



# **SEPTA TRANSIT POLICE DEPARTMENT**

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February 2017

## **Body Worn Camera Audit: The First Six Months**

**TABLE OF CONTENTS**

**Executive Summary ..... 1**

**Transit Police Body Worn Camera Program ..... 2**

**Video Storage ..... 3**

**Equipment Failures ..... 3**

**Training and Discipline ..... 4**

**Release of BWC Video ..... 5**

**Audit and Review ..... 5**

**SECTION ONE ..... 6**

**Procedural Compliance ..... 6**

**SECTION TWO ..... 7**

**Response to Resistance Comparison ..... 7**

**Internal Affairs Comparison ..... 8**

**SECTION THREE ..... 9**

**Officer Perception Survey ..... 9**

**Conclusion ..... 10**

## Executive Summary

The introduction of body camera technology to the arena of policing has been met with mixed reactions from the public and the police. Many are eager to embrace this tool and count on it to be the guardianship needed to ensure professional behavior on the part of the police. Others believe that it will shine the light on the complex realities faced by police officers on a daily basis. The hope is that abuse of authority will decrease, the need for physical force by the police will diminish, and false allegations lodged by citizens against the police will be refuted.

This audit reviews the first six months of body camera operation for the Southeastern Pennsylvania Transportation Authority's Transit Police Department. The audit provides a public report summarizing the logistical issues related to the program, shares outcomes resulting from BWC use, includes survey results of personnel using BWC, and allows public scrutiny of the BWC program.

Highlights of the review included:

- 9.1 terabytes of images were recorded
- 13,970 videos were retained for evidentiary, investigative or training reasons
- 27 DVRs and 49 cameras were returned to the manufacturer because of malfunctions
- 40 counseling sessions were held with personnel requiring re-training on the department's policy regarding BWC
- 3 members received formal discipline as a result of BWC video
- Release of video included 19 to the Philadelphia District Attorney's Office; 11 to the Defender Association of Philadelphia or private defense counsel; 127 included as discovery for criminal cases; 20 videos for BWC presentations to the public; and 3 videos to the media
- 22% of randomly selected incidents failed to have the required corresponding video
- 21% of randomly selected videos failed to have the required announcement by the officer that audio recording was occurring
- 5% of randomly selected videos failed to have audio recording
- 8% of randomly selected videos had the placement of the camera in a position that interfered with clear video and audio recording
- Response to Resistance incidents decreased by 19%
- Offender injuries decreased by 20%
- Officer injuries decreased by 30%
- Complaints against members decreased by 25%

## **Transit Police Body Worn Camera Program**

The Transit Police strongly embrace the opportunity to enhance the extensive video surveillance within the SEPTA system by adding the BWC component. A major benefit of the BWC is the audio capability which stakeholders can use to assess the manner by which officers speak to the public. The bulk of complaints filed by citizens often focus on what is said between the police and the person being investigated. Having audio recordings would encourage appropriate behavior on the part of both the police and the public.

In July 2013, the Transit Police began researching the viability of using body worn cameras in the mass transit environment. Information was gathered regarding the various types of camera systems; the administrative processes necessary to manage a BWC program; the options for storing images; existing police department policies; criticisms and concerns of the public and police oversight entities; and methods used to gain support of police officers for BWC technology.

By July 2014, the Transit Police had received several offers from companies willing to test their products in the subways of Philadelphia. A combination of volunteers and draftees were chosen for the equipment testing stage. The pilot program extended from July 2014 to April 2015.

A proposal was submitted to SEPTA's General Manager which described a purchasing plan that would span four years to fully equip the department with Body Worn Cameras. The General Manager and the Board of Directors authorized the immediate purchase of 300 cameras and the necessary equipment and software to equip the entire department. In May 2015, the procurement process was initiated. The total cost for the BWC program to be implemented was in excess of \$400,000.

A variety of existing BWC policies and guidelines were gathered and Directive 620 (included as an Appendix) was crafted with the help of police officers, defense attorneys, activists, police oversight experts, the American Civil Liberties Union, and members of the public.

In January 2016, training occurred for all sworn personnel and cameras were issued. On 1 January 2016, the BWC program officially began and officers were expected to activate their cameras whenever contact occurred with the public as described in Directive 620.

All of the approximately 250 members of the Transit Police – from Chief to beat officer – are expected to wear their issued body camera and activate it to capture interactions between the police and the public.

## Video Storage

Video storage represents the prime technological challenge and accounts for the majority of cost for law enforcement agencies implementing a Body Worn Camera program. The Transit Police Department stores a vast amount of video images as a result of its BWC Program. By policy, the Transit Police Department stores all video taken for 90 days from the time of the recording. Videos containing evidentiary, investigative or training material are flagged and stored beyond the 90-day cycle until ordered purged by the Chief of Police.

- The average amount of video stored daily is 50,232 megabytes
- The average amount of video stored in a 90-day cycle is 4.5 terabytes
- The first six months of the BWC program resulted in the storage of 9.1 terabytes of video
- The first six months of the BWC program resulted in the storage of 50,022 videos
- The first six months of the BWC program resulted in the retention of 13,970 videos categorized as evidentiary, investigative or training material

## Equipment Failures

Equipment malfunction is a reality when implementing any new technological program. The Transit Police Department requires officers who experience a BWC equipment malfunction to immediately notify a police supervisor and retrieve a working BWC from the available stock as soon as reasonably achievable. Transit Police have tracked the Body Worn Camera equipment malfunctions and remains in close coordination with the manufacturer for replacement. Since implementation the following equipment failures have occurred:

- 10 batteries were deemed as faulty and returned for replacement
- 27 DVRs were deemed as faulty and returned for replacement
- 49 camera heads were deemed as faulty and returned for replacement

One officer accidentally dropped a BWC unit into a toilet. Six officers have been issued four or more replacement cameras due to malfunctions during the six month period. There is no significant correlation between officers who have a high number of complaints and reports of camera malfunctions.

## Training and Discipline

The initial training provided to every member of the Transit Police included a thorough review of the BWC policy, a hands-on session for camera operation, and an explanation of the video uploading process. The Transit Police requires all personnel to formally acknowledge an understanding of the policy.

Transit Police Department reinforces the BWC requirements from time to time through the use of “quips” broadcast over police radio. These quips are short broadcasts designed to emphasize a particular subject; in this case, the reminder to turn on the officer’s BWC when responding to calls for service. Through the six-month audit period Transit Police Radio broadcasted BWC quips on fifteen (15) days. An example of a BWC radio quip is included below:

*Attention All Personnel:*

*The Body Worn Camera is a tool that will increase accountability, deter misconduct and protect the civil liberties of the public. Personnel are reminded to inspect and test their BWC before going into service. The BWC should be activated when responding to a call for service and at the initiation of contact by the public. The release of Body Worn Camera footage will increase transparency and build public trust. Always conduct yourself with the highest degree of professionalism.*

SEPTA expected that the introduction of this technology would require a learning curve during which Transit Police had to become accustomed to activating their cameras upon seeing misconduct or suspicious behavior. During the adjustment period, supervisors arriving at incidents were required to check the officers’ cameras to ensure that they were recording. They had to include in their major incident summaries whether officers had activated their cameras and, if so, at what point during the incident. Shortcomings resulted in counseling sessions which were documented and forwarded to the Captain of Quality Control. Holding the first line supervisors responsible for verifying camera activation reflected the belief that doing so would expedite the learning process for the officers. In the Transit Police, counseling sessions are training and not a form of discipline.

During the first six months of the BWC implementation, 40 Transit Police participated in counseling sessions reviewing Directive 620. Three members received formal discipline as a result of BWC video.

Personnel have been instructed that the failure to activate the BWC during a contact diminishes the officer’s credibility and tips the scale for the benefit of the doubt to the citizen who made the complaint alleging misconduct or a lack of professionalism.

## **Release of BWC Video**

The Pennsylvania Right To Know Act and the Transit Police Department Body Worn Camera policy provides parameters for the release of body worn camera video. Five members of the Transit Police have access to the stored video. Any entry into the system is electronically tracked and video review is limited to investigative purposes authorized by a Captain or above.

During the first six months of the BWC program, there were 19 videos released to the Philadelphia District Attorney's Office; 11 videos to the Defender Association of Philadelphia or private defense counsel; 127 videos forwarded as a part of discovery in criminal cases; and 3 videos to the media.

## **Audit and Review**

The Transit Police introduced the BWC program to assist in building trust in policing; protecting the public's civil liberties; ensuring professional behavior; and providing a neutral and objective viewpoint for officer misconduct investigations. To accomplish some of those goals, SEPTA explored the concept of a neutral audit. The Transit Police asked a private security contractor to provide a quote to conduct weekly reviews of randomly selected videos that would establish a statistically significant sample. The review would search for violations of state law, infractions of department policy, conduct requiring further training and identify positive examples of camera use. The contractor's quote was cost prohibitive.

In lieu of the financially restrictive review by the private contractor, the Transit Police conducted an examination of randomly selected videos for the period from 1 January 2016 to 30 June 2016. This report serves as the audit for the first six months of BWC operation for the SEPTA Transit Police Department.

The audit is divided into three sections. The first section provides data showing whether the Transit Police adhere to the department's BWC policy. The second section provides data regarding the potential effect that BWC has had on Response to Resistance incidents and Complaints Against Police. The third section provides data regarding the police officer's individual perceptions regarding the value of the BWC program.

## **SECTION ONE**

### **Procedural Compliance**

The Transit Police Department's Quality Control Unit randomly chose a sample of 300 BWC videos from the period of January 2016 through June 2016. The audit reviews whether officers were activating their cameras when handling incidents and at what point the cameras were activated. It evaluates whether the officer advised the subject that recording was occurring and whether the audio capability was activated. It evaluates whether the camera was affixed to the uniform in a manner that enables an unobstructed view of the area in front of the officer.

Camera activated: The computer aided dispatch system was used to randomly select 200 incidents involving the response of the Transit Police. Each of these incidents should have a corresponding video by the assigned officer. Review of the randomly selected videos reveals that 78% of the incidents have a corresponding video. Transit Police are required by policy to activate their camera upon receiving a radio call. Review of the randomly selected videos reveals that 81% of the recordings were activated upon receiving the radio call.

Legal compliance: The existing state law relating to BWC operations requires that officers notify the subject that s/he is being recorded. Review of the 300 randomly selected videos reveals that 79% of the recordings have the officer warning the subject that audio recording was occurring.

Audio activated: The BWC chosen by the Transit Police has a switch on the side of the camera which enables the termination of the audio element. Due to the size of the switch, it is unlikely that anything other than manual manipulation would enable the audio to be turned off. Review of the 300 randomly selected videos reveals that 95% of the recordings have the corresponding audio.

Proper camera placement: During the pilot program, multiple videos were captured that failed to view the subject stopped by the Transit Police due to the placement of the camera. Ideally, the camera should be affixed to the officer's outermost garment at a height that would capture the best view of the subject. It would also be pointed in a manner which did not tilt upwards which sometimes happens when affixed to jackets or on the uniform at the edge of the ballistic vest. It is also important for officers to recognize that attaching the camera upside down or sideways results in video being recorded in the same manner. Review of the 300 randomly selected videos reveals that 92% of the cameras were affixed to the uniform in an acceptable manner.

## SECTION TWO

### Response to Resistance Comparison

When a member of the Transit Police reacts to physical resistance from a criminal suspect or a person in distress as a result of mental health issues or drug/alcohol use, the involved officer prepares a report and Internal Affairs conducts a review. Below is a comparison of Response to Resistance incidents during the periods of January to June in 2015 and 2016.

	1/1/15 to 6/30/15	1/1/16 to 6/30/16	Difference
<b>Avg Number of Members</b>	251	245	-2%
<b>Offender contacts</b>	8949	8458	-6%
<b>R2R incidents</b>	159	129	-19%
<b>ECW warning</b>	83	63	-24%
<b>ECW activation</b>	35	19	-46%
<b>Hand controls</b>	32	41	+22%
<b>OC spray</b>	6	5	-17%
<b>Baton</b>	3	1	-67%
<b>Offender injuries</b>	10	8	-20%
<b>Officer injuries</b>	10	7	-30%

Offender contacts are an interaction between a Transit Police Officer and another person that is a result of an enforcement or investigative action.

R2R incidents are Response to Resistance events in which a Transit Police Officer delivers a physical response to an offender's resistance. These are self-reported incidents.

ECW warnings are when a Transit Police Officer announces to a subject that the Electronic Control Weapon will be deployed if compliance is not provided. The Taser X2 is the ECW used by the Transit Police.

ECW activations are when a Transit Police Officer deploys the Electronic Control Weapon. The ECW can be deployed by either firing darts at the subject which temporarily interrupts muscle control or by pressing the ECW directly against the subject's body to deliver localized pain.

Hand controls are the use of control holds, arm locks, grips and pressure point controls. Policy does not require personnel to report all use of hand controls so the totals are not an accurate assessment of this method of response to resistance.

OC spray is when a Transit Police Officer deploys oleoresin capsicum spray at a subject. Warnings issued to subjects that result in compliance are not reported.

Baton use is when a Transit Police Officer strikes a subject with the baton. Warnings issued to subjects that result in compliance are not reported.

## Internal Affairs Comparison

Whenever a member of the Transit Police is the subject of a complaint by a citizen or a violation reported by another member of the Transit Police, Internal Affairs conducts an investigation. Below is a comparison of incidents during the period of January to June in 2015 and 2016.

	1/1/15 to 6/30/15	1/1/16 to 6/30/16	Difference
<b>Total IA investigations</b>	109	82	-25%
<b>Improper procedure</b>	41	34	-17%
<b>Harassment</b>	23	14	-39%
<b>Discourtesy</b>	18	7	-61%
<b>Excessive force</b>	14	6	-57%

Improper procedure investigations evaluate whether departmental policy is followed.

Harassment investigations evaluate whether the requisite legal justification exists for the Transit Police to detain a subject.

Discourtesy investigations evaluate whether the Transit Police interact with a subject in a manner that a reasonable officer would think was appropriate.

Excessive force investigations evaluate whether the Transit Police deliver an appropriate response to resistance.

The introduction of BWC images to the internal affairs investigative process did not increase the percentage of complaints confirming the citizen's version of the complaint. While the overall number of complaints declined substantially from 2015 during the same timeframe, the percentage determined to be "Founded" in 2016 was 33%. During the same timeframe in 2015 without the benefit of BWC, 39% were categorized as "Founded."

## SECTION THREE

### Officer Perception Survey

Dr. Jordan Hyatt from Drexel University's Department of Criminology & Justice Studies conducted a survey of Transit Police in January 2016 and then in July 2016 regarding their perception of the department's use of BWC. The survey was designed to examine how officer attitudes towards BWCs change over the first six months of the program. The survey provided the following findings:

- The neutral opinion on the statement, "Most officers do not support the BWC program" remained unchanged
- There was a decrease in the average level of concern about privacy protections
- There was a small, positive change in the belief that BWC provided evidence for court proceedings that would otherwise not be available
- There was an increase in the belief that BWC provided management with a tool to monitor officers
- There was a decrease in the belief that BWC could damage police-community relations
- There was an increase in the belief that BWC could improve the overall level of public trust in the police
- There was no change in the weakly held belief that BWC would encourage both officers and members of the public to be more polite
- There was a decrease in the perception that the public would not approach officers due to the presence of a BWC
- There was no change in the belief that BWC would not have an effect on the number of citizen complaints
- There was no change in the strongly held belief that BWC could reduce the number of crimes committed on the transit system
- There was no change in the average opinion that BWC would have no effect, either positive or negative, of the use of excessive force
- There was a decrease in the belief that BWC would reduce an officer's use of appropriate force
- There was no change in the belief that BWC would have no effect on overall officer safety

## Conclusion

The introduction of BWC to the Transit Police Department may be responsible for a reduction in Response to Resistance incidents; offender injuries; officer injuries; and complaints against police officers. There are a variety of reasons why the cameras may positively affect enforcement contacts with the public. The first possibility is that police officers change their behavior because it is recorded and reviewed by command level personnel. Chief Nestel frequently states that cameras make good cops great and marginal cops follow the rules. The second possibility is that the announcement that the incident is being recorded changes the behavior of the citizen and discourages him/her from filing false complaints of misconduct. On several occasions, citizens claiming wrongdoing on the part of the Transit Police immediately rescinded their statements upon being told that the original contact was video and audio recorded.

The reduction in offender and officer injuries reflected the decrease in the number of physical contacts that officers had with citizens. Whether the cameras had any influence on that area is difficult to assess. No other operational, staffing or training changes that focused on factors that would reduce physical contacts between police and citizens is suspected of having as much of an effect as BWC.

Compliance with the program and faith in its value are areas that require continued growth. It is difficult to remember upon seeing antisocial behavior that activation of a piece of equipment is almost as important as the peaceful resolution of that incident. In order to increase the likelihood of remembering to activate the recording capability, officers are prompted to do so upon being dispatched to incidents. Ensuring that cameras are activated to record incidents that occur in the officer's presence requires a muscle memory response and that takes time and practice.

Understanding whether officers believe in the technology and the department's use of the equipment is helpful in identifying gaps that exist between line officers and command staff. The survey administered by Drexel University helps the department's commanders to know what the workforce believes regarding the goals of the program. BWC programs cannot be successful without the buy-in and compliance of the workforce.

The American Civil Liberties Union recommended that the retention period for recordings that were not evidence, part of an investigation or used for training material should be two years. During the implementation of the program, a decision was made to purge non-flagged videos after 90 days. Transit Police will be increasing the retention period of non-flagged videos to 180 days in an attempt to gauge the storage needs while moving towards the recommendation of the ACLU.

The goal of this program is to remain open to public review and input. Recommendations, suggestions, criticisms or complaints regarding the attached policy, the six-month audit or the Transit Police BWC program are welcome. Please forward your comments to Chief Nestel at [TNestel@septa.org](mailto:TNestel@septa.org).

# SEPTA Transit Police Department

*Service, Integrity, and True Professionalism*



## Directive

620. Body Worn Camera Program | 1/1/2016 | Total Pages: 6

### 620.1 PURPOSE:

620.1.1 Body Worn Camera (BWC) equipment provides audio and video recording of contacts with police officers. The purpose of the BWC program is to give the Transit Police an additional tool to serve its primary function of protecting the safety and civil liberties of individuals. BWCs will be used to capture an event in real time in order to assist in verifying whether an individual's Constitutional Rights are protected, document evidence seizures, deter misconduct by police/public and serve as a useful training and management tool.

### 620.2 POLICY:

620.2.1 All uniformed personnel will utilize BWC equipment to record interactions while on duty regardless of whether the employee is on straight time or overtime status.

### 620.3 PROCEDURES:

#### 620.3.1 General Guidelines

- (a) A supervisor will assign the BWC and accessories to the officers.
- (b) All supervisors will be responsible for ensuring that personnel utilize their BWC during police contacts.
- (c) The assigned officer will inspect the BWC for any physical damage. The officer will ensure the device is in proper working order with the audio switch on at the beginning of the shift. The officer will audibly record his/her name, badge number, beat assignment and tour of duty as the first recording.
- (d) Officers are responsible for the proper care of all Department property and/or equipment assigned to

them. Officers will immediately report to their supervisor any loss of, or damage to, any part of the BWC.

- (e) The unit should be affixed to the officer's uniform in a manner that provides the best unobstructed view of incidents occurring in front of the officer.
- (f) Handset microphones should be placed on the uniform in a manner that does not interfere with the BWC recording of conversations between the officer and members of the public.
- (g) Prior to going into service with a BWC, officers will ensure that they are wearing an authorized uniform which clearly identifies them as a SEPTA Transit Police Officer, unless otherwise approved by the Chief of Police.
- (h) The assigned officer will note on the first line of the patrol log "BWC Equipped".
- (i) The BWC recordings will be used for official Departmental purposes only.

#### 620.3.2 Equipment Operation

- (a) Personnel equipped with a BWC must activate the record mode as soon as they can safely do so when initiating (or earlier, if possible) the following events:
  - 1) Assigned to a radio call
  - 2) Notifying radio of response to a radio call assigned to another unit
  - 3) Observing another unit engaged in a contact
  - 4) Observing criminal, disorderly, suspicious or unsafe behavior
  - 5) Any and all contacts other than simple greetings or casual conversation
  - 6) Protection of crime or accident scenes
  - 7) Transportation of prisoners or citizens
  - 8) Searches and frisks of persons, vehicles, public structures, etc.
  - 9) Statements made by suspects, victims and witnesses
  - 10) Miranda warnings
  - 11) Interrogations of suspects
  - 12) Any legitimate law enforcement purpose

- (b) The only authorized BWC is the department issued equipment.
- (c) Recordings shall be made in close proximity to the individual's oral communication.
- (d) Officers shall inform, as soon as reasonably practicable, the individuals present that s/he is recording their conversation by saying, "I am (Rank)(Last name) of the Transit Police and this conversation is being recorded."
- (e) All reports prepared by the officer documenting police action recorded by a BWC will include the notation "BWC". BWC video does not take the place of normal documentation.
- (f) The recording officer will advise any additional arriving police/fire/EMS units that the incident is being recorded with a BWC.
- (g) Supervisors will ensure that personnel download recorded files using the established process at the end of each tour of duty.
- (h) When a recording occurs of a critical incident (as determined by a supervisor) or a Response to Resistance (R2R), the officer will be directed to a data transfer location to enable the uploading of video as soon as possible after the incident.
- (i) All R2R recordings will be reviewed by Internal Affairs within three days of the recorded incident.

### 620.3.3

#### Restrictions

- (a) Officers shall not make surreptitious recordings of conversations with any person unless the restrictions and guidelines of PA Title 18 Chapter 57 – Wiretapping and Electronic Surveillance – have been met.
- (b) The following are examples of events that shall not be recorded:
  - 1) Lunch break
  - 2) Report writing
  - 3) Administrative functions
  - 4) Discussions with police officers that are not related to an ongoing incident

- 5) Greeting people or personal conversations
  - 6) Conversations with supervisors that are not related to an active incident
- 
- (c) Recordings shall not occur in places that possess a higher expectation of privacy such as dressing rooms or restrooms unless police contact is occurring inside those locations.
  - (d) Officers shall not intentionally erase, alter, reuse, modify or tamper with BWC recordings.
  - (e) Officers shall not interfere with the video or audio function of the BWC.
  - (f) Officers shall not change the settings or attempt to repair the BWC. All changes and repairs will be conducted at Police Headquarters.
  - (g) When response to resistance occurs, the officer will prepare the R2R report without reviewing the BWC video. This is in compliance with existing procedures for station and vehicle video.
  - (h) The video images will not be exposed to random use of facial and/or voice recognition capabilities. This may only be done for specific criminal investigations.

#### 620.3.4

#### Termination of Recording

- (a) Once the record function of the BWC is activated, the officer will continue to record until either the subject being recorded or the officer has disengaged and communication between the two is no longer likely to occur.
- (b) Officers are required by law to deactivate the BWC recording function when entering a private residence. Officers shall request from those present permission to record inside private residences. The approval to do so must be recorded.
- (c) Individuals being recorded in the public domain do not possess the authority to demand that the BWC recording function be deactivated.

620.3.5 Video Storage, Retention and Release

- (a) Recorded images related to any incident which results in arrest or issuance of citation/CVN will be retained.
- (b) Accessing, copying or releasing BWC recordings for other than approved purposes is prohibited.
- (c) Viewing of video is to be documented and maintained by the Commander of the Communications and Technology Unit. Viewing of video should be done on a need to know basis.
- (d) Public requests for viewing of video will be handled using the existing Right to Know protocol.
- (e) All BWC video that is to be retained will be considered as evidence and the property of the SEPTA Transit Police Department.
- (f) Video will be stored in a secure manner at Transit Police Headquarters for 90 days from the date of recording with the exception of evidentiary, investigative, or training material which will be held until ordered purged by the Chief of Police.
- (g) By use of email, an officer will notify the Commander of the Communications and Technology Unit of the date/time of video that should be retained and the reason for retention.
- (h) By use of email, an officer will notify the Commander of the Communications and Technology Unit of the date/time of video that should not be available for public review such as sensitive information, HIPAA data, unduly embarrassing situations for the recorded individual, etc. All such requests must be approved by the Chief of Police.

620.3.6 Audit and Inspection

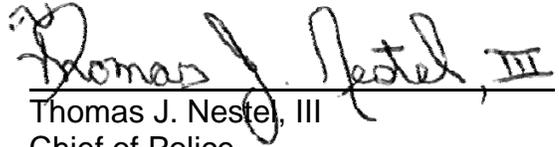
- (a) The department will implement an audit and inspection function to conduct reviews that will ensure compliance with the law and this policy. The reviews will also be utilized to identify training needs and recognition of exceptional performance.

- (b) An Audit and Inspection report will be periodically prepared for public review.

620.3.7

Accountability

- (a) Disciplinary action resulting in termination may be initiated for any violation of this policy.

  
Thomas J. Nestel, III  
Chief of Police