

Date: April 11, 2016
To: BART Board of Directors
From: BART Police Citizen Review Board
Cydia A. Garrett, Chairperson
Subject: Quarterly Report to Board of Directors

This quarterly report from the BART Police Citizen Review Board (BPCRB) to the BART Board of Directors covers the BPCRB's most significant activities for January, February and March 2016.

BART Police Citizen Review Board Members:

Benjamin L. Douglas	District 1
Sukari Beshears	District 2
William White	District 3
Darren White	District 4
Douglas N. Hambleton	District 5
Les Mensinger (Vice-Chairperson)	District 6
Sharon Anne Kidd	District 7
David Rizk	District 8
George Perezvelez	District 9
Cydia A. Garrett (Chairperson)	Public-At-Large
Richard Knowles	BART Police Officers and Managers Associations

Meetings:

The BPCRB normally meets in the district boardroom at 4 pm on the second Monday of the month. 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.

*Mark Smith resigned from his position as the Independent Police Auditor in February 2016. Russell Bloom was appointed as the Interim Independent Police Auditor at the February 15, 2016 BART Board of Director's meeting.

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 related to 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. During the quarter, the OIPA presented one case to the BPCRB.

At the regular meeting in January, the CRB met in closed session and voted 9 in favor, 0 against to accept the OIPA's recommendations regarding the findings in case #15-21.

Recommendations on Procedures, Practices and Training

In January and February, the BPCRB continued its discussion regarding the policy on allowing officers to review their Mobile Video Recorder video's prior to writing their police reports, being interviewed for administrative complaint investigations and being interviewed for criminal investigations such as officer involved shootings. The current policy provides that officers may view the recordings in these situations except in unusual situations as determined by the Chief of Police.

A motion to support Chief Rainey's current practice regarding officer review of mobile video recorder videos prior to a related investigation policy was made. The motion passed with five votes in favor and four against.

Reporting

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

Monitor Study Recommendations

N/A

COMMUNITY OUTREACH AND OTHER ACTIVITIES

Les Mensinger attended the Fremont City Meeting/Reception adopting The City of Fremont as a World Compassionate City. (January 12, 2016)

Les Mensinger met with California Assembly Member Kansen Chew of District 25 introducing himself as the BART Police Citizen Review Board Member for BART District 6. (February 5, 2016)

Sharon Kidd organized an appreciation event to recognize Independent Auditor Mark Smith. The event was attended by a number of BPCRFB members, other Bay Area police auditors and Oakland Mayor Libby Schaaf. (February 18, 2016)

Sharon Kidd attended the 2nd Annual Police Accountability and Oversight Workshop at the California Endowment in Los Angeles, CA. (March 7, 2016)

Russell Bloom, Interim Independent Police Auditor, Sarah Celso, OIPA Administrative Analyst and BPCRFB members Sharon Kidd, Darren White and Cydia Garrett attended the 'NOBLE Forum on 21st Century Policing'. (March 15, 2016)

Les Mensinger attended the Alameda County Sheriff's Promotions Ceremony. (March 26, 2016)

Training

At the regular January BPCRFB meeting, BPCRFB members unanimously passed a motion to adopt the Proposed 2016 Training Schedule as prepared by OIPA.

During the quarter, the following trainings were received:

January – Dropbox Business (Introduction and demonstration of document distribution software)

March – Oversight Agency Basics (Comparison with other oversight models, Brown Act, Sturgis review, Laws relating to peace officers' personnel actions, rights, and privacy, Copley Press and other applicable case law, confidentiality requirements)

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.

William White served on January 28 and March 25, 2016. Les Mensinger also served on March 25, 2016.