



## EXECUTIVE DECISION DOCUMENT

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| <b>GENERAL MANAGER APPROVAL:</b>  |  | DocuSigned by:<br><i>Michael Jones</i><br>47000790F2D7463... |  | <b>GENERAL MANAGER ACTION REQ'D:</b>                         |  |
| <b>DATE:</b> 7/28/2023  |  | 9/21/2023  |  | <b>BOARD INITIATED ITEM:</b> No                              |  |
| <b>Originator/Prepared by:</b> Olivia Jackson<br><b>Dept:</b> Office of the Chief |  | <b>General Counsel</b>                                       |  | <b>Controller/Treasurer</b>                                  |  |
| DocuSigned by:<br><i>Olivia Jackson</i><br>5A906366B7C145F...                     |  | DocuSigned by:<br><i>Jana Belan</i><br>F8FD7B3A73E74E8...    |  | DocuSigned by:<br><i>Chris Gan</i><br>EE11C8CEEEA04FD...     |  |
| <b>Signature/Date:</b><br>9/15/2023   |  | 9/15/2023 [ ]  |  | 9/15/2023 [ ]  |  |
|   |  |  |  | <b>District Secretary</b>                                    |  |
|   |  |  |  | DocuSigned by:<br><i>Shane Edwards</i><br>8128A2EB2F014F3... |  |
|   |  |  |  | 9/15/2023 [ ]  |  |
|   |  |  |  | <b>BARC</b>  |  |

### 2023 Annual Surveillance Report

#### PURPOSE:

Pursuant to the District's surveillance ordinance, staff must bring an annual report to the Board regarding the use of the approved surveillance technologies and request continued use of those technologies. This report is intended to allow the Board of Directors an opportunity to reexamine and determine whether the benefits to the community of the surveillance technologies utilized at BART facilities outweigh the costs and that civil rights are adequately safeguarded by the policies in place to use them.

#### DISCUSSION:

This Annual Surveillance Report covers the time period from July 1, 2022, through June 30, 2023. This report includes all surveillance technologies previously approved by the Board of Directors. It is important to note that BART has taken a community-based and collaborative approach with regard to policy development and implementation of surveillance technologies.

There are multiple guiding principles with respect to the use of District approved surveillance technologies. First and foremost is the decision to use the identified surveillance technology in a manner that appropriately balances security and privacy interests. Surveillance technology shall not be used to harass, intimidate, or discriminate against any individual or group, and lastly, the technology shall not be used for immigration enforcement actions.

A key success in BART's implementation of its Surveillance Program has been community collaboration. In areas of the surveillance technology packages that were presented and approved by BART's Board of Directors, transparency and outreach to the community and



privacy groups were essential.

The Surveillance Annual Report includes information on seven (7) specific surveillance technologies currently in use.

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

**FISCAL IMPACT:**

This item does not include requests for additional funding.

**ALTERNATIVES:**

The ordinance requires, based on the information included in the report, that BART's Board of Directors determine and find that the benefits to the community of the surveillance technologies discussed outweigh the costs involved in utilizing them and that civil liberties and civil rights have been adequately safeguarded by policies adopted regarding their use. The BART's Board of Directors could decline to make such a finding for any or all of the surveillance technologies. At that point, the District would need to cease the use of those technologies.

**RECOMMENDATION:**

Approve the following findings and motion.

**MOTION:**

BART's Board of Directors determines and finds, based on the information provided in the 2023 Surveillance Annual Report, that the benefits to the community of using the seven (7) surveillance technologies described in the report outweigh the costs associated with their use, and that civil liberties and civil rights are, concurrent with their use, adequately safeguarded by the policies adopted. The Board approves upon the stated findings the continued use of the seven (7) surveillance technologies described in the 2023 Surveillance Annual Report.