

A REPORT BY
THE 2017-2018 CONTRA COSTA COUNTY GRAND JURY
725 Court Street
Martinez, California 94553

Report 1804

BART Crime and Transparency

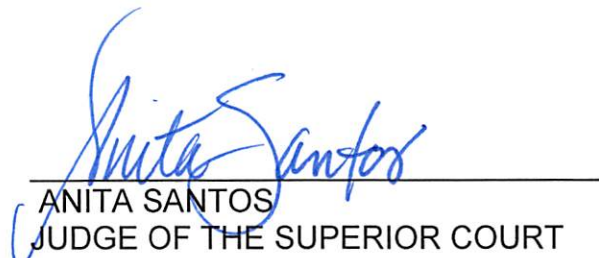
APPROVED BY THE GRAND JURY

Date MAY 8, 2018


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ACCEPTED FOR FILING

Date May 8, 2018


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JUDGE OF THE SUPERIOR COURT

Contra Costa County Grand Jury Report 1804

BART Crime and Transparency

TO: BART Board of Directors, BART Police Chief

SUMMARY

The Bay Area Rapid Transit District (BART or the agency) operates a public rail system that serves four counties in the San Francisco Bay Area. Service will be extended to a fifth county in late 2018. BART operates the BART Police Department (BART PD).

BART PD has been criticized by riders, the news media, and some BART officials for lack of transparency reporting crime data to the public. Critics contend that the public has a right to know the type of crimes occurring on BART property. They maintain that failure to provide timely and detailed crime information raises public concerns and creates the impression that BART PD has something to hide.

The Contra Costa County Civil Grand Jury (Grand Jury) considered these issues and found the complaints to be valid. BART PD's transparency of crime reporting is limited. Subscribers to a daily log, mainly reporters, receive an email with a crime summary. Subscription to this log is not available to the public. Instead, the agency communicates with the public using the crime-reporting website crimemapping.com. BART PD provides their crime incident data to the website crimemapping.com in order that it be available alongside data from other contributing law enforcement agencies, and to allow the public flexibility in assessing the information. The Grand Jury found that integration of crimemapping.com website with the BART PD's daily log would provide easier and fuller access for the public to evaluate crime on BART property.

Riders and some BART officials expressed concerns about their safety and security on trains, at stations and in parking lots. They cite several factors that contribute to their sense of vulnerability: a police officer shortage, cell phone robbers, vehicle thieves, vandals, dirty stations, lack of operating video cameras, poor lighting in parking lots, and fare evaders.

The Grand Jury recommends BART PD be more transparent reporting crime. The content of the BART Police daily log could be made available to the public. Security could be improved in garages and parking lots by installing video cameras, better lighting, and deploying more Community Service Officers (CSOs).

METHODOLOGY

In the course of its investigation, the Grand Jury:

- Interviewed some BART officials and employees
- Reviewed websites, news articles, reports and other Internet documents
- Reviewed reports and news articles posted on BART's website (www.bart.gov)

BACKGROUND

BART is a Special District created in 1957. It has operated a public transit system in the San Francisco Bay Area since 1972. The agency currently operates 669 cars over 112 miles of track. The rail system includes 46 stations spread across four counties.

The agency oversees the train system in Alameda, Contra Costa, and San Francisco Counties. It is divided into nine voting districts, each represented by a director. The directors are elected officials who serve a four-year term. The Board appoints a General Manager who oversees the transit system's day-to-day operations.

BART also serves San Mateo County and will begin service to Santa Clara County in late 2018. These counties are not part of the BART District and do not have representation on the Board.

The agency operates the BART PD, overseen by the Chief of Police, who reports to BART's General Manager.

DISCUSSION

Riders, the news media, and some BART officials have criticized BART PD for lack of transparency regarding crime and safety. BART PD provides limited information to the public regarding crimes that occur on BART property. Riders contend they have a right to such information, and the failure to provide it suggests that BART PD has something to hide.

Riders and some agency officials expressed concern about safety on BART property. They said the system has security lapses, including a lack of video cameras, poor

lighting, fare evasion, cell phone thefts, and vehicle break-ins. Riders also complained about a lack of sanitation, particularly in stations and restrooms.

Complaints about these issues escalated in 2017 following incidents reported by the press:

- January 9, 2016: At approximately 7:40 P.M. a 19-year-old male was shot on a BART train at the West Oakland station. BART PD released a video of a suspect on March 9, 2016, but the assailant has never been identified. Shortly after the incident, BART admitted that a majority of security cameras in BART trains were decoys.
- April 22, 2017: At around 9:30 P.M. 50 to 60 juveniles jumped the fare gates at the Coliseum station. The juveniles then boarded a train and robbed multiple passengers of cell phones and other items. Two people were injured. BART PD subsequently arrested two juveniles. When news agencies requested a video of the incident, BART PD refused, stating that it wanted to avoid racial stereotyping.
- June 30, 2017: At around 6:25 P.M. a group of about a dozen teens was traveling on a Warm Springs-bound train when one of them robbed a passenger of her cell phone. Another passenger recovered the phone, and BART Police detained the teens.

Crime Information

BART PD provides limited information to the public regarding crimes that occur on BART property. The data it does provide can be divided into two categories: annual statistics and daily updates.

Annual Statistics

BART PD voluntarily provides annual crime statistics to the Federal Bureau of Investigation. It reports data on both violent and property crimes. Violent crimes include homicides, rapes, robberies, and aggravated assaults. Property crimes include burglaries, larcenies, auto thefts, and arson.

Crime statistics are reported in the annual BART Police Department Report, which is available on its website. The statistics show that crime on BART fluctuates from year to year, both in the number of crimes and the types of incidents.

Annual BART Police Department Report

Crimes	2011	2012	2013	2014	2015	2016	2017	Total
Homicide	0	0	1	0	1	1	0	3
Rape	1	2	0	2	3	4	8	20
Robbery	195	202	209	153	161	232	290	1,442
Aggravated Assault	24	41	29	44	35	42	49	264
Violent Crime Subtotal	220	245	239	199	200	279	347	1,729
Burglary	12	27	25	7	4	12	15	102
Larceny	2,067	2,356	2,524	2,597	2,325	2,217	2,584	16,670
Auto Theft	351	433	483	522	480	480	419	3,168
Arson	2	0	0	0	0	1	4	7
Property Crime Subtotal	2,432	2,816	3,032	3,126	2,809	2,710	3,022	19,947
Total	2,652	3,061	3,271	3,325	3,009	2,989	3,369	21,676


Daily Updates

BART PD's daily crime information is available from three sources: a) a BART Police daily log (daily log) emailed to subscribers, b) crimemapping.com, and c) bartcrimes.com.

a) BART Police Daily Log

BART PD emails a daily crime summary to subscribers. The daily log is curated by the watch commander on duty. It provides a summary of all crimes committed the previous day. The daily log contains a narrative description of each crime, including the names of adult offenders (juveniles are not named), and the date and time the incident occurred. It also indicates whether an arrest was made and if the arrest was based on an outstanding warrant or an existing prohibition order. A prohibition order bars a criminal offender from entering BART property for a specified period (30 days to a year).

The following chart is an excerpt from BART PD's daily crime log dated June 3, 2017.



BART Police Daily Log Email Updates

Sexual Battery – Lake Merritt Station

6/3/2017 2232 hours An officer responded to the station agent's booth to meet with a female victim who reported a male subject who had off-boarded from a train had reached under her skirt to grab her buttocks. The female described the person as being a Black male adult 6' medium build with a short buzz cut wearing a light blue T-shirt and dark jeans. The male suspect fled out of the station via the 8th Street stairwell. An area check was conducted and the suspect was not located. [L15 1706-0171](#)

Possession for sales of narcotics/Possession of a dirk or dagger/Resisting arrest (Prohibition order issued) - Civic Center Station

6/3/2017 2044 hours Two officers were conducting a patrol check of the 8th Street/Market Street stairwell due to high drug activity when they observed a Hispanic male subject holding a plastic sandwich bag. When the male subject saw the officers, he took off running topside. The officers chased after him and eventually located him nearby trying to change his clothing. The officers contacted him and found he was attempting to swallow individually packaged cocaine and heroin. After taking the male into custody, the officers located a fix blade knife concealed in his waistband. The male was transported and booked into San Francisco County Jail. [L15 1706-0164](#)

BART published a news article on June 6, 2017 announcing plans to use crimemapping.com to report crimes. The article made no mention that the daily log email would be discontinued that day. Subscribers to the daily log were to use crimemapping.com to obtain crime information.

The termination of the daily log generated an outcry from news reporters. Several BART directors complained publicly, arguing that crimemapping.com was not a good substitute for the email daily log. They contended that the website was cumbersome, lacked transparency, and provided few details about individual crimes. BART PD reinstated the daily crime log in mid-July, 2017.

The daily log is available only to subscribers, most of which are BART directors, employees, or members of the media. The public does not have easy access to the log as no signup link is provided on BART's website.

b) Crimemapping.com

Crimemapping.com is a website built by a private company, TriTech Software Systems. It is used by BART PD and other law enforcement agencies nationally to report mapped crime data. The site provides free access to crime information via the Internet. BART does not own or operate this site but simply uses it as a crime-reporting tool.

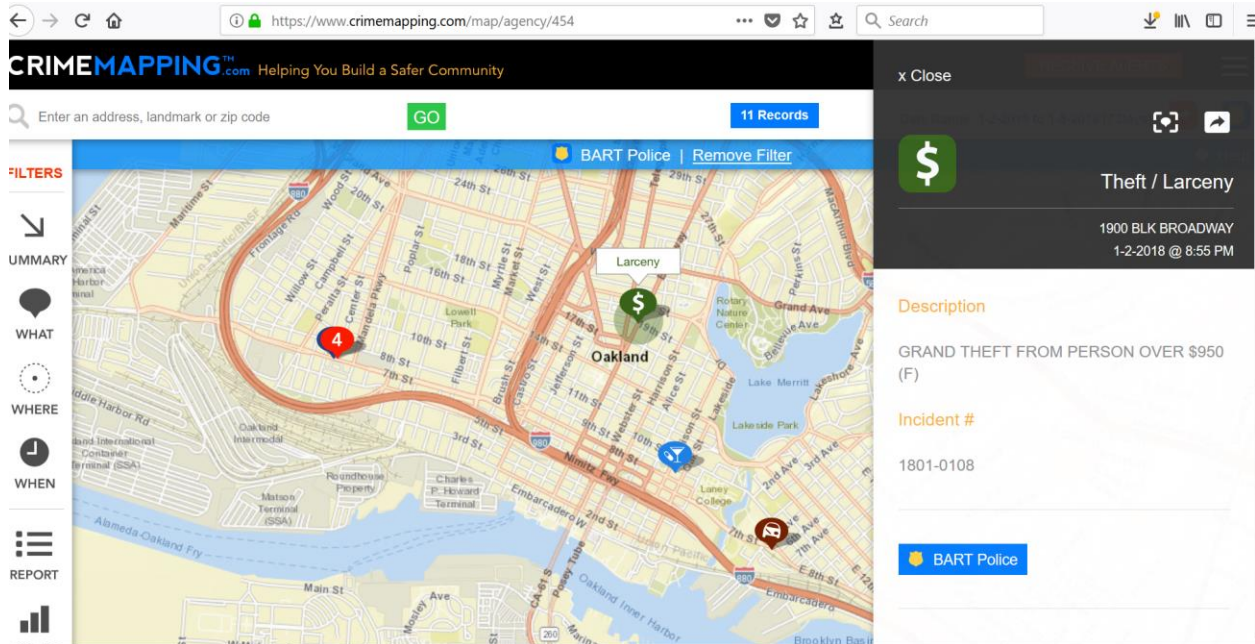
According to TriTech Software Systems, “CrimeMapping.com is an overview of designated crimes within a particular law enforcement agency. The icons are intended to indicate the block in which the crime allegedly occurred. Information shown is displayed for a maximum of 180 days and is updated once a day.” The information provided is uploaded by BART PD periodically.

The public can use the website to view crimes in 15 incident categories as reported by subscribing police departments. Crimes are displayed on a map of the relevant area. The public can search by agency or by location (a two-mile radius of a specific address or location.) Users can limit their search to crimes reported to a specific police agency, such as BART Police or Oakland Police. They can also use filters to look for specific types of crimes such as robberies, assaults, or crimes that took place within a specific time. Search results appear as icons on a map. Different icons represent different crime types. For example, a white car on a purple background depicts a motor vehicle theft, while a white car on a brown background indicates a vehicle break-in. Maps and a list of crimes can be printed.

The June 6, 2017 news release stated that use of the site would increase the efficiency, accuracy, and transparency of the agency’s crime reporting. Media reports and some BART officials have stated that crimemapping.com provides little in the way of transparency. The Grand Jury analyzed the website and found the following:

- The site could be more intuitive. Retrieving data on crimes related to BART PD will bring up BART Police reported crimes and also crimes reported in the area of BART stations by other police agencies. If users want BART PD reported crimes only, then they first select “California” and “BART Police” from the drop-down boxes on the site’s homepage. When the map appears, they must click the shield icon and select “show only records from this agency on a map.”
- The website provides limited information about individual crimes. Each record indicates the date, time, incident number, address (such as 1400 Block of 7th St.), and type of crime, such as “battery” or “assault.” It does not describe the perpetrator, the victim (if there was one), how the crime occurred, or whether an arrest was made.
- The tool does not highlight BART stations with an icon or any other designation. To search for crimes that have occurred near a specific station, users must enter the station name into the search box.

Below is a screenshot from crimemapping.com on January 2, 2018. The dollar sign icon shown on the map indicates a larceny incident. If a user clicks the icon, a window appears on the right side of the screen displaying the date, time and location of the crime and an incident number.



c) Bartcrimes.com

While the Grand Jury does not investigate private businesses, it reviewed a privately-operated website that provides BART crime information to the public. This website serves as an example of what BART PD could do to communicate crime-related information to riders.

Bartcrimes.com was created in the summer of 2017 by a software engineer and regular BART rider, Ben Friedland. The stated goal on this website is “Making Public Information Public.” Mr. Friedland subscribes to BART PD’s daily crime log and transfers the data from the log to his website. The site is financed by donations from users and is available to the public for free.

Bartcrimes.com lists crimes chronologically; the most recent events appear first on the home page. The site offers two options for sorting data. Users can sort by “station” to obtain a list of all crimes that have occurred at a BART station, or they can sort by “tag.” Each tag applies to a type of crime, like Assault/Battery or Bicycle Theft. A user can view all crimes in a specific category by selecting the appropriate tag. For instance, a user can create a list of all bicycle thefts that have occurred throughout the system by selecting the Bicycle Theft tag.

Bartcrimes.com does not have the capability to tabulate data into a list or spreadsheet. For instance, riders cannot use the site to determine how many assaults or bicycle thefts occurred throughout the system within a given time.

A screenshot of a record captured from bartcrimes.com on March 7, 2018 follows. This website provides substantially the same data for individual crimes as BART's daily crime log.

236 Pc/243.3 Pc

Powell St. - 1803-0231

The victim confronted the suspect near the platform elevator as she thought he was urinating. The suspect pushed the victim into the elevator and the victim fought back. At times the victim tried to exit the elevator, but the suspect prevented her from exiting. The suspect left the area before officers arrived. The victim was not injured with only a complaint of pain to her face.

- ✘ Arrest
- ✘ Prohibition order
- ✘ Warrant related

Assault/Battery

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12:33 PM

Security and Safety

According to the news media and some BART officials, riders avoid using the system during off-peak hours and at night. They cite the following reasons why riders feel vulnerable:

- A scarcity of police officers on trains, in stations, and parking lots
- Fare evaders
- Poor lighting in parking lots and garages
- A lack of working video cameras
- Frequent cell phone robberies
- Numerous vehicle break-ins
- Poor sanitation, particularly in stations, elevators, and restrooms

Officer Shortage

BART officials informed the Grand Jury that BART PD is experiencing a staff shortage. On May 3, 2018 BART PD stated that they are operating with approximately 16 percent fewer officers than authorized. Staffing requirements will increase in late 2018 when two new stations open in Santa Clara County.

News media reports stated that BART riders would like to see more officers throughout the system. The Grand Jury was told that existing officers are spread thin. They spend their shifts responding to routine events and have little time to patrol trains or stations. When crimes occur, officers typically travel to the crime scene by car. Officers cannot reach a crime scene quickly if they travel by train.

Several factors have contributed to the shortage of police officers:

1. Experienced officers are retiring and leaving the force
2. BART PD is competing for officers in a declining talent pool
3. Vetting new officers is a lengthy process

BART PD is taking steps to solve its staffing problem that includes: offering \$10,000 hiring bonuses for academy graduates and lateral transfers from other law enforcement agencies; accelerating the hiring process so new officers can be brought on board more quickly; and advertising for recruitments in and on BART stations, trains, and kiosks at community colleges, police academies, military bases, and other locations.

BART officials maintain that the police officer shortage will take time to resolve. Some have suggested that riders might feel more secure if the agency deployed more Community Service Officers (CSOs) at stations and parking lots. CSOs are non-sworn civilian employees who perform tasks like issuing parking citations and recovering video from cameras. They wear BART CSO uniforms and are visible to riders.

Fare Evasion

BART has a severe fare evasion problem. The agency estimates it loses \$15 to \$25 million in annual revenue due to gate-jumping riders. Fare evasion angers fare-paying customers and generates complaints. Many riders are unnerved by the sight of people hopping over gates.

The agency finally acted against fare evaders in October 2017 by enacting a proof of payment policy. The policy went into effect January 1, 2018. It authorizes CSOs to conduct periodic fare inspections in paid areas. When performing an inspection, a CSO will ask all passengers in a car or on a platform to produce a valid ticket. Fare evaders are subject to fines. Those who cannot afford the fine may perform community service.

BART is also using physical deterrents to combat fare evasion. The agency is installing high barriers around fare gates and securing swinging gates to discourage fare cheaters. Elevators are also being enclosed to limit access from unpaid areas.

Cameras and Lighting

BART's 2016 revelation that most train video cameras were dummies generated public concern. The Board of Directors responded by approving \$1.42 million to purchase and install new cameras. By June 2017, all trains had been outfitted with working cameras. The cameras have proved useful in solving crimes. In October 2017, a video was used to identify two suspects, who were later arrested for separate felonies. In January 2018, BART PD used video to identify and arrest a man who had assaulted riders on two different trains.

Most BART stations are equipped with multiple security cameras. The cameras are positioned to capture entrance and exit gates and pay areas. Station cameras are tools for deterring and catching gate jumpers and other criminals.

In contrast to trains and stations, most BART garages and parking lots have few cameras or none. The vast majority of crimes that occur in parking areas are vehicle thefts or auto break-ins. According to BART officials, some of those crimes could be deterred by the strategic use of video cameras.

Another safety feature lacking in many BART parking lots is sufficient lighting. Lighting affects riders' perception of safety. Dark parking areas are perceived as unsafe. Poor lighting also facilitates auto break-ins and other vehicle-related crimes. BART officials have suggested that better lighting in parking facilities could help deter crime and improve riders' sense of security.

Cell Phone Theft

Cell phone theft on BART property is an ongoing problem. BART PD has reported that there were 417 thefts of electronic devices in 2017. This was a 52% increase over the number of thefts (274) that occurred in 2016. To address the issue, BART PD initiated a public awareness campaign in 2017. It used recorded announcements in trains and stations to encourage riders to keep phones secure.

Poor Sanitation

Another source of complaints by riders and some BART officials is a lack of cleanliness. A 2016 Satisfaction Study indicated that riders are concerned about unsanitary conditions in stations, elevators, and restrooms. According to BART officials, homelessness and drug addiction are major contributing factors to the agency's sanitation problems.

BART is addressing this issue by focusing its resources in the stations that need them the most. The agency employs a full-time crisis intervention and community outreach worker, who connects those in need with social services. At some stations, canopies have been installed to prevent people from entering stations after trains stop running.

BART Watch App

In 2014 BART PD introduced a smartphone app called BART Watch. The app enables riders to send text messages directly to a BART PD dispatcher. Users can report crimes occurring on trains, in stations, or in parking areas. If a crime occurs on BART property, the victim or another rider can notify BART PD immediately. BART promotes the App as a tool to increase rider safety and security.

FINDINGS

- F1. BART PD controls subscriptions to its daily crime log and does not make the log readily available to the public. There is no permanent link on BART.gov website
- F2. BART PD provides crime incident reports within fifteen incident categories to crimemapping.com. A crosscheck between incidents reported on the BART Police Daily Log and in the crimemapping.com website suggests that some BART PD incident data is being lost.
- F3. Crimemapping.com offers limited information about crimes that occur on BART property.
- F4. Crimemapping.com provides the public less detailed information about crime on BART than Bartcrimes.com
- F5. BART PD is currently operating with about 16 percent fewer sworn officers than its authorized staffing level.
- F6. Community Service Officers are non-sworn civilian employees that provide technical assistance to BART police personnel and could be assigned to patrol stations and parking lots.
- F7. BART parking lots and garages have insufficient lighting and few or no security cameras.
- F8. BART officials and riders are dissatisfied with the lack of sanitation in stations, elevators, and restrooms.

RECOMMENDATIONS

- R1. BART PD should consider providing permanent web links to crimemapping.com and to the subscription form for the BART Police Daily Log on the “BART Police” page (<https://bart.gov/about/police>) of BART.gov by September 30, 2018.
- R2. BART PD should consider reviewing their data upload process to crimemapping.com for process integrity and data completeness within the fifteen crime incident categories reported, by December 31, 2018.
- R3. BART PD should consider offering the most recent 180 days of the BART Police Daily Log reports, with simple text search function, from a permanent web link on the “BART Police” page (<https://bart.gov/about/police>) of BART.gov by December 31, 2018.
- R4. BART PD should consider seeking funds at the next budget funding cycle to deploy more Community Service Officers to patrol BART stations and parking lots.
- R5. BART’s Board of Directors should consider seeking funds at the next budget funding cycle to equip all parking lots and garages with adequate lighting and working video cameras.
- R6. BART’s Board of Directors should consider directing maintenance to make cleanliness a priority and improve the level of sanitation in stations, elevators, and restrooms. If additional personnel is needed, a request for funding may be considered for the next funding cycle.

REQUIRED RESPONSES

	Findings	Recommendations
BART Board of Directors	F7 and F8	R5 and R6
BART Police Chief	F1 to F6	R1, R2, R3, and R4

These responses must be provided in the format and by the date set forth in the cover letter that accompanies this report. An electronic copy of these responses in the form of a Word document should be sent by e-mail to ctadmin@contracosta.courts.ca.gov and a hard (paper) copy should be sent to:

Civil Grand Jury – Foreperson
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