

Date: August 12, 2013
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 April, May and June, 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
Thomas H. Minshew	BART Police Officers and Managers Association

Mr. Douglas was the chairperson and Ms. Kidd was the Vice-Chairperson during the period covered by this report. During the regular meeting on July 8th, Ms. Kidd was elected Chairperson and Mr. White was elected Vice-Chairperson.

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.

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 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. The CRB has reviewed several of these cases and will be seeing more in the future.

The CRB met in closed session with the Independent Auditor and Investigator during the regular meeting in May to review a confidential complaint investigation. The CRB agreed with the OIPA findings that the actions that were the subject of the complaint did not involve BART PD officers.

Recommendations on Procedures, Practices and Training

During the CRB meeting on May 13th, Auditor Smith addressed the CRB regarding his recommendation that prior to being interviewed officers not be allowed to view the Mobile Video Recorder video of an incident that is the subject of a complaint investigation. There was a lengthy discussion of the issue and both Auditor Smith and Chief Rainey responded to questions. The CRB took no action, but wanted to hear from the police associations on the issue. This discussion continued during the meeting on June 10th. Sgt. Weissich, President of the Police Management Association, addressed the issue and responded to questions. The CRB did not take any formal action regarding Mr. Smith's recommendation.

Reporting

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

Monitor Study Recommendations

Nothing to report.

OTHER CRB ACTIVITIES

Training

The CRB received training on two topics during the regular meeting in April. BART Attorney Marco Gomez made a presentation regarding confidentiality rules that govern the release of information contained in police officer personnel files, including administrative complaint

investigations. Investigator Kobia West presented training to the CRB on Consensual Encounters and Detentions by Law Enforcement.

The BPD held a training session for officers on the use of the Mobile Video Recorders on April 9, 2013. CRB member Les Mensinger attended the training as an observer.

On June 14, 2013, the Crisis Support Service of Alameda County presented an all-day training session titled Suicide by Cop: Understanding the Impact on Communities, Families and Law Enforcement. CRB member Sharon Kidd along with OIPA investigator Kobia West and Senior Administrative Analyst Anita Grayson attended the training.

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:

- Les Mensinger - sergeant selection panel on May 7th and 8th
- Sharon Kidd - sergeant selection panel on May 9th
- Sukari Beshears and Sharon Kidd – new officer panel on June 25th

BART ACTIVITIES

CRB member Sharon Kidd attended the Recruitment and Retention Committee meeting on April 10, 2013.

CRB member Sharon Kidd attended the Transit Security Advisory Committee meeting on April 16, 2013.

CRB members Sharon Kidd and Les Mensinger attended the BART Board of Directors meeting on June 13 and spoke regarding reimbursement for CRB members.

CRB member Les Mensinger attended the BART PD swearing-in, promotion and appointment ceremony on June 18, 2013.

COMMUNITY OUTREACH

The Hayward Police Department along with several other agencies, including the BART PD presented a Law Enforcement Forum titled: Building Bridges – Police and Community Relations Forum at California State University East Bay on April 13, 2013. CRB members Cydia Garrett, Sharon Kidd and Les Mensinger, along with Auditor Mark Smith and Investigator Kobia West attended the event.

OIPA organized a community forum with the Oakland organization Youth Uprising on May 16, 2013. CRB members Benjamin Douglas, Cydia Garrett, Ken Jones, Sharon Kidd, and Les Mensinger attended the forum.

Auditor Mark Smith made a presentation regarding civilian oversight of BART PD at a meeting of the Mayor Commission on Persons with Disabilities in Oakland on June 17, 2013. CRB members Cydia Garrett and Les Mensinger also attended the meeting.

Sharon Kidd, along with Sgt. Carolyn Perea, spoke about the CRB at a meeting of the Point Richmond Neighborhood Council on June 26th.

Sharon Kidd set up an information table with materials about the OIPA and the CRB at the Oakland Black and Brown Community Festival on June 29th.

Fruitvale Station Viewing

CRB members Cydia Garrett, Sharon Kidd and William White, along with Auditor Mark Smith and Investigator Kobia West attended a private showing of the movie Fruitvale Station at the Grand Lake Theater on June, 20, 2013.