

BJA Body Worn Camera Training & Technical Assistance Chief Kenton Rainey- BART Police Department

Todd Maxwell: Hello, listeners, this is Todd Maxwell again, a member of the Bureau of Justice Assistance Body-Worn Camera Team and today I'm speaking with Chief Kenton Rainey from the BART Police Department.

The Bay Area Rapid Transit is a public transportation system serving the San Francisco Bay Area. The heavy rail rapid transit elevated and subway system connects San Francisco with cities in the East Bay and suburbs in the north San Mateo County. BART is fifth busiest heavy rail rapid transit system in the United States. In order to increase security on BART, every new train car in BART's fleet of the future will be outfitted with working security cameras; these new cameras will augment BART's existing network of security infrastructure, which includes current surveillance in trains, on platforms, outside stations, inside stations and on police officers themselves.

In June 2010, Kenton W. Rainey became the San Francisco area rapid transit district's fifth police chief. He comes to BART with a background that combines criminal justice education, law enforcement experience, leadership and a deep commitment to community orientated policing and problem solving – COPPS – geographical team policing, crisis intervention training – CIT. He was hired by the transit director in the wake of a (tragedy and) controversial officer-involved shooting of Oscar Grant, an unarmed passenger.

One of the stated goals is to ensure that every member of his agency attends the 40 hour post-crisis intervention training. Rainey's 35 year long law enforcement career has afforded him the opportunity in six different law enforcement agencies in three states. Along with being selected as the top cop for BART, Rainey also served as the Chief of Police for Fairfield California Police Department. Rainey began his career in law enforcement in 1979 as a deputy in the Ventura County Sheriff's Department.

Significant contributions in the sheriff's department include assisting in the development and implementation of the program that trained officers how to respond to the mentally ill, and he was a member of the committee that wrote

the department's policing policy to prevent biased based policing and racial profiling.

Rainey is recognized as expert on numerous law enforcement subjects, and in January 2015 he was called testify before President Obama's 21st century policing task force on the implementation of body-worn cameras. Chief Rainey, thank you for speaking with me today.

Kenton Rainey: Thank you, Todd. I would like to thank the Bureau of Justice Assistance for hosting and inviting me to participate in this podcast.

Todd Maxwell: No worries.

Kenton Rainey: I would also like to apologize in advance if you hear a train going by in the background because my office is very, very close to the train tracks at one of our downtown stations in the city of Oakland.

Todd Maxwell: I think that would be very fitting considering the podcast.

Kenton Rainey: OK.

Todd Maxwell: So, (to) start off, could you tell me what led BART to adopt a body-worn camera program?

Kenton Rainey: As you stated in your introduction, we had already had cameras throughout our system. In addition, some of our officers had already purchased and were using their own personal body cameras, so we felt that by implementing a body-worn camera program it would assist us with our public safety mission and would increase transparency with the public. Especially in the wake of the Oscar Grant shooting incident.

Todd Maxwell: So, you said some of the other officers had purchased their own. How did you guys handle the privately owned versus once you provided them for everybody?

Kenton Rainey: Once we went to our own program, and I felt that that was necessary, especially when you're dealing with evidence, we phased out or forbid officers from wearing or using their own personal body cameras.

Todd Maxwell: OK. Great. Can you explain the biggest differences you have heard between the local and municipal PDs and the transit agency PDs on implementation and some of the challenges?

Kenton Rainey: I would probably say the number one difference that I've heard and read concerning transit agencies and our counter parts at local municipalities is mass transit police generally operate in public spaces. And local police departments routinely respond and enter people's residences.

Although we do on occasion go into residences for different reasons, not as much as a local agency, so in these types of situations when you're going into someone's home when you turn on and turn off your camera has to be taken into consideration. And especially what type of video footage is going to be released from these encounters after the Freedom of Information Act (request).

Todd Maxwell: Great. Since you are in a public place, can you talk about how – what your policy is on recording in a public place?

Kenton Rainey: As I said before, before we even implemented our body-worn cameras, BART had thousands and thousands of cameras throughout our system in order to help ensure public safety from acts of terrorism and other crimes and social disorder issues. It's very, very well advertised that you don't have expectations of privacy in these types of public spaces, we have signage up. And we implemented our body-worn program, we don't necessarily tell people they're being taped in encounters; however, the officer is free to notify a person if he wants.

Todd Maxwell: So since you have surveillance running and in the future you'll have these security cameras on every train as we mentioned earlier. Do the officers record all the time, or do they just do it for events where their involved with something?

Kenton Rainey: Our policy states that our officers must turn on the camera anytime they go into any type of enforcement contact mode. Also, anything that could be

deemed of interest to the transit district. So, pretty much, that covers almost everything.

Todd Maxwell: Right. So how has your program helped improve or has it helped improve information sharing in investigations that occur with other municipalities like San Francisco PD or Oakland PD or any other PDs where you might have some cross-reference, cross-jurisdiction?

Kenton Rainey: As you said, BART is a pretty expansive system, it goes through four counties, soon five counties, and we touch or go through 26 cities. And downtown San Francisco in particular, who has its own rapid transit system called Muni, we actually share entrance and exit points and concourses with the city of San Francisco. Our officers often assist each other on calls for service, and San Francisco officers as well as other officers that we work closely with have access to our video footage for any ongoing investigation.

Todd Maxwell: Great. So (have you) seen that as a help to them? Do they see it as a help because they now actually have video because I know some – like San Francisco is in the process of implementing a body-worn camera (working through) their policy, and I know Oakland already has body cameras as do a lot of agencies. So it sounds like it's a useful resource to help them with their investigations.

Kenton Rainey: It's a huge resource to help you through an investigation because it gives you another viewpoint – piece of evidence – an accurate reflection of what had occurred in an incident, any type of criminal incident, or even an incident involving a citizen's complaint. It definitely brings a certain amount of transparency in our interactions with the public because now you have another (tool) record along with the video because the video has audio as well as far as determining what did or did not happen.

Todd Maxwell: So what do you see as some of the benefits of implementing body-worn camera program for a transit agency?

Kenton Rainey: Well, for a transit agency, or any agency, the biggest benefit it creates an immediate feedback loop where you can critique and improve performance of your personnel because you can actually after they've handled certain

situations, you can actually go back and immediately review what they've done right. And help try to institutionalize that type of behavior throughout your agency. Not to mention, it gives you a look into your policies, procedures and training because you're now looking and critiquing performance – their performance based in accordance with your policy, procedure and training so it is huge and it helps reduce liability during lawsuits when you have video evidence that supports and reflects what really happened.

Todd Maxwell: Right. So what do you think are some unique factors police departments need to consider especially their going to implement a body-worn camera program for a transit agency? Are there any unique challenges?

Kenton Rainey: (multiple speakers) agency or any agency that probably one of the biggest things you need to consider is cost. The cameras are relatively cheap, storage is another issue. So, you really need to take into consideration how are you going to store all these videos that your personnel are going to be amassing and how video footage is going to be purged from your system.

You want to look at replacement costs, ongoing maintenance, IT support, you want an administrator of your program, but something else that is really to starting to catch on – and there's a debate raging, is when can your personnel actually review footage before they prepare a report.

Todd Maxwell: Right.

Kenton Rainey: Something you really want to take into consideration.

Todd Maxwell: Yes, that's a big discussion point in San Francisco right now that I've been following. So, transit and all the cameras you guys have in airports and other things are unique in the fact that there are cameras everywhere. There's CCTV, there's at the entrance platforms, on your trains, and then like you mentioned, on your officers. How do you tie all of that together if there's incident because you have multiple different cameras that could be on different systems.

Kenton Rainey: That's a great question. We train our personnel, not only when incidents occur to ask for the footage from our stations, we automatically download footage from our video cameras. But we do witness canvases, and we try to find out if anybody has videotaped an incident (from) their cell phone.

And we will request that they share those videos with us. In addition, what a lot of people forget about – a lot of businesses have great video CCTV video cameras up in order to enhance public safety. And we do – we train our officers to look around and see if they see any cameras and contact those businesses in an area where an incident has occurred and ask them to share their video footage with us as well.

Todd Maxwell: OK so you get all the different video from all the different areas and sort of put it into one evidentiary packet?

Kenton Rainey: Correct. Because you want as many different angles, footage, pieces of evidence that you can amass in a situation because the video on an officer is not tell all to end all, and I would liken to you like sports – instant replay, sometimes it's pretty clear was the person in or out of bounds and sometimes it's not. You want to get multiple angles if possible.

Todd Maxwell: Yes, it sounds because of all the different cameras just for BART itself, and like some airport police agencies, you might have more individual cost of video storage and because all these are your cameras versus, like you said, when you go into CCTV, it might be some of the city, it might be some businesses. These are sort of your costs so that'll be something agencies will have to consider also as you mentioned earlier.

Kenton Rainey: Absolutely. But however, I would say that any agency that is trying to do any type of cost benefit analysis on whether they should or should not implement a body-worn program, all they would have to do is look at current events and see how much a lawsuit payout costs an agency and if they had a body-worn camera program or any type of CCTV program throughout their jurisdiction that could have shed some different light and accurately reflect or support it – the agencies position is relatively cheap to implement this program when you look at some of these payouts.

Todd Maxwell: Right. That's a good point, thank you. So if you're going to start a BWC program from the beginning, what recommendations would you have and would you do anything differently?

Kenton Rainey: Probably the number one recommendation I would say is look at the PERF, Police Executive Research Forum report on how to implement a body-worn program. I would stress that it's important you meet early and often with all these stakeholders that get their buy in into the program, (my) stakeholders internal and external, your officers obviously have a stake in this, your various groups that are going to critique the police department be it the NAACP, ACLU, La Raza, any type of civilian oversight if you have that in your jurisdiction. You want every body to weigh in and get their opinions as you go to craft your program.

Kenton Rainey: The biggest thing I want people to consider – my counterparts to consider, they want to determine very early on and let everyone know how they are or are not going to release video footage regarding an incident when you have an ongoing criminal investigation pending.

Todd Maxwell: That's a great point. So you mentioned different outreaches, since you guys are public transit and you have a lot of community, was – did you guys do any type of outreach or notification, you said you have those signs up, but once you start doing the body cameras, did you do any type of additional notification or discussion with the community since they make up most of your ridership?

Kenton Rainey: Yes we did. One of the things I insist on from my personnel whenever we look at any type of policy and procedure that might be controversial we immediately reach out to some of the groups that I talk to and let them see the policy like the ACLU, NAACP, any other group that is going to be critical. Also, we have a citizen oversight body where they can make recommendations.

They can't necessarily, say, tell me I can't do something, but they definitely can get advice and suggestions on how to improve or strengthen any type of

policy and procedures. We do all of those things, take all that stuff into consideration before we move forward on anything new.

Todd Maxwell: Great. Thank you very much. Thank you Chief Kenton Rainey:, we're grateful you could speak with us today and share your knowledge on these important topics. We encourage law enforcement, justice, public safety leaders whose agencies are interested in learning more about the implementation of body-worn camera programs to visit the body-worn camera toolkit at www.bja.gov/bwc.

This toolkit offers a variety of resources that agencies can use to help with the adoption and use of community engagement, policy development, data collection, officer training, and educational purposes. We encourage listeners to share and promote these resources with your colleagues and staff. And lastly, all these resources and especially the body-worn camera toolkit have been designed as national resource. Your resource.

So please submit ideas for new content through the BWC support link at the bottom of the homepage. This is Todd Maxwell with the Bureau of Justice Assistance Body-Worn Camera Team signing off. Thank you to our listeners for joining us.

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