

Date: April 14, 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 January, February and March, 2014.

Citizen Review Board Members:

| | |
|---------------------------------|--|
| Benjamin L. Douglas | District 1 |
| Sukari Beshears | District 2 |
| William White(Vice-Chairperson) | District 3 |
| Vacant | 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 |

Peter D. Barnett, the representative from the District 4, resigned from the CRB during March. The Police Officers and Managers Associations plan to select a new representative soon.

Meetings:

The CRB normally meets in the district boardroom on the second Monday of the month. Meetings were originally scheduled at 4 pm on even months and 9 am on odd months. In March the CRB decided to hold all future regular meetings at 4 pm. Meeting agendas and minutes are posted on the district website and can be found at www.bart.gov/about/bod/meetings.aspx. The 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 independent Auditor has received a number of complaints and appeals, which are being investigated. The CRB did not receive/review any of the pending complaints or appeals during this three month period.

Recommendations on Procedures, Practices and Training

Last year Independent Auditor Smith started the development of an alternate dispute resolution process for complaints of misconduct. This topic has been included on the agenda of all three meetings during this quarter. Mr. Smith's proposal has been the subject of much discussion and input by the CRB, Chief Rainey and the Police Officer's Association. Mr. Smith has been very responsive to everyone's input and he finalized his proposal for the meeting on March 10th. The CRB voted to endorse the program.

In January, Auditor Smith presented the CRB with a proposal to make changes in the BPD policy #402 on Racial or Biased Based Profiling. The CRB members provided their input, but did not take any formal action.

Starting in November 2013 Chief Rainey and Lieutenant Haight initiated discussions with the CRB regarding their proposed revisions to BPD policy #310 on Officer Involved Shootings, BPD policy #1019 on the early Warning System and BPD policy #1020 on the Internal Investigation of Allegations of Misconduct. CRB members, Auditor Smith and the Police Officers Association have made several suggestions regarding the policies and the department made a number of revisions to the policies based on that input.

During the meeting of March 10th the CRB voted to approve the proposed changes to the Officer Involved Shooting policy and the Early Warning System. The Early Warning System policy is designed to identify officers with potential performance issues and correct them before they result in serious consequences and/or discipline. The CRB did not act on the internal investigation policy in March because the Chief is still reviewing the CRB's final input.

Reporting

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

Monitor Study Recommendations

N/A

OTHER CRB ACTIVITIES

BART ACTIVITIES

On January 29th, CRB members Doug Hambleton, Ken Jones, Sharon Kidd, Les Mensinger and William White attended the funeral services for BART Sergeant Tommy Smith who died in the line of duty on January 21, 2014.

On February 27th CRB member Ken Jones participated in a BART Police birthday celebration for a 7-year old boy suffering from cancer.

Training

During the meeting on March 10th, Stephanie Lewis from Alameda County Health Care Services Crisis Response Program and Mobile Crisis Team gave a presentation on mental health services.

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 – Lateral Officer oral board on January 10th and 24th.
- Ken Jones – Dispatcher Orals on February 27th and 28th.
- Sharon Kidd – Lateral Officer orals on **

COMMUNITY OUTREACH

CRB members Sharon Kidd and Les Mensinger along with Independent Auditor Mark Smith and Management Analyst Anita Grayson attended the Oscar Grant Celebration on January 1, 2014, at the Fruitvale Station.

On February 13th, CRB members Ken Jones and Sharon Kidd participated in a meeting of Community Works West in Oakland for about a dozen at-risk youth. This group provides services to the children of parents who are or who have been in prison.

CRB member Cydia Garrett assisted the OIPA with the organization of a community forum on March 14th at the Joseph P. Bort Building Auditorium with Jack and Jill of America, Inc., a group that serves African American youth. CRB members Sukari Beshears, Sharon Kidd and Les Mensinger also attended the event.

OTHER ACTIVITIES

CRB member Les Mensinger attended a three day class on Intelligence Fundamentals and Analysis on January 21 – 23, 2014.

Chairperson Sharon Kidd attended the February 28th retirement event for East Palo Alto Police Chief Ron Davis (husband of BART Deputy Chief Janeth Glenn-Davis). Upon his retirement, Chief Davis assumed the position of Director of the US Office of Community Oriented Policing Services (COPS) in Washington DC.