



POLICY

Effective Date: January 1, 2016 Review Due: January 1, 2017
Replaces: POL 1250.10 Cameras on Buses Sound Transit
See Also: Washington State Archives CORE Retention Schedule
Washington Courts' Rules of Evidence
Approved By: Executive Team

POL-1250.09 CAMERAS ON BUSES PIERCE TRANSIT

The purpose of this policy is to ensure proper handling of Agency mobile video cameras systems installed on rolling stock vehicles, including authorized use, storage, retention, maintenance and repairs.

Definitions

- a. AP/Access Point – the antennae which wirelessly retrieve the recordings from the vehicle.
- b. APC/Automated Passenger Counter – equipment which records passenger boardings and alightings.
- c. Authenticated Permanent Record – the final recorded record that is placed on a storage device for retention purposes. Serves as the Agency Master file.
- d. Authorized User – an Agency employee who is assigned and approved for the task of accessing, retrieving, archiving and/or disseminating authorized recorded records. The Office of Public Safety establishes authority levels.
- e. Chain of Custody – the chronological documentation of each person involved in the process of gathering a recorded record and making it an Authenticated Permanent Record, and the dissemination of authorized copies of that record and in any other manner having access to or possession of the recorded record.
- f. DVR – Digital Video Recorder, the on-board device which stores all imagery and audio recordings.
- g. Event – an event is created by way of an electronic 'flag' on the DVR when one of the following occurs: sudden braking, sudden swerving or turning or by use of the Event Button.
- h. Event Button – a button on the vehicle. At this time, the Event Button is not being used.
- i. Event-driven recorded records – When an event occurs, the flagged event-driven recording is automatically downloaded when a bus is in proximity to an access point. The recording is initially referred to as "non-criminal imagery." Depending on the circumstances, a given recording may change type during its archived status. Authorized Users should determine the current type designation when seeking use.
- j. FTA – Federal Transit Authority.
- k. Manually flagged event – events which are flagged manually by either contacting the Communications Center or by pressing the Event Button.

- l. Mobile Video Camera Recording – imagery and/or audio which is stored on the DVR.
- m. Mobile Video Camera Recorded Records- Imagery and/or audio records obtained from approved Agency equipment on board any rolling stock that is owned, leased or borrowed for Agency purposes.
- n. Prioritization Table – the table which defines the priority level and category or type of activities that fall under each level.
- o. Retention – the length of time a recording is retained.
- p. Requestor – the originator of any request for recorded records.
- q. Requestor Form – the form a requestor fills out when seeking approval to obtain a recorded record.
- r. Ride Check Verification Audit – an FTA requirement that transit agencies validate APC data by way of manually auditing randomly selected trips and comparing the data.
- s. Rolling Stock (as defined in Buy America regulations) - transit vehicles such as buses, vans, cars, railcars, locomotives, trolley cars and buses, and ferry boats, as well as vehicles used for support services.
- t. System Health Report – a report automatically generated by the wireless camera system and uploaded each time the vehicle is within range of an AP.
- u. Unauthorized duplication or dissemination – any use of imagery other than the intended or authorized use or use without official permission.
- v. Video Camera Recorded Record – All video or audio recordings from approved Agency Video Camera systems.

1. PURPOSE OF VIDEO CAMERAS ON AGENCY VEHICLES

Video cameras provide video and audio records which are used by the Agency to enhance customer service, crime prevention and detection and increase security and public safety efforts. These uses include but are not limited to:

- Responding to accident, incidents and/or public comment
- Prevention of acts of theft, vandalism, harassment and/or assault
- Identification of individuals involved in criminal activity on transit property
- Overseeing the safe daily operation of transit vehicles
- Assisting in law enforcement’s investigation of criminal activity
- Deployment of Security and Law enforcement resources during events and emergencies
- Assisting Risk Management in the investigation and resolution of claims or complaints against the Agency
- As a training aid

2. MOBILE VIDEO RECORDING DEVICES WILL BE INSTALLED IN LOCATIONS WHERE THERE IS NO REASONABLE EXPECTATION OF PRIVACY

3. DISABLING OR DAMAGING VIDEO CAMERAS

- a. Employees are prohibited from disabling, damaging or otherwise rendering incapable any component(s) of the approved and installed camera system. Violations may result

in disciplinary action, up to and including termination and/or civil and criminal ramifications.

- b. Employees should contact the Communications Center immediately to report any acts of vandalism occurring in or on the vehicle.
- c. Only Authorized Users are allowed to manipulate the camera system. Authorized Users will be provided a level of access that meets the demands of their assignment only.

4. REQUESTING RECORDED RECORDS

- a. The Office of Public Safety will review and fulfill all requests for recorded records based on the Prioritization Table.
- b. All approved requestor forms will be responded to in an expeditious manner, typically acknowledging receipt of request within five (5) working days. All responses are to be in accordance with Agency policy and procedures as well as all State and Federal laws governing this type of request.
- c. All non-approved requests will be filed and notification will be sent to the requestor detailing the reason why the requested was denied.
- d. Responses to requests may be prioritized based on the legal requirements of the request. The Office of Public Safety maintains the Prioritization Table.
- e. Requests made by Union Leadership are handed in accordance with current Agency policy.
- f. Requests for Passenger Ride Check Audits will be generated by the Authorized member/s of Scheduling & Planning.

5. RESPONDING TO RECORDED RECORDS REQUESTS

- a. All requests for Recorded Records created or maintained for internal purposes such as Safety Review, Customer Service verification and complaint investigation or third party claims, are to be marked in such a manner to clearly identify the imagery media as "Non-criminal" and "For Official Use Only".
- b. All requests for Recorded Records created or maintained for criminal justice or law enforcement purposes are to be marked in such a manner to clearly identify the imagery media as "Criminal Evidence" or, if intelligence related as determined by Public Safety personnel, are to be marked "Law Enforcement Sensitive" or "LES". Criminal evidence or LES imagery will only be released to authorized recipients in accordance with State or Federal law.
- c. Employees in possession of non-criminal imagery are to treat the information as confidential and store such to prevent unauthorized use or duplication. Media containing imagery shall not leave the authorized user's possession while in use and shall be stored in an unobvious location in the user's office when not in use.
- d. All criminal evidence, SSI and LES will be handled and maintained in accordance with applicable Washington Courts' Rules of Evidence, court orders and Agency procedures.
- e. The Office of Public Safety will maintain a log of each request for Recorded Records and track the progress of each such request until the request has been closed. A thorough and documented Chain of Custody is to be maintained with each request. The Chain of Custody is maintained by the Office of Public Safety.

6. LIVE LOOK IN

- a. Live look in will only be permissible during a reported medical emergency, criminal or suspicious act or any other serious event that compromises the safety, security, and comfort of employees and customers onboard the bus. The employer will not randomly review audio or video data nor review it for the purpose of discovering policy violations in the absence of a precipitating event.
- b. Should a Supervisor, Security or Law Enforcement personnel witness an event occurring on the bus, they must call in the event and report what they witnessed **before** logging into Live Look In. They will be given the vehicle's credentials. Once a determination of the event is made, they must then call in again either confirming or clearing the event.
- c. Designated agency vehicles will be equipped with hardware allowing live look in inside a bus which is direct line of sight of the agency vehicle.
- d. Designated and trained personnel only will have credentials allowing them access to live look in.

7. USE OF RECORDED RECORD(S):

- a. All Users shall sign the CCTV Access Authorization form acknowledging they understand the Agency's policy on the use of electronic monitoring and recording systems.
- b. Physical or Uniformed Security will provide training for authorized users.
- c. Video Camera Recorded Records are for Agency Use Only and are always considered for official use only. Certain records may be designated either Security Sensitive Information (SSI) or Law Enforcement Sensitive (LES) or may be considered evidence in criminal proceedings or otherwise be subject to legal restrictions, e.g. litigation holds or other court orders.
- d. Unauthorized Access or Use of Agency Recorded Records may result in disciplinary action, up to and including termination, and/or civil and criminal ramifications.
- e. Any employee with knowledge of misuse of these systems is required to notify their supervisor immediately and provide facts and circumstances surrounding the misuse. The supervisor is to elevate the incident to the Office of Public Safety as soon as facts have been verified.
- f. Unauthorized duplication or dissemination of recorded record(s) is prohibited.
- g. Event-driven recorded records will not be reviewed unless a formal request is received.

8. PASSENGER RIDE CHECK VERIFICATION AUDIT

- a. Ride check verification audit videos will not be used for any other purpose unless one of the following is observed: illegal active, unsafe activity or activity that is against Agency policy and may be committed by either a member of the public or an Agency employee. If such activity is observed it shall be immediately reported to Public Safety for review.

9. RECORDED RECORDS HANDLING AND RETENTION

- a. Non-flagged and non-criminal records will be retained for a minimum of 30 days and then overwritten unless a Request form is received prior.
- b. Criminal records will be retained based on Washington State Archives CORE schedule. Currently this is 3 years.

10. MALFUNCTION

- a. The wireless camera system will produce a System Health Report which will be emailed to designated Fleet Maintenance and Public Safety for review.
- b. Each vehicle equipped with a camera system, wireless or hard drive, has an indicator light which alerts the Operator of a malfunction.
- c. Employees shall report all nonfunctional or damaged equipment as soon as practical, but no later than the end of shift.
- d. Malfunctions shall be reviewed by Fleet Maintenance and repaired as soon as practical.
- e. The Communications Center will determine whether a bus change is needed.

11. MAINTENANCE AND OPERABILITY

- a. The Department of Public Safety is responsible for the use and maintenance of the CCTV and recording systems for fixed systems.
- b. Fleet Maintenance is responsible for the operability and maintenance of electronic monitoring systems on rolling stock.

Prioritization table attached here for reference only.



DEPARTMENT OF PUBLIC SAFETY



FIXED & MOBILE CCTV REQUESTS

The project and system are monitored live at Tacoma Dome Station by our Public Safety Officers. Over the years, we have developed a process to securely deliver this video imagery when requested and have an established protocol for chain of custody.

In July 2013, thirty of the Sound Transit fleet were equipped with CCTV that also captures audio. The ST system did not include supporting infrastructure thus requiring all requested video to be removed manually in the event of a request. What this means is that requests for ST video will be a time consuming process and in most cases will be completed here at the base so as to minimize service disruption and maintain recorder integrity.

The Office of Public Safety has been tasked with developing the process for collecting and tracking all CCTV requests, fixed and mobile, as well as establishing the accountability procedures and chain of custody. In order for us to provide this service timely, I wanted to lay out the procedure for you on how you go about getting video if needed.

The CCTV request form has been developed to assist you with your requests and also serves as part of our tracking system. We consider all management as authorized requesters and will only initiate the collection process with this form coming from an authorized requester. Please provide as much of the information as possible to assist us with narrowing down the time frame of the video request, again with the ST mobile system, it has to be completed manually. Each of the approved requests will be prioritized as indicated on the form. The below table is our initial goals for turnaround time with all approved requests:

PRIORITY TABLE

Priority (1)

Turnaround time: within 24 hours

- Major Crimes Against Persons
- Fatal Injury Accidents
- Major Events (Unclassified)
- Tempering/Vandalism of CCTV System

*****On Call Duty Officers are to be notified of Priority (1) requests**

Urgent (2)

Turnaround time: within 72 hours

- Serious Injury Accidents
- Serious Incidents
- LE or Prosecutor Requests
- All Incarceration Arrests



- Time Sensitive/Retention Sensitive
- Alleged Criminal Employee Misconduct
- Use of Force

Routine (3)

Turnaround time: within 10 business days

- All Other Arrests
- All Other Accidents
- PDRs
- Alleged Non-Criminal Employee Misconduct
- Property Damage
- Internal Agency Requests
- Other Requests No Qualifying as Priority 1 or 2

This form is intended for *Internal Use Only*. Once you have completed the form, save a copy for yourself. Send the form, via e-mail, to the "CCTV Request Desk." You will then receive a response from Public Safety Records letting you know that it has been received and what priority code it has been assigned. Once your requested video is complete you will be notified and a copy will be provided to you upon signing the chain of custody form.

***NOTE: As a holder of a video record, you will be responsible for the security of that record as well as the destruction of it according to the Washington State Retention Schedule. A retention schedule will be provided at a later date. Future plans are to place the request form on IPT with a memo outlining the procedure for all employees.

As with all procedures, they are subject to change. We are not sure yet how well this process will work; however, your patience as we continue to refine this process will be greatly appreciated.

