



**San Diego Metropolitan Transit System (MTS)
Video System Procedures**

I. Purpose:

MTS places the highest priority on safety. Placing video cameras on certain MTS vehicles and facilities and utilizing body worn camera for security personnel is one of the ways MTS aims to help ensure passenger, public and personnel safety and general security for MTS operations and property.

The purpose of this document is to provide a comprehensive, high level summary of MTS's current procedures as it involves video cameras. This includes a description of MTS video systems, ownership, access, proper use, management, storage, custody, control, and retrieval of video recordings.

II. Definitions:

Video System refers to any system or device that enables continuous or periodic video, or video and/or audio recordings, with the capacity to view or record MTS owned or controlled spaces, which includes the closed-circuit television cameras (CCTV) and related equipment, and recordings. Personal web cameras connected to personal computers, or recordings of telephone communications, are not included in the definition of Video System.

Bus Vehicle refers to a bus vehicle, whether operated directly by MTS or by MTS' contractors (Transdev and First Transit), that is used for passenger revenue service.

Trolley Vehicle refers to a trolley vehicle used for passenger revenue service.

Bus Non-Revenue Vehicle refers to administrative vehicles used by MTS Bus Department, whether operated directly by MTS or by MTS's contractors, that do not provide passenger trips. This includes: employee shared pool vehicles, relief vehicles, supervisory vehicles and service trucks.

Facilities refers to trolley stations, transit centers, transit stations, Transit Store, maintenance facilities, certain bus stops, certain administrative lobbies, certain employee common areas, and parking lots/garages. Please note, not all bus stops, administrative lobbies and employee common areas have a Video System.

Body Worn Camera (BWC) refers to a wearable Video System by MTS or MTS' contractor¹ with the capacity to view or record interactions and events MTS Security are involved with.

¹ Effective January 1, 2022, MTS's security services contract operations fully transitioned from Allied Universal to Inter-Con Security Systems, Inc.



III. Video Systems:

MTS owns, or has contractual rights for certain access to, the following Video Systems described in Table 1: Video Systems.

Table 1: Video Systems

Location of Video System	Video System	Ownership
Bus Vehicles (all)	Apollo	MTS
Bus Vehicles (Transdev-operated)	DriveCam	Transdev; MTS has contractual rights to review video consistent with MTS oversight role.
One Bus Vehicle Only (First Transit-operated) Under a 90-day pilot program that began on 04/01/2022	Safefleet	MTS
Trolley Vehicles	MobileView	MTS
Bus Non-Revenue Vehicles	Safefleet (MTS vehicles)	MTS
	Drive Cam (for Transdev or First Transit vehicles)	Transdev; MTS has contractual rights to review video consistent with MTS oversight role. First Transit; MTS has contractual rights to review video consistent with MTS oversight role.
Facilities	Avigilon	MTS
Body Worn Camera (BWC)	Visiologix	MTS
		Inter-Con, if for contracted security personnel; MTS has contractual rights to review & produce video consistent with MTS Public Records Act obligations.

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IV. Recording Protocols:

The recording protocols and real time monitoring capability of Video Systems are described at Table 2: Recording Protocols.

Table 2: Recording Protocols

<u>Location of Video System</u>	<u>Video System</u>	<u>Recording Protocols</u>	<u>Real Time Monitoring Capability</u>
Bus Vehicles (all)	Apollo	Automatic recording if vehicle ignition is on; if interior motion sensor is triggered; and 10 minutes after ignition is turned off.	Real time monitoring will be capable through mSet, a new platform that MTS is transitioning all revenue service vehicles to. It is also possible in the current platform if a bus is connected to a secure MTS wireless network (i.e. when not in revenue service and within a particular maintenance facility), on a case by case basis by authorized users.
Bus Vehicles (Transdev-operated)	DriveCam	Automatic recording if (a) vehicle ignition is on; and (b) 10 minutes after ignition is turned off. May also be manually activated to record.	Capability for real time monitoring when vehicle ignition is on or if manually activated by authorized users, on a case by case basis.
Exception: 1 Bus Vehicle (First Transit-operated) that is under a 90-day pilot program that began on 04/01/2022	Safefleet	Automatic recording if vehicle ignition is on; if interior motion sensor is triggered; and 10 minutes after ignition is turned off.	Real-time monitoring capability is not available during revenue service. It is possible if a bus is connected to a secure MTS wireless network (i.e. when not in revenue service and within a particular maintenance facility), on a case by case basis by authorized users.
Trolley Vehicles	MobileView	Automatic recording so long as vehicle ignition is on.	Dependent on wireless connection, MTS has capability for real time monitoring if connected to a secure MTS wireless network at trolley stations or trolley maintenance yards, on a case by case basis by authorized users.
Bus Non-Revenue Vehicles	Safefleet (MTS vehicles)	Automatic recording if vehicle ignition is on; and 10 minutes after ignition is turned off.	No.
	Drive Cam (for Transdev or	Automatic recording if vehicle ignition is on; and	Capability for real time monitoring when vehicle ignition is on or if manually

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<u>Location of Video System</u>	<u>Video System</u>	<u>Recording Protocols</u>	<u>Real Time Monitoring Capability</u>
	First Transit vehicles)	15 minutes after ignition is turned off.	activated by authorized users, on a case by case basis.
Facilities	Avigilon	Continuous, regardless if facility is closed.	Real time monitoring capability is not available at all facilities. Only if facility is connected through MTS secure fiber connection, on a case by case basis by authorized users.
Body Worn Camera (BWC)	Visiologix	Only when activated, when such use is appropriate for the proper performance of duties and as consistent with Security Department SOPs (SOP 200.5); and 30 seconds before activation.	No.

V. Use:

Video Systems may be used for the following reasons: safety monitoring; transit operation analysis; safety incident investigation; passenger complaint investigation; personnel performance reviews and investigations; external law enforcement investigations; internal security investigations; for use as evidence in criminal/civil prosecutions; claims/litigations; response to Public Records Act requests; responses to subpoenas; and as otherwise required by law.

VI. Authorizing Access to Video System:

Multiple departments are involved in the management and use of the Video Systems. Thus, the individual responsible for the Video Systems varies depending on the task and type of Video Systems. Access to a Video System, and appropriate credentials (e.g. right to view or right to export) is approved as described in Table 3: Authorizing Access to Video System.

Table 3: Authorizing Access to Video System

<u>Location of Video System</u>	<u>Video System</u>	<u>Authorizing Access to Video System</u>
Bus Vehicles (all)	Apollo	<p>If MTS staff, Employee Supervisor and Human Resource approval required; Overseen by IT Department.</p> <p>If Transdev staff, to add access and determine the appropriate credentials, MTS Manager of Contract Services approval required; Overseen by IT Department.</p> <p>If First Transit staff, to add access and determine the appropriate credentials, MTS Manager of Paratransit approval required; Overseen by IT Department.</p>
Bus Vehicles (Transdev- operated)	DriveCam	For Transdev staff, General Manager of Transdev and Transdev Human Resource approval required.
One Bus Vehicle Only (First Transit-operated) under a 90- day pilot program that began on 04/01/2022	Safefleet	If First Transit staff, to add access and determine the appropriate credentials, MTS Manager of Paratransit approval required; Overseen by IT Department.
Trolley Vehicles	MobileView	Employee Supervisor and Human Resource approval required; Overseen by IT Department.
Bus Non-Revenue Vehicles	Safefleet (MTS vehicles)	Director of Transportation; Director of Maintenance; or Manager of Safety approval required.
	Drive Cam (for Transdev or First Transit vehicles)	<p>For Transdev staff, Transdev General Manager and Transdev Human Resource approval required.</p> <p>For First Transit staff, First Transit General Manager approval required.</p>
Facilities	Avigilon	<p>Employee Supervisor and Human Resource approval required; Overseen by IT Department.</p> <p>CEO approval is required for any third-party access (See Section X(2): "Live Feed Access MOUs").</p>

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<u>Location of Video System</u>	<u>Video System</u>	<u>Authorizing Access to Video System</u>
Body Worn Camera (BWC)	Visiologix	For MTS staff, Security Systems Administrator and Human Resource approval required; Overseen by IT Department. For Inter-Con staff, approval from the Inter-Con on-site IT/Administrative staff is required.

VII. Video Recording Storage

Each Video System has the capability to view, and/or download video recordings. A video recording that is not marked for preservation is maintained within the applicable server/drive/device, until the storage capacity/range is met (See Section IX: “Video Retention”). A video recording that is marked for preservation is saved on the network in the applicable department-specific drive. Marked video will be retained until at least the minimum statute of limitations period on a claim has passed (6 months to 2 years), or as otherwise required by law.

VIII. Access to Video Recording

Video that has been marked and preserved may be shared in a viewable format with MTS or contractor staff for training, investigative, and reporting purposes consistent with Section V: “Use”. Video recordings may be shared with third parties, according to the parameters identified in Section X: “Record Request for Video System Recordings”.

IX. Video Retention

In general, the amount of time that video recordings are retrievable depends upon several factors: the number of cameras, the method of recording, the amount of hard drive space available to record, the resolution of the cameras, and the amount of in-service time/activity that the cameras are recording.

The MTS Video System is extensive, including multiple cameras at Facilities, on Bus Vehicles, and Trolley Vehicles. The technical specifications for each system limits how long the system retains the full un-marked video recordings before it automatically records over – generally between 7 and 60 days, as described in Table 4: Video Retention.

Costs to store all un-marked video recordings for 1 year is estimated to be an additional \$14 million annually, which is not feasible under current budget constraints.² Rather than store all un-marked video recordings for this period, MTS video retention focuses on incidents that have been “marked and saved” by MTS staff because of a specific incident or investigation. If marked and saved, the video recordings are retained for at least 1 year, or longer if a complaint or investigation is still active. Separate rules apply for Body Worn Camera.

Video retention processes are described at Table 4: Video Retention.

² This estimate was prepared by IT staff in early 2021. A new review is being conducted to determine if technology improvements will allow the video storage period to be extended beyond the capabilities identified in Table 4.

Table 4: Video Retention

Location of Video System	Video System	Minimum Legally Required Retention	Current Retention Capability for Un-Marked Video Recordings	Current Retention Period, if Marked and Preserved
Bus Vehicles (all)	Apollo	1 year, <i>unless</i> technology to store recorded data for 1 year in an economically and technologically feasible manner is not available. (See feasibility analysis in Section IX) <i>See Pub. Util. Code 99164</i>	About 7-21 days, depending on how often the vehicle is in revenue service.	1 year on VIM or up to 3 years as long as existing storage space permits; indefinitely if preserved for pending litigation.
Bus Vehicles (Transdev-operated)	DriveCam		About 14 days, depending on how often the vehicle is in revenue service.	Up to 3 years as long as existing storage space permits; indefinitely if preserved for pending litigation.
One Bus Vehicle Only (First Transit Operated) Under a 90-day pilot program that began on 04/01/2022	Safefleet		About 7-21 days, depending on how often the vehicle is in revenue service.	Up to 3 years as long as existing storage space permits; indefinitely if preserved for pending litigation.
Trolley Vehicles	MobileView		About 13-15 days, depending on how often vehicle ignition is on.	Indefinitely if preserved for pending litigation.
Bus Non-Revenue Vehicles	Safefleet (MTS vehicles)		About 180 vehicle operating hours.	Up to 3 years as long as existing storage space permits; indefinitely if preserved for pending litigation.

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Location of Video System	Video System	Minimum Legally Required Retention	Current Retention Capability for Un-Marked Video Recordings	Current Retention Period, if Marked and Preserved
	Drive Cam (for Transdev or First Transit vehicles)	1 year, <i>unless</i> technology to store recorded data for 1 year in an economically and technologically feasible manner is not available. (See feasibility analysis in Section IX)	About 100 vehicle operating hours (about 50 hours for the interior view and about 50 hours for the exterior view).	Up to 3 years as long as existing storage space permits; indefinitely if preserved for pending litigation.
Facilities	Avigilon	<i>See Pub. Util. Code 99164</i>	Range of about 15-60 days. Storage capacity depends on individual camera/location.	Up to 3 years as long as existing storage space permits; indefinitely if preserved for pending litigation.
Body Worn Camera (BWC)		60 days for non-evidentiary data; 2 years for evidentiary data relating to incidents of force or detention or if relevant to a complaint against Security. <i>See Penal Code Section 832.18</i> (This statute only applies to law enforcement agencies, but MTS aims to meet these requirements).	Prior to 12/14/2021: about 60 days* Video recorded 12/14/2021 to present: 2 years. *MTS cannot reasonably separate which BWC video recordings relate to non-evidentiary data and evidentiary data. Effective 12/14/2021, MTS implemented a new system that expanded video BWC storage capabilities to 2 years.	Indefinitely if preserved for pending litigation.

X. Record Request for Video System Recordings:

Pursuant to the California Public Records Act (CPRA), video recordings relating to the conduct of the public's business prepared, owned, used or retained by MTS may be public records subject to disclosure unless they fall within an exemption.

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MTS advises requestors to submit requests as soon as reasonably practicable to the Office of General Counsel. Video Systems have limited retention periods (as discussed above) before the video recording may become unavailable.

The requester should specify the records to be inspected/copied with sufficient detail to enable MTS to identify the particular records. If the request seems ambiguous or unfocused, MTS staff will make a reasonable effort to obtain additional clarifying information from the requester that will help identify the record or records. In order to protect public safety and passenger privacy, video requests must specify a specific MTS operations related incident, or a crime that took place on MTS property or within view of an MTS camera that the video sought may have captured. This specificity is necessary to (a) ensure that MTS staff has enough information to locate responsive video and preserve the relevant portions for production; and (b) avoid MTS video from being used to harass, stalk, or surveil MTS passengers or staff.

The CPRA provides various, limited exemptions from general disclosure requirements. As it relates to video, the most common exemptions would be records involving a pending law enforcement investigation; personnel or medical file that if disclosed would constitute an unwarranted invasion of personal privacy; sensitive security information (SSI) or information about security, operations, facilities, or other critical infrastructure that disclosure would be determinantal to the security of MTS employees, customers or infrastructure; does not relate to MTS's conduct in the provision of offering public transportation services and would constitute an unwarranted invasion of personal privacy; if the public interest in withholding records clearly outweighs the public interest in disclosure; and as otherwise deemed appropriate by law.

Any request for video recordings may be subject to review by legal counsel, prior to any inspection of the records or delivery of copies. The requests will also be logged by the Office of General Counsel.

Although most third-party requests for video are routed through the Office of General Counsel for response, the following requests may be handled directly by the Transit Security and Passenger Safety Department (MTS Security) and Contract Operations.

1. Law Enforcement Investigations. MTS Security and MTS operating divisions work directly with local law enforcement to respond to, investigate, and prosecute crimes that occur on or near MTS facilities or against MTS employees or passengers. As part of that process, MTS or contract staff may directly provide MTS video to investigating officers. Contractors are required to seek MTS approval prior to releasing video and must obtain police department and officer badge number. All information must be reported back to MTS and is then forwarded to the Office of General Counsel.
2. Live Feed Access MOUs. For certain properties or stations where MTS operations or facilities may come under another agency's or entity's control or responsibility, MTS may provide access to the real-time camera feed (where this feature is available) of the Facility Video System. This may include local law enforcement who are charged with responding to an incident on the MTS property, a neighboring property with special security concerns (e.g., Courthouse Station video feed access provided to Courthouse security officials), and joint development properties including shared parking arrangements. Requests for video recordings would still be routed through MTS Security or the Office of General Counsel, as applicable.