

Date: October 9, 2012
To: BART Board of Directors
From: Citizen Review Board
Benjamin L. Douglas, Chairperson
Subject: Report to Board of Directors

Since this is the first written report to be submitted by the Citizen Review Board (CRB) it will include a summary of the most significant activities of the CRB up to this point. In the future it is the intent of the CRB to provide the Board with quarterly reports as outlined in the BART Citizen Oversight Model.

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
Rev. Daniel A. Buford	Public-At-Large
Thomas H. Minshe	BART Police Officers and Managers Association

The initial public-at-large member, Jennifer Scaife, resigned and the Board replaced her with Daniel Buford in February 2012. The initial representative of the police associations, Sue Angeli, resigned in April 2012 and was replaced in July by Thomas H. Minshe.

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.

Initial Organizing activities:

After being established in mid-2011 the CRB elected George Perezvelez as Chairperson and Sharon Kidd as Vice-Chairperson. They served as the CRB officers until July 2012 when Benjamin Douglas was elected as Chairperson and Sharon Kidd was reelected as Vice-Chairperson.

At one of our first meetings a representative from the BART Legal Department made a presentation on the Brown Act and parliamentary procedure.

The CRB established a Bylaw Subcommittee and Bylaws were adopted during the regular meeting on November 14, 2011. The bylaws were later amended on January 9, 2012. A copy of the bylaws is attached.

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 Auditor's Office has completed one investigation of an appeal to a prior BART PD Internal Affairs case. The Auditor's report was presented to the CRB on June 11, 2012 and on July 9, 2012 the CRB met in closed session and made their findings. The CRB agreed and concurred with the Auditor's findings that one of the allegations was not-sustained and the other was unfounded.

In September 2012 the Auditor's Office presented the CRB with a second completed complaint investigation regarding an anonymous allegation of racial bias during the handling of a traffic incident in a crowd control situation. The CRB meet in closed session on October 8, 2012 to consider this complaint and unanimously agreed with the Auditor's findings that the complaint was unfounded. The CRB also agreed with the Auditor's recommendation that the department's definition of bias based policing should be expanded to include any act, failure to act or other disparate treatment based on a broad set of criteria which casts suspicion on an entire class of people. There was a general census that the CRB should follow up on this issue and the issue of crowd control training with the Chief and the Auditor.

Recommendations on Procedures, Practices and Training

On September 2, 2011 the CRB held a special meeting regarding the issue of disruption of cell phone service during emergencies and protests. The CRB provided the Board with their input in the form of a memorandum and Chair George Perezvelez made an oral presentation at a following meeting of the BART Board of Directors.

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.

The CRB has not made any other formal recommendations regarding BART PD procedures practices or training. For the CRB meetings on October 14, 2011 and September 10, 2012 Chief Rainey and his staff provided the CRB with updates to the BART PD Policy Manual. The CRB discussed the changes and some members had recommendations and comments. The CRB did not take any formal action.

The CRB has taken steps to educate themselves regarding police procedures. In order to familiarize themselves with the BART PD, CRB members Sharon Kidd, Les Mensinger have participated in ride-alongs with officers on patrol. The department has been responsive to CRB requests for presentations regarding policies and practices. Chief Rainey and/or his staff have made presentations to the CRB on the following topics:

- Internal Affairs and the Discipline process
- Crisis Intervention Training
- Fare Evasion - problem overview and enforcement
- Officer involved shooting of July 3, 2011
- Public Safety and the Urban Shield Tactical Training Exercise
- BART PD community outreach
- Lexipol Policy Update Process
- Department Training Plan and Practices
- Police Officer Recruitment
- Proposed Body Camera Deployment

The BART PD Training Unit presented a two day class for CRB members on March 1 & 2 2012 that covered the following topics; Laws of arrest, Crisis Intervention, Racial Profiling, Use of Force Policy, Canine Enforcement Police and Demonstration, Arrest and Control Police and Demonstration, Driver Simulation, and Shooting Simulator. CRB members Douglas Hambleton, Ken Jones, Sharon Kidd, George Perezvelez and William White along with Auditor Mark Smith and Investigator Kobia West attended some or all of these training sessions.

On March 12 and 13, 2012 the BART PD Training Unit along with the Consortium for Police Leadership presented a series of four hour training sessions for BART officers on Reframing Officer Civilian Interactions. CRB members were invited to attend. The following CRB

members attended a portion of this training; Sukari Beshears, Benjamin Douglas, Douglas Hambleton, Ken Jones, Sharon Kidd and Les Mensinger.

For the past several months the BART PD Training Unit has been presenting a series of Advanced Officer training sessions for members of the BART PD covering the following topics: Arrest and Control, Impact Weapons, Racial Profiling/Cultural Diversity, TASER, CPR, High Risk Vehicle Stops/Train Searches, and Crowd Control. CRB members have been invited to attend and several are planning to participate in the next few months.

CRB member Sharon Kidd attended the BART PD COMPSTAT presentation on July 17, 2012

Meeting periodically with the BART Police Managers and Police Officers Associations

The presidents and other members of these associations usually attend the regularly scheduled monthly CRB meetings. The CRB involved them in our discussions regarding proposed changes to the Oversight Model, which will be covered later in this report. During the CRB meeting of May 14, 2012 there was a formal item on the agenda for a discussion with the two associations.

Community Outreach

CRB member Sharon Kidd, along with Independent Auditor Mark Smith participated in a Coliseum community clean-up event in Oakland from 1:00 – 3:00 PM on April 14, 2012.

The Office of the Independent Auditor and the CRB held a community forum from 6:00 – 8:00 PM on April 24, 2012 at the Allen Temple Baptist Church in Oakland. CRB members assisted with community outreach prior to the event and CRB Member Daniel Buford, an Allen Temple Minister, helped with organizing and making arrangements to use the facilities. CRB members Sukari Beshears, Daniel Buford, Benjamin Douglas, Sharon Kidd and William White were present and participated in the forum along with Independent Auditor Mark Smith and Investigator Kobia West.

The BART PD held National Night Out events on August 7, 2012. CRB member Sharon Kidd participated at the 12th Street BART station and CRB member Les Mensinger participated at the Hayward station. Members George Perezvelez and William White represented the CRB at various National Night Out events held in the City of Berkeley.

A second community forum was organized by the Independent Auditor's office from 6:30 – 8:00 PM on September 26, 2012 at the Richmond Recreation Center Complex. Again CRB members were involved in the outreach and Peter Barnett, Sukari Beshears, Sharon Kidd and Les Mensinger were present for the forum.

Reporting

This is the first formal written report to the Board of Directors. The CRB intends to submit more timely reports in the future.

Monitor Study Recommendations

The BART Management Audit conducted by the National Organization of Black Law Enforcement Executives (NOBLE) was completed on January 1, 2010. The BART PD has been actively working on the implementation of the NOBLE recommendations. During the meeting of February 13, 2013 the CRB spent several hours reviewing the BART PD response and implementation of the NOBLE report recommendations. The CRB did not take any formal action or vote. However, CRB members were generally pleased with the progress that has been made. CRB members did make individual informal recommendations to Chief Rainey regarding policy matters. Chief Rainey has implemented some of these recommendations.

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.

OTHER CRB ACTIVITIES

State Assembly Committee on Public Safety

In October 2011, the State Assembly Committee on Public Safety held a public hearing regarding the BART PD, the Noble report and the Citizen's Review Board. General Manager Grace Crunican Chief Kenton Rainey and Independent Auditor Mark Smith made presentations and answered questions. CRB Chair George Perezvelez made a presentation regarding the CRB. Vice-Chair Sharon Kidd and member Douglas Hambleton also attended and addressed the committee.

NACOLE Conference

At her own expense, CRB Member Sharon Kidd attended the National Association for Civilian Oversight of Law Enforcement (NACOLE) annual conference in New Orleans on September 12 – 15, 2011.

Sharon Kidd and William White plan to attend the October 2012 conference in San Diego with funding approved by the Board of Directors.

Participation in Oral Boards

One of the recommendations from the NOBLE report was that the 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. The following CRB members have participated on oral panels: Peter Barnett, Daniel Buford, Benjamin Douglas, Ken Jones Sharon Kidd, Les Mensinger and William White.

Recruitment Advisory Committee

CRB members Sukari Beshears, Sharon Kidd and George Perezvelez have participated in the BART PD recruitment Advisory Committee.

RECOMMENDATIONS

It is the intention of the CRB that both of the following proposals go before the Board's BART Police Department Special Review Subcommittee for their consideration before being presented to the full Board of Directors.

CRB Expenses

During the CRB meeting on June 11, 2012 the CRB discussed the travel, parking and related expenses that some members have incurred to attend meetings as well as the time commitment involved with CRB activities. There was discussion regarding a monthly stipend for CRB members and CRB members being issued Law Enforcement Officer (LEO) passes for use on BART while attending to CRB business. A motion was made "to propose to the BART Board that LEO Cards be issued to those CRB members who would like to have one, as well as that a monthly stipend be formulated to offset the costs of attending CRB-related business other than regular meetings." The motion passed with 7 votes in favor and 3 votes against. The CRB members who made this proposal, Les Mensinger and Sharon Kidd prepared a memorandum to the Board on this subject. The memorandum is attachment #2.

Modification of Oversight Model

During the meeting on August 13, 2012 the CRB unanimously passed a proposal to modify the language of BART Citizen Oversight Model. This issue had been discussed at several prior meetings and representatives of the police associations had agreed to the changes. The proposal involves who should be able to file complaints with the CRB and the Office of the Independent Auditor. The current language in the model is unclear regarding the filing of a juvenile's complaint and does not allow for the filing of complaints by family members in cases of death or incapacitation. In addition, the CRB feels the language regarding profiling, bias and harassment should be expanded since the current wording could be interpreted to restrict such complaints. The proposed changes to Chapter 1-04 and Chapter 2-08 are contained in Attachment #3. Wording to be deleted is shown in ~~strikeout~~ and wording to be added is underlined.

Attachments:

- #1 – Bylaws
- #2 – Memorandum Regarding Expenses of Citizen Review Board Members
- #3 – Proposed Oversight Model change

BART CITIZEN REVIEW BOARD

BYLAWS – FINAL DRAFT

Definitions

Capitalized terms in these Bylaws are defined as follows:

1. *Oversight Model* – The *BART CITIZEN OVERSIGHT MODEL* adopted by the BART Board of Directors as of January 13, 2011.
2. CRB - The Citizens Board defined and described in Chapter 2 of the Oversight Model.
3. Brown Act – The Ralph M. Brown Act of 1953, California Govt. Code §§ 54950-54960.5
4. Independent Auditor – The Independent Auditor defined and described in Chapter 1 of the Oversight Model.
5. Appointed Member – All duly appointed members of the CRB, regardless of whether they participate in a vote
6. Voting Member – The Appointed Members who cast an affirmative or negative vote (not an abstention) on a particular issue or election.

Introduction

The CRB will carry out its functions as defined in the *Oversight Model* and these Bylaws. No provisions in these Bylaws are intended to be in conflict with the *Oversight Model* or Brown Act. In the event of conflicts between these Bylaws and the *Oversight Model*, the *Oversight Model* or Brown Act shall take precedence.

Article I. Purposes

1. To increase visibility for the public into the delivery of BART police services.
2. To provide community participation in the development and review of BART Police Department policies, procedures, practices and initiatives.
3. To receive citizen complaints or allegations regarding BART Police personnel.
4. To review and report on the results of the Independent Auditor's investigations into allegations of misconduct by BART Police and recommendations for corrective actions, including discipline.

BART Citizen Review Board Bylaws – Final Draft – Adopted November 14, 2011;
Amended: January 9, 2012; Amended March 19, 2012

Article II. Functions

As defined in the *Oversight Model*, the functions of the CRB are:

1. To receive citizen complaints or allegations concerning BART Police personnel.
2. To review recommendations by the Independent Auditor for corrective actions.
3. To develop and review recommendations for BART Police Department procedures, practices, and training.
4. To meet periodically with the BART Police Managers Association (BPMA) and BART Police Officers Association (BPOA).
5. To develop and maintain a program of community outreach.
6. To file quarterly reports with the Office of the District Secretary.
7. To review and comment on drafts of the annual report prepared by the Independent Auditor.
8. To monitor the implementation of recommendations made in periodic studies of the BART Police Department.

Article III. Members

1. Appointment of Members

CRB Members are appointed by the procedures as outlined in the *Oversight Model, Chapters 2-02 and 2-03*.

2. Vacancies

Within ten (10) days of a vacancy occurring on the CRB, the Chairperson shall notify the BART Board of Directors and request a new appointment be made as soon as possible.

3. Recommendation for Removal of a Member

a. A recommendation can be made to the BART Board of Directors to remove a Member of the CRB pursuant to Chapter 2-04 of the Oversight Model. This recommendation shall be made by motion and approved by two thirds of the Appointed Members at a regular meeting for which the proposed recommendation is an item on the agenda published before such meeting.

b. The Chair (or the Vice Chair, if the member to be removed is the Chair) shall promptly convey that recommendation, and the reasons therefore, to the Secretary of BART and the President of the BART Board of Directors.

Article IV. Officers

1. Election of officers

a. A chair and vice chair shall be elected as described below for a term ending on the election of their successors. After serving for one year, an officer shall serve in an interim capacity until they are reelected or their successor is elected. No person shall serve as an officer for more than two consecutive elected terms, or for more than one elected term immediately after assuming (by succession or special election) a predecessor's office as a result of a vacancy in the office .

b. The annual election of CRB officers shall occur during the regular meeting in the month of July. At that meeting of election, if no candidate for an office receives a majority of the Voting Members' votes on the first ballot, the candidate(s) with the fewest votes shall be eliminated and another vote taken. This process will continue until a candidate receives the support of a majority of Voting Members. The results of each round of balloting shall be publicly announced and the vote recorded in the minutes.

2. Duties of Officers

The chairperson, or in her/his absence, the vice chairperson, or in the absence of both, a Chair *pro tem* elected by a plurality of the Voting Members at each meeting, performs the following duties:

- a. Presides at all meetings of the CRB and ensures that the work of the committee is accomplished.
- b. Appoints committee members.
- c. Approves the agenda prior to distribution.
- d. Signs correspondence on behalf of the CRB.
- e. Represents the CRB before the BART Board of Directors.
- f. Approves and signs CRB reports to the BART Board of Directors.
- g. Schedule periodic meetings with BPMA & BPOA
- h. Performs other duties necessary or customary to the office.

3. Removal and Replacement of Officers

a. Two thirds of the Appointed Members may remove a Chair or Vice-Chair from office by a motion at a regular meeting for which the proposed removal is an item on the agenda published before such meeting. Such an action, and the reasons therefore, shall be promptly conveyed to the Secretary of BART and the President of the BART Board of Directors.

b. A vacancy in the office of Chair shall be filled by the Vice Chair for the remainder of the Chair's original term. A vacancy in the office of Vice Chair shall be filled by an election in the manner described above at the next regular meeting of the CRB, with the newly elected Vice Chair to serve the remainder of the previous Vice Chair's term.

Article V. Meetings

1. The CRB shall meet at the BART Board of Directors Room at the Kaiser Center on the second Monday of each month at 9:00 a.m. (odd months) and 4:00 p.m. (even months), or at such other places, dates, or times designated by the Chair. Such meetings shall be designated regular monthly meetings. Other meetings called by the Chairperson or the Vice Chairperson and meetings scheduled for a time or place other than the regular meetings shall be designated special meetings.
2. Meetings shall terminate two hours after the scheduled starting time. The time can be extended for separate periods of up to 30 minutes by a vote of the majority of the Appointed Members.
3. The Chair, or the Vice Chair, in the absence of the chair, (a) may, at his or her discretion, and (b) shall, at the request of a majority of the Appointed Members, call a special meeting. Such meetings shall be subject to the Brown Act's rules regarding notice and quorum.

Article VI. Parliamentary Authority

The rules contained in Alice Sturgis' *Standard Rules of Parliamentary Procedure*, 4th edition, shall govern the CRB in all cases to which they are applicable and in which they are not inconsistent with these Bylaws, any special rules of order, the Brown Act, the *Oversight Model*, or other BART policies or procedures. Proxy voting is not allowed.

Article VII. Reports and Recommendations

1. A quarterly report will be presented to the BART Board of Directors and the public.

2. The CRB may make reports, findings and recommendations to the Independent Auditor, the Chief of Police, the General Manager or the BART Board of Directors as appropriate.
 - a. Findings and recommendations regarding discipline, corrective action or dismissal, shall only be made to the Chief of Police and the General Manager

3. When evaluating reports and investigation findings regarding allegations of misconduct CRB members shall make their decisions using the standard of clear and convincing evidence. The following are possible dispositions for allegations of misconduct:
 - a. Unfounded – The investigation clearly established that the allegation is not true, or that the complaint was frivolous per Penal Code section 832.5 (c).
 - b. Exonerated - The investigation clearly established that the act, which provided the basis for the allegation of misconduct, did occur but was justified, lawful, and proper.
 - c. Sustained – The investigation disclosed sufficient evidence that the act occurred and that it did constitute misconduct.
 - d. Not-Sustained – The investigation established that there is not sufficient evidence to either sustain the allegation or to fully exonerate the employee. This includes situations in which the reporting party and/or witness(es) fail to cooperate in disclosing information needed to further the investigation, or they are no longer available.

4. After determining that the allegation(s) of misconduct are sustained and when making recommendations for discipline, corrective action or dismissal, the CRB should consider the seriousness of the misconduct and any mitigating or aggravating circumstances such as the employee's years of service, past performance and disciplinary history.

Article VIII. Administrative Staff

The CRB shall utilize staff supplied as necessary by the Independent Auditor to carry out its functions as defined in the *Oversight Model*, Chapter 2-07 (D, I, and J).

Article IX. Committees

1. Standing and special committees may be established by the Chair or by a majority of Voting Members at a meeting.
2. The Chairperson shall appoint the members of each committee, and the members of each committee may elect a chair.

Article X. Media Contacts

1. When responding to media or other public inquiries, members of the CRB shall comply with all state and federal laws requiring confidentiality of law enforcement records, information and confidential personnel records and respect the privacy of all individuals involved. (BART Citizen Oversight Model Chapter 2-08)
2. Unless they are speaking in support of a recommendation or position that has been approved by a majority of the CRB, members should make it clear in any public statements that they are speaking as individuals and not as representatives of the entire board.
3. Whether a CRB member does or does not choose to respond to a media inquiry, the member should also consider referring the inquiry to the Chair/Vice-Chair, the Independent Auditor and the BART Public Affairs Office.

Article XI. Amendments of Bylaws

1. A proposal to amend these Bylaws shall be submitted in writing by any Member in time to be included in the agenda package for the next regular meeting of the CRB.
2. A motion to accept the amendment can be made by any Member at that meeting and shall be adopted if approved by two thirds of the Appointed Members.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors DATE: August 13, 2012

FROM: Citizen Review Board

SUBJECT: Expenses of Citizen Review Board Members

At its meeting on June 11, 2012, the BART Citizen Review Board (CRB) held a discussion regarding the expenses that many of us have incurred in order to effectively carry out our responsibilities. At the conclusion of the discussion, the CRB voted to make a request to the BART Board of Directors for relief from these expenses.

Over the course of the past year, during which the CRB has continuously developed, become more active, and deepened our engagement with our civilian oversight role, members have discovered the many demands that are associated with effective and responsible service on the CRB. Noting that CRB members are all volunteers, we find it necessary to do some or all of the following as a part of our service:

- Participate in various training exercises to deepen their knowledge of law enforcement procedures and sharpen the skills they call upon in reviewing complaint investigations and BART PD policies; training exercises are explicitly contemplated by the Citizen Oversight Model (Model) adopted by the BART Board of Directors, and regular and consistent training is called for by the BART Management Audit conducted by the National Organization of Black Law Enforcement Executives (NOBLE)
- Engage in community outreach that is aimed at members of the public in the BART service area; such outreach is required by the Model
- Meet periodically with the two BART Police unions; such meetings are required by the Model
- Attend meetings of CRB subcommittees, which are necessary to the efficient and effective functioning of the CRB
- Participate on interview panels to assist in the selection of new BART PD employees, as well as on a recruitment advisory committee to improve the overall recruitment process by BART PD
- Regularly review substantial policies, reports, and investigations, all on personal time outside of regularly-scheduled monthly meetings

All of these requirements and activities must be considered in light of the fact that the volunteer CRB members provide a valuable service to BART and the community. Expenses generated in order to provide that valuable service should not be incurred by CRB members personally. In fact, the NOBLE Management Audit calls for a clear, dedicated funding source for the Citizen Oversight System at BART.

With the above noted activities the CRB respectfully requests that each of its members be issued a monthly stipend, in an amount to be determined by the Board of Directors, to assist with the expenses that are incurred as a result of our commitment to BART and to our appointed positions.

Should you have any questions, please contact me at your convenience.



Sharon Kidd
Vice-Chairperson
District 7 Representative
BART Citizen Review Board



Les Mensinger
District 6 Representative
BART Citizen Review Board

HAMBLETON PROPOSAL

Approved at the August 13, 2012 CRB meeting

Chapter 1-04 DUTIES AND RESPONSIBILITIES

A) Complaints Received From Members of the Public

A victim of on-duty police misconduct, a juvenile victim's parent or guardian, or a witness to misconduct may file with the office of the Independent Police Auditor a complaint or allegation of wrongdoing against a BART police officer. In cases where the alleged victim is deceased or otherwise incapacitated, relatives¹, or the legal representative of the deceased may also file a complaint. Upon receipt of such complaint or allegation, the Office of the Independent Police Auditor shall:

- i) Ensure that a timely, thorough, complete, objective and fair investigation is conducted. The Police Auditor shall investigate all ~~complaints of~~ allegations of Police Officer misconduct regarding: ~~unnecessary or excessive use of force, racial profiling, sexual orientation bias, sexual harassment and the use of deadly force, suspicious and wrongful deaths.~~ the use of deadly force; suspicious and wrongful deaths; discrimination, harassment, profiling or bias on the basis of sex, sexual orientation, gender, race, color, national origin, ancestry, religion, age, physical disability, mental disability, medical condition or other protected classifications under California or federal law.
- ii) Provide timely updates on the progress of all investigations conducted by the Office of the Independent Auditor to the complainant and the officer who is the subject of the investigation, unless the specific facts of the investigation would prohibit such notification.
- iii) Based on the results of the investigation, reach an independent finding as to the facts. The Auditor shall assess the conduct of the BART police officer in light of the facts discovered through the investigation, the law and the policies and training of the BART Police Department.

Proposed change to:

Chapter 2-08 DUTIES AND RESPONSIBILITIES

(A) Complaints Received From Members of the Public

¹ Relatives include spouse, domestic partner, child, parent, brother, sister, grandparent, step-parent, step-child, legal guardian, father-in-law and mother-in-law.

A victim of on-duty police misconduct, a juvenile victim's parent or guardian, or a witness to misconduct may file, at any public meeting of the Citizen Review Board, a written complaint or allegation of wrongdoing against a BART police officer. In cases where the alleged victim is deceased or otherwise incapacitated, relatives², or the legal representative of the deceased may also file a complaint. Upon receipt of such complaint or allegation, the Citizen Review Board will immediately turn the complaint or allegation over to the Office of the Independent Police Auditor

² Relatives include spouse, domestic partner, child, parent, brother, sister, grandparent, step-parent, step-child, legal guardian, father-in-law and mother-in-law.