



City of Richmond

Report to Committee

To: Community Safety Committee **Date:** December 6, 2023
From: Cecilia Achiam **File:** 99-LAW/2023-Vol 01
General Manager, Community Safety
Anthony Capuccinello Iraci
City Solicitor
Re: **Richmond Traffic Intersection Cameras and Proposed Public Safety Camera System**



Staff Recommendation

That:

1. a more detailed assessment of the costs associated with implementing the Proposed Public Safety Camera System, including phasing options and funding sources, as described in the report titled “*Richmond Traffic Intersection Cameras and Proposed Public Safety Camera System*” dated December 6, 2023 from the City Solicitor and General Manager, Community Safety be presented for Council’s consideration in the future as part of the annual budget process;
2. the feasibility of obtaining a Court declaration in advance of the expenditures associated with implementing the Proposed Public Safety Camera System, as described in the report titled “*Richmond Traffic Intersection Cameras and Proposed Public Safety Camera System*” dated December 6, 2023 from the City Solicitor and General Manager, Community Safety be explored;
3. any necessary Privacy Impact Assessment for the Proposed Public Safety Camera System be undertaken to satisfy the requirements of the *Freedom of Information and Privacy Act*; and
4. a copy of this report titled “*Richmond Traffic Intersection Cameras and Proposed Public Safety Camera System*” dated December 6, 2023 from the City Solicitor and General Manager, Community Safety be provided to the Office of the Information and Privacy Commissioner for British Columbia, Minister of Public Safety and Solicitor General, and Richmond Members of Parliament and Members of the Legislative Assembly.

Anthony Capuccinello Iraci
City Solicitor
(604-247-4636)

Cecilia Achiam,
General Manager, Community Safety
(604-276-4122)

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Transportation	<input checked="" type="checkbox"/>	
Information Technology	<input checked="" type="checkbox"/>	
Finance	<input checked="" type="checkbox"/>	
RCMP	<input checked="" type="checkbox"/>	
SENIOR STAFF REPORT REVIEW	INITIALS: <i>ACT</i>	APPROVED BY CAO 

Staff Report

Background

This report responds to the following referral motion that was passed at the Community Safety Committee meeting on September 12, 2023:

- (1) *That Staff research, analyse, and recommend to the Committee a process to elevate and use high resolution Traffic Camera images for the purposes of criminal investigation and prosecution;*
- (2) *That judicial or other required oversight is considered to ensure compliance and prevent misuse; and,*
- (3) *That Staff report back to the Committee with recommendation(s) before the end of 2023.*

This report supports Council's Strategic Plan 2022-2026 Focus Area #3 A Safe and Prepared Community:

Community safety and preparedness through effective planning, strategic partnerships and proactive programs.

3.2 Leverage strategic partnerships and community-based approaches for comprehensive safety services.

3.4 Ensure civic infrastructure, assets and resources are effectively maintained and continue to meet the needs of the community as it grows.

Analysis

Research

Relevant to the research undertaken by staff in responding to the Community Safety Committee referral is the report to General Purposes Committee from the Superintendent, Officer in Charge, Richmond RCMP Detachment, dated October 31, 2017 (Attachment 1) which identifies that the main purpose of installing CCTV cameras at traffic intersections is to enhance public safety. On December 11, 2017, Council, on consent, adopted the recommendations contained in that report.

For the stated main purpose of enhancing public safety, the City of Richmond then submitted a Privacy Risk Assessment to the Office of the Information and Privacy Commissioner for BC (the "OIPC") during the Spring of 2018. In response to that submission and the City's intended use of the traffic cameras for public safety, the OIPC expressed its objection citing the following:

"...In BC, the OIPC has determined in a number of Orders that an investigation must already be underway at the time the personal information is collected for s. 26(b) to apply. A public body is not authorized to collect personal information about citizens, in the absence of an investigation, on the chance it may be useful in a future investigation. Similarly, in order for a collection to be lawfully authorized as relating to a proceeding, the proceeding must be ongoing at the time of collection..."

In expressing its objection the OIPC did not make any formal Order against the City.

As a result of the OIPC's expressed objection, the City continued to expand the number of intersection cameras for traffic management purposes only as directed by Council in 2020. The funding originally approved for intersection cameras for public safety have been re-allocated to accelerate the upgrades to the existing traffic intersection camera system for traffic monitoring. The report seeking Council approval for the use of the intersection cameras for traffic management was presented at the open General Purposes Committee held on March 16, 2020 (Attachment 2) with the following recommendations:

“(1) That Consolidated Fees Bylaw No. 8636, Amendment Bylaw No. 10160, which adds a service fee for video footage requests, be introduced and given first, second and third reading;

(2) That the Consolidated 5 Year Financial Plan (2020-2024) be amended to include the operating budget impact of implementing the Traffic Intersection Cameras system of \$100,000 funded by an estimated \$50,000 revenue from traffic video requests and a reallocation of resources from the Community Safety Division; and

(3) That staff develop a communication plan to inform the public of the implementation of the Traffic Intersection Cameras system and how to request video footage.”

Further, to satisfy OIPC's assessment of the intersection cameras for traffic management purposes, the cameras were modified to capture video at low-resolution at source so that stored video footage could not be enhanced using post-processing. The resolution modification for traffic management rendered the stored video footage of limited usefulness for criminal investigation and prosecution (i.e. the video resolution is too low to identify faces or licence plates). Nevertheless, the RCMP has the ability to request video footage from the City in low-resolution, and the City has a functioning process in place for proper disclosure to the RCMP and to ensure privacy and confidentiality.

The minutes of the March 16, 2020 General Purposes Committee specifically indicated that the existing traffic intersection camera system would obscure license plates and faces; are not intended for active surveillance; the RCMP would have access to the video footage; and that the cameras are used for traffic management purposes only (Attachment 3). The report was then adopted by Council on consent on March 23, 2020.

Even though modifications to low-resolution were made to satisfy the OIPC and the RCMP has the ability to request video footage at low-resolution, Council continued to pursue its public safety objective for using intersection cameras for law enforcement purposes through advocacy efforts. At the Regular Council meeting held on May 25, 2021, Council adopted the following resolution:

(1) That a letter be written to the Solicitor General for the Province of BC with copies to Richmond MLAs and the Premier seeking a meeting, as soon as possible, to address the issue of undue regulation on the use of intersection cameras in public places and the images generated including:

(a) Appropriate use of high resolution images on such devices including for the purposes of criminal investigation and prosecution; and

(b) *Judicial or other oversight on the use of the images to prevent misuse.*

On June 7, 2021, Mayor Brodie wrote to the Minister of Public Safety and Solicitor General (Attachment 4) and on September 28, 2021, Council received a memorandum that provides a brief impact analysis of municipal use of video cameras for law enforcement purposes (Attachment 5).

On October 7, 2021, Mayor Brodie also wrote to the OIPC (Attachment 6).

While the OIPC has not retracted its earlier objection, it appears to have somewhat softened its stance in its November 30, 2021 letter (Attachment 7) by not committing to any findings of fact or law in advance of a future investigation, should one be initiated:

“...If, on the other hand, collection of personal information is for "law enforcement" purposes, the City would have to show that it has the authority to do that. To do this, it would have to address a number of matters, including these: whether it is entitled to rely on "law enforcement" as a basis to collect the personal information; identify the harms to be addressed; whether the cameras demonstrably remediate the harm; and whether capturing the images of tens of thousands of citizens who are going about their lawful daily business, using a 24/7 surveillance system, is proportional to the law enforcement-related harms the City is attempting to address.

These are complex legal issues, which the City should seriously consider taking up with its legal advisers.

It is appropriate to remind the City that, if it decides to proceed with such a system, FIPPA authorizes citizens to complain to my Office, and also authorizes me to initiate an investigation on my own motion. If either occurs, my Office would, as indicated above, collect evidence and receive representations from the City (and any complainant). On that basis, findings of fact and law would be made and either recommendations or a binding order would be issued....”

Following the recent referral motion that was passed at the Community Safety Committee meeting held on September 12, 2023, staff have met with provincial counterparts from the Ministry of Public Safety and Solicitor General and have initiated preliminary discussions on using intersection cameras for law enforcement purposes. Currently, there are no anticipated changes to the *Police Act* or other provincial legislations that would provide additional authority for the use of cameras in public spaces for law enforcement. In the coming months, staff will continue to reach out to other municipalities in BC that share a similar interest in enhancing public safety with cameras.

Benefits for Law Enforcement and Legislative Authority

The benefits of high resolution traffic video footage for law enforcement purposes is described in Attachments 1 and 5 and includes, but is not limited, to the following:

- An enhanced camera network will assist the RCMP’s ability to identify and locate criminals and investigate threats of violence and terrorism.
- An enhanced camera network will provide evidence that will shorten investigative time.

- Cameras will also complement the RCMP Detachment’s operational plans to ensure public safety at events such as the Steveston Salmon Festival and Richmond World Festival.
- Video footage provides evidence for investigations such as serious collisions at intersections and criminal prosecutions.
- Traffic cameras with recording capabilities have in many instances reduced crime in specific areas.

The City relies upon s.26(b) of the *Freedom of Information and Protection of Privacy Act* (“FIPPA”) to collect personal information for law enforcement purposes. The relevant portion of s.26(b) reads as follows:

Purpose for which personal information may be collected

26 A public body may collect personal information only if

(b) the information is collected for the purposes of law enforcement,

Schedule 1 of FIPPA defines “*law enforcement*” as:

“law enforcement” means

(a) policing, including criminal intelligence operations,

(b) investigations that lead or could lead to a penalty or sanction being imposed, or

(c) proceedings that lead or could lead to a penalty or sanction being imposed;

It is the opinion of the City Solicitor that the OIPC has misinterpreted s.26(b) of FIPPA.

Among other things, the OIPC’s legal position has not given adequate consideration to the following:

- The OIPC’s added stipulation that s.26(b) does not authorize the collection of personal information in the absence of an investigation is not set out in the Act, nor can it be read in or implied.
- Under s.3(2) of the *BC Police Act*, the City is obligated to provide policing and law enforcement. The City has complied with this Act by entering into the Municipal Police Unit Agreement (MPUA) with the Province pursuant to s.3(2)(b) of the *Police Act*. The MPUA gives broad powers to provide policing services.
- There exists a lower expectation of privacy at traffic intersections.
- The *Community Charter* provides that municipalities require “adequate powers and discretion to address existing and future community needs”, and “authority to provide ... delivery of services in a manner that is responsive to community needs”. The legislation’s stated purpose is to provide municipalities with “the flexibility to ... respond to the different needs and changing circumstances of their communities”, and the powers it confers, by statutory mandate, are to be interpreted broadly in accordance with the

purposes of local government legislation and in accordance with municipal purposes. Relevant in a consideration of the statutory scheme are the guiding principles of local government legislation and the rights afforded to local governments under legislation.

Current State: Existing Traffic Intersection Camera System in Use

The existing traffic cameras were procured and specifically engineered for traffic management and not for capturing fine details like license plates or individual faces, despite their high-resolution recording capability. Based on the stipulations provided by the OIPC, the traffic intersection cameras were set to capture video at low-resolution, when the system was adopted by the Council on consent on March 23, 2020. The existing traffic camera system video footage is retained for 30-days. The existing traffic intersection camera system with video footage retrieval for both the public and the RCMP was in place since May 2021.

As part of the research to respond to the referral motion that was passed at the Community Safety Committee meeting on September 12, 2023, staff conducted a review of the high-resolution video footage from the existing traffic intersection camera system and determined that license plates are not legible and facial features are indiscernible. Therefore, the quality of current traffic intersection camera video footage is of limited usefulness for law enforcement and investigative purposes.

This limitation is due to the camera type, the focal length calibrated for traffic monitoring, frame rate and the high-placement of the cameras respective to the roadway. The existing traffic camera system cannot be further modified or enhanced to provide any meaningful benefits for public safety. For the most part, even with modifications, licence plates will remain illegible and facial features will remain indiscernible.

Requests for Video Footage from the Existing Traffic Intersection Camera System

As of October 2023, the number of video footage requests has been steadily growing for both the public and police. In total, there have been 168 requests, consisting of 34 from the public and 134 from the police. Table 1 provides statistics on the video footage requests since the system was implemented in May 2021.

Table 1 – Traffic Intersection Cameras Video Footage Request

	2021 (May to December)	2022 (Full Year)	2023 (January to October)
Public Requests	21	34	34
Police Requests	91	142	134
Total	112	176	168

Proposed Public Safety Camera System for Council’s Consideration - Estimated at \$3.29M to \$6.55M

To follow Council’s directive, staff have explored processes, procedures and camera equipment modifications that would enable video footage to be used for law enforcement purposes, such as the

ability to capture license plates and recognizable faces. Staff assessed that a separate camera system, the Proposed Public Safety Camera System (PSCS), capturing at 4K ultra-high-definition (Ultra HD), would be required to meet the needs for public safety and law enforcement purposes. The Ultra HD resolution would allow capturing of fine details like license plates and faces with higher reliability. The PSCS would be installed at signalized intersections where there are existing traffic cameras installed. The PSCS requires a fibre optic connection due to the bandwidth needed to transmit Ultra HD streams. Currently, the fibre optic system is built out to 148 of the 189 (78%) signalized intersections in Richmond. The current Traffic Signal program plans to transition all signalized intersections to fibre optic over eight to 12 years. Based on the timing for implementing a City-wide PSCS, additional funding may be required to accelerate the transition of the remaining 41 signalized intersections to the fibre optic standard required for PSCS. The options, phasing and costs for the fibre optic network transition will be included in a more detailed analysis should the Council endorse the PSCS program as described in this report.

Additionally, there are currently five signalized intersections (of the 189) on Sea Island that belong to the Vancouver Airport Authority (VAA) but under the City’s management. The City would need to have a separate agreement with the VAA for video recording for signalized intersection that is owned by VAA. Staff will begin discussions with the VAA should the Council endorse the PSCS program as described in this report.

The PSCS system would be a stand-alone system separate from the existing traffic camera system. The use of City-owned PSCS for law enforcement would be subject to the described City’s restrictions, safeguards, and judicial and other oversight to prevent misuse.

To achieve the appropriate safeguards, the City would amend the standard operating procedures (SOP) to include judicial oversight for police requests for video footage. The amendments to the SOP aim to ensure the continued protection of privacy while allowing the video footage to be potentially used in criminal prosecutions. An overview of these amendments is provided in Table 2 below.

Table 2 – Amendments to the Standard Operating Procedure for Police Request of Video Footage from the Proposed Public Safety Camera System

Client	Current SOP for the Existing Traffic Intersection Camera System	SOP for the Proposed Public Safety Camera System
Police	<ol style="list-style-type: none"> 1. RCMP contacts City to request video footage and complete the form “Richmond RCMP Traffic Camera Video Request Form”. 2. RCMP provides a storage medium that the footage would be exported to. 3. City adheres to the <i>Freedom of Information and Protection of</i> 	<p>Same as current SOP with the following additions:</p> <ul style="list-style-type: none"> • RCMP provides a court authorized Production Order¹, pursuant to the Criminal Code, at the time of the request. • City Law Department reviews the Production Order and

¹ A Production Order is a judicial authorization that compels a person, including an organization, to disclose documents and records to an authorized peace officer. The power to authorize a Production Order under s. 487.014 of the Criminal Code is granted to "judges" and "justices". Under s. 2 of the Criminal Code, this includes Justices of the Peace, provincial court judges, and justices of a superior court.

Client	Current SOP for the Existing Traffic Intersection Camera System	SOP for the Proposed Public Safety Camera System
	<p><i>Privacy Act</i> Section 31 on the retention of personal information.</p>	<p>provides authorization for the release of the video footage to the RCMP.</p> <ul style="list-style-type: none"> • City staff would not have access to the PSCS for live monitoring. • RCMP would not have access to the PSCS for live monitoring, exception with a Court order.

It is important to note that with the implementation of the PSCS, the video footage would only be accessed by selected City staff on a “need to know basis”. The RCMP or other police agencies would not have access to the PSCS without first obtaining City’s authorization and a Court order. In other words, the system would not be accessible by staff outside of its intended use and the video footage would be securely stored with the necessary privacy protections currently in place.

The PSCS will be used strictly for law enforcement purposes and the disclosure of the video footage would only be made to law enforcement agencies with a Production Order or other judicial oversight. The PSCS would not be actively monitored by law enforcement officers or City staff. If after receiving a copy of this report, the OIPC takes action to prohibit the City’s intended use of the PSCS for law enforcement purposes in the manner and with the oversight described in this report, then the City will be in a position to contest such action through the Courts.

The Proposed Public Safety Camera System Specifications

The PSCS would utilize Ultra HD camera system, comprising five cameras² per intersection. It would be networked within its own isolated network to prevent security risks. The PSCS would be installed at signalized intersections, which are pre-wired with fibre optic necessary to transmit Ultra HD video streams. Cameras would be installed at a lower level on the light poles to maximize coverage and enhance the reliability to clearly capture license plates and faces. Additional research and field testing are required to ensure the cameras and their placement would achieve the desired result of capturing license plates and faces under various conditions, and suitable for use in criminal investigations and prosecutions. A more detailed report, including the results of field testing and a more accurate cost estimate, will be provided should the Council endorse the PSCS program as described in this report.

The PSCS would not be actively monitored but recordings will be in effect 24/7. Retention will be 10-days recognizing the significant storage requirement for Ultra HD and the expedited need by the police for video footage for criminal investigations. Video footage would only be available to the police and only upon the presentation of a Production Order.

Staff conducted a preliminary cost estimate, and the financial impact of the PSCS is substantial. The

² One camera dedicated for active (system) monitoring with auto-sensing for pan and zoom abilities; and four-directional cameras in a module to record surroundings. The cameras record in ultra-high-definition.

cost estimate for City-wide implementation of the PSCS is approximately \$6.55 million, which includes installing PSCS cameras at 189 signalized intersection locations in Richmond. The cost entails Ultra HD cameras, fibre optic network isolation, servers, data centres, and monitoring software.

A partial PSCS implementation, prioritizing rapidly growing neighbourhoods in the City Centre, West Cambie, Bridgeport, Hamilton, and Steveston areas, can be achieved with an estimated cost of approximately \$3.29 million. Additional details are provided in the Financial Impact section of the report.

Pursuing the PSCS would also require compliance with the Privacy Impact Assessment provisions of the *Freedom of Information and Protection of Privacy Act*, which is included in the recommendations of this report. This report also recommends that the OIPC, the Minister of Public Safety and Solicitor General, and Richmond MPs and MLAs be provided with a copy of this report so that they are aware of the City's intentions.

Financial Impact

The implementation of the PSCS is estimated to be between \$3.29 million for partial implementation and \$6.55 million for City-wide implementation. These cost estimates are for Ultra HD camera hardware with a 5-camera module for each signalized intersection. The PSCS will be networked separately and isolated on its own to mitigate security issues. A separate camera control and monitoring software is required for the PSCS. Due to the large file size for Ultra HD content, a retention period of 10-days was determined to balance data storage, operations, and cost. The cost estimate includes project management and a 20 percent contingency. Additional funding may be required for the expansion of the fibre optic network to accelerate the implementation of the PSCS program.

The ongoing operating budget impact (OBI) for the PSCS is estimated at \$394,000 for City-wide implementation and \$205,000 for partial implementation. The OBI covers camera maintenance, software assurance, server maintenance, data storage maintenance, the installation of new cameras at new intersections, and the replacement due to camera failures. The full PSCS cost estimate is provided in Attachment 8. A more detailed assessment of the costs associated with the Proposed Public Safety Camera System, including phasing options and funding sources, will be presented for Council's consideration through the annual budget process.

It is also anticipated that there will be legal costs if the OIPC takes action to prohibit the use of the proposed PSCS for law enforcement purposes should Council later approve the implementation of the PSCS.

Conclusion

The importance of public safety cannot be overstated. The procurement and implementation of the Proposed Public Safety Camera System, described in this report will enhance public safety. Moreover, restrictions and oversight will be in place to prevent misuse and that adequately protect the privacy of individuals under the circumstances.



Anthony Capuccinello Iraci
City Solicitor
(604-247-4636)



Cecilia Achiam
General Manager, Community Safety
(604-276-4122)

- Att. 1: Report to General Purposes Committee dated October 31, 2017
2: Report to General Purposes Committee dated March 16, 2020
3: Minutes of the March 16, 2020 General Purposes Committee
4: Letter to the Minister of Public Safety and Solicitor General dated June 7, 2021
5: Memo to Mayor and Councillors dated September 28, 2021
6: Letter to OPIC dated October 7, 2021
7: Letter from OPIC dated November 30, 2021
8: Public Safety Camera System - Preliminary Cost Estimate



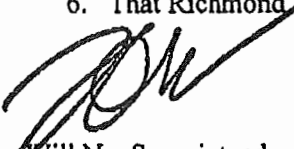
**City of
Richmond**

Report to Committee

To:	General Purposes Committee	Date:	October 31, 2017
From:	Will Ng, Superintendent, Officer in Charge, Richmond RCMP Detachment	File:	09-5000-01/2017-Vol 01
Re:	Closed Circuit Television (CCTV) for Signalized Intersections In Richmond		

Staff Recommendation

1. That the report titled "Closed Circuit Television (CCTV) for Signalized Intersections in Richmond," dated October 31, 2017 from the OIC, Richmond RCMP, be received for information;
2. That the CCTV request at a capital cost of \$2,185,242 (Option 3) be submitted to the 2018 Capital budget process for Council consideration;
3. That the CCTV for Signalized Intersections Project be approved to seek additional funding from the Federal/ Provincial Investing in Canada Program and other appropriate senior government funding programs;
4. That if the senior government funding submission is approved, the Chief Administrative Officer and the General Manager, Community Safety be authorized to execute the agreement on behalf of the City of Richmond with the Government of Canada and/ or the Province of British Columbia;
5. That if the funding application is successful, the grant received be used to replenish the City's funding source and the 2018-2022 Five Year Financial Plan Bylaw will be adjusted accordingly; and
6. That Richmond MPs and MLAs be advised of the City's senior government submission.


 Will Ng, Superintendent
 Officer in Charge, Richmond RCMP Detachment
 (604-278-1212)
 Att. 2


October 31, 2017

- 2 -

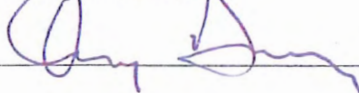
REPORT CONCURRENCE

ROUTED TO:	CONCURRENCE
Finance Department	<input checked="" type="checkbox"/>
Intergovernmental Relations	<input checked="" type="checkbox"/>
Transportation	<input checked="" type="checkbox"/>

CONCURRENCE OF GENERAL MANAGER



APPROVED BY CAO



CNCL - 167

CS - 68

Staff Report

Origin

This report is in response to the following referral made by Council at the October 23, 2017 Council meeting:

That Traffic Recording Capabilities at Intersections be submitted in the 2018 budget process for Council consideration.

This report supports Council's 2014-2018 Term Goal #1 A Safe Community:

Maintain emphasis on community safety to ensure Richmond continues to be a safe community.

1.2. Program and service enhancements that improve community safety services in the City.

1.3. Improved perception of Richmond as a safe community.

Analysis

Background

On October 18, 2017 the Public Works and Transportation Committee discussed the potential to install traffic recording cameras at intersections in Richmond. As a result of this discussion, the Committee requested staff provide information regarding the type of recording equipment that would be considered in order to provide Council with a range of options for a capital budget submission.

Existing Traffic Cameras

Currently there are 175 signalized intersections in Richmond, among which 60 intersections are equipped with non-recording traffic detection cameras. The existing traffic cameras function primarily to detect vehicles, manage traffic flow and respond to real-time traffic incidents. Each camera equipped intersection actually has four cameras to monitor traffic flow in each direction of the intersection. Existing traffic detection cameras have the capability of capturing live video feeds but to date the recording function has not been equipped within existing hardware and software.

Enhancing Public Safety

The main purpose of installing CCTV cameras at traffic intersections is to enhance public safety in the City of Richmond. Ideally, CCTV cameras should be present at all 175 signalized intersections in Richmond.

Threats of violence and terrorism remain an existent threat not only in international locations such as France and the United Kingdom, but also domestically in cities such as Ottawa and Edmonton. Richmond is an international gateway into Canada with major facilities including the

Vancouver International Airport, Metro Vancouver Port facilities, various tourist destinations, regional shopping centers, skytrain stations, religious and public facilities. It is prudent to be proactive in addressing potential threats to the City’s community safety needs.

For the past several years, with the advent of low-cost and excellent-quality digital CCTV systems, police have been exploring local CCTV assets in the area of investigating criminal activity, identifying suspects and apprehending criminals. Quality images of perpetrators and/or their vehicles has, when available, significantly diminished police investigational time and reduced policing costs. Cities with cameras have reported success in reducing crime and increasing perceptions of public safety through deterrence and quickly apprehending and removing dangerous individuals from the community.

Benefits of a Recording Capability for Traffic Cameras

The RCMP Richmond Detachment (the Detachment) and the City’s Transportation Department (Traffic Management Centre) have initiated discussions to upgrade all existing traffic cameras, to allow for live video feed recording and to have additional video recording cameras at all signalized intersections over time. The following table identifies some of the key benefits that surfaced from those discussions.

Table 1: Benefits of Traffic Cameras with Recording Capability

Category	Benefit
Emergency Preparedness	<ul style="list-style-type: none"> • Live video feeds can augment the emergency program by helping determine and monitor emergency route availability to an evacuation during an emergency. • Free up police officers from physically attending areas to provide situational reports allowing them to assist in more emergent life or death situations.
Safety for First Responders – Fire Rescue	<ul style="list-style-type: none"> • A greater number of cameras can enhance response times for Fire-Rescue by utilizing the emergency pre-emption of traffic signals. • Provide a safer environment for Fire Rescue while entering controlled intersections.
RCMP Operational Safety and Efficiency	<ul style="list-style-type: none"> • An enhanced camera network will facilitate RCMP ability to identify and locate criminals and investigate threats of violence or terrorism. • An enhanced camera network will provide more readily obtainable evidence that will shorten investigative time. This would reduce public exposure to “at large” criminality. • Cameras will also complement the Detachment’s operational plans to ensure public safety at large scale events such as the Steveston Salmon Festival and Richmond World Festival. • Video feeds provide evidence for investigations such as serious collisions at intersections. • Traffic cameras with recording capabilities have in many instances reduced crime in specific areas.

Category	Benefit
Traffic Safety	<ul style="list-style-type: none"> • Based on statistics from ICBC: <ul style="list-style-type: none"> -There were 6,671 reported accidents in Richmond with 88 per cent occurring at intersections. -The top contributing factors in fatal crashes were speed, impaired driving and distracted driving. • Video cameras would allow for analysis of accident causes and act as a deterrent for high risk behaviours at intersections.

Traffic Camera System versus the CCTV Camera System

Discussions between the Detachment and Transportation also revealed significant differences between camera system requirements of one department over the other. As stated earlier the City’s purpose for the existing traffic cameras is to detect vehicles, manage traffic flow and respond to real-time traffic incidents. The RCMP, on the other hand, requires high resolution cameras to reduce crime and assist in criminal investigations.

The existing traffic camera system has limitations, which make them not suitable for the Detachment’s intended purposes. For example:

- Some cameras do not have time and date stamps;
- Cameras do not display in high definition resolution;
- To properly meet traffic camera needs the angle of these cameras face directly towards the traffic lanes. These cameras are designed for only one camera angle and are not mobile as required by the CCTV camera system; and
- Current traffic cameras require fiber optic cable which makes installation expensive.

CCTV Privacy Regulation and Data Collection

The legal regulation of CCTV systems occurs primarily via privacy law. This oversight is provided by offices of the federal and provincial privacy commissioners. It is anticipated that Richmond’s CCTV system will be reviewed and approved by the Office of the Information and Privacy Commissioner for British Columbia. Should Council endorse a CCTV system, it would be designed and operated to ensure full compliance with all applicable privacy laws.

The data captured by the CCTV system will be securely stored on a server for a reasonable period of time (e.g. one month). The data will be destroyed after the holding period. Only data requested by the appropriate authorities, such as ICBC, or archived for investigative purposes will be forwarded onto the investigating authority for retention under the terms of relevant legislation (Attachment 1).

Signalized Intersection Recording Options

Option 1 (Status quo) – Not Recommended

Staff do not recommend Option 1. This option will continue with the current traffic camera network with no ability to record live feeds.

Pros:

- There will be no budget impact as Option 1 is currently funded from the Planning and Development operational budget; and
- The City will continue its incremental program to install traffic cameras for transportation management purposes.

Cons:

- No improvement camera system or public safety;
- No ability to review accidents and reduce accident causes through analysis;
- No ability to assist police with deterring or investigating crimes; and
- No ability to provide service to other agencies (e.g. ICBC, law firms, and other government agencies, etc.) or the public for use in legal defense purposes.

Option 2 (Hybrid System) – Not Recommended

Option 2 would require the enhancement of existing traffic detection cameras and the installation of 115 recording cameras¹ at strategically selected intersections. This option model would maintain the operability of the existing traffic cameras and further enhance their existing traffic camera capabilities to include recording. The estimated capital cost for the Hybrid System is \$1,709,710 and \$30,201 annual OBI for ongoing expenses (Attachment 2).

Pros:

- Significantly enhanced CCTV camera system for public safety;
- Ability to review accidents and reduce accident causes through analysis;
- Ability to assist police with deterring or investigating crimes; and
- Ability to recover costs from video feed sales to other agencies (e.g. ICBC, law firms, and other government agencies, etc.) or the public for use in legal defense purposes in compliance with privacy law.

Cons:

- Existing cameras will not meet resolution levels required by RCMP;
- Some existing cameras will not have time and date stamps; and
- Existing cameras with low resolution and without a time date stamp will not produce adequate evidence for the courts and, as such, these cameras will incur reduced revenue levels and will not meet the needs of the RCMP.

¹ The number of recording cameras in this case was derived from the total number of signalized intersections (175) minus the existing traffic cameras (60) which determines the remaining amount of cameras required (115).

Option 3 (Full CCTV System) – Recommended

Option 3 would require the enhancement of the existing traffic detection camera system with additional CCTV recording cameras at all 175 locations. CCTV images, in this scenario, are transmitted by wireless radios with the exception of locations where fiber optic cables exist. This system is relatively cost effective and easy to install. The estimated capital cost for the full CCTV system is \$2,185,242 and a cost neutral OBI for ongoing expenses (Attachment 2).

Pros:

- Fully operational CCTV camera system at all 175 traffic intersections for public safety;
- Ability to review accidents and reduce accident causes through analysis;
- Ability to assist police with deterring or investigating crimes; and
- Ability to recover costs from video feed sales to other agencies (e.g. ICBC, law firms, and other government agencies, etc.) or the public for use in legal defense purposes in compliance with privacy law.

Cons: None.

Potential Cost Offset and Senior Government Funding Opportunities

Other local municipalities that have implemented CCTV cameras have reported that they are able to offset some of the operational costs by applying a fee-for-service model. It is reasonable to project a service charge for the purposes of this report at \$360 per request. An extrapolation of this model when applied to Richmond and adjusted for population and program size would result in an annual cost offset of approximately \$72,000, which has been included in the estimates provided (Attachment 2).

If endorsed, staff will seek funding opportunities from senior governments to leverage Council approved funding for this project. The project aligns with the potential funding criteria for the Investing in Canada Program, currently being negotiated for a bilateral agreement with the federal and provincial governments. A call for proposals is expected early in 2018.

Should the funding request be successful, the City would be required to enter into funding agreements with the Government of Canada and/ or the Province of British Columbia. The agreements are standard form agreements provided by senior levels of government and include an indemnity and release in favour of the Government of Canada and/ or the Province of British Columbia. As with any submission to senior governments, there is no guarantee that this application will be successful.

Financial Impact

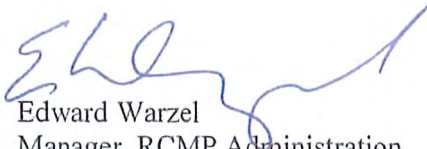
That Option 3 at a capital cost of \$2,185,242 and a cost neutral OBI be submitted to the 2018 capital budget process for Council consideration.

October 31, 2017

- 8 -

Conclusion

The installation of CCTV cameras at all 175 traffic intersections would enhance public safety in the City of Richmond. Proper use of this surveillance technology could deter crime, reduce traffic accidents and provide an additional tool in crime and accident investigations. Staff is recommending Council approve the funding for the CCTV project and the request to pursue additional funding from senior governments to enhance the project.



Edward Warzel
Manager, RCMP Administration
(604-207-4767)

EW:jl

Att. 1: Public Sector Surveillance Guidelines

Att. 2: Cost Estimates of Options 2 and 3

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updated January, 2014

Public Sector Surveillance Guidelines



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PUBLIC SECTOR VIDEO SURVEILLANCE GUIDELINES

PURPOSE

The purpose of this guidance document is to provide information on how the *Freedom of Information and Protection of Privacy Act* ("FIPPA") applies to the use of video and audio surveillance systems by public bodies. In the decade since our office first published surveillance guidelines, there has been extensive research and writing on this topic and one thing is clear: the effectiveness of a surveillance system is a product of several elements—it is not a "one size fits all" solution. These guidelines aim to assist public bodies in deciding whether proposed or existing surveillance systems are **lawful** and operating in a **privacy protective manner**. These guidelines also set out what the Information and Privacy Commissioner for British Columbia expects from public bodies who are considering using video and audio surveillance systems.

THE RIGHT OF PRIVACY

British Columbians are increasingly subject to routine and random surveillance of their ordinary, lawful public activities by public and private bodies. As surveillance increases, so do the risks of harm to individuals. Video and audio surveillance systems are particularly privacy intrusive measures because they often subject individuals to continuous monitoring of their everyday activities.

Privacy is a fundamental right. Sections 7 and 8 of the *Canadian Charter of Rights and Freedoms* protect the rights of citizens to be secure in their daily lives and to be free from unjustified intrusion. FIPPA also recognizes and protects an individual's privacy

Public Sector Video Surveillance Guidelines
January, 2014 (Replaces January 26, 2001)

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rights. Public bodies must not take steps to erode the right to privacy merely because they believe there is nothing to fear if an individual has nothing to hide. The loss of the ability to control the use of one's own personal information is harmful in itself.

APPLICATION OF FIPPA AND ROLE OF THE OIPC

FIPPA governs the collection, use, and disclosure of personal information by public bodies. Visual or audio recordings of an individual are a record of that individual's personal information. Where a surveillance system records personal information, the public body collecting that record must comply with the privacy protection provisions in Part 3 of FIPPA.

The Office of the Information and Privacy Commissioner ("OIPC") is responsible for monitoring and enforcing compliance with FIPPA, and may conduct investigations and audits of public bodies' surveillance systems under the authority of s. 42(1)(a) of FIPPA.

LAWFUL COLLECTION AND USE

It is lawful for public bodies to collect personal information only in circumstances permitted by s. 26 of FIPPA. A public body must be prepared to demonstrate to the OIPC, with specific evidence, that one or more provisions of s. 26 of FIPPA authorize its proposed or existing collection of personal information by a surveillance system.

Each component of the surveillance system must be lawful. For example, if a public body is considering implementing a surveillance system that collects video and audio footage, it should be able to demonstrate the purpose and the legal authority for both. This should include evidence that supports how each component fulfils the purpose for the collection.

Section 32 of FIPPA limits the purpose for which a public body can use personal information. Public bodies should be prepared to demonstrate that the ways they are using personal information meet the requirements of s. 32. Information collected through video or audio surveillance should not be used beyond the original purpose for the collection and any other purpose that is demonstrably consistent with this purpose. When public bodies collect personal information for one reason and then later use it for something else, privacy advocates refer to this as "function creep". Function creep is problematic because it can lead to public bodies using personal information in ways that do not meet the requirements of FIPPA. For example, if a public body scans employee identification to control entry to a secure building and later wants to use it to track employee attendance; the public body must first determine whether FIPPA authorizes that new activity.

▪ **WHAT IS PERSONAL INFORMATION?**

FIPPA defines "personal information" as recorded information about an identifiable individual, other than contact information. Video and audio recordings of an individual's image and voice are considered identifiable information.

▪ **WHAT IS COLLECTION?**

In terms of surveillance systems, collection of personal information occurs when an individual's image or voice is captured by the system. The personal information may then be played back or displayed on a monitor (used), saved or stored (retained) or shared with other public bodies or organizations (disclosed). Surveillance systems are collecting personal information whenever they are recording, regardless of if, or how, the public body uses, retains or discloses the recordings in the future.

▪ **WHAT DOES IT MEAN TO BE AUTHORIZED BY STATUTE?**

Section 26(a) of FIPPA allows for the collection of personal information that is expressly authorized by statute. This is the most straightforward legal authority for collection. If there is a law that states that a public body is authorized to collect personal information using video or audio recording, then, so long as the collection is done in accordance with that law and for the specified purpose, it is authorized.

An example of express statutory authority for video surveillance is found in s. 85 of the Gaming Control Act. Under this section, the British Columbia Lottery Corporation "may place a gaming site under video surveillance to ascertain compliance" with the Act.

▪ **WHAT DOES IT MEAN TO BE "FOR THE PURPOSES OF LAW ENFORCEMENT"?**

Section 26(b) of FIPPA authorizes collection of personal information for the purposes of law enforcement. Schedule 1 of FIPPA defines "law enforcement" as: policing, including criminal intelligence systems; investigations that lead or could lead to a penalty or sanction being imposed; or proceedings that lead, or could lead, to a penalty or sanction being imposed.

"Policing" is not defined in FIPPA, however in common law the definition of policing involves active monitoring or patrolling in order to deter or intervene in unlawful activities. Information collected for policing purposes must be collected by a public body with a common law or statutory enforcement mandate. For example, it is not sufficient for a public body to claim an interest in reducing crime in order to justify

collection for “law enforcement”; the public body must have authority to enforce those laws.

In BC, the OIPC has determined in a number of Orders that an investigation must already be underway at the time the personal information is collected for s. 26(b) to apply. A public body is not authorized to collect personal information about citizens, in the absence of an investigation, on the chance it may be useful in a future investigation. Similarly, in order for a collection to be lawfully authorized as relating to a proceeding, the proceeding must be ongoing at the time of collection.

▪ **WHAT DOES IT MEAN TO BE “NECESSARY”?**

Section 26(c) of FIPPA authorizes the collection of personal information that is necessary for an operating program or activity of the public body. “Necessary” in the context of surveillance systems is a high threshold for a public body to meet. It is not enough to say that personal information would be nice to have or could be useful in the future. The personal information must also be directly related to a program or activity of the public body.

▪ **WHAT ABOUT CONSENT?**

Under s. 26(d)(i) of FIPPA, consent can be used as legal authority for collection of personal information in very few specified instances. Express or implied consent is not a legal authority for collection of personal information using video or audio surveillance systems.

EFFECTIVE USE OF SURVEILLANCE

A public body should use a video or audio surveillance system only where conventional means for achieving the same objectives are *substantially* less effective than surveillance *and* the benefits of surveillance *substantially* outweigh any privacy intrusion. Cost-savings alone are not sufficient justification to proceed with a surveillance system under FIPPA.

A public body should use surveillance systems that collect the minimum amount of personal information necessary to achieve the purpose of the collection.

In considering the effectiveness of video or audio surveillance systems, public bodies should keep in mind the following:

- (a) Surveillance systems have been found to be more effective in defined areas (such as parking lots) as opposed to open street or undefined spaces.

- (b) Surveillance systems are *more effective as investigative tools than as deterrents*. There is a common belief that the presence of a camera is an effective deterrent of crime and disorder, however, studies have shown that this deterrence is short-lived. In addition, the deployment of a surveillance system often coincides with the installation of improved lighting and increased monitoring of the area, which itself plays a role in deterrence.
- (c) Surveillance systems that are monitored and are used in conjunction with intervention in suspicious incidents have been found to be more effective at reducing criminal or public safety concerns than are unmonitored systems.

Public bodies should only proceed with surveillance if they can first establish whether FIPPA authorizes the surveillance and if they have determined that other less privacy-invasive options will not be effective.

VIDEO OR AUDIO SURVEILLANCE — BEST PRACTICES

1. Factors in considering use of video or audio surveillance systems

Public bodies should take the following steps in considering whether to use video or audio surveillance systems:

- (a) Before implementing a surveillance system, complete a privacy impact assessment ("PIA"). A PIA is an important component in the design of a project to assess how the project affects the privacy of individuals, and should include a description of measures to mitigate any identified privacy risks. Completion of a PIA helps a public body ensure that its project complies with the legislative requirements under FIPPA. A copy of the completed PIA, including the public body's case for implementing a surveillance system as opposed to other measures, should be sent to the OIPC for review and comment. The OIPC should receive the PIA *well before* any final decision is made to proceed with surveillance.
- (b) If a public body would like to use surveillance for security reasons, it should have evidence, such as verifiable, specific reports of incidents of crime, public safety concerns or other compelling circumstances that support the necessity of surveillance.
- (c) Conduct consultations with stakeholders who may be able to help the public body consider the merits of the proposed surveillance.
- (d) Calibrate the surveillance system so that it only collects personal information that is necessary to achieve the purposes the public body has identified for the surveillance.

2. Layout of surveillance equipment

In designing a surveillance system and installing equipment, a public body should:

- (a) Install surveillance equipment such as video cameras or audio recording devices in defined public areas. The public body should select areas it expects the surveillance will be most effective in meeting the purpose for the surveillance.
- (b) Recording equipment should not be positioned, internally or externally, to monitor areas outside a building, or to monitor other buildings, unless necessary to accomplish the purpose for the surveillance. Cameras should not be directed to look through the windows of adjacent buildings. Equipment should not monitor areas where the public and employees have a reasonable expectation of privacy (such as change rooms and washrooms).
- (c) If the purpose of the surveillance is related to crime, the public body should restrict the use of surveillance to periods when there is demonstrably a higher likelihood of crime being committed and detected in the area under surveillance.
- (d) Section 27(2) of FIPPA requires that public bodies notify individuals when they are collecting personal information. A public body should notify the public, using clearly written signs prominently displayed at the perimeter of surveillance areas so the public has sufficient warning that video or audio surveillance is or may be in operation before entering any area under surveillance. The notification must state: the purpose for the collection, the legal authority for the collection, and the title, business address and business telephone number of an employee of the public body who can answer the individual's questions about the collection.
- (e) Only authorized persons should have access to the system's controls and to its reception equipment (such as video monitors or audio playback speakers). Public bodies should have policies in place to ensure that authorized persons only access personal information from a surveillance system for authorized purposes.
- (f) Recording equipment should be in a controlled access area. Video monitors should not be located in a position that enables public viewing. Only authorized employees should have access.

3. Guidelines regarding surveillance records

Section 30 of FIPPA requires that a public body protect personal information in its custody or under its control by making reasonable security arrangements against such risks as unauthorized collection, access, use, disclosure or disposal. If the surveillance system creates a record, a public body should implement the following security policies and procedures:

3.1 Access

- (a) Only authorized individuals who require the information in order to do their jobs should have access to the surveillance system or the records it creates. All authorized personnel should be fully aware of the purposes of the system and fully trained in rules protecting privacy.
- (b) Access to storage devices should be possible only by authorized personnel. Logs should be kept of all instances of access to, and use of, recorded material.
- (c) An individual who is the subject of surveillance has a right to request access to his or her recorded personal information under s. 5 of FIPPA. Normally, FIPPA requires public bodies to withhold personal information about other individuals. This may mean that a public body must blur or otherwise obfuscate the identity of other individuals on a video or audio recording before disclosing personal information about an individual. Public body policies and procedures should be designed to accommodate this right to seek access.

3.2 Disclosure for law enforcement purposes

- (a) If a public body is disclosing records containing personal information for law enforcement purposes, it should complete an information release form first. The form should indicate who took the storage device containing the information, under what authority, when this occurred, and if it will be returned or destroyed after use.

3.3 Secure retention and disposal

- (a) A public body must securely store, or retain, all personal information in its custody or under its control, including audio and video recordings. This includes the following measures:
 - i. All electronic storage devices should be encrypted.

- ii. All electronic storage devices that are not in use should be stored securely in a locked receptacle located in a controlled access area. All storage devices that have been used should be numbered and dated.
 - iii. Recorded information should be erased according to a standard retention and disposal schedule. The OIPC considers retention periods of not more than 30 days to be preferable, although circumstances may necessitate different retention periods.
 - iv. If the recorded information reveals an incident that contains personal information about an individual, and the public body uses this information to make a decision that directly affects the individual, s. 31 of FIPPA requires that specific recorded information be retained for one year after the decision is made.
- (b) A public body must securely dispose of old storage devices and records.

4. Audit procedures

As part of the requirement to secure personal information, public bodies should ensure employers and contractors are aware of, and implement, the following audit procedures:

- (a) All surveillance equipment operators must be aware that their operations are subject to audit and that they may be called upon to justify their surveillance interest in any given individual.
- (b) A public body should appoint a review officer to audit the use and security of surveillance equipment, including monitors and storage devices. The reviews should be done periodically at irregular intervals. The results of each review should be documented in detail and any concerns should be addressed promptly and effectively.

5. Creating surveillance system policies

- (a) If a public body makes a decision to use a video or audio surveillance system, it should do so in accordance with a comprehensive policy that ensures compliance with FIPPA. Such a policy is one part of an overall privacy management program. Some of the key privacy issues that public bodies should address through policies include:
 - i. Authority for collection, use and disclosure of personal information;
 - ii. Requirements for notification.
 - iii. Individual access to personal information.

- iv. Retention and disposal of information.
 - v. Responsible use of information and information technology, including administrative, physical and technological security controls and appropriate access controls.
 - vi. A process for handling privacy related complaints.
- (b) The public body should designate one (preferably senior) person to be in charge of the system as well as the public body's privacy obligations under FIPPA and its policies. Any power for that person to delegate his or her role should be limited, and should include only other senior staff.
- (c) Employees and contractors should be required to review and apply the policies in performing their duties and functions related to operation of the surveillance system. Employees should be subject to discipline if they breach the policies or the relevant FIPPA provisions. Where contractors are used, failure to comply with the policies, or FIPPA's provisions should be a breach of contract leading to penalties up to and including contract termination. Employees and contractors (and contractor employees) should sign written agreements as to their duties under the policies.
- (d) Public bodies should incorporate policies into personnel training and orientation programs and should require contractors to do the same with their employees. Policies should be regularly reviewed and updated as needed, ideally at least once every two years. Public body and contractor personnel should receive privacy awareness training at least annually. Public bodies should be able to demonstrate how and when they trained their staff.

For more information on public sector privacy management, see the OIPC's guidance document: *Accountable Privacy Management in BC's Public Sector*.¹

6. On-going evaluation

The effectiveness of a video or audio surveillance system should be regularly evaluated by independent evaluators. Some considerations for evaluation include:

- (a) Taking special note of the initial reasons for undertaking surveillance and determine whether video surveillance has in fact addressed the problems identified.
- (b) Reviewing whether a video or audio surveillance system should be terminated, either because the problem that justified its use in the first place is

¹ <http://www.oipc.bc.ca/guidance-documents/1545>

no longer significant, or because the surveillance has proven ineffective in addressing the problem.

- (c) Taking account of the views of different groups in the community (or different communities) affected by the surveillance. Results of evaluations should be made publicly available.

CONCLUSION

Video and audio surveillance systems are inherently privacy invasive. In order for a public body to use surveillance, it must first establish that FIPPA authorizes the use. Even if surveillance is authorized, a public body should determine whether there are other, less privacy invasive options. This document is intended to assist public bodies in assessing whether video or audio surveillance is an appropriate solution to their identified problem and, if it is, to help them design and implement surveillance in accordance with FIPPA and best practices.

If you have any questions about these guidelines, please contact:

Office of the Information and Privacy Commissioner for BC
Tel: (250) 387-5629
In Vancouver: (604) 660-2421; Elsewhere in BC: 1-800-663-7867
Email: info@oipc.bc.ca

For more information regarding the OIPC, please visit www.oipc.bc.ca.

NOTE: These guidelines do not constitute a decision or finding by the OIPC respecting any matter within the jurisdiction of the Information and Privacy Commissioner under the Act. These guidelines do not affect the powers, duties or functions of the Information and Privacy Commissioner respecting any complaint, investigation or other matter under or connected with the Act and the matters addressed in this document.



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Office of the Information and Privacy Commissioner for British Columbia

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E-mail: info@oipc.bc.ca | www.oipc.bc.ca | Twitter: @BCInfoPrivacy

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Attachment 2: Cost Estimates of Options 2 and 3

Option 2 (Hybrid System)

Capital Costs (One Time):

Initial purchase cost CCTV system	\$	1,500,750
Office construction and set up	\$	62,900
Central servers	\$	56,000
Software and licensing costs	\$	89,360
Total Initial Capital Cost	\$	1,709,710

Annual Operating Costs:

Annual licensing costs	\$	13,404
One full time CCTV Video Clerk	\$	58,786
Cell phone and data plan costs	\$	600
Overtime costs	\$	4,725
Total Operating Costs	\$	77,715
Estimated Revenue	\$	47,314
Total Tax Base Funded Cost Option 2	\$	30,201

Option 3 (Full CCTV System)

Capital Costs (One Time):

Initial purchase cost CCTV system	\$	2,013,750
Office construction and set up	\$	62,900
Central servers	\$	56,000
Software and licensing costs	\$	52,592
Total Initial Capital Cost	\$	2,185,242

Annual Operating Costs:

Annual licensing costs	\$	7,889
One full time CCTV Video Clerk	\$	58,786
Cell phone and data plan costs	\$	600
Overtime costs	\$	4,725
Total Operating Costs	\$	72,000
Estimated Revenue	\$	72,000
Total Tax Base Funded Cost Option 3	\$	0



**City of
Richmond**

Report to Committee

To: General Purposes Committee **Date:** February 14, 2020
From: Cecilia Achiam **File:** 09-5350-01/2019-Vol
 General Manager, Community Safety 01
Re: **Traffic Intersection Cameras Implementation Planning**

Staff Recommendation

1. That the Consolidated Fees Bylaw No. 8636, Amendment Bylaw No. 10160, which adds a service fee for video footage requests, be introduced and given first, second and third reading;
2. That the Consolidated 5 Year Financial Plan (2020-2024) be amended to include the operating budget impact of implementing the Traffic Intersection Cameras system of \$100,000 funded by an estimated \$50,000 revenue from traffic video requests and a reallocation of resources from the Community Safety Division; and
3. That staff develop a communication plan to inform the public of the implementation of the *Traffic Intersection* Cameras system and how to request video footage.

Cecilia Achiam
 General Manager, Community Safety
 (604-276-4122)
 Att. 7

REPORT CONCURRENCE	
ROUTED TO:	CONCURRENCE
City Clerk	<input checked="" type="checkbox"/>
Finance Department	<input checked="" type="checkbox"/>
Information Technology	<input checked="" type="checkbox"/>
Law	<input checked="" type="checkbox"/>
Roads & Construction	<input checked="" type="checkbox"/>
RCMP	<input checked="" type="checkbox"/>
Communication	<input checked="" type="checkbox"/>
SENIOR STAFF REPORT REVIEW	INITIALS:
	CJ
APPROVED BY CAO	

Staff Report

Origin

On December 11, 2017 Council approved \$2,185,242 to fund the Traffic Intersection Cameras project. Moreover, Council approved the following from the staff report titled "Closed Circuit Television (CCTV) for Signalized Intersections in Richmond" from the Officer-in-Charge at a Regular Council meeting on:

- 1) *That the report titled "Closed Circuit Television (CCTV) for Signalized Intersections in Richmond," dated October 31, 2017 from the OIC, Richmond RCMP, be received for information;*
- 2) *That the CCTV request at a capital cost of \$2,185,242 (Option 3) be submitted to the 2018 Capital budget process for Council consideration;*
- 3) *That the CCTV for Signalized Intersections Project be approved to seek additional funding from the Federal/ Provincial Investing in Canada Program and other appropriate senior government funding programs;*
- 4) *That if the senior government funding submission is approved, the Chief Administrative Officer and the General Manager, Community Safety be authorized to execute the agreement on behalf of the City of Richmond with the Government of Canada and/or the Province of British Columbia;*
- 5) *That if the funding application is successful, the grant received be used to replenish the City's funding source and the 2018-2022 Five Year Financial Plan Bylaw will be adjusted accordingly;*
- 6) *That Richmond MPs and MLAs be advised of the City's senior government submission;*
- 7) *That, if the funding request for a Closed Circuit Television (CCTV) For Signalized Intersections in Richmond is approved as part of the budget, staff be directed to seek approval of the proposed system from the Office of the Information and Privacy Commissioner and to recommend a fee structure for processing requests; and*
- 8) *That staff review the matter in 12 months to ensure that storage space is adequate.*

At the Community Safety Committee held on December 10, 2019, staff received the following referral:

That staff provide information on the expected timeline of the Closed Circuit Television (CCTV) program launch and what resources are needed to expedite the project, and report back.

The purpose of this report is to provide a status update on the Traffic Intersection Cameras project and respond to the referral from December 10, 2019.

This report supports Council's Strategic Plan 2018-2022 Strategy #1 A Safe and Resilient City:

Enhance and protect the safety and well-being of Richmond.

1.1 Enhance safety services and strategies to meet community needs.

Analysis

Office of the Information Privacy Commissioner (OIPC) Review Outcome

After the funding for the Traffic Intersection Cameras project was approved in the 2018 budget cycle, staff submitted a Privacy Impact Assessment to the Office of the Information and Privacy Commissioner (OIPC) for British Columbia, as directed by Council. After a lengthy review process and several amendments to the Privacy Impact Act submission to address the OIPC's comments, the OIPC indicated that it was satisfied with the City's submission and made specific recommendations intended to avoid conflict with the obligations under the Freedom of Information and Protection of Privacy Act (FIPPA) as well as prior rulings by the Privacy Commissioner. The OIPC's recommendations were that:

1. the Traffic Intersection Cameras project's primary purpose is traffic management/safety and must be managed by the City rather than the RCMP as the OIPC does not support using Traffic Intersection Cameras by law enforcement agencies for the purpose of generic surveillance;
2. the resolution setting of the cameras should not capture personal information such as license plates or individuals' faces;
3. the live stream data collected from the Traffic Intersection Cameras video footage should not be enhanced at a later date to detect license plates or individuals' faces; and
4. the City incorporate additional visible signage at major entry points to the city so that all road users are aware of the Traffic Intersection Cameras system.

Implementation of the Traffic Intersection Cameras Project

There are several key components to implement the Traffic Intersection Cameras project and its on-going operational success as described in this section. A summary of the proposed expedited Traffic Intersection Cameras project implementation schedule is provided in Attachment 1. The separate phases of the implementation are described later in this report.

Intersection Infrastructure and Equipment

There are currently over 180 signalized intersections in Richmond, including Sea Island. While the intersections on Sea Island are on federally owned land and leased to the Vancouver Airport Authority, the signals are managed by the City.

Of the 180 signalized intersections, 75 intersections are already equipped with non-recording traffic detection cameras (Attachment 2) and connected with fibre optic cable (i.e., high speed communications network). Another 35 intersections already have fibre optic cable but require traffic detection cameras. The remaining 70 intersections are connected on a legacy copper wire infrastructure (i.e., low speed communications network) that does not have the bandwidth to allow for reliable video streaming and recording. The City intends to add cameras to these intersections as the fibre optic cable network expands as part of the long term Traffic Video and Communication Program. Only traffic cameras currently connected to the fibre optic network will be included in Phase 1 of the Traffic Intersection Cameras project implementation.

For the purposes of the Traffic Intersection Cameras project, the existing traffic cameras will require modification and repositioning to capture the full view of the intersection. Moreover, additional software and equipment as well as an expansion of the City's data storage infrastructure will be required to record video at existing and future camera intersections.

Data Storage and Management

Video captured from the cameras will be stored for 30 days after which this data will be purged from the storage system. The City will require new server storage capacity to accommodate the anticipated sizeable load from the Traffic Intersection Cameras recorded data. This new storage capacity will be procured and installed during Phases 1 and 2 (Attachment 3) of the project. A software solution will also be developed to allow for timely accessing of stored video data and to fulfill requests for this data from internal and external clients. The full data storage infrastructure will be built as part of Phases 1 and 2 to take advantage of volume pricing and ensure system compatibility.

When the City receives a request for video images within the 30 day time period prior to deletion of the records, staff will process the Traffic Intersection Cameras video request application and ensure that the privacy protection threshold is met before images are released, as recommended by the OIPC.

Operational Management

The OIPC mandated that the primary purpose of the Traffic Intersection Cameras system be for traffic management and road safety. It is anticipated that the current Traffic Intersection Cameras project will have a positive impact on road safety through the ability to utilize large amounts of traffic data to better problem-solve issues related to traffic volume, speed, collisions (vehicular, cycling and pedestrian), red-light running vehicles and other traffic safety related factors. This technology will enable more predictive road safety prevention and enforcement efforts that target high-risk traffic locations. The OIPC was not supportive of Traffic Intersection Cameras being used, primarily, for law enforcement and recommended that it be managed by non-police City staff. It was determined, after careful analysis, that the Traffic Section of the Transportation Department is best suited for the operational management of the Traffic Intersection Cameras project.

A Traffic Signal Systems Technologist (Technologist), in the Transportation Department, will be responsible for retrieving video footage and editing out any ancillary images that are irrelevant to the data request. This editing or obfuscation of data is a key part of the OIPC's recommendations. Should questions arise regarding video data release, the Technologist will draw upon the knowledge of the City Clerk's Office who has subject matter expertise with FIPPA and privacy issues in general.

If approved, this position will be supervised and supported by the other staff within the Transportation Department. Recruitment for the position will commence shortly following the procurement process.

As recommended by the OIPC and to comply with the privacy requirements of FIPPA, the Traffic Intersection Cameras project will require a series of privacy and information security-

related operational protocols. These protocols are currently being developed by staff and will be in place for the implementation of the Traffic Intersection Cameras project.

Communications Plan and Public Access to Traffic Intersection Cameras Data

Staff will develop a comprehensive communications plan to ensure that the public is informed about the project. Key areas covered under the communication plan will include:

- a. Signage: As per the OIPC recommendations, information signs will be installed at all Traffic Intersection Cameras recording intersections and at city entry points to notify road users of Traffic Intersection Cameras. Attachment 4 illustrates examples of Traffic Intersection Cameras notification signage and notification requirements.
- b. How the public can request access to video footage, including information on the associated fee: The communication tools used to build awareness and education include the City's website, social media channels and mainstream media (e.g., newspapers). An online request form is currently under development (Attachment 5 shows an example).

It is anticipated that individuals from the public or business organizations will be able to submit an online request for video footage.

Bylaw Amendment

An amendment to the Consolidated Fees Bylaw No. 8636 is required to add a service fee for video footage requests. The proposed cost-recovery minimum fee of \$375 plus taxes. In the case of large data requests that require multiple hours of work, there will be an additional charge of \$60 per hour.

Expediting the Traffic Intersection Cameras Project

Negotiations with the Vancouver Airport Authority are underway for the right to capture and utilize images at intersections on Sea Island in accordance with the guidelines set out by OIPC. The inclusion of Sea Island would expand the Traffic Intersection Cameras coverage to a key geographical area which is currently being supported by City first responders as well as the Transportation Department. Ideally, Sea Island would be included in Phase 1 of the project. However, if negotiations are delayed, these locations could be addressed in Phase 2 or 3 of the plan.

In order to expedite the Traffic Intersection Cameras project, as directed by Council, staff have reviewed opportunities to compress the anticipated time required to execute the procurement and equipment installation. This could involve deploying multiple equipment installation teams as opposed to the current practice of utilizing one team. In addition, staff resources from other areas within the Community Safety Division and Transportation Department could be redeployed to expedite the development of the policies and processes to meet OIPC recommendations for Traffic Intersection Cameras video footage requests while carrying out the procurement and hiring process.

Compressed Project Implementation Timeline

This project has commenced and is anticipated to be implemented in three phases. The goal of the project is to have Traffic Intersection Cameras, with 30 days of video storage capacity supported by fibre optic cable, at all 180 signalized intersections in the City and other key strategic locations. Phase 1 of this project includes an achievement of 75 signalized intersections with Traffic Intersection Cameras connected to a centralized video data storage. Phase 2 will add 35 additional intersections for a total of 110 intersections. Phases 1 and 2 are underway concurrently and are anticipated to be completed by the fourth quarter of 2020. Phase 3 will continue until the remaining 70 intersection locations are integrated into the Traffic Intersection Cameras project. It is anticipated that the completion of Phase 3 will take multiple years with the gradual build-out of the City's fibre optic network.

Phase 1: Building data storage for the entire system, activating existing intersections with fibre optic cable and developing a communications plan (Target Completion Q3 2020)

Phase 1 includes purchasing and building server and data storage equipment/software for the full Traffic Intersection Cameras system (i.e. for the existing 180 signalized intersections and future capacity). The City is leveraging its existing traffic infrastructure by focusing on 75 existing intersections which already have fibre optic cable and cameras installed. Concurrently, the City will be going through the procurement process for additional equipment and software to allow these cameras to record. Systems testing will be conducted in Phase 2. The video footage will not be available for public requests at this time.

Negotiations with the federal government and Vancouver Airport Authority will occur concurrently during the implementation of Phase 1. Installing Traffic Intersection Cameras at the intersections on Sea Island will be implemented when an agreement is reached.

Staff will work with Corporate Communications in Phase 1 to develop and begin implementing a comprehensive communications plan, as per the direction of the OIPC, to ensure the public is informed of Traffic Intersection Cameras locations, their rights and how to apply for Traffic Intersection Cameras video footage.

Phase 2: Procuring and installing cameras for the remaining intersections with the City's existing fibre optic network plus implementing a public communications plan and notifying the public (Target Completion Q4 2020)

Phase 2 is anticipated to take place in the fourth quarter of 2020. This phase will involve the procurement of equipment and software for intersections currently without cameras but are connected to the City's existing fibre optic network. This phase will also involve installing and testing all camera and data storage equipment and software. Attachment 6 illustrates the majority of intersections where traffic collisions are historically concentrated and will have Traffic Intersection Cameras coverage at the completion of Phase 2.

Negotiations with the Federal government and Vancouver Airport Authority will continue for the intersections on Sea Island with Traffic Intersection Cameras and will be added to the system when an agreement is reached.

The completion of the City website is targeted for Phase 2 and will include information and maps to inform the public of which intersections are being recorded and how to request access to this video footage. Notification signage will be installed, as directed by the OIPC, to inform the public of the Traffic Intersection Cameras and to ensure compliance with FIPPA regulations. The Technologist will be hired and trained to administer the Traffic Intersection Cameras program. Processing of video requests from internal and external clients will commence during this phase.

Phase 3 Completion of installation of cameras at remaining intersections with new fibre optic cable (Target Start Q4 2020)

Phase 3 (Attachment 7) is anticipated to begin in the fourth quarter of 2020 and proceed for multiple years. As part of the existing Transportation and IT infrastructure expansion program, new camera and fibre optic cable enabled intersections will be completed gradually with the expansion of the fibre optic cable network.

Implementation Costs and Revenue

The cost of Phases 1 and 2 are anticipated to remain within the original Traffic Intersection Cameras project budget of \$2,185,242, as approved by Council in 2018. Based on the experience of neighbouring municipalities with Traffic Intersection Cameras programs (e.g., Surrey and Vancouver), the revenue from public requests for video footage is anticipated to be approximately \$50,000 annually. Until the Traffic Intersection Cameras program has reached a stable revenue level to cover the Operating Budget Impact (OBI) shortfall, the variance will be funded from the Community Safety Operating Budget as community safety is a key objective of this program. Revenue from the Traffic Intersection Cameras project will be coded to the Community Safety Division.

Council approved project funding of \$2,185,242, covers the full anticipated cost of the procurement and installation of camera, storage and infrastructure equipment for Phase 1 and Phase 2. The cost of expanding intersection cameras into new areas, when fibre optic cables are available as described for Phase 3, is anticipated to be funded from the Transportation Department's annual Traffic Video and Communications Program (approximately \$400,000/year), subject to Council approval as part of the annual capital budget process. If unforeseen capital expenses are discovered during and/or after the Traffic Intersection Cameras project has been approved, they will be subject to the annual capital budget process.

Financial Impact

It is anticipated that there will be an OBI of approximately \$100,000 for Phase 1 and 2 costs including camera maintenance, software and data storage. This cost will be offset in part by revenue from the Traffic Intersection Cameras project at full implementation. Given the phased roll-out of the project, it will take some time (approximately two years) to achieve full revenue. Any variance will be funded through the Community Safety Division. The proposed Traffic Signal Systems Technologist position will be funded through a reallocation of resources from the Community Safety Division to the Transportation Department. The Consolidated 5 Year Financial Plan (2020-2024) will be amended accordingly, as per budget policy.

A preliminary estimate for the OBI for Phase 3 is \$62,000 but may change as this implementation will occur gradually with the expansion of the fibre optic cable network.

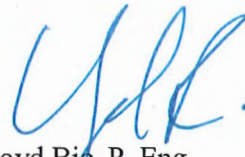
The Phase 3 OBI will also be funded by future revenues and offset by the Community Safety Division until such time as the project is cost neutral.

Conclusion

The multi-phase implementation of the Traffic Intersection Cameras project outlined in this report presents an opportunity to achieve traffic, first responder and emergency preparedness project goals while at the same time advancing the City's traffic management control system in an effective and efficient manner. As directed by Council, the Traffic Intersection Cameras project will adhere to the guidelines established by the OIPC to ensure the privacy of the public.



Mark Corrado
Manager, Community Safety Policy and Programs
(604-204-8673)



Lloyd Bie, P. Eng.
Director, Transportation
(604-276-4131)

MC:mc

- Att. 1: Table 1: Summary of the Proposed Expedited Traffic Intersection Cameras Project Implementation Schedule
- 2: Phase 1 - 75 Signalized Intersections with Fibre Optic Cable and Data Storage
- 3: Phase 2 - 35 Additional Cameras (Not on Fibre Optic Network) with Data Storage for a Total of 110 Intersections
- 4: Sample Signage and Privacy Notice Requirements
- 5: Sample Online Request Form
- 6: Historical Density of Traffic Collisions (2007-2017)
- 7: Phase 3 - All 180 Signalized Intersections on Fibre Optic Network and with Data Storage

Table 1: Summary of the Proposed Expedited Traffic Intersection Cameras Project Implementation Schedule

Phase	Description	Status/Anticipated Completion Time
Phase 1- Building data storage for the entire system, activating existing intersections with fibre optic cable and developing a communications plan	<ul style="list-style-type: none"> • Network storage, software and equipment procurement process • Installation of network storage for the full system built out • Installation and activation of 75 existing intersections connected to fibre optic network • Systems testing • Negotiations with the federal government as well as Vancouver Airport Authority (VAA) for the right to capture and utilize the image at intersections on Sea Island • Work with Corporate Communications to develop a comprehensive communications plan to ensure the public is informed of the purpose of the Traffic Intersection Cameras project as per direction of the OIPC 	<p>Initiated/Q1 2020</p> <p>Not started/Q3 2020</p> <p>Not started/Q3 2020</p> <p>Not started/Q3 2020 Initiated/unknown</p> <p>Not started/Q2 2020</p>
Phase 2 - Procuring and installing cameras for the remaining intersections with the City's existing fibre optic network plus implementing a public communications plan and notifying the public	<ul style="list-style-type: none"> • Equipment procurement process • Camera and software installation at intersections currently with no cameras but are connected to the existing City fibre optic network • Installation and testing of equipment and software • Development of OIPC recommended privacy and information security related operational protocols • Continue negotiations with the federal government and VAA to reach an agreement • Recruitment of the Traffic Signal Systems Technologist (Technologist) • Develop material for the City's website to support the Traffic Intersection Cameras program (application, maps and submission information, Freedom of Information (FOI) regulations, etc.) • Development an online public video request system • Training of Technologist • Processing requests from internal and external clients for Traffic Intersection Cameras video footage 	<p>Not started/ Q4 2020</p> <p>Not started/ Q4 2020</p> <p>Not started/ Q4 2020</p> <p>Initiated</p> <p>Initiated</p> <p>Not started/Q2 2020</p> <p>Not started/Q2 2020</p> <p>Not started/Q3 2020</p> <p>Not started/Q4 2020 depending on successful recruitment</p> <p>Not started/Starting Q4 2020 and on-going until completion</p>
Phase 3 - Completion of installation of cameras at remaining intersections with new fibre optic cable	<ul style="list-style-type: none"> • Gradual installation of additional Traffic Intersection Cameras network in step with the build out of the City's fibre optic network 	<p>Not started/Starting Q4 2020 and on-going until completion</p>

Phase 1: 75 Signalized Intersections with Fibre Optic Cable and Data Storage



**Phase 2: 35 Additional Cameras (Not on Fibre Optic Network)
with Data Storage for a Total of 110 Intersections**



Signage Examples and Privacy Notification Requirement

Sample Notification

“The City of Richmond's Traffic Intersection Cameras system is authorized to collect personal information under the authority of section 26 of the *Freedom of Information and Protection of Privacy Act*. Personal Information is collected for the purpose of, traffic management and planning, law enforcement and public safety. For questions regarding the collection of personal information, please contact the [title of manager], [department name] at [phone number] or {address of city hall}”.

Signage Examples



Privacy Notice Requirements:

Privacy notice requirements in *FIPPA* regulations require that signage be placed in a conspicuous place that includes the following information:

- Notify the area/intersection/block is under video surveillance upon entry.
- What authority the City of Richmond has to collect the data (s.26 of *FIPPA*).
- The manager responsible for the collection of the data.
- The address or contact information of the manager or senior person responsible for the collection of the data.

Notification signage will be periodically audited to ensure notifications remain at all required sites. It is further recommended that the City make information publicly available to citizens on the purpose and benefits of the Traffic Intersection Cameras program, as they do with other services under the “Public Safety” tab on their website.

GP - 55

CS - 99


Sample Online Request Form

Event Location

Event Date

Event Time

Preview [Traffic](#)

 You may zoom in on the map, select a camera and view recent still images from our system.



Map showing street layout with highlighted areas.

[Back](#) [Next](#)

Location and Event Summary

Location, Date and Time

Location of Event

Event Date **December 04, 2019**

Event Time **12:20 PM**

Event Information

Requested By

Individual **RCMP, Police ICRC 511** **RCMP** **ICRC Adjutant**

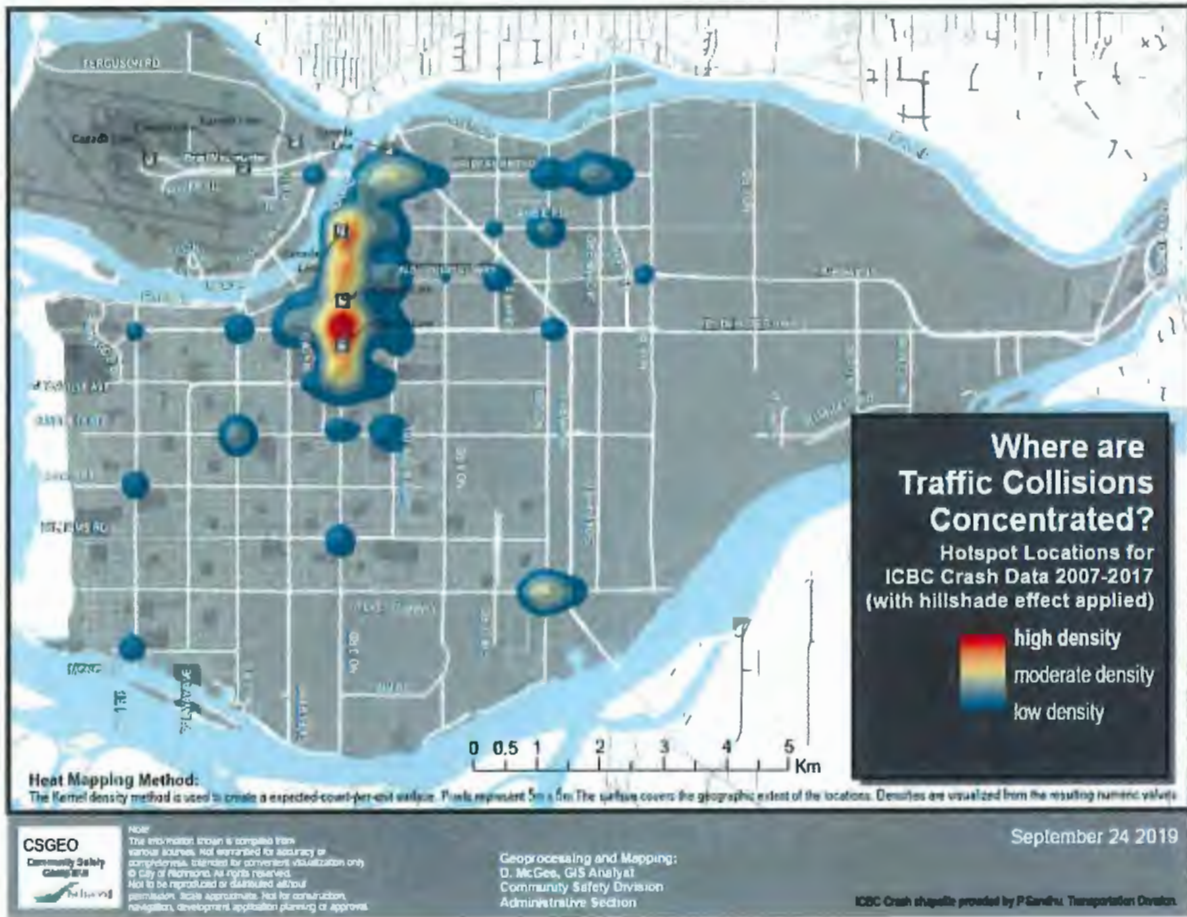
Event Description

Upload a Document - Optional

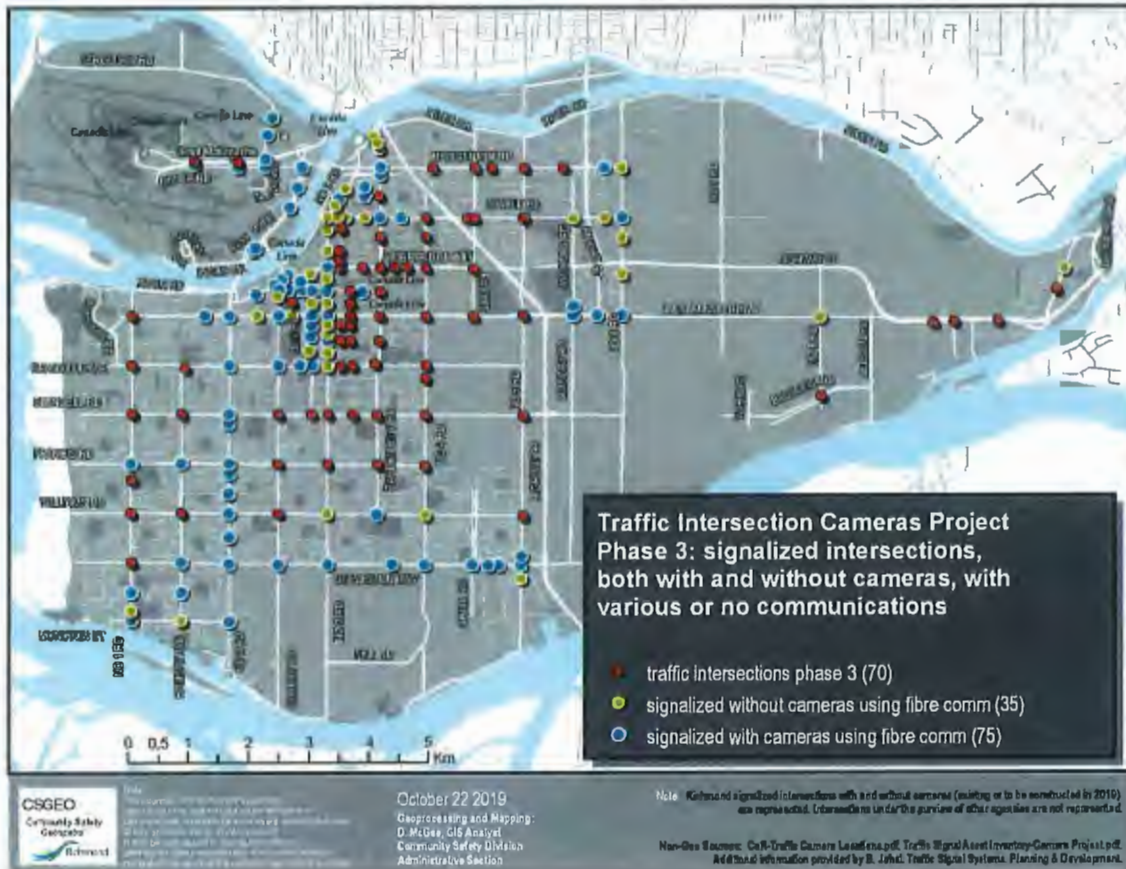
You may include supporting documents such as an Affidavit, Request for Release forms, photos and other photos

[Upload](#)

Historical Density of Traffic Collisions (2007-2017)



Phase 3: All 180 Signalized Intersections on Fibre Optic Network and with Data Storage





**Consolidated Fees Bylaw No. 8636
Amendment Bylaw No. 10160**

The Council of the City of Richmond enacts as follows:

1. The **Consolidated Fees Bylaw No. 8636**, as amended, is further amended by adding the following fee to SCHEDULE – PUBLICATION FEES in alphabetical order:

Description	Fee
<u>Traffic Camera Video Recording Search Fee</u> Per Site (minimum charge) Per hour additional for large requests	\$375.00 \$60.00

2. This Bylaw is cited as “**Consolidated Fees Bylaw No. 8636, Amendment Bylaw No. 10160.**”

FIRST READING

SECOND READING

THIRD READING

ADOPTED

CITY OF RICHMOND
APPROVED for content by originating dept. <i>M.C.</i>
APPROVED for legality by Solicitor 

MAYOR

CORPORATE OFFICER



City of
Richmond

Minutes

General Purposes Committee

Date: Monday, March 16, 2020
Place: Anderson Room
Richmond City Hall
Present: Mayor Malcolm D. Brodie, Chair
Councillor Chak Au
Councillor Carol Day
Councillor Kelly Greene
Councillor Alexa Loo
Councillor Bill McNulty
Councillor Linda McPhail
Councillor Harold Steves
Councillor Michael Wolfe
Call to Order: The Chair called the meeting to order at 4:01 p.m.

AGENDA ADDITIONS

It was moved and seconded

That Potential Closure of Facilities be added to the agenda as Item No. A and Amendments to Council Procedure Bylaw No. 7560 be added to the agenda as Item No. B.

CARRIED

MINUTES

It was moved and seconded

That the minutes of the meeting of the General Purposes Committee held on March 2, 2020, be adopted as circulated.

CARRIED

General Purposes Committee
Monday, March 16, 2020

A. POTENTIAL CLOSURE OF FACILITIES

(File Ref. No.)

Staff noted that (i) the Medical Health Officer has advised that there is no imperative to close recreational and community facilities, (ii) other municipalities are closing their recreational and community facilities, (iii) due to low participation it is recommended that the City of Richmond also close recreational and community facilities with the exception of some essential services, and (iv) community partners have been informed and discussions regarding implications will be addressed.

In reply to queries from Committee, staff advised that (i) some municipalities have closed facilities entirely and some have made exceptions, (ii) a number of actions are being taken to minimize transmission such as encouraging people to stay home when not well and providing a full refund for withdrawal from programs, (iii) the operational process regarding the home delivery of library books will be discussed with the Seniors Society, (iv) the library is reassigning staff to ensure materials are clean and delivered in a safe manner, (v) single entrance points for facilities that continue to offer essential programs will be established and staff will be on site to monitor the facilities, (vi) the spring break camps provide child care for many families, (vii) decreasing the number of programs reduces the number of people in the facilities, (viii) parks and trails will remain open, as well as the outdoor washrooms, (ix) the parks department will continue to monitor and work to ensure cleanliness of parks, trails and outdoor washrooms, (x) it is prudent to wait for direction from the Province with regard to closure of child care facilities, (xi) conditions can be set for spring break camps and will be monitored closely, (xii) number of agencies within the City are responsible for support of isolated people, but information sharing between the City and the agencies can be coordinated, (xiii) services that can be delivered online are being examined, (xiv) service providers and shelters are being contacted to ensure services are in place for the homeless and vulnerable population, and (xv) should the Richmond School District be closed after Spring Break, direction from Council with regard to next steps would be required.

It was moved and seconded

(1) *That programs and services at all community facilities be closed by the end of the day including, community centres, libraries, the Richmond Olympic Oval, swimming pools, arenas, arts facilities and heritage buildings until further notice with the exception of the following:*

(a) *Childcare programs;*

(b) *Week-long camp programs such as spring break camps;*

General Purposes Committee
Monday, March 16, 2020

- (c) Food service at the Minoru Seniors Centre (only available as pick-up or delivery); and*
 - (d) Home delivery of library materials to isolated seniors.*
- (2) That the Chief Administrative Office and the General Manger, Community Services be authorized to enact a further or full closure of any community facilities when circumstances warrant doing so or as directed by Provincial or local health authorities, and provide notice to Council.*

The question on the motion was not called as discussion took place on communicating social service programs to the community and ensuring it is available in various languages. Staff advised that social service programs can be contacted with regard to connecting with the vulnerable and homeless population and information can be provided to Council.

The question on the motion was then called and it was **CARRIED**.

B. AMENDMENTS TO THE COUNCIL PROCEDURE BYLAW – ELECTRONIC MEETINGS AND PARTICIPATION BY MEMBERS
(File Ref. No.)

Staff reviewed the report and noted that (i) proposed amendments to the Council Procedure Bylaw would allow for Council members to attend Regular Council meetings via electronic means during emergency circumstances, (ii) advertising would take place in the Richmond News and the Globe and Mail, and (iii) Council Procedure Bylaw No. 7560, Amendment Bylaw No. 10165 could be brought forward for adoption at the Monday, March 23, 2020 Regular Council meeting.

In reply to queries from Committee, staff noted that should Committee meetings be cancelled, all items going to Committee meetings can go directly to Council during extraordinary times.

Discussion took place on conducting Committee meetings via electronic means and direction was provided to staff to include the provision for Standing Committee members to attend Standing Committee meetings electronically in the amendment to Council Procedure Bylaw No. 7560 and report back to a Special General Purposes Committee on March 23, 2020.

Discussion further took place on ensuring Regular Council meetings take place in the Council Chambers to ensure live streaming is available.

It was moved and seconded

That Council Procedure Bylaw No. 7560, Amendment Bylaw No. 10165, which introduces amendments relating to Electronic Meetings, be introduced and given first, second and third readings.

CARRIED

3.

General Purposes Committee
Monday, March 16, 2020

COMMUNITY SAFETY DIVISION

1. SISTER CITY ADVISORY COMMITTEE 2019 YEAR IN REVIEW

(File Ref. No. 01-0100-30-SCIT1-01) (REDMS No. 6410754)

It was moved and seconded

That the staff report titled "Sister City Advisory Committee 2019 Year in Review", dated February 14, 2020, from the General Manager, Community Safety, be received for information.

The question on the motion was not called as in reply to a query from Committee, staff advised that the Sister City Advisory Committee can examine friendship city options with Europe and Africa.

The question on the motion was then called and it was **CARRIED**.

2. TRAFFIC INTERSECTION CAMERAS IMPLEMENTATION PLANNING

(File Ref. No. 09-5350-01) (REDMS No. 6329429)

In reply to queries from Committee, staff noted that (i) the City of Vancouver's Closed Circuit Television Cameras do not have recording capability, (ii) the Office of the Information and Privacy Commissioner has noted contingencies that must be adhered to, (iii) the RCMP would have access to the footage at no cost; however, there is a charge for the public, (iv) the RCMP can use the footage for incidents or emergency events, (v) the cameras are not intended for active surveillance and obscures licence plates and faces, (vi) the cameras used by the Province are activated when an individual is violating a provincial statute, and the City's cameras would be active 24/7, (vii) from a traffic perspective the cameras can be used to gather information on how many people run a red light, traffic counts for cyclists, pedestrians and cars, and (viii) the cameras will show real-time responses to traffic management changes.

It was moved and seconded

(1) That Consolidated Fees Bylaw No. 8636, Amendment Bylaw No. 10160, which adds a service fee for video footage requests, be introduced and given first, second and third reading;

General Purposes Committee
Monday, March 16, 2020

- (2) *That the Consolidated 5 Year Financial Plan (2020-2024) be amended to include the operating budget impact of implementing the Traffic Intersection Cameras system of \$100,000 funded by an estimate of \$50,000 from revenue and a reallocation of resources from the Community Safety Division; and*
- (3) *That staff develop a communication plan to inform the public of the implementation of the Traffic Intersection Cameras system and how to request video footage.*

CARRIED

PLANNING AND DEVELOPMENT DIVISION

3. **2019 REPORT FROM THE CITY CITIZEN REPRESENTATIVES TO THE VANCOUVER INTERNATIONAL AIRPORT AERONAUTICAL NOISE MANAGEMENT COMMITTEE (YVR ANMC)**
(File Ref. No. 01-0153-04-01) (REDMS No. 6400934 v. 2)

It was moved and seconded

That the staff report titled “2019 Report from the City Citizen Representatives to the Vancouver International Airport Aeronautical Noise Management Committee (YVR ANMC)”, dated March 2, 2020 from the Director, Policy Planning, be received for information.

The question on the motion was not called as in reply to queries from Committee, staff advised that (i) discussions with YVR staff indicate that the north runway is only for arrivals and closed at night, (ii) Nav Canada is examining efficient utilization of both runways, and (iii) opportunities for input is regularly available and every opportunity to express the City’s concerns is utilized.

The question on the motion was then called and it was **CARRIED**.

COMMUNITY SERVICES DIVISION

4. **RICK HANSEN FOUNDATION ACCESSIBILITY CERTIFICATION PROGRAM UPDATE**
(File Ref. No. 07-3000-01) (REDMS No. 6343476 v. 21)

It was moved and seconded

That the staff report titled “Rick Hansen Foundation Accessibility Certification Program Update,” dated February 13, 2020, from the Director, Community Social Development and Director, Facilities and Project Development, be received for information.

CARRIED

5.

General Purposes Committee
Monday, March 16, 2020

5. **CITIES #WITHREFUGEES CAMPAIGN**
(File Ref. No. 07-3300-01) (REDMS No. 6389787 v. 4)

It was moved and seconded

That City Council demonstrate its commitment to promoting inclusion and supporting refugees by signing the United Nations High Commissioner for Refugees (UNHCR) Cities #WithRefugees pledge, as outlined in the staff report titled "Cities #WithRefugees Campaign", dated February 19, 2020 from the Director, Community Social Development.

CARRIED

ADJOURNMENT

It was moved and seconded

That the meeting adjourn (5:09 p.m.).

CARRIED

Certified a true and correct copy of the Minutes of the meeting of the General Purposes Committee of the Council of the City of Richmond held on Monday, March 16, 2020.

Mayor Malcolm D. Brodie
Chair

Sarah Goddard
Legislative Services Coordinator



City of
Richmond

Malcolm D. Brodie
Mayor

6911 No. 3 Road
Richmond, BC V6Y 2C1
Telephone: 604-276-4123
Fax No: 604-276-4332
www.richmond.ca

June 7, 2021

Hon. Mike Farnworth
Minister of Public Safety and Solicitor General
Room 128 Parliament Buildings
Victoria, BC V8V 1X4

Dear Minister,

Re: Gang Activity in the Lower Mainland

This is to advise that Richmond City Council at its Closed Council meeting held on May 25, 2021, considered the above matter and adopted the following resolution:

That a letter be written to the Province requesting support and funding to address the increase in gang activity and organized crime in Richmond.

On May 9, 2021, an unprecedented act of brazen gang violence took place within the City of Richmond when a gang-member was murdered on Mother's Day at the Vancouver International Airport. Escaping suspects also shot and almost struck pursuing police officers. This incident was the culmination of months of gang violence throughout the Lower Mainland and years of proliferation of money laundering, drug trafficking, and organized crime.

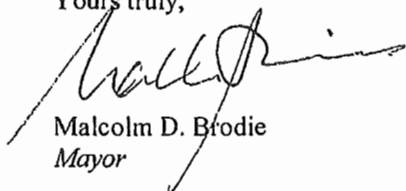
In your April 03, 2019 correspondence to the City, you highlighted the shared responsibility between the Federal and Provincial governments to combat organized crime. Moreover, you referenced the Federal government's commitment of \$100 million in their then recent budget. However, it remains unclear what additional funding and police resources the Provincial government has committed to organized crime efforts in Richmond and throughout the Province since 2019.

The two integrated police agencies who have the primary mandate for investigating gang related homicides and activities are the Combined Forces Special Enforcement Unit (CFSEU) and the Integrated Homicide Investigation Team (IHIT). IHIT has not had a police officer increase in over 10 years and there are serious concerns that its existing complement of police officers are experiencing "burn-out" from the recent surge in homicide investigations. At same time, the Integrated Forensic Identification Service (IFIS) has equally borne the brunt of these complex investigations. It remains unclear if CFSEU has seen an increase in Provincial police officer funding as this data has not been made available.

The former BC Director of Police Services, in her testimony on BC Police Act reform, highlighted that there “is no federal strategy” to combat organized crime in the Province and that “staff are dispersed among CFSEU in a variety of roles”. She suggested, further, that the Organized Crime Agency, a provincially designated policing unit be made the lead agency.¹ In short, the current gang conflagration calls for both an immediate increase in provincial police anti-organized crime resources as well as the Province to reassert its role as the lead agency to combat gang violence.

If you have any questions or require additional information, please do not hesitate to contact Mark Corrado, Manager, Community Safety Policy and Programs, 604-204-8673.

Yours truly,

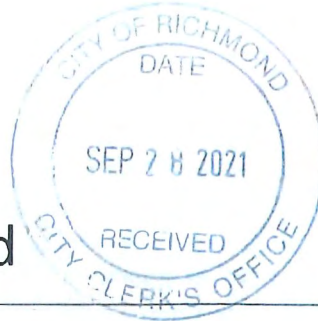


Malcolm D. Brodie
Mayor

¹ <https://www.leg.bc.ca/documents-data/committees-transcripts/20200921am-PoliceActReform-Virtual-n4>



**City of
Richmond**



**TO: MAYOR & EACH
COUNCILLOR
FROM: CITY CLERK'S OFFICE**

Memorandum
Community Safety Division

To: Mayor and Councillors **Date:** September 27, 2021
From: Mark Corrado
Manager, Community Safety Policy and Programs **File:** 09-5355-00/Vol 01
Re: **Municipal Use of Video Cameras for Law Enforcement Purposes**

This memorandum provides a brief impact analysis of the municipal use of video cameras for law enforcement purposes within the context of BC as well as nationally and internationally.

Internationally, the use of video cameras in public places by municipalities for law enforcement and community safety purposes has been widespread for decades. Over 80 independent peer reviewed academic studies have shown the effectiveness of CCTV in leading to a range significant to modest crime reduction outcomes (Piza et al., 2019). For the most part, CCTV is viewed as an essential investigative tool when camera footage is of a high-definition and can assist in identifying someone who was involved in a crime (Ashby, 2017). CCTV has proven its effectiveness in broad spectrum of criminal incidents from property crime to violent crime to international acts of terrorism. Even in cases, where video footage is of a lesser quality, it can be used to assist law enforcement. For example, the July 7th bombers were apprehended after an exhaustive search of CCTV cameras throughout London, England (BBC, 2010).

In Canada, since 1981, CCTV has been used in public streetscapes to serve law enforcement in more than 30 municipalities (Hier & Walby, 2011). The first city to pioneer its use was Sudbury, Ontario who established their "Lion Eye in the Sky" CCTV system in 1994 (KPMG, 2000). For decades, CCTV has been critical in combatting crime in Ontario to the extent that the Provincial government recently announced a \$6 million investment, which is open to municipal and First Nation police services. This initiative was designed to target gang and gun violence and more broadly community safety (CTV, 2020).

In British Columbia, the regulation of the use of video and audio surveillance by public bodies falls under the Freedom of Information and Protection of Privacy Act (FIPPA). The Office of the Information and Privacy Commissioner (OIPC) has independent oversight and enforcement powers under FIPPA as well as the Personal Information Protection Act (PIPA).¹ In 2014, the OIPC issued stringent guidelines regarding the public sector use of video surveillance and specifically Section 26(b) of FIPPA under collection of personal information "for the purposes of law enforcement":

Section 26(b) of FIPPA authorizes collection of personal information for the purposes of law enforcement. Schedule 1 of FIPPA defines "law enforcement" as:

¹ <https://www.oipc.bc.ca/about/legislation/>

policing, including criminal intelligence systems; investigations that lead or could lead to a penalty or sanction being imposed; or proceedings that lead, or could lead, to a penalty or sanction being imposed.

“Policing” is not defined in FIPPA, however in common law the definition of policing involves active monitoring or patrolling in order to deter or intervene in unlawful activities. Information collected for policing purposes must be collected by a public body with a common law or statutory enforcement mandate. For example, it is not sufficient for a public body to claim an interest in reducing crime in order to justify collection for “law enforcement”; the public body must have authority to enforce those laws.

In BC, the OIPC has determined in a number of Orders that an investigation must already be underway at the time the personal information is collected for s. 26(b) to apply. A public body is not authorized to collect personal information about citizens, in the absence of an investigation, on the chance it may be useful in a future investigation. Similarly, in order for a collection to be lawfully authorized as relating to a proceeding, the proceeding must be ongoing at the time of collection. (OIPC, 2014)

The above guidelines effectively prohibit municipalities in most circumstances from utilizing video surveillance for general law enforcement purposes given that only police agencies have such powers to collect personal information for criminal code investigations. However, the OIPC makes an exception for the allowance of video surveillance in only “necessary” cases which it defined below:

“Necessary” in the context of surveillance systems is a high threshold for a public body (i.e. local government) to meet. It is not enough to say that personal information would be nice to have or could be useful in the future. The personal information must also be directly related to a program or activity of the public body.

Nonetheless, the OIPC still prohibits the collection of high-definition video even in “necessary” cases for a public body, for example closed areas such as parking lots and for traffic management intersection cameras, as the amount of personal information collected would exceed that which is necessary for the public body’s reason for collection. Examples of cases where video surveillance by local governments for necessary purposes have been permitted by the OIPC include:

- City of Kelowna installed CCTV to monitor parkades for security purposes;
- Cities of Surrey and Richmond who operate low resolution intersection traffic cameras; and
- City of Vancouver has 881 standard definition using a wide angle and only recording when specific projects or events occur.

Lastly, FIPPA provides the OIPC with the authority to investigate a public body’s CCTV program and can compel the public body to cease collection of private data, decommission the system and destroy all personal information collected. Examples, of these investigations by the OIPC include:

September 27, 2021

- 3 -

- City of Terrace was warned by the OIPC that it does not have legal authority to install surveillance cameras in gathering places for the purposes of combatting vandalism and mischief;
- City of Vernon was in the process of installing 11 surveillance cameras in 2018 in a park for public safety purposes. It was warned by the OIPC and as a result, the City of Vernon decommissioned the project; and
- City of Vancouver cancelled a project to install several cameras in the Granville Entertainment District in 2018 following public consultation and a letter received from the OIPC.

Recently, municipalities such as Surrey have sought to create registries of private businesses who have CCTV. The purpose of these registries is to allow law enforcement to quickly gather video evidence when a crime has occurred at specific location and not have investigators waste time by canvassing business one-by-one to see if they have cameras.

Per direction from Council, staff will continue to engage in a dialogue with Provincial staff and municipal counterparts regarding privacy related issues and the need for the use of video surveillance for law enforcement purposes.



Mark Corrado
Manager, Community Safety Policy and Programs
(604-204-8673)

pc: SMT
Clay Adams, Director, Corporate Communications
Will Ng, Chief Superintendent, Officer in Charge



City of
Richmond

Malcolm D. Brodie
Mayor

6911 No. 3 Road
Richmond, BC V6Y 2C1
Telephone: 604-276-4123
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www.richmond.ca

October 7, 2021

Commissioner Michael McEvoy
Office of the Information and Privacy Commissioner for British Columbia
PO Box 9038 Stn. Prov. Govt.
Victoria B.C. V8W 9A4

Dear Commissioner,

Re: Meeting Request Regarding Use of Intersection Cameras in Public Places

This letter is to advise that the Mayor and Richmond City Council (City) are requesting a meeting with the Information and Privacy Commissioner at the earliest moment.

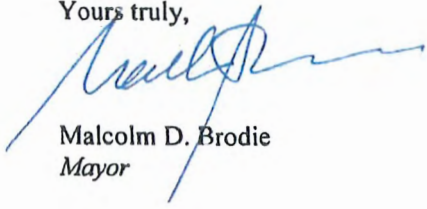
In April 2021, the City began recording non-high definition traffic cameras images at over 110 intersections across the City. This multi-year traffic camera project has had a budget of over \$2 million and has involved a number of staff and infrastructure resources.

In May 2021, the City witnessed a brazen and terrifying act of violence at Vancouver International Airport. This incident involved the assassination of a prominent gang member, bullets spraying through the airport, shots fired at a pursuing police vehicle and the ending of a high-speed vehicle pursuit that put police and the public further at risk. Of note, the suspects fled through a number of intersections where the City had recently installed cameras. On September 10, a similar traffic camera captured an incident involving a suspect vehicle shooting at police during a traffic stop. In both cases, the traffic cameras, which recorded these events, were of insufficient resolution to identify the suspects involved. Only low resolution images can be used with these cameras. How can we compromise the safety of the public in this way, particularly when any privately owned dash cam or personal tablet would record the incident in a form useful to law enforcement?

The City has engaged in dialogue with the Province and in particular the Minister of Public Safety and Solicitor General regarding the need for municipal use of high definition images from intersection cameras to serve law enforcement purposes. At a September 10 meeting, the Minister agreed that the City and his Ministry should continue to explore this issue. The City is also engaged in advocating for legislative reform of the BC Police Act and other legislation that affects public safety and privacy.

The City seeks a meeting with the Commissioner to discuss this difficult and important matter. Please contact me at my office at 604-276-4123 to arrange a mutually convenient time to meet.

Yours truly,

A handwritten signature in blue ink, appearing to read "Malcolm D. Brodie", is written over a light grey rectangular background.

Malcolm D. Brodie
Mayor



November 30, 2021

OIPC File: F21-87949

Delivered by email: mayorea@richmond.ca

Mayor Malcolm Brodie
City of Richmond
6911 No. 3 Road
Richmond BC V6Y 2C1

Dear Mayor Brodie:

**Re: Policy or Issue Consultation – Intersection cameras and law enforcement
(OIPC File F21-87949)**

This letter follows up on our virtual meeting of November 8, 2021 to discuss the potential installation of high-resolution cameras at several intersections in the City of Richmond.

At the outset, I should make clear that the comments provided below are based on the information you provided during our meeting. It is also important to underscore that these comments are made using my authority under the *Freedom of Information and Protection of Privacy Act* (FIPPA) to comment on the implications for the protection of privacy of proposed programs or activities of a public body. These comments are general and are not intended to be legal advice or an expression of findings of fact or law. They are not binding in any way on me or my office in relation to any investigation or adjudication respecting the discussed at our November 8th meeting or below. Any investigation or adjudication would be based on evidence obtained at that time and on any representations from the City. I have an open mind as regards any such investigation or adjudication, as does my Office.

Keeping these provisos in mind, I understand from you that the City is considering the deployment of high-resolution cameras at several of its traffic intersections. Low-resolution cameras are now used. They are not capable of collecting personal information, i.e., the cameras do not enable anyone to read license plates or identify vehicle occupants. They do not need to do this because they are used only for traffic management, i.e., to observe and manage traffic flows.

If they were set at high resolution, the new cameras would, I understand, enable observers to read licence plates and identify vehicle occupants. You indicated that, while the intended purpose of the new cameras is also traffic management, if they “incidentally” captured criminal activity, the images could potentially be used by law enforcement if they were to obtain appropriate authority, such as a warrant, to obtain them from the City. You cited a recent shooting at YVR as an example

where high-resolution images may have been useful to solve the crime, as it is believed the getaway vehicle involved in the shooting passed an intersection where cameras are installed.

As we discussed, if the purpose of the cameras is traffic management, the City does not need to collect personal information of drivers or vehicle occupants. It cannot, therefore, purport to "incidentally" collect that which it does not need for the traffic management program or activity. The City must, in other words, have direct authority to collect every item of personal information that it wishes to collect and cannot purport to somehow "incidentally" collect personal information for which there is no collection authority in the first instance.

If, on the other hand, collection of personal information is for "law enforcement" purposes, the City would have to show that it has the authority to do that. To do this, it would have to address a number of matters, including these: whether it is entitled to rely on "law enforcement" as a basis to collect the personal information; identify the harms to be addressed; whether the cameras demonstrably remediate the harm; and whether capturing the images of tens of thousands of citizens who are going about their lawful daily business, using a 24/7 surveillance system, is proportional to the law enforcement-related harms the City is attempting to address.

These are complex legal issues, which the City should seriously consider taking up with its legal advisers.

It is appropriate to remind the City that, if it decides to proceed with such a system, FIPPA authorizes citizens to complain to my Office, and also authorizes me to initiate an investigation on my own motion. If either occurs, my Office would, as indicated above, collect evidence and receive representations from the City (and any complainant). On that basis, findings of fact and law would be made and either recommendations or a binding order would be issued.

I appreciate the opportunity to discuss this matter with you. Living in a safe and healthy community is a goal we both share. It is also the case public safety and privacy should and can work together. While FIPPA places some limits on public bodies' ability to collect, use and disclose citizens' information, it does so in a way that also supports public safety.

Again, I thank you for reaching out to our Office about these important matters and the opportunity to discuss them with you in this preliminary manner.

Sincerely,


Michael McEvoy
Information and Privacy Commissioner for British Columbia

Public Safety Camera System - Preliminary Cost Estimate

Description	City-wide Implementation (189 signalized intersections)	Partial Implementation (89 signalized intersections)
Camera – 4K with auto pan zoom unit & add-on multi-camera (4) module – Total 5 cameras	2,005,500	934,500
Labour – Installation of Cameras	398,845	185,832
Fibre Optic Network Isolation	955,000	445,000
Camera Hardware Total	3,359,345	1,565,332
Camera Software Control/Monitor Licenses	222,387	111,660
Servers with Redundancy	503,086	251,514
Data Storage with Redundancy (10 Days Ultra HD Storage)	1,124,000 (5 Petabytes ¹)	562,000 (2.5 Petabytes)
Project Management	250,000	250,000
Data Storage and Monitoring Software Total	2,099,473	1,175,174
Contingency – 20%	1,091,719	548,184
Grand Total	6,550,537	3,288,690
Operating Budget Impact (Annually)		
Camera Maintenance and Testing of Installed Cameras	149,553	69,687
Camera Software Assurance	44,477	20,724
Server Maintenance (OBI after 3 years)	50,000	25,000
Data Storage Maintenance (OBI after 5 years)	100,000	50,000
Installation for New Signalized Intersections	25,000	25,000
Replacement Due to Camera Failures (OBI after 5 years)	25,000	15,000
Total Annual OBI	394,030	205,411

¹ 1 petabyte = 1,024 terabytes = 1,048,576 gigabytes