

# Surveillance Impact Report

## BART Closed Circuit Television (CCTV)

### Colton Vent Parcel Improvements

BART Office of Infrastructure Delivery

**ME-BCCTV-SIR-06**

21 Day BART Board Notice – February 21, 2024

15 Day Public Notice – February 28, 2024

BART Board Meeting – March 14, 2024



## Introduction

In 2017, Strada Brady LLC (“Strada”) and the San Francisco Bay Area Rapid Transit District (“BART”) cooperatively prepared and executed a Parcel Design and Operations Term Sheet (“2017 Term Sheet”) related to potential improvements on BART’s fee owned property known as the Colton Street Vent Parcel. The 2017 Term Sheet and a 2020 supplement to it were necessary because Strada was embarking on a development project that was going to construct commercial, residential, and public space improvements on the four parcels surrounding the vent. To mitigate security concerns arising from making the area adjacent to the BART parcel a public park, and more generally making the BART parcel more visible to the public, the Term Sheet outlined the maintenance, security, and operational requirements that had to be met by Strada if BART was to consider improvements to the parcel.

Strada began design for the parcel in 2021 and finalized it in July of 2023. The design ultimately included upgraded lighting, a concrete masonry unit (CMU) wall surrounding the vent structure itself, new landscaping, new irrigation, and security improvements. In addition to the CMU wall, the security improvements included bollards preventing vehicular access to the parcel and CCTV cameras connected to BART’s existing CCTV system. Figure 1 shows the parcel in plan with the four camera locations circled in red.

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

CCTV (closed-circuit television) is a TV system in which signals are not publicly distributed but are monitored, primarily for surveillance and security purposes. CCTV relies on strategic placement of cameras, and observation of the camera’s input on monitors. Because the cameras communicate with monitors and/or video recorders across private communication links, they gain the designation "closed-circuit" to indicate that access to their content is limited by design only to those able to see it.

The various types of cameras that are employed for public surveillance purposes include visible and semi-visible, each having its own purpose. Visible cameras are intentionally designed to be visible to the public and for the most part, one can easily detect what is being recorded by the direction of the camera. Semi-visible cameras have become increasingly more common. These cameras have a dome-shaped covering that prevents the public from identifying the direction the camera is facing. For crime prevention efforts, this type of camera is more effective for deterrence purposes because would-be offenders are unable to determine whether they are being recorded and may therefore refrain from criminal activity due to fear of apprehension.

Sample Image of Semi-Visible CCTV Camera



### **C. Information on the proposed purpose(s) for the surveillance technology.**

The use of cameras based on closed-circuit television (CCTV) technology has proven effective in increasing the confidence of the community in public transport and improving the protection of patrons, employees, railcars, and critical infrastructure. The CCTV system captures and records video images of Passengers. It serves the following key purposes:

- Reduces the fear of crime and reassures the public and employees
- Prevents, deters and detects crime, damage of infrastructure and vehicles, public disorder, unlawful behavior and inappropriate conduct.
- Acts as a risk management tool against fare evasion and as a defense against fraudulent claims, particularly for individuals alleging injury during accidents.
- Aids in dispute mediation, complaint resolution, accident investigation, employee monitoring, etc.
- Used to monitor, identify, apprehend and prosecute offenders for criminal offences, criminal damage, public disorder, roadway accidents and harassment.
- Used to investigate complaints or offences and provide evidence upon which to take criminal, civil and disciplinary actions.
- Collection of passenger and transport data to monitor and support network planning objectives and initiatives.

### **D. If applicable, the general location(s), it may be deployed.**

- Colton Vent Parcel

### **E. Crime statistics for any location(s), if the equipment is used to deter or detect crime.**

The Closed-Circuit Television System is intended as a District wide security system having amongst other functions the purpose of prevention, deterrence, and detection of crime. The system will target crimes as measured by the BART Police Performance Measurements monthly report and the reported data from the BART official monthly FBI Uniform Crime Reporting (UCR) program.

Crimemapping.com shows one incidence of possession of a controlled substance on Market Street, within one-half mile of 2 Colusa Place, the address of the Colton Vent parcel. That is the only criminal activity within the past 6 months in that radius as reported by the San Francisco Police Department. BART staff have noted trespassing by those experiencing homelessness.

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

CCTV cameras will be used in strict compliance with their Use Policy adopted by the Board in 2018.

BART recognizes that all people have an inalienable right to privacy and is committed to protecting and safeguarding this right. Through the placement of these CCTV cameras, no still or video footage or audio of persons will be captured in areas where there is an expectation of privacy, such as restrooms; and will not be used to harass, intimidate, or discriminate against any individual or group. BART's use of CCTV cameras will not include facial recognition or other biometric data collection.

Authorized Use: The CCTV security cameras and the images/video/audio they capture will be used in a lawful manner for BART business purposes only, including the uses identified in Section I of the CCTV Surveillance Use Policy, and not for personal use or other non-BART uses.

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**Data Access:** Access to images and video footage will be restricted to the designated BART departments and staff.

**Data Protection:** BART will maintain data collected by CCTV System in a secure location where physical access is limited to authorized individuals and includes physical access protections and/or firewall protections from external intrusion.

**Data Retention:** BART will retain/stored data collected from the CCTV system per BART Police Department Policy 707. Relatively short retention periods will avoid the unnecessary over-accumulation of data.

**Public Access:** BART will grant Public access to data collected from the CCTV system per BART Police Department Policy 707. All video images/data will be used for District operations, law enforcement or public safety purposes only; except as required by law, subpoenas or other court process, such data will not otherwise be disclosed/released by the BART Police Department without the consent of the Chief of Police.

**Third Party Data Sharing:** BART will share data with third parties as follows:

- In response to subpoenas issued by a defendant
- Pursuant to a Court Order
- To assist criminal Investigations by Law Enforcement Agencies
- In adherence to the District's Safe Transit Policy.

### **G. The fiscal costs for the surveillance technology, including initial purchase, personnel, and other ongoing costs, and any current or potential sources of funding.**

#### Initial Purchase Cost

Four cameras costing ~\$1,200 each are needed to surveil the site for a total cost of \$4,800. The developer installing the infrastructure will cover this cost.

#### Personnel Costs

BART personnel must complete the terminations necessary to connect the cameras to BART infrastructure. That effort is estimated to cost \$20,000, and will be paid for by the developer.

#### Ongoing Costs

The ongoing costs associated with camera operation are minimal. The project is contingent upon a maintenance agreement passing on long-term costs to the development. The only BART incurred costs are administrative and associated with providing access for a third-party to complete maintenance.

#### Sources of Funding

- Private Investments

### **H. 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.**

Third party vendor support requires the use of log files and sample image data to be collected for analysis of errors and system malfunctions. The data is not stored after maintenance is complete.

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### **I. 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 two types of technology in the implementation of the Closed-Circuit Television System, legacy Analog and current Digital IP Based technology. The benefits and disadvantages are:

#### Benefits of Analog Cameras

- Cost
- Larger pool of installers and vendors
- Simplicity
- Advancements in image quality

#### Disadvantages of Analog Cameras

- Image quality is significant less than Digital IP Based Technology
- Less coverage
- More Cables
- No Encryption

#### Benefits of IP Cameras (PTZ and Fixed)

- Multiple image sensors in one unit.
- Decrease in cost
- Ease of Installation
- Image Resolution
- Intelligence and analytics
- Security -video is encrypted
- Less equipment
- Open Platforms

#### Disadvantages of Digital IP Based Technology (PTZ and Fixed)

- Cost of initial set-up
- Storage
- Training for new technologies

#### Disadvantages of No Camera Option

- BART's loss of the intended purpose and benefits of the surveillance technology.

### **J. 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.**

BART's own prior experience with the existing technology is described in detail in BART's 2023 Annual

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Surveillance Report.

## Experience

BART uses CCTV technology for the following:

- Situational awareness for Transportation, Planning, and Operations Control Center personnel for managing stations and special events.
- Allowing BART personnel to avoid train-holds in situations that can be resolved remotely by CCTV, reducing delays in revenue service.
- Accident/incident investigations, mechanical failure investigations, and for California Public Utilities Commission (CPUC) compliance checks.
- Essential direct investigation evidence of violent crimes.
- Identification and capture of criminal perpetrators.

## Effectiveness

In FY23, BART Police detectives produced 310 wanted person bulletins using CCTV images to attempt to identify persons involved in criminal activity.

Establishing a causal relationship between the occurrence of crime and the presence, or absence, of CCTV is difficult, but CCTV is an essential part of the safety and security strategy that customers and employees expect the District to provide as part of running a Tier-I mass transit system.

## Failures & Unanticipated Costs

There were no significant CCTV equipment failures in FY23, and no unanticipated costs related to the use of the equipment.

## Civil Rights & Civil Liberties

Access to the CCTV network is highly controlled, and BART has in place a detailed process for fielding requests for CCTV video from both internal and external entities. Copies of CCTV video are provided only in strict accordance with the District's Safe Transit Policy and Surveillance Use Policy.

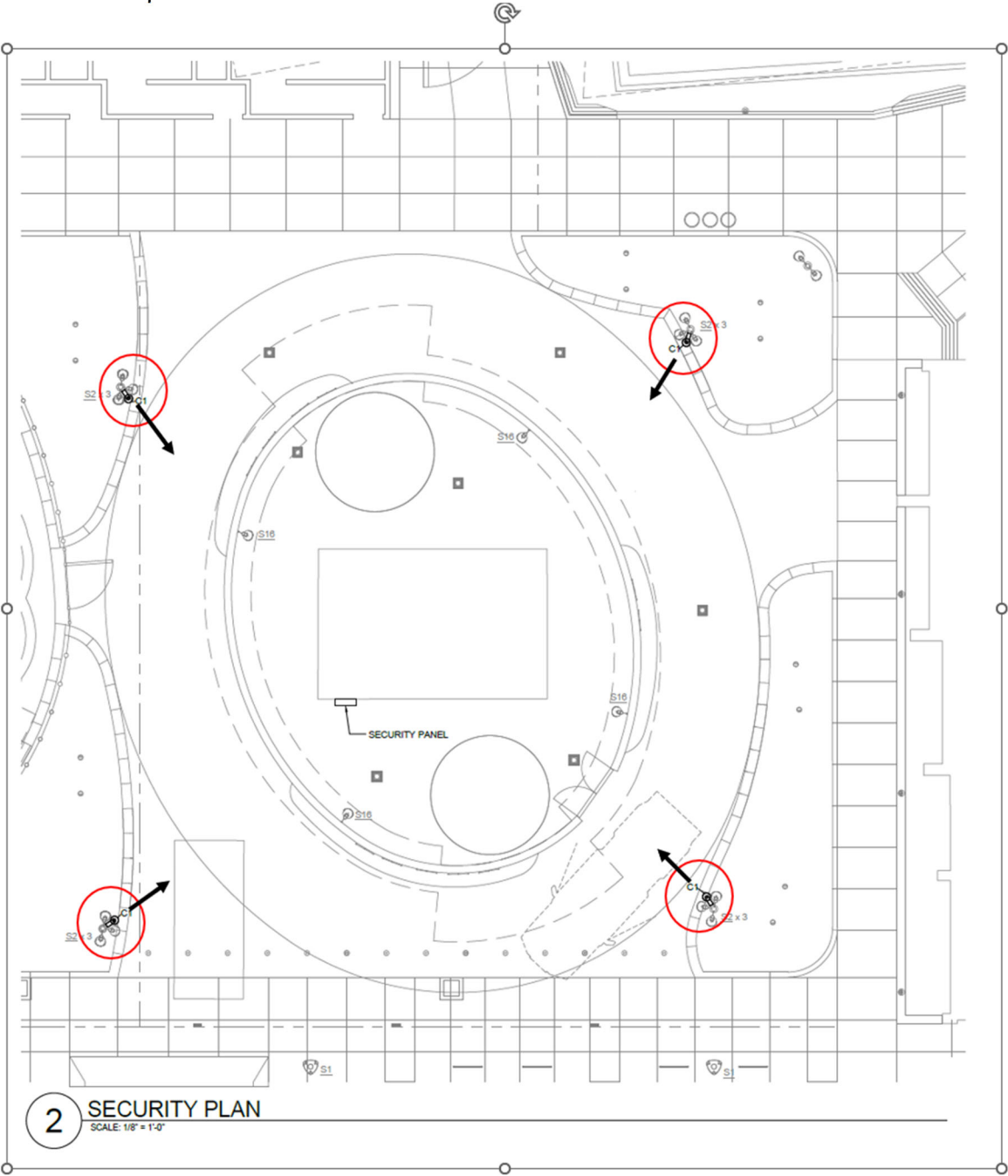
In FY23 there were a total of 4,892 (non-train car) CCTV video requests by 39 entities (mostly law enforcement), of which 85% were BART PD Investigations. The other 15% were comprised of internal BART requests (non-PD), court subpoenas, California Public Records Act requests, and outside law enforcement requests.

An audit of 57 randomly selected cases showed no violations of the Surveillance Use Policy for the CCTV system by the BART Police Department video recovery unit or District Personnel requesting access to specific videos.

In relation to CCTV cameras, in FY23, BART Customer Service received no complaints pertaining to privacy or civil liberty concerns or harm.

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Figure I: Colton Improvements and Camera Locations



Cameras are circled in red. Arrows indicate general direction of view. Cameras have 360-degree view capabilities.