



SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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2019

August 23, 2019

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2018-2019 Alameda County Grand Jury
1401 Lakeside Drive, Suite 1104
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7TH DISTRICT

Janice Li
8TH DISTRICT

Bevan Dufty
9TH DISTRICT

Re: Alameda County Grand Jury Final Report, "Crime and Quality of Life: Impact on BART Ridership"

Dear Ms. Sweeney-Griffith,

In accordance with California Penal Code Sections 933.05(a) and 933.05(b), I am forwarding the BART Board of Directors' responses to Findings 19-30 through 19-34 and Recommendations 19-30 through 19-36 from the Alameda County Grand Jury Final Report, "Crime and Quality of Life: Impact on BART Ridership."

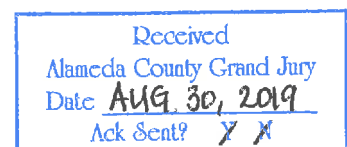
As I noted in my June 25 letter, I appreciate your thoughtful and detailed assessment of the issues identified in the findings and recommendations of the report. The attached responses highlight the substantial progress we've made in addressing many of these issues, and the remaining steps we intend to take to ensure that BART remains a safe, clean and reliable system.

If you have any questions, please don't hesitate to call my mobile, (415) 595-3213, or email bevanduffy@bart.gov.

Sincerely,

BEVAN DUFTY
President

- c: Board of Directors
- Board Appointed Officers
- Executive Staff





EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Powers</i> 14 Aug 2019		GENERAL MANAGER ACTION REQ'D:		
DATE: 8/6/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Gregg Murrana Dept: Performance & Budget	General Counsel <i>[Signature]</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary <i>[Signature]</i>	BARC <i>[Signature]</i>
Signature/Date: <i>Gregg Murrana</i> 8/17/19	<i>[Signature]</i> 8/14/19	<i>[Signature]</i> 8/14/19	<i>[Signature]</i> 8-14-19	<i>[Signature]</i> 8/21/19

Responses to the 2018-2019 Alameda County Grand Jury Final Report, "Crime and Quality of Life: Impact on BART Ridership"

PURPOSE:

To obtain Board approval of Responses to findings and recommendations contained in the 2018-2019 Alameda County Grand Jury Final Report, "Crime and Quality of Life: Impact on BART Ridership"

DISCUSSION:

On June 11, 2019, the 2018-2019 Alameda County Grand Jury issued a Final Report entitled "Crime and Quality of Life: Impact on BART Ridership" ("Report"), which contained five findings and seven recommendations relating to the BART system, including crime, safety and homelessness, fare evasion, system cleanliness, and transparency. Although the Report stands as a thoughtful illustration of these issues, a fuller understanding requires that they be considered within the context of BART's current and planned future efforts in each area. As such, BART welcomes the opportunity to respond in detail to each of the findings and recommendations to describe our position, provide explanatory information, and add clarifying detail.

In conformance with the statutory response requirements, we have indicated agreement or disagreement with the Report findings (supplemented by a narrative response), and provided brief but comprehensive responses to the Report recommendations. These proposed responses are provided as Attachment A and are accompanied by the Report for reference.

BOARD APPROVED AUGUST 22, 2019

FISCAL IMPACT:

Board approval of the responses has no fiscal impact. BART is already advancing several major initiatives as described in Attachment A, and any new initiatives that may be recommended would be determined as part of future budgets.

ALTERNATIVES:

Direct staff to amend responses based on Board input.

RECOMMENDATION:

Approve Attachment A, Responses from the BART Board of Directors to the 2018-2019 Alameda County Grand Jury Final Report, "Crime and Quality of Life: Impact on BART Ridership"

MOTION:

The Board approves the attached Responses from the BART Board of Directors to the 2018-2019 Alameda County Grand Jury Final Report, "Crime and Quality of Life: Impact on BART Ridership" and directs staff that those responses be transmitted to the 2018-2019 Alameda County Grand Jury.

Attachment A – Responses to the 2018-2019 Alameda County Grand Jury Final Report, “Crime and Quality of Life: Impact on BART Ridership”

FINDINGS

Finding 19-30:

BART's police department staffing has been insufficient to meet crime levels, as reported by an outside expert, who recommended substantially more patrol officers and revamped patrol assignments.

RESPONSE: *Agree*

We agree that we need to increase our police staffing to address the challenges impacting BART riders. The adopted FY20 budget continues BART's efforts to increase police staffing, by adding 19 new police officer positions and four new Fare Inspector positions. BART's future staffing model includes adding more police officers to increase presence at stations, on trains and having overlap/cover officers. This model will provide a more saturated police presence to increase safety on BART.

Finding 19-31:

Although overall crime on BART is up only slightly from 2014 to 2018, the incidence of violent crime more than doubled during that time. All crime is serious, but the potential for violent crime is particularly frightening to riders. The high volume of lesser offenses, especially thefts of items like phones, computers, wallets, etc., dramatically affects riders' perceptions of safety and well-being on the BART system.

RESPONSE: *Disagree partially*

The significant driving factor in the increase of violent crime is the robbery of cell phones and other electronic devices, which is defined by the FBI's Uniform Crime Reporting (UCR) Program as a violent crime. Unfortunately, electronic device robbery is a growing trend in modern society, and public transit is a target rich environment for cell phone thieves. In the BART system, this is evidenced by the concentration of cellphone thefts which have occurred in our high-density, commuter rich downtown San Francisco stations. As is true on most transit systems, a significant number of riders can be seen using smart phones while commuting on BART. Since the perception of safety is high priority for BART, we continue to educate our riders on how they can reduce the risk of having their cell phone stolen.

It is important, however, to view crime statistics in comparison to the number of riders. When considering the 485 violent crimes reported in 2018, it is important to note that BART carried nearly 120 million passengers during the same year, resulting in a per passenger rate of 0.0004%. We absolutely agree that all crime is serious, particularly violent crime, but the likelihood of becoming the victim of a crime on BART is relatively low.

We also acknowledge that quality of life issues affects the perception of safety on the system. BART expends significant resources to address quality of life issues, including the presence of police personnel to offer resources to homeless persons. When criminal conduct is witnessed, our police officers may take enforcement action as appropriate under the circumstances.

Finding 19-32:

Public concern about fare evasion has been one of the top issues on every customer satisfaction study since 2014. The lack of enforcement erodes confidence in BART and costs upwards of \$25 million, or 5% of passenger revenue.

RESPONSE: *Disagree partially*

While it's correct that the largest declines for this attribute have occurred in the last three surveys (refer to the table below), it was first identified as an issue for customers in the 2016 survey and became a much greater concern in 2018. It was not a top issue for customers in the 2014 survey, as measured by relative percent change.

Enforcement against fare evasion	1998	2000	2002	2004	2006	2008	2010	2012	2014	2016	2018
% change in mean vs. prior survey	1.1%	-0.4%	1.7%	5.9%	-1.2%	-1.2%	-3.3%	-1.3%	-3.9%	-6.3%	-19.8%

- In 2014, this attribute was not one of the top declines. (Out of the 48 attributes rated, it was number 21 when sorted by % decline. The largest declines were around seat availability, station cleanliness, and onboard temperature.)
- In 2016, it was the 4th largest decline among all attributes.
- In 2018, it was the largest decline among all attributes.
- Note that despite the relatively large declines in 2016 and 2018, the attribute did not appear as a "Target Issue" in the quadrant chart. ("Target Issues" are determined by relatively low attribute ratings combined with relatively high derived importance scores.)

BART's estimated fare revenue value of a fare evasion rate of 3% to 6% is approximately \$15M to \$25M. It is important to note, however, that not all of this value is potentially recoverable, for two reasons: First, some fare evaders would not ride BART if they were prevented from fare evading; Second, based on the experience of New York City Transit, which has far more physically hardened stations than BART, it is likely not feasible to prevent 100% of all fare evasion.

Although the finding asserts a "lack of enforcement", it does not accurately reflect BART's actions in responding to this issue. Over the last several fiscal years, we've added funding for community service officers, dedicated fare inspectors, and 19 additional police officers. BART has also committed substantial capital funds directly to station hardening, as well as incorporating hardening design and equipment into our ongoing station modification program. Modifications and additions include raised railings, alarmed swing gates, fare gate pressure increase ("cinch" modification), enclosure of platform elevators to paid areas, additional security cameras, and electronic service gates. BART is also exploring long term solutions for new fare gates, which will include fare evasion mitigation in design and deployment strategy.

Finding 19-33:

Cleanliness of BART trains and stations was the concern most cited in the Customer Satisfaction Study from 2012 through 2018. BART introduced several initiatives to target cleaning resources where most needed and to prevent messes in the first place (e.g., elevator attendants, Pit Stop program). However, continuing dissatisfaction with cleanliness was repeatedly cited in the most recent survey, in large part due to an increase in the homeless population using BART facilities.

RESPONSE: *Disagree partially*

The top 3 attribute declines in the 2018 survey revolved around enforcement and personal security. While issues with cleanliness appeared within four of the 10 attributes with the largest declines, describing them as the most cited concern isn't accurate.

While some customers did comment on cleanliness issues in relation to homelessness, we do not have quantitative data to draw the conclusion that dissatisfaction with cleanliness is due in large part to an increased homeless population on BART. We can conclude that it is a factor, but it would be very difficult to determine how large of a factor with existing Customer Satisfaction Survey data.

Train interior cleanliness and station cleanliness were reviewed for the last few surveys. Here are results after sorting in ascending order on % change:

- 2018: Train interior cleanliness: -14.1%; station cleanliness: -9.2% (#4 and #12 of 45 attributes with prior year ratings)
- 2016: Train interior cleanliness: -0.7%; station cleanliness: -4.4% (#38 and #10 of 47 attributes with prior survey comparisons)
- 2014: Train interior cleanliness: -4.7%; station cleanliness: -7.8% (#13 and #3 of 48 attributes with prior survey comparisons)
- 2012: Train interior cleanliness improved vs. prior year (+1.8%), while station cleanliness was -2.6% (#3 of 46 attributes with prior survey comparisons)
- 2010: Train interior cleanliness: -3.7%; station cleanliness: -4.0% (#5 and #4 of 47 attributes with prior survey comparisons)

Finding 19-34:

Board-related documents are difficult to find on the BART website because some, especially those related to the board, are not searchable.

RESPONSE: *Disagree partially*

All Board related documents are posted in the Board of Directors section of bart.gov. Prior to July of 2011, Board Meeting agenda pdfs were searchable. Unfortunately, the software used to create the agenda pdfs was changed in mid-2011 and agendas were uploaded to the website in a way that terms within the agenda were not searchable, although many of the attachments, which contained written reports and presentations, remained key-word searchable. In May 2018, the District began to use industry-standard Legistar electronic agenda creation software, with all agendas accessed through Legistar searchable.

RECOMMENDATIONS

Recommendation 19-30:

BART must increase police patrol officer staffing over the next five years to make the entire BART system safer, in accordance with the expert study it commissioned and received in 2018.

RESPONSE:

The BART District is committed to increasing police officer staffing. As recommended in the staffing study, the BART Board of Directors recently approved 19 additional police officer positions in the FY20 budget. The BART Police Department and BART Human Resources are working together to aggressively recruit and hire police officers. During the recent labor negotiations, the District negotiated with our BART Police Officer Association to allow the outsourcing of background investigations for police officer applicants. This allowance has significantly increased our ability to hire officers at a much faster pace. In addition, the new labor agreement provides for an improved compensation package that will make BART more salary competitive and support increased recruitment. BART has also instituted, and recently increased, a hiring bonus for lateral applicants with prior law enforcement experience. Lateral officers are trained and become solo officers more quickly than entry level applicants.

The hiring of additional police officers is a very high priority for BART, and we are making significant progress.

Recommendation 19-31:

BART must better educate the public on crime prevention to reduce opportunities for robberies and thefts on the transit system.

RESPONSE:

In keeping with our longstanding practice, BART remains committed to using a variety of channels to educate the public on crime prevention and reducing opportunities for robberies and thefts. This includes frequent overhead Public Address announcements, safety tips that scroll on our platform digital signs, posters on board train cars, social media messages, passenger bulletins inside stations, website postings, a dedicated Safety and Security webpage, in-station outreach and community outreach with safety tip flyers in multiple languages, and frequent interviews with the media to spread the message beyond our riders. BART also has the following message in bold at the bottom of BART Service Advisories that are emailed out: Ride Safe: Download the BART Watch App, save 510-464-7000 for BART Police in your phone, and secure electronic devices when the train door is opening. More tips and info about what we are doing to help keep BART safe can be found at www.bart.gov/ridesafe.

In May 2019 BART Communications and BART Police teamed up to renew the call for riders to protect their phone. A public information campaign was deployed, electronic theft data was shared, and we released surveillance footage showing how quickly the thefts can occur. BART Police Detectives walked trains handing out cards advising riders to be aware of their surroundings, so they can avoid falling victim to thieves who are after their cellphones. The index-card sized handout includes tips in multiple languages for keeping cellphones safe with an emphasis on the importance of looking up from your device near train doors and while waiting on station platforms.

BART Police and BART staff also participate in several community outreach events each year including National Night Out, Coffee with a Cop, Trunk or Treat, having booths at local fairs and festivals handing out flyers with safety tips and special events during the busy holiday shopping season to remind riders to be aware of their surroundings. These education and outreach efforts work in tandem with BART's efforts to increase police staffing and visibility, as well as improvement and enhancement of security surveillance systems (cameras in all cars and comprehensive digital coverage in stations) to reduce crime in the system.

Recommendation 19-32:

BART should continue the enforcement crackdown on fare evaders and improve its overall process for handling the collection of fare evasion fines.

RESPONSE:

BART's primary fare payment enforcement tools involve Proof of Payment verification and Fare Evasion observation and detention, and there are important distinctions between the two.

Proof of Payment violations result in a civil citation, predominantly issued by our non-sworn Fare Inspectors. This occurs when our Fare Inspectors asks persons to present a ticket or Clipper card inside the paid area of BART or on BART trains. Our Fare Inspectors are limited in their ability to verify a person's identity, which results in civil citations issued to fictitious names. Our Fare Inspectors are trained on how to ask for valid identification and how to detect if someone is likely giving false information. If a Fare Inspector has reason to believe that a person is giving false information, the Fare Inspector can request an officer to respond and run an identification check. Civil citations for Proof of Payment are processed through an outside service contractor. Late payments are assessed an additional fee, and unpaid fines are referred to the Franchise Tax Board. The service contractor has a process to refer unpaid fines to collections agencies, and BART is considering that as an option.

Fare Evasion citations issued by our police officers are criminal infractions. This occurs when a police officer witnesses someone entering or exiting the paid area of BART without processing fare media. When police officers detain someone for fare evasion, the officer runs an ID check to confirm identity and to check for warrants. Consequently, fare evasion citations are most often issued to accurate names. Fare Evasion citations are processed through court, since they are a criminal infraction. Unpaid criminal citations have the potential of being sent to collections and/or becoming a warrant, at the discretion of the court. BART is not involved in the collection of fare evasion fines for criminal infractions.

As we continue to enhance enforcement efforts, in FY20 BART is expanding the number of Fare Inspectors by four and adding 19 more Police Officers. This will allow for more focused enforcement. BART also deploys managers, staff and additional police officers to select downtown San Francisco stations starting with the opening of revenue service to provide an active presence to deter early morning fare evasion. While resource intensive, this effort has resulted in measurable improvements to the passenger experience.

Recommendation 19-33:

BART must continue and expand its initiatives to keep trains and stations clean and to respond more quickly to bio-hazard complaints.

RESPONSE:

BART continues to focus on station and train cleanliness. Within the last two fiscal years, BART has restructured its system service department to achieve greater efficiencies in deploying train and station cleaning resources, committed additional resources for station brightening, station refresh, and maintaining station entrances, increased frequency of “deep” cleaning of cars from 120 to 90 days, increased frequency of end-of-line car cleaning coverage, and added permanent mid-line cleaning staff. Stations receive full cleanings each day involving a sweeping of the platforms, concourse, escalator steps and stairs, damp mop of any spills, and cleaning of elevator floors and panels. Any mess encountered will be removed and surface sprayed with the appropriate cleaning agent. We are also establishing a robust training system for station cleaners, instituting audits to ensure better results, and taking steps to make sure our workers have access to the most effective cleaning tools available. These changes also include new staffing levels for each station designed to make sure our cleaning teams are making the greatest impact.

Additionally, in May 2018 BART added a feature to its website and mobile website (and made it available on the official BART app when it launched November 2018) that allows customers to report biohazards to BART. The feature alerts cleaning crews of the biohazard so they can be immediately cleaned up. BART continues to work with local outreach organizations to address the spillover of the regional opiate epidemic into the system.

Recommendation 19-34:

BART should continue to partner with social service agencies that serve the homeless, while strongly advocating for a comprehensive regional, rather than county by county, program to aid the homeless, especially those with mental health conditions.

RESPONSE:

While BART supports a regional approach/strategy for this regional problem, BART operates in four, soon to be five, counties, each with varying levels of challenges with homeless populations. As a transit agency, BART has limited resources and our system is not a suitable shelter for homeless people. BART is committed to providing our riders with a safe and clean environment and a key part of that is developing a comprehensive strategy that includes connecting homeless people with support services. We are strongly advocating for a regional approach and are working with county agencies to develop a strategy and plan

BART is partnering with SFMTA and the City of San Francisco’s Department of Homelessness to provide two full-time Homelessness Outreach Teams (HOT) in the Downtown San Francisco and Mission St. stations. BART is also partnering with Contra Costa Health Services to provide one full-time HOT team in Contra Costa County. In FY20, BART will partner with Alameda County Healthcare Services Agency to provide one full-time team in Alameda County and with San Mateo County Human Services Agency and SFO for another full-time team in San Mateo County/SFO.

The comprehensive plan also brings a renewed focus on improving the station environment. That includes hiring new station cleaners to focus on our busiest stations and increasing the visible employee presence. BART is adding more community service officers to disrupt drug injection sites as well as recruiting additional police officers. BART is also positioning fully attended Pit Stop bathrooms above ground at major station entrances and exits in downtown San Francisco to provide safe and clean access to restrooms for the public.

Recommendation 19-35:

BART must establish a method to track and report on emerging concerns within the *Customer Satisfaction Study report*, initially drawing on passenger comments that document new and persistent concerns of riders.

RESPONSE:

This recommendation will be implemented as part of BART's next Customer Satisfaction Study, tentatively scheduled for fall of 2020, with the final report expected by June of 2021. The final report will include a section covering emerging concerns among BART customers. Emerging concerns will be determined by evaluating the following items in unison:

- Attribute rating trends;
- Verbatim comment category counts, including any new categories if applicable;
- Qualitative review of verbatim comments.

Recommendation 19-36:

BART must increase the transparency of BART policies, decisions, and operations by making all Board-related documents and staff reports searchable, so information may be more easily found by the public using the BART website's search feature.

RESPONSE:

BART has recently implemented an industry-standard product called "Legistar" that is a legislative document management system with robust search capabilities. This system is already linked to BART.gov in the area where agendas and Board packets are posted. This new solution, along with reposting all the previous PDFs as documents with Optical Character Recognition (OCR), will enable searchable PDFs, and a robust overall search tool. The District Secretary's Office has begun the process of re-creating and re-posting all agenda packets from mid-2011 to present, and all future agenda packets will continue to be created in a searchable format.