



# Surveillance Annual Report 2022



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# Executive Summary

## 2022 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 benefits the communities we serve outweigh the costs and the civil liberties and civil rights are safeguarded.

The San Francisco Bay Area Rapid Transit District's (BART) Annual Surveillance Report covers the time period from July 1, 2021, through June 30, 2022. This report includes all surveillance technology previously approved by the Board of Directors. It is important to note that BART has taken a community-based and collaborative approach regarding policy development and implementation of surveillance technologies. All the surveillance technologies deployed within BART has the sole goal of improving public safety and security. This also enhances the public's trust and transportation experience at BART. 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, implementation, and then the evaluation of each 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, discriminate against any individual or group, and lastly the technology shall 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 BART's implementation of its Surveillance Program has been community collaboration. In areas of the surveillance technology packages that were presented and approved by the BART's Board of Directors, transparency and outreach to the community and privacy groups was essential. This provides an understanding about expressed community concerns about the use of the technology and how data is protected. BART continues to meet with 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.

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Per the San Francisco Bay Area Rapid Transit District's Code of Ordinances, this **Surveillance Annual Report** is a written report regarding the specific use of active surveillance technology in the District. Per Ord. No. 2018-1, this report includes the following six (6) 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**, 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 helps 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 costs.

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# Table of Contents

## 2022 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..... 11

3.BART Mobile Applications & Related Modifications to BART.gov ..... 14

4.BART Automated License Plate Recognition (ALPR) ..... 16

5.BART Research Data Collection..... 21

6. BART Trip Verification Technology..... 24

7. BART Police Body Worn Cameras..... 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 & 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

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# BART Closed Circuit Television

## 2022 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 BART 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 the 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 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 perpetrators. BART Police Department 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 twenty-one (21) recipients that the BART Police Department released CCTV video recordings to, during Fiscal Year 2022.

Outside Law Enforcement Agencies Receiving BART CCTV Data		
Alameda County Sheriff's Office	El Cerrito PD	San Francisco PD
Alameda County Public Defender's Office	Oakland PD	San Francisco Public Defender's Office
Contra Costa Public DA	Oakland Housing Authority PD	San Francisco Dept of Accountability
San Mateo County Sheriff's Office	Pittsburg PD	Alameda County DA
Berkeley PD	Pleasanton PD	San Mateo County DA
Colma PD	Santa Clara County Public Defender's Office	San Francisco County DA
Concord PD	California Highway Patrol	FBI

## Complaints

The BART Customer Service Department reported sixty-three (63) complaints on CCTV coverage and/or the use within the BART system. There were zero (0) complaints received pertaining to privacy or civil liberties harm. The categories of complaints fell into insufficient CCTV coverage for graffiti and vandalism incidents, car burglaries, accidents, personnel and or cleanliness of stations/ trains.

Sources of CCTV Request	
BART PD Investigations	3128
Internal BART Request (Not Law Enforcement)	165
Court Subpoenas	25
California Public Request Act	48
Outside Law Enforcement Requests	196
Total CCTV Requests	3562

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## 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 ran 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 three thousand five hundred and sixty-two (3,562) 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 requests.

BART Police detectives produced over two hundred and thirty-one (231) wanted persons bulletins using CCTV images to attempt to identify persons involved in criminal activity. Of the three thousand five hundred and sixty-two (3,562) police videos, there was three thousand one hundred and twenty-eight (3,128) that were requested for criminal investigations and twenty-five (25) requested for court subpoenas.

There were two hundred and sixty-eight (268) Train Car Video requests. When the BART Police Department and BART Staff request train recordings, the request goes 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.

A random audit of fifty-five (55) 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. However, for requesting Train Videos, improvements for a detailed documentation process were implemented. While a Maximo approval process currently exists for requests it does not detail who is final approval authority for release to departments outside BART Police Department. This report identified the need to improve this process, which is currently underway and involves discussion between departments. Once finalized, the process will be institutionalized by the BART Police Department with the assistance from the Office of the Chief Information Officer (OCIO).

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## 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 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 fifty-four (54) public records act requests for video footage, there were no public records requests found, which were associated with the CCTV technology itself.

## Costs

Three thousand five hundred and sixty-two (3,562) requests for video evidence were processed by the BART Police Video Recovery Unit in FY22. Processing the volume of video requests required 5 Full Time Employees (FTE) assigned to the unit. The total cost for both Digital and Analog CCTV Maintenance and Operations in FY22 is \$1,464,550.

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The maintenance and operational cost for the four thousand eight hundred and twenty-three (4,823) CCTV cameras on train cars (including video recovery from the cameras) in FY22 was \$284,483.

BART has three thousand, one hundred and fifty-one (3,151) CCTV operational cameras deployed in facilities across the BART system (not including train cars). This is seven hundred and sixty (760) cameras less than reported last year. Verification with Comms Engineering, advise the reduction in camera numbers is from cameras that have been temporarily decommissioned during Construction and Station Modernization projects at 19<sup>th</sup> Street, Civic Center, Powell Street, Montgomery Street and El Cerrito Del Norte. The cost to maintain the including supporting network and data-center infrastructure, is likewise reduced to \$1,464,500 for 2022. 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 is for public safety and security as well as for operational needs such as facility, train, and infrastructure maintenance.

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# BART Public Emergency Phone Towers

## 2022 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 Department Integrated Security Response Center 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 204 units on 69 station platforms, although no further installations are planned at this time. The design specifications call for three 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 24 hours a day, 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.

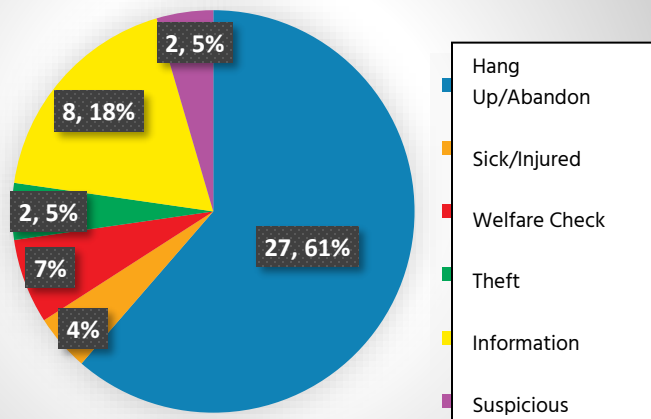
## Crime Statistics

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 30 June 2021-30 June 2022

#### Coliseum Platform, Emergency Phone Tower Calls



#### Phone Tower Call Breakdown

Hang Up/Call Abandoned	27
Unknown Nature	0
Accidental Dial	0
Sick/Injured Person	2
Welfare Check	3
Theft	2
Interfering with Rail Operations	0
Information	8
Suspicious Person	2
<b>TOTAL</b>	<b>44</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.

## **Costs**

The ongoing maintenance costs included (4) hours of labor every thirty (30) days totaling approximately \$3,800 for Fiscal Year 2022.

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# BART Mobile Applications and Related Modifications to BART.gov

## 2022 Surveillance Annual Report

### Surveillance Technology Use

**Description:** Mobile Apps, collectively referred to as “BART Applications.” BART Applications are also used to handle financial transactions, provide proof of payment, to aid the BART Police Department Parking Programs with parking payments 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.

### Data Sharing

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

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

### Complaints

BART Customer Service registered a total of four (4) complaints on BART Mobile Applications & Related Modifications to BART.gov related to privacy concerns. Three of the complaints expressed concerns with being monitored because of the App requested location information. One complaint expressed concern about credit card phishing attempt while using the App. There were additional customer notifications that reported problems with usage or functionality issues with the Trip Planner, Parking Application, the Official Application, and the Police BART Watch Applications. Most of the comments indicated incorrect scheduling and train time information, parking payment issues and or the application not functioning properly.

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## Surveillance Policy Compliance

There were no violations of the Surveillance Use Policy for the BART Mobile Applications & Related Modifications to BART.gov during this period. BART has several automated mechanisms of continuous monitoring for administrative access, activity logging, firewalling, intrusion detection, and intrusion prevention that verified 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 that 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 no Public Records Act request for BART Mobile Application requested.

## Costs

Ongoing maintenance and operational expenses related to this surveillance technology, not including labor was \$381,219 for FY22.

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# BART Automated License Plate Recognition (ALPR)

## 2022 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 25 April 2019 and updated on 24 October 2019 to include Parking Management. The Impact and Use Reports were produced as an ongoing collaborative effort with key privacy groups such as Oakland Privacy and Secure Justice. The collaborative nature of this effort allows for a transparent and robust policy that meets all elements of BART's Surveillance Ordinance and California Civil Code Sections 1798.90.51 and 1798.90.53.

From the ALPR policy development inception in 2019 the BART Police Department and Parking Management staff continue to meet with Privacy Groups to understand privacy concerns and put in place protective measures to prevent misuse of data from the ALPR System. The Initial ALPR project was approved by the BART Board of Directors for a pilot program on 25 April 2019 for a single installation at the MacArthur Parking Garage. On 24 October 2019 the Board approved a second APLR use to include Parking Management functions. On 14 April 2022 they approved a proposal for a service contract for seven (7) mobile ALPR units and two (2) fixed cameras to assist with the efficient enforcement of parking program and deter crime on BART property. The fixed cameras will replace existing cameras at MacArthur Station garage. Using ALPR for parking enforcement improves compliance with parking rules, provides documentation support for complaint resolution, and can increase customer satisfaction by providing improved data on space availability.

### Data Sharing

The ALPR contract was executed on September 1, 2022. The next steps include a pilot implementation of one ALPR unit and the fixed cameras. Staff will report back to the Board following the pilot.

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The existing fixed camera array of the MacArthur garage was hit by a box truck on 31 December 2021 and stopped working. The ALPR camera was 8 years old and was no longer under warranty and will not be replaced, until the new ALPR project is implemented. The new ALPR project will also include training of staff regarding the data collection requirements in the Surveillance Ordinance and Approved Impact and Use Policies. The Board approved to continue to allow ALPR transmittal of the information to a secure location at the Northern California Regional Intelligence Center (NCRIC) where physical access is limited to authorized individuals and involves significant physical access protections and digital firewalls.

The Memorandum of Understanding and Agreement (MOU) which was signed between the BART Police Department and the NCRIC on October 23, 2019, remains in effect. It should be noted that while signatories of the MOU were between the two agencies. Privacy groups such as Oakland Privacy and Secure Justice were also involved in the development of the MOU to ensure transparency and community collaboration to the greatest extent possible. Key components of the MOU mandated that all ALPR data be secure and must have encryption requirements from the data source to capture transmission to the NCRIC data center for storage. The data would be stored in the NCRIC facilities in the Federal Building in San Francisco. NCRIC offices have 24/7 staffed security and multiple locked doors requiring both electronic keys and knowledge-based PINs. It also requires that only active NCRIC employees who possess a valid security clearance of SECRET or better are allowed physical access. Lastly, NCRIC requires all activity is logged for audit and tracking purposes. Audits are available for an agency to view the actions of their officers.

The MOU specifically limits the retention of ALPR data collected from the BART ALPR cameras to 30-days, except where required by a subpoena, court order, or ongoing investigation. Additionally, the MOU specifically prohibits sharing of ALPR data collected from the BART owned cameras with federal immigration officials or immigration agencies either directly or indirectly. Authorized access to ALPR data in the NCRIC database is restricted to authorized public safety entities who possess a need to know and right to know the shared data except where explicitly denied by BART.

Computer Domains with NCRIC ALPR Data Access		
Atherton PD	Fremont PD	Seaside PD
BART PD	NCRIC	Hillsborough PD
Benicia PD	Berkeley PD	Solano County Sheriff
Brisbane PD	Palo Alto PD	South San Francisco PD
California Highway Patrol	Alameda County Sheriff	Tracy PD
Marin PD	San Mateo Sheriff	Vacaville PD
Ceres PD	Dixon PD	Vallejo PD
Chico PD	San Francisco PD	Plumas County Sheriff
Daly City PD	Santa Clara Sheriff	Menlo Park PD
Oakland PD	Merced County	CA Department of Motor Vehicles
San Leandro PD	Colma PD	Gilroy PD
Federal Bureau of Investigation	US Department of Interior	Newark PD
Milpitas PD	Monterey PD	Redwood city PD
Office of the Inspector General	Santa Clara DA	Antioch PD
Campbell PD	San Rafael PD	Los Altos PD
Union City PD	El Cerrito PD	San Bruno PD
Sana Cruz County Sheriff	Burlingame PD	CA Dept of Insurance
Napa PD	Marin County Sheriff	Mendocino County Sheriff
IRS Criminal Investigations	Marina PD	Pacifica PD
San Joaquin County Sheriff	Sonoma County Sheriff	CA Department of Corrections
Contra Costa County DA	Livermore PD	Mountain View PD
Alameda PD	Yolo County	CA Department of Justice
East Bay Parks PD	East Palo Alto PD	National Parks Service
Orange County Intelligence Assessment Center	US Dept of Agriculture	Belmont PD
California State University Monterey	Hayward PD	Hercules PD
Los Gatos PD	Place County Sheriff	Pleasanton PD
Riverside County Sheriff		

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## Complaints

BART has not received any complaints with ALPR technology installed at MacArthur Parking Garage. BART receives complaints from passengers who have been victimized by property crimes in the District's parking lots. ALPR technology is one of the tools that the District may use to deter criminal activity in the parking areas as well as solve crimes for victims of property crimes in BART parking lots and garages.

## Surveillance Policy Compliance

There were no violations of the Surveillance Use Policy for the ALPR technology. While the ALPR data is available to the above agencies, a review of the NCRIC ALPR audit log revealed that the BART Police Investigation Unit Department had requested ALPR Data on one (1) occasion from July 2021 to June 2022. The request was for a case requesting information on stolen, wanted, or the suspect's vehicle.

## Crime Statistics

Comparing the period of July through June for property crimes occurring in the MacArthur Parking Garage between 2021 and 2022, there were twenty-eight (28) incidents in 2021 and fifty-seven (57) incidents in 2022. Currently there is insufficient data to establish a statistical link between the loss of deployment of ALPR Camera and property crime rates at this location. There is a significant increase in property crime in this garage. As this is the second breakdown of this BART owned camera, this information highly supports the recent decision to utilize a lease versus a purchase option for the pending new ALPR cameras. The estimated Commission Date for the leased ALPR cameras is 1 November 2022. As part of the lease, training of the system and system reports will be included for BART Police and Parking Management.

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 2 Public Record Act Requests on ALPR and requested information on BART's ALPR Policies which was distributed.

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## **Costs**

The ALPR procurement authorized by the Board includes the two (2) fixed ALPR in the MacArthur Garage and 7 handheld ALPR cameras to be used for both law enforcement and parking enforcement purposes. The program selected to lease the cameras and the cost set aside for the ALPR lease program is \$ 318,000 for the base contract.

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# BART Research Data Collection

## 2022 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 (TNCs), 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 may be 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 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.

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## **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 2022 the District did not share any data with any outside agencies.

## **Complaints**

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

## **Surveillance Policy Compliance**

There were no violations of the Surveillance Use Policy for the Data Collection and Usage for Research and Learning surveillance technology discovered during this period.

## **Crime Statistics**

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

## **Public Records Act Requests**

There were no public records act requests for the Data Collection and Usage for Research and Learning surveillance technology.

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## **Costs**

The annual software license fee is approximately \$32,000.

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# BART Trip Verification Technology

## 2022 Surveillance Annual Report

### Surveillance Technology Use

**Description:** The Trip Verification Software (TVS) was initially developed to be used by BART staff and authorized service providers to provide the transit-riding public with new features and benefits. Handheld Trip Verification Devices (TVDs) were designed to scan Clipper Cards to grant access to selected transportation partners with the goal of increasing transit ridership. The initial deployment of the technology was to be used to incentivize travelers to take public transit to the San Francisco International Airport (SFO). However, the project cancelled the use of technology, and the application was never given to SFO. This was due to the fiscal impact of COVID-19. There is no plan to implement this project in the future and it is formally being removed as a surveillance technology. This technology will not be included in next year's Surveillance Report.

### Data Sharing

This was a pilot program and was never executed, and the project was cancelled due to COVID impact on BART funding.

### Complaints

None, BART's Trip Verification Technology not implemented.

### Surveillance Policy Compliance

There were no violations of the Surveillance Use Policy for the proposed Trip Verification Technology. The program was never executed due to COVID impacting funding.

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## **Crime Statistics**

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

## **Public Records Act Requests**

There were no public records act requests for the Trip Verification technology.

## **Costs**

Per the approved Surveillance Impact Report for Trip Verification Technology, the start-up development costs for the trip verification technology included the software development, hardware (android phones), device management and an initial marketing strategy for a total of \$40,000 in 2021. There were no costs beyond the initial startup costs. The program was not initiated so no maintenance costs were incurred.

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# BART Police Body Worn Cameras

## 2022 Surveillance Annual Report

### Surveillance Technology Use

**Description:** The Board approved the purchase of Body Worn cameras on 26 August 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. Body Worn Cameras (BWC) 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 record 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
- \* Fare Inspectors
- \* Crisis Intervention Specialists
- \* Community Service Officers
- \* Ambassadors

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

The use of the BWC provides documentary evidence for criminal investigations, civil litigation, and allegations of officer misconduct. Such evidence shall be maintained by the Police Department in accordance with the Surveillance Ordinance and BART Police records retention policy. Exceptions include data that is required 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.

The BWC serves 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 collaborative effort with key privacy groups 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

Agencies Receiving BART BWC Data		
Alameda County Prosecutor's Office	San Francisco Police Dept	BART Office of Civil Rights
Contra Costa County District Attorney's Office	San Francisco Police Dept, Airport Police Records	Forensic Visual, Civil Litigation Contractor
San Mateo District Attorney's Office	Berkeley Police Dept	San Francisco Public Defender's Office
San Francisco District Attorney's Office	El Cerrito Police Dept	California Department of Justice
Santa Clara County District Attorney's Office	Alameda County Sheriff's Office	BART Office of Independent Police Auditor
BART Legal Dept		

## Complaints

BART Customer Service reported zero (0) complaints received on Body Worn Cameras.

## Surveillance Policy Compliance

There were no violations of the Surveillance Use Policy for the BWC Technology.

## Crime Statistics

While there currently is insufficient data to establish a statistical link between the deployment of Body Worn Camera 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.

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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 seven (7) public records act requests for BWC.

## **Costs**

The BWC Camera is a subscription procurement with an initial investment cost of \$492,330 and \$6.7 million over ten years. There are no Maintenance costs associated with the subscription service. Broken, worn or outdated cameras can be replaced during the 10-year period.