

Date: April 8, 2013  
To: BART Board of Directors  
From: Citizen Review Board  
Benjamin L. Douglas, 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 from January through March, 2013.

**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
Cydia A. Garrett	Public-At-Large
Thomas H. Minshew	BART Police Officers and Managers Association

The Board of Directors appointed Cydia A. Garrett to the previously vacant public-at-large position and she attended her first meeting of the CRB on March 11, 2013.

**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).

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, 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 meeting in January to review a confidential complaint investigation and a related appeal by the same complainant of the results of a BPD Internal Affairs complaint finding. In both cases the CRB agreed with the findings and recommendations of the OIPA.

The CRB met again in closed session with the Independent Auditor and Investigator during the regular meeting in March to consider an appeal of a BPD Internal Affairs complaint finding. The CRB agreed with the findings and recommendations of the OIPA.

**Recommendations on Procedures, Practices and Training**

During the regular meeting on February 11, 2013 Deputy Chief Hartwig and other BPD staff made a presentation regarding AB 716 that authorizes BART to issue prohibition orders to individuals who violate specific infractions. Several members of the public raised concerns regarding the potential for profiling based on race and/or mental illness. Some CRB members were also concerned with the potential for abuse. The department had planned to make annual reports regarding the program. CRB members asked for more frequent quarterly reports.

During the regular meeting on March 11, 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.

**Reporting**

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

**Monitor Study Recommendations**

During the regular meeting on January 14, 2013 the BART PD and the Consortium on Police Leadership in Equity made a presentation on a research project that will assess the department's enforcement activities related to fare evasion at selected stations. The goal of the study is to address the issue of racial profiling or biased based policing. This is an issue that has been raised in the past by community members and in the NOBLE report. CRB members were pleased to learn that the department has initiated this study and look forward to reviewing the results and any potential recommendations.

## **OTHER CRB ACTIVITIES**

### **Training**

The BPD has purchased a Force Options Simulator for training officers. They scheduled demonstration sessions for CRB members on March 28<sup>th</sup> and 29<sup>th</sup>. CRB members Ben Douglas and Les Mensinger attended the demonstration.

### **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 as follows:

- Sharon Kidd and Les Mensinger – Officer orals on January 8<sup>th</sup>.
- Sharon Kidd – Officer orals on January 14<sup>th</sup>
- Ken Jones – Officer orals on February 19<sup>th</sup>
- William White – Lieutenant orals on March 11<sup>th</sup>, 12<sup>th</sup> & 13<sup>th</sup>

### **NACOLE**

Sharon Kidd also participated in a National Association for Civilian Oversight of Law Enforcement (NACOLE) Membership and Outreach Committee meeting on February 12, 2013.

### **BART ACTIVITIES**

Sharon Kidd attended BART's Martin Luther King Celebration on January 15, 2013.

Sharon Kidd attended the BPD Recruitment and Retention Committee Meeting on January 17, 2013.

### **COMMUNITY OUTREACH**

On January 16, 2013, Sharon Kidd met with the University of San Francisco Student Advocacy Group to inform them of the upcoming community forum (see below).

On January 24, 2013, William White and Sharon Kidd attended Assembly Member Nancy Skinner's Open House at the Elihu Harris State Building in Oakland.

The OIPA organized a community forum at the San Francisco Main Library on Tuesday January 29, 2013. Independent Auditor Smith and Investigator West made presentations regarding the

oversight and complaint process. A panel composed of CRB members Peter Barnett, Doug Hambleton, Ken Jones, Sharon Kidd, Les Mensinger, Thomas Minshew, George Perezvelez, and William White made short introductions and answered questions from the public.

On February 11, 2013, Sharon Kidd attended a San Francisco Officer's for Justice Monthly Meeting in the Bayview District regarding the use of Tasers.

On February 21<sup>st</sup> the Joyce Gordon Gallery and the Wendy's Cheesecake Bakery – LeRoyalty Ladies Catering Service sponsored the 5th Annual Community Appreciation Gala in Oakland. Sharon Kidd received their Our Communities Diamonds' award.

On Monday, March 18, 2013, Sharon Kidd attended a meeting regarding the Federal takeover issue affecting the Oakland Police Department that Attorney Jim Chanin sponsored at the activist group Copwatch's office in Berkeley.

On March 21, 2013, Sharon Kidd attended the Contra Costa Council reception for Assembly Member Jim Frazier at the Crowne Plaza Hotel in Concord.

On March 25, 2013, Les Mensinger attended a dinner for Representative Mike Honda.