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Good morning, I am Chief Kenton W. Rainey of the San Francisco Bay Area Rapid Transit District Police Department. It is both a pleasure and honor for me to appear before the President's Task Force on 21<sup>st</sup> Century Policing to provide recommendations on "Body Camera Implementation." BART PD started its research into "body cameras" in September 2011, and formal implementation began in June 2012.

A little background, BART is the fifth largest transportation system in the country. The system has 104 miles of track-way that travels through four counties and 26 cities, while transporting approximately 400,000 commuters every weekday. The Police Department is comprised of approximately 300 personnel, 200 of them are sworn law enforcement officers.<sup>1</sup>

My tenure as Chief began pursuant to a tragedy that garnered international attention. During the early morning hours on January 1, 2009, BART PD personnel responded to a disturbance call at our "Fruitvale Station." Police personnel detained several individuals who were reportedly involved in that disturbance. While attempting to take one of the individuals into custody, former BART PD Officer, "Johannes Mehserle" drew his service weapon and fatally shot "Oscar Grant III" in the back. This incident was captured on BART CCTV security cameras and it was also videotaped by several witnesses via their cell phones. The incident was depicted in a major motion picture movie titled "Fruitvale Station."<sup>2</sup>

This incident led to the arrest, prosecution, and conviction of "Mehserle" on involuntary manslaughter charges. Before, during and after the trial, there were numerous street protests, acts of civil disobedience and disruptions of public meetings. All of which led the National

Organization of Black Law Enforcement Executives (NOBLE) to conduct a “top to bottom” management performance audit of BART PD and its policies and practices. NOBLE made 25 major recommendations for BART PD to undertake in order to re-establish police accountability and regain the public’s trust.<sup>3</sup> In my opinion, the recommendations contained in this management audit can serve as blueprint for this Task Force and any law enforcement agency trying to establish and maintain the public’s trust. I was hired by the BART District in June of 2010, with a specific mandate to implement the NOBLE audit recommendations.

Determined not to let this report gather dust on a shelf, my team and I used the report as a guide and systematically began to implement the recommendations to transform the organization into a 21<sup>st</sup> century professional police agency. However, a series of incidents occurred that challenged our efforts. On June 25, 2010, a BART Officer used his Taser to stun “Jason Johnson” an unarmed fare evasion suspect who was resisting arrest in downtown Berkeley, CA, a city with a rich history of civil discourse.<sup>4</sup> On July 17, 2010, BART and Oakland police officers fatally shot “Fred Collins” outside of the Fruitvale Station after he charged at them while holding knives in each hand.<sup>5</sup> On July 3, 2011, a BART police officer fatally shot “Charles Hill” on our San Francisco Civic Center Station platform as he was throwing a knife at the officer.<sup>6</sup>

The last incident was captured on a BART CCTV security camera, which would prove to exonerate the officer, but the San Francisco Bay Area still was subjected to numerous days of street protests and acts of civil disobedience. Now, after being on the job for approximately one year it was very apparent that the “honeymoon” was over and implementing the NOBLE recommendations was not going to be enough to regain the community’s trust. During this period, I also made the following key observations:

1. The three suspects in the previously mentioned incidents all had a history of mental illness and my officers seemed to respond to numerous calls for service involving people who apparently were homeless and/or suffering from mentally illness.
2. Increasingly, citizens regularly would stop and record police actions on their cell phones and then upload the recording onto social media sites.
3. While BART had an adequate CCTV security camera system, it was not capable of capturing sound.
4. An increasing number of my officers were carrying their own video recorders and taping their enforcement encounters to protect themselves against “false complaints.”
5. After the “Oscar Grant tragedy”, there seemed to be an expectation by the public that video evidence was needed to exonerate our personnel whenever there was a question regarding their actions.

At this point we made the decision that the department needed to adopt and implement its own formal “body camera” program for all of our uniformed frontline personnel. Based on my experience with “body cameras”, the following are key recommendations I would advise any agency leaders to consider before undertaking and implementing this type of program:

**Recommendation 1** Review the following document which was published by the COPS Office and the Police Executive Research Forum (PERF), “Implementing a Body-Worn Camera Program, Recommendations and Lessons Learned.”<sup>7</sup> This is an excellent guide for any department considering implementing a “body camera” program. I participated in the creation of this document and many of my recommendations are outlined in the document.

**Recommendation 2** Develop a policy that governs all recording devices, whether you do or do not provide “body camera” equipment for your personnel. “You should mandate all enforcement contacts be recorded and handled as evidence, and booked at the end of each work shift.”

**Recommendation 3** When exploring whether you want to implement a body camera program, make sure you research how much it costs to implement and maintain a program and then begin to identify possible funding sources. Generally cameras are affordable; however, the storage of the video footages can be cost prohibitive.

**Recommendation 4** Include your Information & Technology (IT) and Finance Departments in every discussion with all vendors. Based on your IT recommendations, you should establish clear guidelines, expectations and deliverables with any vendor before you beta test products. If you make the decision to implement a “body camera” program, use officers who are self-motivated credible and informal leaders with their peers to test the various products. Only test those products that meet or exceed your expectations, but more importantly only test what you can afford to maintain.

**Recommendation 5** Once you select a product, roll the program out incrementally in phases. Review and evaluate product performance, seek constructive feedback and criticism after each phase. Respond to and address legitimate concerns immediately and celebrate and share “success stories” with your personnel. Incorporate proper “body camera” use into all of your in house defensive tactics, firearms and less lethal training regiments. Use videos from your “body camera” program to validate and determine how well your personnel are adhering to internal accountability systems, i.e. policies, training, and discipline.

**Recommendation 6** Once you have fully implemented a “body camera” program make sure you regularly monitor and track your “enforcement output data” to determine if the program has

had a negative impact on officer performance and productivity. More importantly you need to continuously monitor and track your “citizen complaints and incidents of use of force data” to determine if your “body camera” program is producing the desired conflict resolution outcomes you are seeking. Below are examples of data that should be continuously monitored and tracked.

### BART PD Enforcement Contact Data

	2008	2009	2010	2011	2012	2013	2014
Felony Arrest	356	222	247	350	458	543	519
Misdemeanor Arrest	1094	607	765	957	835	1022	1064
Cite & Release	7560	3464	3942	5874	5799	6337	6728
Field Interview	23	0	2	97	3070	3063	4898

### BART PD Citizen Complaint & Use of Force Data

	2008	2009	2010	2011	2012	2013	2014
Total Complaints	13	48	66	74	104	132	143
Discourtesy Complaints	3	26	35	43	41	30	36
<b>Sustained Discourtesy Complaints</b>	<b>0</b>	<b>2</b>	<b>4</b>	<b>4</b>	<b>0</b>	<b>4</b>	<b>0</b>
Arrest/Detention Complaints	2	4	7	6	18	26	16
<b>Sustained Arrest/Detention Complaints</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>
Bias-based Policing Complaints	0	3	7	6	19	14	16
<b>Sustained Bias-based Policing Complaints</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Use of Force Incidents	48	69	148	174	218	242	269
Force Complaints	9	15	16	11	15	26	25
<b>Sustained Force Complaints</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>

How the police are perceived by minorities is one of the most serious problems confronting our democracy as a nation today. Establishing and maintaining the public’s trust is the cornerstone for implementing the community policing philosophy. One of the first “bricks” that has to be laid for the community policing foundation is transparency. The use of “body cameras” goes a long way in ensuing transparency. More importantly, “body cameras” serve as a visual feedback loop that your accountability systems are adhering to 21<sup>st</sup> century constitutional policing principles.

## References

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