



# Surveillance Annual Report 2023



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# Executive Summary

## 2023 Surveillance Annual Report

Pursuant to the District's surveillance ordinance, staff must bring an annual report to the Board regarding the use of approved surveillance technologies and request approval for continued use of those technologies. This report is intended to allow the Board of Directors an opportunity to determine whether the surveillance technologies implemented benefit the communities we serve, outweigh the costs of implementation, and ensure civil liberties are safeguarded.

The San Francisco Bay Area Rapid Transit District's (BART) Annual Surveillance Report covers the time from July 1, 2022, through June 30, 2023. This report includes all surveillance technology previously approved by the Board of Directors. It is important to note BART has taken a community-based and collaborative approach regarding policy development and implementation of surveillance technologies. All the surveillance technologies deployed at BART have the sole goal of improving the BART District. This enhances the public's trust in BART and improves the rider experience. Each technology must go through several steps before being presented to the BART Board of Directors for approval and implementation. The steps taken include the initial proposal, policy development, and then the evaluation of respective technology.

There are multiple guiding principles with respect to the use of District approved surveillance technologies. First and foremost is the decision to use surveillance technology should balance security and privacy interests. It shall not be used to harass, intimidate, or discriminate against any individual or group. Additionally, the technology must not be used for immigration enforcement actions.

Secondly, the Surveillance Program must have robust controls in place to prevent the inadvertent release or misuse of the data collected. A key success in the implementation of BART's Surveillance Program has been community collaboration. In areas where neighborhoods were impacted by surveillance technology packages that were approved by BART's Board of Directors, transparency and outreach to the community and privacy groups was essential. This provided an understanding of community concerns about the use of the technology and how data is protected. BART continues to meet with

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community partners, such as Oakland Privacy and Secure Justice to understand privacy concerns and ensures protective measures are in place to prevent the release or misuses of data that is collected.

Per the San Francisco Bay Area Rapid Transit District's Code of Ordinances, this **Surveillance Annual Report** is a written report concerning the specific surveillance technology in active use by the District. Per Ord. No. 2018-1, this report includes all the following for the seven (7) Board approved surveillance technologies:

- a) A reasonably specific description of **how the surveillance technology was used**;
- b) Whether and **how often data acquired through the use of the surveillance technology was shared** with outside entities, the name of any recipient entity, the type(s) of data disclosed, under what legal standard(s) the information was disclosed, and the justification for the disclosure(s);
- c) A **summary of community complaints** or concerns received by the BART District related to the surveillance technology; discussion with privacy advocates indicated, "the intent is to capture complaints pertaining to privacy or civil liberties harm from the use of surveillance or data obtained and not general consumer complaints";
- d) The **results of any internal audits or reviews**, any information about violations of the Surveillance Use Policy, and any actions taken in response;
- e) Information, including **crime statistics**, if the equipment is used to deter or detect criminal activity, that may help the community assess whether the surveillance technology has been effective at achieving its identified purposes;
- f) Statistics and information about **public records act requests** related to surveillance technology; and
- g) Total **annual costs** for the surveillance technology, including personnel and other ongoing cost.

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# Table of Contents

## 2023 Surveillance Annual Report

Executive Summary ..... 2

Table of Contents ..... 4

Approved Surveillance Use Policies ..... 5

1. BART Closed Circuit Television ..... 6

2. BART Public Emergency Phone Towers.....12

3. BART Mobile Applications & BART.gov .....15

4. BART Automated License Plate Recognition (ALPR).....17

5. BART Research Data Collection .....20

6. BART Police Body Worn Cameras.....24

7. Bitfocus .....26

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# Approved Surveillance Use Policies

At the time of this report, the following Surveillance Technologies have been approved by the Board:

## **1. BART Closed Circuit Television**

Department: Maintenance & Engineering ID

Number: ME-BCCTV-SUP-01

Board Approved: October 2018

## **2. BART Public Emergency Phone Towers**

Department: Maintenance & Engineering ID

Number: ME-BPEPT-SUP-01

Board Approved: October 2018

## **3. BART Mobile Applications & BART.gov**

Department: Office of the Chief Information Officer ID

Number: OCIO-BMAARMTB-SUP-01

Board Approved: October 2018

## **4. BART Automated License Plate Recognition (ALPR)**

Department: BART Police Department ID

Number: BPD-ALPR-SUP-02

Board Approved: April 2019

## **5. BART Research Data Collection and Usage**

Department: Marketing & Research ID

Number: OEA-BMRDDCU-SUP-06

Board Approved: March 2019

## **6. BPD Body Worn Cameras**

Department: BART Police Department ID

Number: BPD-BWC-SUP-01

Board Approved: August 2021

## **7. Bitfocus**

Department: Social Services Partnership

ID Number: SSP-BCID-SUP-001

Board Approved: April 2023

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# BART Closed Circuit Television

## 2023 Surveillance Annual Report

### Surveillance Technology Use

**Description:** The use of cameras based on closed-circuit television (CCTV) technology increases the public's confidence in our transportation system. This improves the protection of riders, employees, railcars, and critical infrastructure. The authorized use includes constant facility surveillance, 24 hours a day, 7 days per week within all properties. The cameras are not used in areas where there is a reasonable expectation of privacy, such as restrooms. CCTV data provides critical situational awareness for Transportation and Operations Control Center personnel for managing stations and special events. Also, information provided by CCTV systems reduces delays in revenue service by allowing BART personnel to avoid train-holds in situations that can be resolved remotely by CCTV. Additionally, CCTV data is used for accident/incident investigations, mechanical failure investigations, and for California Public Utilities Commission (CPUC) compliance checks.

This surveillance technology within the BART system is a vital resource for police criminal investigations. To meet the burden of proof, "beyond a reasonable doubt," every District Attorney's Office that the BART Police Department interacts with has based their decision to file a criminal complaint based on the availability of quality surveillance video. CCTV footage provides essential direct investigation evidence of violent crimes. This footage has led to the identification and capture of multiple perpetrators. BART Police detectives use surveillance videos daily to solve a variety of crimes against property and crimes against persons.

### Data Sharing

The BART CCTV system is deployed on a secure network that is segmented and isolated from other network traffic. Access to the CCTV network for BART personnel is limited to a need to know, and right to know basis. No direct access is provided to any persons or organizations outside of BART. However, copies can be provided for video evidence, such as required by subpoena, judicial order, other legal obligations, or to assist with criminal investigations by law enforcement agencies. However, they follow the District's Safe

Transit Policy. The table below provides a summary of the thirty-nine (39) recipients that the BART Police Department released CCTV video recordings during Fiscal Year 2023:

Outside Law Enforcement Agencies Receiving BART CCTV Data		
Alameda County Sheriff's Office	Milpitas Police Department	San Francisco Police Department
Alameda County District Attorney's Office	Oakland Police Department	San Francisco Public Defender's Office
Alameda Police Department	Alameda County Public Defender's Office	Antioch Police Department
Daily City Police Department	Office of Inspector General	San Leandro Police Department
Lafayette Police Department	Hayward Police Department	California Highway Patrol
Berkeley Police Department	Broadmoor Police Department	Orange County Sheriff's Department
Contra Costa Sheriff's Office	San Jose Police Department	San Francisco County District Attorney's Office
Concord Police Department	Contra Costa District Attorney's Office	El Cerrito Police Department
Emeryville Police Department	Fremont Police Department	Orinda Police Department
Pleasant Hill Police Department	Pleasanton Police Department	Redwood City Police Department
Richmond Police Department	San Mateo County Sheriff's Office	San Mateo Police Department
South San Francisco Police Department	Union City Police Department	U.S. Department of Treasury
U.S. Marshall	Visalia Police Department	

## Complaints

The BART Customer Service Department reported three (3) complaints on CCTV coverage and/or the use within the BART system. There were zero (0) complaints received pertaining to privacy or civil liberties concerns or harm. The categories of complaints fell into insufficient CCTV coverage for train related incidents.



Sources of CCTV Request	
<b>BART PD Investigations</b>	4171
<b>Internal BART Request (Not Law Enforcement)</b>	395
<b>Court Subpoenas</b>	28
<b>California Public Request Act</b>	61
<b>Outside Law Enforcement Requests</b>	237
<b>Total CCTV Requests</b>	4892

## Surveillance Policy Compliance

There are three types of CCTV feeds: Digital Facility CCTV, Analog Facility CCTV Video, and Train Car Video. The Digital Video feed is managed by a District-run system called Ocularis. Ocularis has a direct linkage into BART Police Video Recovery Unit. Requests for the Digital Ocularis videos require a form that is sent to the BART Police Department for approval. The form requires justification and are approved by BART Police. Analog videos are requested through Systems Maintenance AFC Computers and Communications, where the requests are logged and reviewed for approval. The BART Police Department received four thousand eight hundred and ninety-two (4,892) total video requests for criminal investigations. These requests often originated under the California Public Records Act, District Attorney Offices, External Law Enforcement, System Safety, Transportation, and Engineering.

BART Police detectives produced over three hundred and ten (310) wanted persons bulletins using CCTV images to attempt to identify persons involved in criminal activity. Of the four thousand eight hundred and ninety-two (4,892) police videos, four thousand one hundred and seventy-one (4,171) were requested for criminal investigations and twenty-eight (28) were requested for court subpoenas.

There were two thousand seven hundred and seventeen (2,717) Train Car Video requests. On June 20, 2023, the BART Police Department (BPD) and BART Department executives finalized the process for surveillance video requests through a BART Surveillance System Agreement for Recorded Video. This internal agreement identifies the internal processes



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for non-police personnel to request BART video. The agreement identifies that the BART Police Department review all requests for video and authorize the release to the other departments within BART requesting. An example of this is when System Safety may need to review a video for an accident investigation. BART personnel may submit the video request at [policevideo@bart.gov](mailto:policevideo@bart.gov).

For equipment trouble shooting and maintenance needs requests, BART personnel can request train recordings through Maximo, which requires the request to be reviewed and approved in accordance with the Surveillance Use Policy for the CCTV system. The request is approved by Rolling Stock and Shops (RS&S) Management for release to the BART Police Department, System Safety, Transportation, and Engineering as requested.

The BART Police Department has release authority for video associated with the following: criminal activity, police investigation, patron injury or illness, internal Police investigation, administrative investigation of any employee, patron complaints or any allegations involving any employee, safety and security of the BART system, request from a subpoena, warrant or court, and any California Public Records Act (CPRA) requests.

A random audit of fifty-seven (57) randomly selected cases, showed no violations of the Surveillance Use Policy for the CCTV system by the BART Police Department video recovery unit or District Personnel requesting access to specific videos.

In June 2023, BART identified that a construction project for twenty-two (22) new Station Canopies included CCTV cameras that were inadvertently not covered by the approved CCTV Policy. The project managers were notified the cameras may not be connected to the CCTV system until a Surveillance Impact Report is approved by the Board. BART staff have conducted internal follow-up to educate staff involved in the delivery of new infrastructure projects to the requirement that they must obtain pre-approval for all surveillance technologies as required by the District's surveillance ordinance.

## **Crime Statistics**

Video surveillance is essential for the effective operation of a public transit system. CCTV data provides critical situational awareness for the BART Police Department and Operations Control Center for managing stations and special events. Information

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provided by CCTV systems also reduces delays in revenue service by allowing BART personnel to avoid train-holds in situations that can be viewed remotely by CCTV. CCTV data is also used for accident/ incident investigations by Safety, mechanical failure investigations by Engineering, BART Police Criminal Investigations, and California Public Utilities Commission (CPUC) compliance checks. CCTV footage provides critical information for investigations in multiple areas.

Aside from the operational uses, one of the primary public safety benefits of a robust CCTV system is the deterrent effect that is provided by the presence of cameras monitoring public spaces. The presence of the CCTV cameras pre-dates the Surveillance Ordinance by several decades. BART stations have always been commissioned with CCTV cameras already in place. There are numerous incidents every year at BART where CCTV evidence provides critical information to solve a crime, identify suspects, and positively support public safety in the system. Establishing a causal relationship between the occurrence of crime and the presence, or absence, of CCTV is beyond the scope of this report, but CCTV is an essential part of the safety and security strategy that customers and employees expect the District to provide as part of running a Tier-I mass transit system.

Crime statistics are published monthly and are available at:

<https://www.bart.gov/about/police/reports>

<https://www.crimemapping.com/map/agency/454>

## **Public Records Act Requests**

There were nineteen (19) public records act requests for video footage within this reporting period; of the 19 public records requests one (1) was associated with the CCTV technology itself.

## **Costs**

Four thousand one hundred and seventy-one (4,171) requests for video evidence were processed by the BART Police Video Recovery Unit within in this reporting period.

Processing the volume of video requests required five (5) Full Time Employees (FTE) assigned to the unit.

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The maintenance and operational cost for the four thousand eight hundred and thirty-seven (4,837) CCTV cameras on train cars (including video recovery from the cameras) in FY22 was \$296,255.

BART has three thousand two hundred and eighty-one (3,281) CCTV operational cameras deployed in facilities across the BART system (not including train cars). The total cost for both Digital and Analog CCTV Maintenance and Operations in Fiscal Year 2023 was approximately \$1,838,400. The cost also includes maintenance of CCTV equipment in non-public areas of the BART system that are not covered by the Surveillance Ordinance.

The primary purpose of the CCTV system in stations and on trains is for public safety and security as well as for operational needs such as situational awareness for the Operations Control Center (OCC), and facility, train, and infrastructure maintenance.

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# BART Public Emergency Phone Towers

## 2023 Surveillance Annual Report

### Surveillance Technology Use

**Description:** The primary use for the Public Emergency Phone Towers is to provide a direct connection to the BART Police Integrated Security Response Center (ISRC) for BART passengers and employees to report emergencies or unsafe conditions. Under the approved project, Public Emergency Phone Towers were deployed at the Coliseum BART Station as a pilot in 2019. A full deployment throughout the District would require two hundred and four (204) units on sixty-nine (69) station platforms, although no further installations are planned at this time. The design specifications call for three (3) units per platform evenly distributed for maximum effectiveness. These towers are equipped with emergency phones, blue strobe lights, and surveillance cameras. Where installed, the Public Emergency Phone Towers are available twenty-four (24) hours a day, seven (7) days per week. The Public Emergency Phone Towers provide a quick and simple way for BART passengers and employees to alert the BART Police Department that emergency assistance is needed in addition to providing additional CCTV coverage of the immediate vicinity.

### Data Sharing

The Public Emergency Phone Towers include CCTV cameras which are part of the larger CCTV surveillance system. Use of the CCTV camera footage from the Public Emergency Phone Towers is controlled by the CCTV Surveillance Policy. No data is shared from the Public Emergency Phone Towers other than CCTV footage recorded by the included cameras.

### Complaints

BART Customer Service reported zero (0) complaints received for the Public Emergency Phone Towers.

### Surveillance Policy Compliance

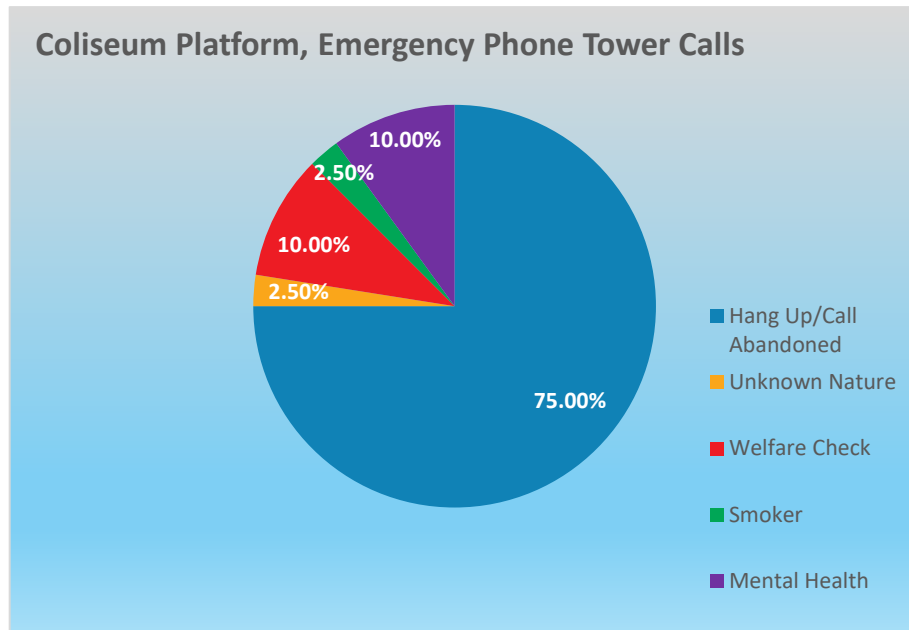
There were no violations of the Surveillance Use Policy for the Public Emergency Phone

Towers discovered during this period. A random audit of CCTV video requests was conducted for policy compliance which covers the same CCTV system used by the Public Emergency Phone Towers.

## Crime Statistics

The following chart reflects the usage of the three (3) Public Emergency Phone Towers at the Coliseum Station.

**Coliseum Platform, Emergency Phone Towers  
Total Call by Type for the Period July 1, 2022 – June 30, 2023**



### Phone Tower Call Breakdown

Hang Up/Call Abandoned	30
Unknown Nature	1
Accidental Dial	0
Sick/Injured Person	0
Welfare Check	4
Theft	0
Interfering with Rail Operations	0
Information	0
Suspicious Person	0
Smoker	1
Mental Health	4
<b>TOTAL</b>	<b>40</b>

Additional crime statistics are published monthly and are available at:

<https://www.bart.gov/about/police/reports>

<https://www.crimemapping.com/map/agency/454>

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## **Public Records Act Requests**

There were no public records act requests for the Public Emergency Phone Towers for this reporting period.

## **Costs**

The ongoing maintenance costs included four and a half (4.5) hours of labor every thirty (30) days totaling approximately \$4,275 for Fiscal Year 2023.

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# BART Mobile Applications & BART.gov

## 2023 Surveillance Annual Report

### Surveillance Technology Use

**Description:** Mobile Apps, are collectively referred to as “BART Applications.” BART Applications are used to handle financial transactions, provide proof of payment, and aide the BART Police Department Parking Programs with parking payment and carpool enforcement. Authorized use includes navigation, trip planning, fares, parking, transaction enforcement, transit system analysis and demand management, providing and redeeming incentives, transit information and communication, and surveys.

The following Authorized BART Service Providers provide elements of support, and infrastructure related to the ongoing operation of the BART Mobile Applications & BART.gov:

Authorized BART Service Providers		
Acquia	HaCon	Salesforce
Auth0	Data Ticket	TransSight, LLC
Amazon Web Services	PayPal/Braintree	

### Data Sharing

BART mobile applications data is not shared with any third party unless such disclosure is required by law or court order, or if shared under an agreement that ensures that the requirements of the Surveillance Use Policy (SUP) that was previously approved by the Board of Directors. For example, BART may transfer select data to consulting firms or governmental organizations to use for travel modeling or environmental impact assessment, given that data handling and security requirements are met.

In such cases, where data at the individual record level are required for analysis, the third party will be required to be under contract with BART or bound by a Non-Disclosure Agreement (NDA) with BART. Such contracts and NDAs require adherence to provisions of this SUP and associated Surveillance Impact Report.



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In Fiscal Year 2023 the District did not share any data with any outside agencies.

## **Complaints**

BART Customer Service registered a total six (6) complaints on BART Mobile Applications & BART.gov related to privacy concerns. One (1) complaint expressed concern with too much personal information being on the application. Three (3) complaints expressed concerns with the site certifications not being up to date, which made personal information vulnerable. Two (2) complaints expressed privacy concerns with the mandatory use of smart phone to pay for parking.

## **Surveillance Policy Compliance**

No audit was conducted during this reporting period. BART has several automated mechanisms of continuous monitoring for administrative access, activity logging, firewalling, intrusion detection, and intrusion prevention to help ensure policy compliance.

## **Crime Statistics**

Implementation of parking features on the mobile application supports enforcement of BART's parking rules such as checking for a valid parking permit and simplifying the validation process. Use of the BART Watch App shows the public is utilizing this method and texting in addition to the traditional phone call to BART Police Dispatch.

Additional crime statistics are published monthly and are available at:

<https://www.bart.gov/about/police/reports>

<https://www.crimemapping.com/map/agency/454>

## **Public Records Act Requests**

There were eight (8) public records act requests for BART Mobile Applications for this reporting period.

## **Costs**

Ongoing maintenance and operational expenses related to this surveillance technology, not including labor were \$683,054 for Fiscal Year 2023.

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# BART Automated License Plate Recognition (ALPR)

## 2023 Surveillance Annual Report

### Surveillance Technology Use

**Description:** The goal of installing Automated License Plate Recognition (ALPR) technology is to improve the safety and protection of BART riders, employees, and their vehicles while in BART owned or operated parking areas and garages. The Use Policy and Impact Reports were approved by the Board on April 25, 2019, and updated on October 24, 2019, to include Parking Management.

The Board approved a contract with Motorola Solutions for ALPR services in April 2022 for seven mobile ALPR units and two fixed ALPR cameras at MacArthur garage for a pilot program. During this year's current pilot phase, the fixed camera system went offline due to a modem failure on May 17, 2023. Motorola Solutions made the necessary repairs on May 30, 2023, and the pilot has continued. Additionally, the repairs will now ensure prompt notification to BART of an outage and an automatic notification will go to the BART Parking Manager, BART Police Parking Supervisor, and the Motorola Solutions BART Project Manager. The mobile system was provided to one parking enforcement officer on June 5, 2023, after setup and testing. During this testing and pilot phase there were two Hundred and eighty-eight (288) citations issued via the one mobile ALPR system.

### Data Sharing

The ALPR contract with Motorola Solutions was executed on September 1, 2022. The fixed cameras and mobile units were installed and commissioned on January 5, 2023. Both the fixed cameras and mobile systems are currently in the pilot phase with one vehicle being used for parking enforcement. Staff will report back to the Board following the pilot. The Board approved ALPR data sharing with the Northern California Regional Intelligence Center (NCRIC). However, in May 2023 NCRIC informed BART that it could not receive BART's data because of changes to the NCRIC business model. No ALPR data from the BART cameras has been shared with the NCRIC or any other agency.

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## Complaints

BART Customer Service reported zero (0) complaints with ALPR technology installed at BART.

## Surveillance Policy Compliance

An audit was completed during this period for data-retention and data-sharing in the law enforcement and parking management systems. Based on the results of the audit, there were no violations of the Surveillance Use Policy for the ALPR technology.

## Crime Statistics

The BART Police Department Investigation Unit regularly uses the Motorola Law Enforcement Archival and Retrieval Network (LEARN) for investigative purposes, such as by setting up an alert for a stolen or wanted vehicle (hot plate). The Investigation Unit also regularly uploads “hot plates”, so they are notified if one of these plates are detected by an ALPR unit. Additionally, the Investigation Unit searches the LEARN data for any previous plate scans, involving associated license plates for criminal activity. However, there have been no “hits” from the fixed or mobile cameras provided to the BART PD Investigations Unit during the current installation and pilot period. After setup and testing, the system was provided to one parking enforcement officer on June 5, 2023. Two Hundred and eighty-eight (288) citations were issued via ALPR during this pilot phase period.

BART crime statistics are updated monthly and made available at the following URL's:

<https://www.bart.gov/about/police/reports>

<https://www.crimemapping.com/map/agency/454>

## Public Records Act Requests

BART received one (1) public record act request on ALPR during this reporting period, and the requested information included equipment details and on BART's ALPR Policies. Both were distributed to the requestors.

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## Costs

The ALPR procurement authorized by the board includes two (2) fixed ALPR cameras in the MacArthur garage and seven (7) mobile ALPR units to be used for both law enforcement and parking enforcement purposes. While the ALPR system is still in the pilot phase with one mobile unit deployed and the two fixed cameras at MacArthur, BART and the vendor have worked together to make necessary repairs, adjustments, and improvements to the system. This system will help with citation issuance, collect vehicle occupancy data to inform Parking Management, as well as support the BART Police Investigation Unit. BART staff is carefully evaluating how the system works and how well it meets the business needs for the District before proceeding with the order for the contracted units. There has been no cost during the pilot and testing phase. Once the pilot phase is complete the cost will be \$15,000. Once all systems are purchased and in use the base contract value is \$318,000.

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# BART Research Data Collection

## 2023 Surveillance Annual Report

### Surveillance Technology Use

**Description:** BART conducts research for a variety of research and learning purposes, such as to:

- Provide market information and metrics to help inform District decisions related to strategic planning, budget priorities, station access policy, marketing strategy, and other areas.
- Gather insight into latent demand, usage of transportation network companies and other emerging travel modes and understand impact on public transit usage.
- Understand effectiveness of marketing initiatives by analyzing riders' aggregate travel behavior changes over time.
- Identify reasons for change in ridership patterns.

Methodologies using electronic and/or mobile data collection were used to facilitate the following:

- Faster and less expensive data collection by eliminating the need to manually enter survey results.
- Expanded research capabilities using real time and location-based mobile technologies.
- "In the moment" ratings of BART facilities to improve rating accuracy, and image data that helps explain the reasons for ratings.
- The use of research panels to detect changes in travel patterns over time.
- Analysis of Bay Area residents' travel behavior, e.g., trip purposes, travel modes, travel mode shifts, vehicle occupancies, changes in car ownership habits, as well as demographics (for both riders and non-riders) in soliciting respondent consent for BART research projects.

BART conducts research to support various decisions made at BART. For example, BART will survey riders ongoing to collect information about the passenger experience, this data is included in the District's Quarterly Performance Report presented to Board. This data is also used internally by Operations to identify necessary improvements and monitor progress. Each quarter about 5,000 riders are surveyed in this effort. Report

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available on [bart.gov/reports](https://bart.gov/reports).

BART discloses the types of data that will be collected, the nature of potential uses of such data by BART and, as applicable, third-party partners in research, and describe the mitigations taken to protect respondent privacy.

## **Data Sharing**

BART research data is not shared with any third party unless such disclosure is required by law or court order, or if shared under an agreement that ensures that the requirements of the Surveillance Use Policy (SUP) that was previously approved by the Board of Directors. For example, BART may transfer select data to consulting firms or governmental organizations to use for travel modeling or environmental impact assessment, given that data handling and security requirements are met.

In such cases, where data at the individual record level are required for analysis, the third party will be required to be under contract with BART or bound by a Non-Disclosure Agreement (NDA) with BART. Such contracts and NDAs require adherence to provisions of this SUP and associated Surveillance Impact Report.

In Fiscal Year 2023 the District did not share any data with any outside agencies.

## **Complaints**

BART Customer Service reported zero (0) complaints received on the Data Collection and Usage for Research and Learning surveillance technology.

## **Surveillance Policy Compliance**

No audit was conducted and there were no known violations of the Surveillance Use Policy for the Data Collection and Usage for Research and Learning surveillance technology during this reporting period.

## **Crime Statistics**

Not applicable. This solution is not a Crime Prevention tool.

## **Public Records Act Requests**

There were zero (0) public records act requests for the Data Collection and Usage for

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Research and Learning surveillance technology during this reporting period.

## **Costs**

The annual software license fee remained at approximately \$32,000. BART Marketing and Research uses Qualtrics survey software to maintain and manage a panel of 60k active riders. Using it, we survey riders on a variety of topics including the rider experience, ratings of cleanliness, police presence and other rider environment attributes, and the awareness of various BART initiatives. The value of the software subscription to BART is the access to relevant, timely, statistically sound data to make informed decisions, which in turn improves service, and helps us connect with our riders.



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# BART Police Body Worn Cameras

## 2023 Surveillance Annual Report

### Surveillance Technology Use

**Description:** The Board approved the purchase of Body Worn cameras on August 26, 2021. The goal of the Body Worn Cameras (BWC) is to continually increase the confidence of the public when interacting with BART Police Department personnel. Specifically, this technology seeks to provide transparency of BART police officers and police representatives while interacting with the public. BWCs are intended to assist BART Police and police oversight branches such as the Independent Police Auditor, Internal Affairs, District Attorney, and others as required by law. The BWC provides video and audio interaction between authorized police representatives and contacted members of the public. The BWC provides an objective, unbiased video, and audio recording of a contact and/or incident. The Police Department provides BWC to designated sworn and civilian personnel for use while on duty including Police Lieutenants, Police Sergeants, Police Officers, and Fare Inspectors.

The BWC records both video and audio activity. BPD Policy, and the BWC Impact Report and Use Policy requires that the BWC shall only be used during the course of official police duties. BWC's enhance public safety and are in alignment with the BART Police Department's transparency, community, and progressive policing vision.

The use of BWC's provide documentary evidence for criminal investigations, civil litigation, and allegations of officer misconduct. Such evidence shall be maintained by the BART Police Department in accordance with the Surveillance Ordinance, Impact Report, Use Policy, and BART Police Department Records Retention policy. Exceptions include data that is required by subpoena, or as an investigatory record for a criminal investigation, or for purposes of an administrative investigation on the conduct of a member(s) of the Police Department. For certain criminal cases, there may be a requirement by the courts or legal decision to retain the video indefinitely.

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The use of BWC's serve the following key purposes:

- Transparency.
- Reassures the public when interacting with members of the BART Police Department.
- Collects information that is objective and unbiased.
- Provides evidential support to prosecute offenders for criminal offenses.
- Provides the public a means to address or report police misconduct.

The Use Policy and Impact Reports were approved by the Board in August 2021. Both the Impact and Use Reports were produced as a collaborative effort with key privacy advocates such as Oakland Privacy and Secure Justice. The collaborative nature of this effort allowed for a transparent and robust policy that met all elements of BART's Surveillance Ordinance and California Civil Code Sections 1798.90.51 and 1798.90.53.

## Data Sharing

The BART Police Body Worn Camera video is directly uploaded from each camera and stored in secure cloud storage. Access to the police body worn camera video for BART personnel is limited to a need to know, and right to know basis. No direct access is provided to any persons or organizations outside of BART. However, copies can be provided for video evidence, such as required by subpoena, judicial order, other legal obligations, or to assist with criminal investigations by law enforcement agencies. The table below provides a summary of the recipients that the BART Police Department released police body worn camera video recordings during Fiscal Year 2023:

Agencies Receiving BART BWC Data		
Antioch Police Department	Alameda County District Attorney's Office	Contra Costa County District Attorney's Office
San Mateo District Attorney's Office	Berkeley Police Department	South San Francisco Police Department
San Francisco District Attorney's Office	San Francisco Police Department	California Department of Justice
Santa Clara County District Attorney's Office	Pittsburg Police Department	BART Office of Independent Police Auditor
BART Legal Department	Piedmont Police Department	San Leandro Police Department

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## **Complaints**

BART Customer Service reported zero (0) complaints on Body Worn Cameras during this reporting period.

## **Surveillance Policy Compliance**

A random audit of fifty (50) randomly selected cases, showed no violations of the Surveillance Use Policy for the BWC system.

## **Crime Statistics**

While there currently is insufficient data to establish a statistical link between the deployment of BWCs and crime rate reduction, it is important for the public to have a transparent verifiable form of visual and audible documentation of events when interacting with members of the BART Police Department.

BART crime statistics are updated monthly and made available at the following URL's:

<https://www.bart.gov/about/police/reports>

<https://www.crimemapping.com/map/agency/454>

## **Public Records Act Requests**

There were six (6) public records act requests for BWC during this reporting period.

## **Costs**

The BWC Camera is a subscription procurement with an initial investment cost of \$492,330 and \$6.7 million over ten (10) years. There were no maintenance costs associated with the subscription service. 17 malfunctioning cameras were replaced during the annual collection period and were covered by the initial subscription cost.

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# Bitfocus

## 2023 Surveillance Annual Report

### Surveillance Technology Use

**Description:** The Board approved the use of Crisis Intervention Data Application Bitfocus Technology on April 13, 2023. The technology is used by the civilian personnel in the Progressive Policing and Community Engagement Bureau (PPCEB). This app allows the Crisis Intervention Specialists (CIS) to document interactions with members of the public with whom they engage. This includes individuals who are homeless and others suffering from quality-of-life issues. PPCEB is a bureau within the BART Police Department. This technology serves as a methodology to connect people with community services such as shelter, medical support, and other services requested by the individuals that have been contacted. The data given by individuals contact is 100% consensual. Authorized Crisis Intervention Specialists use the Bitfocus data to develop a service plan for individuals facing crisis to facilitate community services and decrease police interaction.

The technology is a mobile application that is used in the field only by authorized specialized civilian staff including:

Crisis Intervention Specialists

Crisis Intervention Specialist Supervisors

System Administration Access is also granted to:

- BART Office of the Chief Information Officer (OCIO) Department
- Sr. Manager of Social Service Partnerships
- Office of Independent Police Auditor

Oversight of Application Use:

- Sr. Manager of Social Service Partnerships
- Crisis Intervention Specialist Supervisors
- Office of Independent Police Auditor

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## **Data Sharing**

Data from this Application started to be collected on June 28, 2023. Data has not been shared with any other agency or organization. The absence of data sharing is by program design due to legal limitations regarding the sharing of information to and from agencies utilizing Bitfocus.

## **Complaints**

BART Customer Service reported zero (0) complaints within the reporting period.

## **Surveillance Policy Compliance**

Due to the short period of time in this reporting period that the Bitfocus application was in use, no audits have been completed to determine surveillance policy compliance. The Office of the Independent Police Auditor will complete an audit in the next annual reporting period.

## **Outcomes**

The Bitfocus application which is used by the civilian Progressive Policing and Community Engagement Bureau (PPCEB) Crisis Intervention Specialists (CIS), allows the CIS team members to collect and curate information about individuals in crisis (such as those persons suffering from mental and physical health challenges, substance abuse, or being unsheltered) in order to address quality of life issues which negatively impact BART's ability to deliver safe, reliable, clean, quality transit service for riders.

The goal of Bitfocus is to facilitate outreach assistance and service provision to individuals in need and or crisis. Due to the fact that BART is a regional transit agency, operating in five (5) California Counties, BART staff has determined that "locational" data, gathered from the District device running Bitfocus, is a key element in the core function of the solution, as it will assist the Crisis Intervention Specialist in locating more convenient nearby services relevant to their current crisis intervention call. During the month of July (July 1, 2023, to July 31, 2023) Bitfocus was able to track and curate information about individuals in crisis. Some of the following measures were collected: thirty (30) connections to services, three (3) Narcan Deployments, three hundred and thirty three (334) Calls Diverted, one thousand and twenty nine (1,029) Welfare Checks, and four hundred and fifty two (452) Informational Resources were provided to address quality of life issues.

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Although the intended purpose of the BART Crisis Intervention Data Application is not crime prevention, there are several relevant statistics collected by BART in the regular Quarterly Performance Report (QPR) that can help measure the success of this program. These statistics include Customer Service Complaints related to Quality of Life, Progressive Policing Contacts by Incident Type, and Service Delay /Delay Incident Details. Furthermore, BART will use the app to collect: Calls diverted to Progressive Policing, Services Offered & Connections Made, and Narcan Deployments. Together, these statistics will be used to measure the effectiveness of the program and help to ensure that our Crisis Intervention Specialists are focusing on the areas of need. The data that is being collected helps to highlight the excellent work that is being done by the Progressive Policing and Community Engagement Bureau.

## **Public Records Act Requests**

There were no Public Record Act Requests.

## **Costs**

The initial application set up was twenty-four thousand six hundred and twenty-five dollars (\$24,625). Maintenance costs were zero (\$0.00) dollars. Annual License, Application Fees, and Training costs were thirty-three thousand, one hundred and eighty (\$33,180.00) dollars. Data for the Progressive Policing Bureau is expanding as we gain experience and improve our reporting tools. Beginning in July, BART has deployed the Bitfocus application to manage interactions between our civilian Crisis Intervention Specialists and the people who they serve. The Progressive Policing Bureau is now using the Bitfocus software to provide a more cohesive and data informed approach to the connection to services for those persons in need. The Bitfocus software is a nationally recognized client management system that is also used by partner agencies in the counties served by BART. The CIS teams completed the implementation phase for the roll-out and are now fully operational and collecting data.