



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:		GENERAL MANAGER ACTION REQ'D:	
DocuSigned by: <i>Michael Jones</i> 47000790F2D7463...			
DATE: 3/17/2023		BOARD INITIATED ITEM: No	
Originator/Prepared by: Tiffany Posey Dept: General Manager	General Counsel	Controller/Treasurer	District Secretary
DocuSigned by: <i>Tiffany Posey</i> BBCFA2B30CB64E7...	DocuSigned by: <i>Jana Belan</i> F8FD7B3A73E74E8...	DocuSigned by: <i>Todd Morgan</i> 701F6C4C0ABE4A8...	DocuSigned by: <i>Shane Edwards</i> 8128A2EB2F014F3...
Signature/Date: 3/17/2023	3/17/2023 []	3/17/2023 []	3/17/2023 []

2022 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 determine whether the benefits to the community of the surveillance technologies utilized at BART facilities outweigh the costs and that civil rights are appropriately safeguarded by the policies in place to use them.

DISCUSSION:

This Annual Surveillance Report covers the time period from July 1, 2021, through June 30, 2022. 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 should appropriately balance security and privacy interests. It 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. One (1) technology, Trip Verification is being discontinued and is not being requested to be renewed.

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 & Related Modifications to 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. BART Trip Verification Technology

Department: Planning & Development

ID Number: PD-TVD-SUP-01

Board Approved: October 2019

7. BPD Body Worn Cameras

Department: BART Police Department

ID Number: BPD-BWC-SUP-01

Board Approved: August 2021

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 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 safeguarded. 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 motion.

MOTION:

BART's Board of Directors determines, based on the information provided in the 2022 Surveillance Annual Report, that the benefits to the community of using the six (6) 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 motion requested is that the Board approve the continued use of the six (6) surveillance technologies described in the 2022 Surveillance Annual Report.