

Surveillance Impact Report

BART Police

Body Worn Cameras (BWC)

BART Police Department

BPD-BWC-SIR-01

21 Day BART Board Notice – Aug 5, 2021

15 Day Public Notice – Aug 11, 2021

BART Board Meeting – Aug 26, 2021



A. Information describing the proposed surveillance technology and how it generally works.

Body Worn Cameras (BWC) are camera technologies that can capture both video and audio images of people and nearby environment when activated. Specifically, this technology seeks to provide transparency of police conduct while interacting with the public. The body worn camera is intended to assist officers, BPD Command Staff and police oversight branches and agencies such as the Independent Police Auditor, Internal Affairs, District Attorney and other as required by law to provide an objective, unbiased video, and audio record with a contact and/or incident. The San Francisco Bay Area Rapid Transit District Police Department is providing to each of its Sergeants, Officers, Crisis Intervention Specialists and Fare Inspectors with a body worn camera for use while on-duty. Lieutenants will be issued body worn cameras and will be required to wear and turn them on when they are expecting to take enforcement action while in uniform. The body worn camera is designed to record both video and audio activity and shall only be used during the course of their official police duties or the safety and security of patrons and employees.

BWC technology increases the transparency of police actions during interaction with the public. BWC's enhance public safety and are in alignment with BART Police transparency, community, and progressive policing vision.

B. Information on the proposed purpose(s) for the surveillance technology.

Implementation of the proposed BART BWC technology system would serve the following key purposes:

- Aid in the transparency of the BART Police Department and provide the public, documentation of misconduct.
- Reassure the public that interactions with the BPD are in alignment with BART Police Policy, California State Law, and commitment to serving the public through Community Policing.
- Assist in the monitoring, identification, apprehension, and prosecution for criminal offenses.
- Aid in the Investigation of complaints or offenses and provide evidentiary support upon which to take criminal and civil penalty actions.

In a 2014 study funded by the Office of Justice Programs Diagnostic Center, researcher Michael White noted that evaluations of BWC found several beneficial outcomes. The studies indicated that BWC resulted in positive interactions between officers and citizens and made people feel safer. In 2018 a study conducted by CNA Analytics observed the use of BWCs improve the civility of police-citizen encounters by reducing officer use of force incidents (both excessive and non-excessive) as well as decreased citizen complaints against officers.

Because body worn cameras are not intended to directly impact crime rates, crime

statistics are not collected for the impact analysis. However, it should be noted that body worn cameras are an essential component for law enforcement investigations. The District Attorneys in all of the counties served by BART routinely require video evidence in order to accept a case for prosecution. Lacking the evidence provided by body worn cameras, it is likely that fewer criminal cases would be accepted by the District Attorneys for prosecution which in turn would reduce the effectiveness of our law enforcement activities to protect or passengers and employees. Additionally, video evidence is essential for the defense of civil claims against the BART District. The high-risk nature of law enforcement duties makes the collection of unbiased video evidence critical for resolving claims involving the BART Police Department.

In the wake of the murder of George Floyd, the use of body worn cameras by law enforcement has been highlighted as one of the essential police reforms to ensure accountability and transparency. The BART Police Department has been a leader in implementing progressive reforms and continuing our deployment of body worn cameras is necessary to comply with the reforms which have been adopted by this agency. Body worn camera footage is an important component of the investigative process used by BART's Office of the Independent Police Auditor and the BART Police Department's Office of Internal Affairs to investigate allegations of police misconduct and hold officers accountable. The current body worn cameras are approaching the end of life for the equipment and the Department currently does not have adequate equipment available to issue body worn cameras to all officers considering the additional staffing that has recently been allocated to the Department. This procurement of new body worn cameras is required to allow the department to issue a body worn camera to every police officer and selected civilian staff as designated in the use policy.

C. An assessment identifying any potential impact on privacy rights and discussing any plans to safeguard the rights of the public.

Data collection by the BWC System includes video and audio interactions of the public under specified and controlled circumstances BART recognizes that all people have an inalienable right to privacy and BART is committed to protecting and safeguarding this right. In recognition of these concerns, BART has taken the following steps to mitigate the potential risk inherent in collecting this data from its customers.

As discussed in this Report and the Surveillance Use Policy, only authorized BART personnel, authorized BART personnel or outside law enforcement actively investigation a case or pursuant to a court order or subpoena, will have access to this data for the purposes identified in this report and in the Surveillance Use Policy. BART shall maintain robust security access procedures and practices, including multi layered engineering, cyber security, and administrative protections. Data access shall include operational, administrative, technical, and physical safeguards, to protect BWC information from unauthorized access, destruction, use, modification, or disclosure. BART shall not provide

data to federal immigration agencies. Data shall be stored in compliance with the Surveillance Ordinance and BART Police Department's records retention policy.

D. The fiscal costs for the surveillance technology, including initial Camera Lease, and other ongoing costs, and any current or potential sources of funding.

Cost of BWC System

\$625,000 per year for 300 Cameras and subscriptions all-inclusive of the necessary equipment and storage. The leasing period is a 10-year contract.

Initial Leasing Cost

Based on an estimated budget, the annual cost to lease is approximately \$2,083.33 per installed BWC unit.

Ongoing Costs

The ongoing costs associated with the deployment of a systemwide BWC System will be all inclusive for hardware, software, and storage. The cost for labor regarding Officers training on the units will be absorbed by the BART Police Department Operating Budget.

The anticipated lifespan of a BWC-unit is about 2.5 years. Using the leasing option provides replacement cameras every 30-months and/or when broken without incurring additional costs or retaining outdated equipment. All replacement BWC's are required to meet all elements of the Surveillance Ordinance and this Impact Report and Use Policy.

E. Whether use or maintenance of the technology will require data gathered by the technology to be handled or stored by a third-party vendor on an ongoing basis.

Access to BWC video is protected and stored in the vendor supplied storage solution and is only accessible by authorized District users.

F. A summary of alternative methods (whether involving the use of a new technology or not) considered before deciding to use the proposed surveillance technology, including the costs and benefits associated with each alternative and an explanation of the reasons why each alternative is inadequate or undesirable.

BART examined the current capabilities for oversight of police conduct. Current options include gathering CCTV recordings from Stations and Trains. While these cameras do not have audio capabilities, they will continue to be used in addition to BWC. There is no alternative technology that can meet the needs of the District. The benefits and disadvantages of BWC are:

Benefits of BWC

- Improves transparency of BPD when interacting with the public.
- Gives BART Riders a redress for reports of police misconduct.

- Enhances public confidence and safety when interacting with BART Police.
- Provides documentary evidence for prosecution and assisting victims of crime.
- Enhances public confidence when interacting with BART Police.
- Requires minimal training of personnel on the use of the technology.

Disadvantages of BWC

- Requires initial installation investment.
- Requires training for new personnel.
- Privacy impact to customers that use BART from the collection of video and audio.

G. A summary of the experience, if any is known, other law enforcement entities have had with the proposed technology, including information about the effectiveness, any known adverse information about the technology such as unanticipated costs, failures, civil rights or civil liberties issues.

Many other Agencies, including a robust number of Law Enforcement Agencies use BWC Systems throughout California and the Nation. Currently more than 80% of California Law Enforcement agencies use BWC and 50% of Law Enforcement Agencies use BWC's nation-wide.

Adverse and beneficial information on BWC Technology includes:

- BWC collection of audio and video recordings of people and scenes has the benefit of transparency, but at the cost of some personal privacy. Consequently, some individuals and privacy groups do not like the use of BWC by law enforcement, because they feel it is an infringement of their privacy.
- Others actually like the technology because it provides oversight of police conduct and transparency.

It is important to note that when used properly and judiciously along with proper oversight and with written policies in place, BWC can greatly enhance the safety and security of all personnel using BART owned and or operated facilities. Currently five states have regulations regarding the use of and release of video acquired by BWC: South Carolina, Connecticut, Nevada, California, and Florida. The State of California has the largest concentration of Agencies using BWC, followed by New York and Florida.

In conclusion, BWC Technologies offer greater transparency for BART patrons when interacting with the BART Police Department. BWC offer, accurate and unbiased video and audio and provide the BPD to continue its core mission of transparent, community-based policing.