

Surveillance Annual Report

2020

San Francisco Bay Area Rapid Transit District



Executive Summary

2020 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 benefits to the community of the surveillance technologies implemented outweigh the costs, and that civil liberties and civil rights are safeguarded.

The Bay Area Rapid Transit District's Annual Surveillance Report covers the initial time period through June 30, 2020 and includes all surveillance technology previously approved by the Board. It is important to note that BART has taken a community based and collaborative approach with regards to policy development and implementation of surveillance technology. All the surveillance technology deployed at BART has the sole goal of improving public safety and security, or otherwise enhancing public trust and the communities experience at BART. This is reflected in the entire process of surveillance technology proposal through policy development and implementation of technology. Each technology must go through several steps before being presented to the BART Board of Directors for approval and implementation.

There are several guiding principles with respect to the use of District approved surveillance technology. First and foremost is the inherent principle that the decision to use surveillance technology should balance security and privacy interests, and shall not be used to harass, intimidate, or discriminate against any individual or group and further, the technology shall not be used for immigration enforcement actions. Additionally, the program must have robust controls in place to prevent the release or misuse of the data collected.

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

the both the community and privacy groups was vital in understanding the concerns expressed by the community as to how the technology would be used and the data protected. BART met with key community partners, such as Oakland Privacy and Secure Justice to understand the privacy concerns and ensure protective measures are put in place to prevent release or misuse of data collected by the technologies.

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 of the following for the 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;
- 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 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 new surveillance technology, including personnel and other ongoing cost.

Table of Contents

2020 Surveillance Annual Report

Contents

Executive Summary..... 2

Table of Contents..... 4

Approved Surveillance Use Policies 5

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

2. BART CCTV Public Video Monitors 9

3. BART Public Emergency Phone Towers 11

4. BART Mobile Applications & Related Modifications to BART.gov 13

5. BART Automated License Plate Recognition (ALPR) 15

6. BART Research Data Collection..... 19

7. BART Trip Verification Technology..... 22

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 CCTV Public Video Monitors

Department: Maintenance & Engineering

ID Number: ME-BCCTVPVM-SUP-01

Board Approved: October 2018

3. BART Public Emergency Phone Towers

Department: Maintenance & Engineering

ID Number: ME-BPEPT-SUP-01

Board Approved: October 2018

4. 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

5. BART Automated License Plate Recognition (ALPR)

Department: BART Police Department

ID Number: BPD-ALPR-SUP-02

Board Approved: April 2019

6. BART Research Data Collection and Usage

Department: Marketing & Research

ID Number: OEA-BMRDDCU-SUP-06

Board Approved: March 2019

7. BART Trip Verification Technology

Department: Planning & Development

ID Number: PD-TVD-SUP-01

Board Approved: October 2019

1. BART Closed Circuit Television

2020 Surveillance Annual Report

Surveillance Technology Use

Description: The use of cameras based on closed-circuit television (CCTV) technology to increase the confidence of the community in public transportation and improve the protection of patrons, employees, railcars, and critical infrastructure. The authorized use includes constant facility surveillance, 24 hours a day, 7 days per week within all San Francisco Bay Area Rapid Transit District 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 Staff and OCC for managing busy stations and special events. Information provided by CCTV systems also reduce delays in revenue service by allowing BART personnel to avoid train-holds in situations that can be resolved remotely by CCTV. CCTV data is also used for accident/incident investigations, mechanical failure investigations, and CPUC compliance checks.

Surveillance technology within the BART system has proven to be a vital resource for police criminal investigations. In order to meet the burden of proof of, “beyond a reasonable doubt”, every District Attorney’s office the BART Police Department interacts with has routinely based their decision to file a criminal complaint based on the availability of quality surveillance video. CCTV footage has provided vital pieces of direct evidence in several homicides and other investigations of violent crimes and has led to the identification and capture of multiple perpetrators. BART Police detectives use surveillance videos on a daily basis 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 employees is limited to a need to know, right to know basis and no direct access is provided to any persons or organizations outside of BART, other than providing copies of video evidence as required by subpoena, judicial order, other legal obligation, or to assist with criminal

investigations by law enforcement agencies in compliance with the District's Safe Transit Policy.

Complaints

BART customer service has received 15 complaints from passengers who feel that there is insufficient CCTV coverage in the BART system.

Surveillance Policy Compliance

There were no violations of the Surveillance Use Policy for the CCTV system.

Crime Statistics

Video surveillance is essential for the effective operation of a public transit system. One of the primary benefits of a robust CCTV system is the deterrent effect that is provided by the presence of cameras monitoring public spaces. CCTV footage also provides critical information for civil cases and accident investigations. 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, making a before/after comparison based on crime statistics impossible. However, there are numerous incidents every year at BART where CCTV evidence provides critical information to solve a crime or identify suspects.

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

Outside of numerous public records act requests for video footage, there were no public records requests located which were associated with the CCTV technology itself.

Costs

4,252 individual requests for video evidence were processed by the BART Police Video Recovery Unit in FY20. Processing the volume of video requests requires 4 FTE's assigned to the unit. There were 440 requests for train car video evidence processed by the staff assigned to RS&S.

Overall, the maintenance and operational cost for the 4,563 CCTV cameras operational on train cars (including video recovery from the cameras) in FY20 was approximately \$270,000.

The cost to maintain the 3,570 CCTV cameras, including supporting network and data-center infrastructure, deployed in facilities across the BART system (not including train cars) in FY20 was approximately \$2,250,000. The cost includes maintenance of CCTV equipment in non-public areas of the BART system that are not covered by the Surveillance Ordinance.

2. BART CCTV Public Video Monitors

2020 Surveillance Annual Report

Surveillance Technology Use

Description: The CCTV Public Video Monitors are deployed above two entry fare gate arrays at Civic Center BART Station. The locations of the monitors were jointly determined by the BART Police Department and BART Operations to deter fare evasion and reduce crime in these areas by alerting the public that a CCTV system is operating in these areas. Authorized use includes public information and awareness that CCTV surveillance is in the BART stations.

Data Sharing

The CCTV Public Monitors are a passive display only device, no recording capabilities exist. Any person in proximity to the display may view the images on the screen which are live streamed from selected CCTV cameras in the area.

Complaints

There were no complaints received for the CCTV Public Video Monitors.

Surveillance Policy Compliance

There were no violations of the Surveillance Use Policy for the CCTV Public Video Monitors.

Crime Statistics

See crime statistics for Item 1 – BART Closed Circuit Television.

Public Records Act Requests

There were no public records act requests for the CCTV Public Video Monitors.

Costs

Beyond the installation costs for the Board approved project, the ongoing maintenance and operational expenses are expected to be minimal and in-line with maintenance for the other public information systems in use by the District.

3. BART Public Emergency Phone Towers

2020 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 for BART passengers and employees to report emergencies or unsafe conditions. Under the approved project, the Public Emergency Phone Towers are being deployed at every BART station throughout the District totaling 204 units on 69 station platforms. 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 BART Police that emergency assistance is needed while also providing additional platform CCTV surveillance.

Data Sharing

See data sharing for Item 1 – BART Closed Circuit Television

Complaints

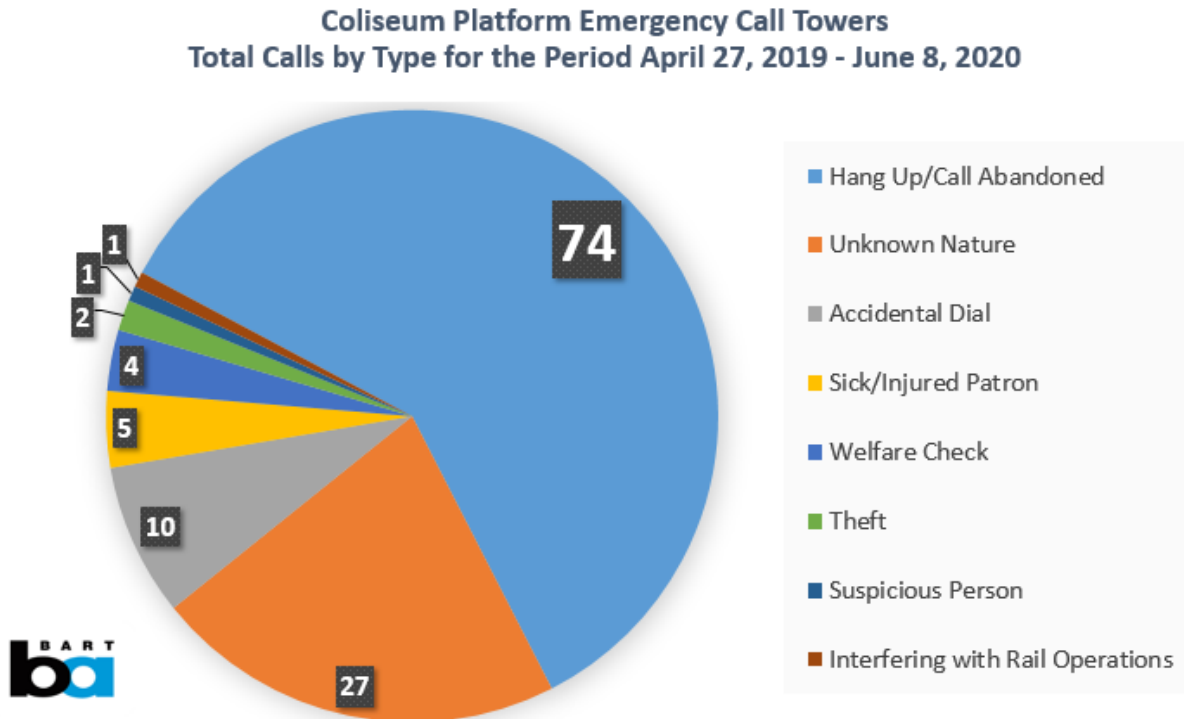
There were no complaints received for the Public Emergency Phone Towers.

Surveillance Policy Compliance

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

Crime Statistics

The following chart reflects the usage of the Public Emergency Phone Towers at the Coliseum Station.



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 requests located for the Public Emergency Phone Towers.

Costs

Beyond the installation costs for the Board approved project, the ongoing maintenance and operational expenses are expected to be minimal and in-line with maintenance for the other emergency telephone systems in use by the District.

4. BART Mobile Applications & Related Modifications to BART.gov

2020 Surveillance Annual Report

Surveillance Technology Use

Description: The primary use for this technology is to provide consistent transit information, transit incentives and maps to BART riders through BART.gov and BART Mobile apps, collectively referred to as “BART Applications”. These BART Applications are also used to handle financial transactions, provide proof of payment, and aide the BART Police Department in payment and carpool enforcement. Authorized use includes Navigation, Trip Planning, Fares, Parking, Bike Storage Transactions, Transaction Enforcement, Transit System Analysis & Demand Management, Providing & Redeeming Incentives, Transit Information & 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 & Related Modifications to BART.gov:

Authorized BART Service Providers		
Hacon	TransSight	Amazon Web Services
Moovel	Auth0	Salesforce Service Cloud
PayPal/Braintree	Acquia	Salesforce Marketing Cloud

Complaints

There were no complaints received for the BART Mobile Applications & Related Modifications to BART.gov.

Surveillance Policy Compliance

There were no violations of the Surveillance Use Policy for the BART Mobile Applications & Related Modifications to BART.gov.

Crime Statistics

Implementation of parking features on the mobile application is supporting more robust and efficient enforcement of BART's parking rules, such as automating carpool validation and checking that those paying for parking are using BART. When the carpool user enters BART, the system automatically checks to make sure they and their carpool partner entered within a twenty (20) minute window.

Public Records Act Requests

There were no public records act requests for the BART Mobile Applications & Related Modifications to BART.gov.

Costs

Beyond the installation costs of \$1.76M for the Board approved project, the actual ongoing maintenance and operational expenses related to this Surveillance Technology are \$622,000 per year.

5. BART Automated License Plate Recognition (ALPR)

2020 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 patrons, employees and their vehicles while in BART owned and or operated parking areas and garages. The Use Policy and Impact Reports were drafted in early January 2019 and updated in October 2019. 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. Over a four-month period from January to April 2019 BART Police met with Privacy Groups to understand privacy concerns and put in place protective measures to prevent misuse of data aired by the ALPR. The ALPR project was approved by the BART Board of Directors for a pilot program on 25 April 2019 for a single installation at Macarthur Parking Garage. This location was chosen because of the high numbers of parking related crimes in the parking garage as well as having existing electronic and structural infrastructure that was already in place in the garage. Since the existing wiring and mounting infrastructure was in place at Macarthur Parking Garage, it made sense to install the cameras at this garage with the goal to see if it made a positive impact in reducing crime in the parking garage prior to making a larger capital investment for installing additional cameras.

Additionally, ALPR has been approved to assist with the efficient enforcement of parking program compliance through the automated enforcement of BART's parking rules. 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. The proposed use of ALPR for parking enforcement has not yet been implemented.

Data Sharing

Following the BART ALPR project approval, the next steps included establishing and ensuring the security of the data collected by the BART Police ALPR system. The Board approved project transmits the data 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.

A Memorandum of Understanding and Agreement (MOU) was signed between the BART Police Department and the NCRIC on October 23, 2019. 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 this document to ensure transparency and community collaboration to the greatest extent possible. The MOU development process took from May - September 2019. Key components of the MOU mandated that all ALPR data be secure and must have encryption requirements from the data source capture through 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, 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		
fremont.gov	unioncity.org	srpd.org
sanjoseca.gov	ncric.ca.gov	riversidesheriff.org
dalycity.org	placer.ca.gov	ci.el-cerrito.ca.us
ssf.net	wildlife.ca.gov	losbanos.org
sfgov.org	ACGOV.ORG	so.cccounty.us
sanleandro.org	countyofnapa.org	mendocinocounty.org
oaklandnet.com	sonoma-county.org	ci.berkeley.ca.us
fbi.gov	sunnyvale.ca.gov	danville.ca.gov
turlock.ca.us	santaclaraca.gov	pd.broadmoor.ca.us
doj.ca.gov	cityofconcord.org	ci.milpitas.ca.gov
cityofvallejo.net	cityofsanmateo.org	sebpd.com
smcgov.org	sanbruno.ca.gov	dmv.ca.gov
newark.org	hayward-ca.gov	belmont.gov
cityofberkeley.info	usdoj.gov	ociac.ca.gov
oaklandca.gov	nps.gov	burlingamepolice.org
chp.ca.gov	uspsaig.gov	yolo911.org
losaltosca.gov	state.gov	ci.healdsburg.ca.us
cityofpaloalto.org	ebparks.org	ic.fbi.gov
ci.irs.gov	colma.ca.gov	co.santa-cruz.ca.us
shf.sccgov.org	cityofvacaville.com	

Complaints

BART has not received any complaints with ALPR technology installed at Macarthur Parking Garage. BART regularly 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 they District may use to deter criminal activity in the parking lots.

Surveillance Policy Compliance

There were no violations of the Surveillance Use Policy for the ALPR technology. A review of the NCRIC ALPR audit log revealed that the BART Police Crime Analyst has requested ALPR Data on twelve occasions from May 13-29, 2020. All twelve requests were for a specific police case number requesting information on stolen, wanted or suspect vehicles.

Crime Statistics

The ALPR cameras were installed in February 2020. Comparing the period of February through June for property crimes occurring in the Macarthur Parking Garage between 2019 and 2020, there were 9 incidents in 2019 and 7 incidents in 2020. There currently is insufficient data to establish a link between the deployment of ALPR technology and property crime rates at this location.

The COVID-19 pandemic also impacted ridership and parking in 2020, making a comparison between the time periods difficult. Additionally, the COVID-19 pandemic has impacted training and the BART Police Department has not yet had the opportunity to fully train employees on how to use the ALPR data generated by this project for investigative purposes.

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 has not received any public records requests for data collected by the ALPR system. One public records request was received in 2019 for information about which agencies BART shares ALPR data with.

Costs

The total cost for reinstalling the ALPR cameras at the Macarthur Parking Garage was \$2,050.00. Beyond the installation costs for the Board approved project, the ongoing per-unit maintenance and operational expenses are expected to be in-line with maintenance for the other CCTV technology in use by the District. There is no cost for the services provided by the MOU with the NCRIC. BART is working on developing a future procurement for additional ALPR cameras to be used for both law enforcement and parking enforcement purposes.

6. BART Research Data Collection

2020 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 TNCs 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 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.

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), approved by the Board in 2018, are met. For example, BART may transfer select data to consulting firms or governmental organizations to use for travel modeling or environmental impact assessment, provided 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.

The District shared data with the following Authorized BART Service Providers for purposes of statistical analysis, transit modeling and transit system capacity analysis:

Authorized BART Service Providers	
The Behavioralist	The Steer Group

Complaints

There were no 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.

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.

Costs

The annual software license fee is approximately \$30,000.

7. BART Trip Verification Technology

2020 Surveillance Annual Report

Surveillance Technology Use

Description: The Trip Verification Software (TVS) was 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 be used to scan Clipper cards to grant access to unique BART or partner incentives aimed at 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 pilot implementation was postponed due to COVID-19. BART, SFO and the other stakeholders involved are waiting for favorable market conditions to move forward with the pilot. When the pilot is deployed, travelers who use Clipper to ride public transit to SFO will be entitled to use a priority lane (queue jump) through Airport security for ticketed airline passengers at designated terminals, saving time at the airport.

Data Sharing

This is a pilot program between BART, the San Francisco International Airport (SFO), San Francisco County Transportation Authority (SFCTA), and SAMTRANS. In compliance with the Surveillance Use Policy, limited data is made available to the agencies listed above on a mobile handheld device in order to confirm eligibility for qualifying incentives by scanning fare media. No other disclosures have been made.

Complaints

None received.

Surveillance Policy Compliance

There were no violations of the Surveillance Use Policy for the Trip Verification technology.

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.