.

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.

The CRB meeting scheduled for the second Monday of November was moved to Tuesday November 13th due to the Veteran's Day Holiday on the 12th.

Primary Duties and Responsibilities

The 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, many of which will ultimately be reviewed by the CRB.

The CRB met in closed session with the Independent Auditor and Investigator during the regular meetings in November and December to receive information on their confidential investigations. The CRB took no action in November and voted to table the matter under discussion during the December meeting.

Recommendations on Procedures, Practices and Training

During the regular meeting on October 8, 2012, the CRB reviewed the department's proposed policy regarding officers being issued a wearable Mobile Video Recorder (MVR). There was no formal motion or vote on the proposed policy, but members did generally support the MVR implementation. CRB members did have questions regarding the policy and made informal suggestions for changes.

Chief Rainey and Lieutenant Conneely made a presentation to the CRB regarding crowd control training and policy during the CRB meeting on November 13, 2012. The CRB did discuss policy and training issues, but did not make any formal recommendations.

Reporting

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

Monitor Study Recommendations

The BART Management Audit conducted by the National Organization of Black Law Enforcement Executives (NOBLE) was completed on January 1, 2010. BART PD has been actively working on the implementation of the NOBLE recommendations. The CRB has reviewed the report and the department's response during several prior meetings. The NOBLE audit and BART PD updated response was reviewed again during the CRB regular meeting on October 8, 2012. A motion was passed unanimously commending Chief Rainey and his staff for their work implementing the NOBLE recommendations.

Review of the OIPA Annual Report

As required by the Oversight Model, for the December meeting Independent Auditor Mark Smith presented the CRB with a draft copy of his 2012 Annual Report for review and comment.

OTHER CRB ACTIVITIES

Training

Mr. Toma from BART's Office of the General Counsel conducted a two-hour training session for the CRB that covered general ethics principles and laws in accordance with California Government Code section 53235. This training which took place during the regular CRB meeting in November brought all of the current CRB members into compliance with the Government Code training requirements.

CRB Member Les Mensinger attended a BPD new supervisor training program as an observer on November 6, 2012.

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 continued to provide the department with citizen input into the hiring and promotional process by serving on these panels.

NACOLE

Sharon Kidd and William White, along with Independent Auditor Mark Smith and Investigator Kobia West, attended the National Association for Civilian Oversight of Law Enforcement (NACOLE) conference in San Diego on October 14 – 18, 2012.

Sharon Kidd also participated in a NACOLE Membership and Outreach Committee meeting on December 7, 2012.

COMMUNITY OUTREACH

Vice-Chair Sharon Kidd attended the ACORN Community Christmas Party at Scott's Restaurant on December 28, 2012.