

EAST BAY FOR EVERYONE

East Bay For Everyone's Statement regarding the BART Safety Plan

East Bay for Everyone believes that mobility is a human right. To this end, we seek a safe and equitable BART system for **all** riders. Further, we believe that all riders should be able to participate in community meetings. The BART safety plan was first proposed at a 9 AM board meeting in Oakland in August and attended by residents of Contra Costa County, suburban Alameda county, San Francisco and elsewhere. Many, if not most attendees, had to take off from work to do so. In response to the overwhelming concern about the proposed safety plan at the August meeting, Director Keller moved to hold a follow up meeting after work in the suburbs, claiming concerns about the proposed plan were only held in the “urban core.” This change of meeting time is frustrating, as it accommodates suburban riders’ schedules while ignoring the fact that attendees of the previous meeting may have taken time off work. In the future, we ask the BART Board to hold contentious meetings at a time and in a central location that allows for more working people to participate.

In the following statement, we provide the board with an equity-focused view to the BART staff’s proposed “Safety and Security Action Plan” that seeks to find solutions to the challenges that BART faces. We implore the Board to review and implement the following recommendations that we have made.

WE STRONGLY OPPOSE:

Emergency BART Police Staffing Plan

We urge BART management to limit overtime for officers to only the most serious situations: ongoing emergencies or searches for dangerous criminals. Statistically, overworked officers have a greater probability of making a life altering decision, like those that resulted in the death of Sahleem Tindle and Oscar Grant. The murder of Nia Wilson was angering, sadening and

scary, but responding with policies that increase the risk of further violence for little gain is unacceptably dangerous.

We reject a safety plan that calls for increased police presence without considering BART PD's history of police violence. Haphazardly increased policing will continue to exacerbate equity issues. In 2017, 65% of cases in which BART PD used force were against African-American riders, and two-thirds of patrons banned from the BART system are African-Americans. Meanwhile, only 10% of BART's ridership is African-American, which shows that these measures are affecting riders disproportionately based on race.

Station Hardening and Proof of Payment Teams

We strongly believe that fare enforcement policies should be decoupled from the BART safety plan. There is no evidence to suggest that recent crimes on BART were committed by fare evaders, and there are many outstanding questions about equity of the fare enforcement program that went into place in January that have still not been addressed.

At the the June BART Board meeting, the Board passed a resolution to pause hiring for the fare enforcement program until data about the efficacy of the program could be produced. Director Simon asked for data about whether citations were disproportionately affecting poor and non-white people at a meeting in June, and these numbers have still not been presented to the public. Additionally, early reports show that [fare enforcement is costing BART significantly more than it is recuperating](#). BART should stand by their June resolution and cease expansion of this program until the community is provided with answers.

Additionally, we stand by [concerns raised in April](#) about the use of armed police for fare enforcement and the criminalization of riders for failure to pay. These measures are [out of line with MUNI and Caltrain policies](#). Having police officers collecting fares leads to unnecessary confrontation; [Research from Laurel Eckhouse, an assistant professor at University of Denver](#), shows that a random stop by police significantly increases African-American civilians' likelihood of falling victim to police violence. BART should immediately cease using police officers for fare enforcement issuing criminal citations.

"Station hardening" should be halted until the community affected is consulted through major engagement. Downtown Berkeley station changes so far have caused undue obstacles to disabled riders and impacts the flow of traffic at commute times. These policies at the minimum require community review, particularly from disabled riders, before implementation.

Surveillance Expansion/Video Screens

While we applaud the BART Board's steps in becoming the first transit system to adopt a Surveillance Technology Policy, we oppose the adoption of any mass surveillance tools. This includes the advanced technology BART used to jam protesters' cellphones in 2011 and the

license plate scanners that sent information to a database ICE could access. We maintain that the safest way to protect data privacy is to not collect data, and are concerned about the potential for data collected by BART to be subpoenaed by ICE or the federal government.

Additionally adding redundant video surveillance feed monitors all over stations does nothing to improve safety. The funds that are used for these monitors would be better spent on infrastructure improvements and safety teams, which have also been endorsed by BART station agents and train operators.

Criminalizing Panhandling

Aggressive panhandling is already outlawed. Adding a general anti-panhandling ordinance will needlessly criminalize people, especially low income individuals. Panhandlers on BART range from moms raising funds for their families, to youth and buskers who perform for riders in exchange for tips. This non-aggressive panhandling harms no one and should not become a crime.

WE SUPPORT:

BART Station Safety Teams/Ambassadors Program

Directors Simon and Duffy have taken the lead in exploring ways civilian personnel can improve system safety. We encourage further investigation into collaborations with organizations like Hunters Point Family that can provide highly-visible safety team members who understand the local community and can help de-escalate tense situations.

We would encourage that the limited funding and staff time available goes to increasing patrols performed by unarmed civilian employees or volunteers. Many situations that now result in an officer being dispatched could be resolved by people trained in de-escalation techniques. The use of armed law enforcement should only be reserved for situations that require the presence of a police officer.

Transit systems such as SFMTA and Seattle's Sound Transit have a precedent for using unarmed civilian ambassadors to increase safety. Both systems use civilian employees for patrols, fare enforcement and other matters that improve rider safety. We encourage the suburban directors to identify local non-profits and transit agencies in the Bay Area that have similar programs.

We encourage a system-wide expansion of the existing BART Civic Center elevator program, being conducted in conjunction with the Hunters Point family, an activist, de-escalation nonprofit organization. We believe that security is best enhanced with visible, trained personnel, hired from local Bay Area neighborhoods. Patrolling with armed police officers just creates a climate of tension and fear.

Existing Surveillance Modernization:

We're excited that BART is already adopting of the most progressive civilian oversight policies of public surveillance in the country. We also understand some BART surveillance equipment is outdated or disorganized. Efforts to modernize the system to use digital standards and have better labeling will improve the efficiency of investigators, and we encourage careful and community driven implementation of these technologies.

Promotion of "Ride Safe" outreach campaign

We support public campaigns to inform riders on how to protect themselves and to be cautious of their surroundings. However, we are concerned with how the BART Watch app has been used to disproportionately target African-American riders.

In an East Bay Express report, during roughly one month of 2015, 68% of alleged culprits were African-Americans. This is despite African-Americans comprising only 10% of BART's riders. These complaints frequently consisted of petty crimes or vague descriptions of "suspicious activity."

Since we oppose policing "quality of life" issues, we endorse a BART safety awareness campaign that explains the nuances of profiling to riders and that explicitly discourages biases against protected classes in reporting.

ADDITIONALLY, BART SHOULD ADOPT:

Discount Fare Programs

The economic boom, combined with a housing shortage is causing the displacement of many low-income residents, particularly residents of color, to far-out Contra Costa and Solano counties. Whether these residents commute on BART or by other means, their transportation costs are increasing, and BART is among the most expensive transit option. BART should initiate a plan with the MTC to provide discount rides for low-income riders systemwide. We'd also like to see the reversing the fare barriers of cross agency usage between BART and suburban bus agencies. These initiatives require the joint cooperation of BART, the MTC and

local bus agencies. Reducing barriers of entry for riders through universalization is needed to ensure BART is an equitable system.

Sincerely,

The 1000+ members and supporters of East Bay For Everyone

Policy statement written by the following *East Bay For Everyone* transit analysts from every BART district:

Christopher Kintner
Darrell Owens
David Ying
Kieryn Darkwater
Liat Zavodivker
Sasha Perigo
Victoria Fierce