



Surveillance Use Policy

BART Crisis Intervention Data Application

21 Day Board Notice – March 24, 2023

15 Day Public Notice – March 30, 2023

Board Meeting – April 13, 2023



Purpose

Bitfocus, is a cloud-based crisis intervention data application that facilitates safe and effective interactions between the civilian Progressive Policing and Community Engagement Bureau (PPCEB) team members and the individuals with whom they serve, including homeless and other individuals suffering from a quality-of-life crisis. PPCEB is a Bureau within the BART Police Department. Bitfocus serves as a methodology to connect people with community services such as shelter, medical support, as well collects data on the needs of individuals and the Crisis Intervention Specialists (CIS) interactions.

Historically, Progressive Policing and Community Engagement Bureau, specifically CISs have had limited information when engaging an individual in crisis in the BART system. BART has received numerous requests from BART riders to provide solutions to individuals in our system experiencing crisis.

BART will deploy a custom, isolated version of Bitfocus that will not share data with any other Bitfocus users. The application facilitates access to time sensitive information that CISs need to assist the individual. By providing a mobile-friendly user interface that is a secure data platform. Bitfocus enables staff to coordinate the delivery of services to individuals who may be experiencing mental illness, homelessness, and other crisis issues. It is important to note that the data being given by the individual is 100% consensual and the CIS must provide disclosure to the individual on how this information is to be used and stored. Information on homeless individuals sourced independently through CIS observations or other legally available sources of data will also be utilized on the platform.

This enables CISs to glean a more comprehensive perspective on individuals they encounter, and benefit from the knowledge of previous encounters with other colleagues and respond in ways that enhancing and improving the experience of those individuals. The primary building block of a Bitfocus profile is a data collection template that is currently used by homeless service providers throughout the Bay Area. This profile takes a few minutes to complete. CISs use it to record information and track the outcome of the encounter. This template may be edited to ensure that our data retention does not exceed that authorized under Welfare and Institutions Code Section 10850. The application allows the CIS to develop a service plan for the individual.

In addition to summaries of interactions and service plan development by PPCEB, Bitfocus allows CISs to refine service plans for frequently-encountered individuals. CISs, and its outreach teams, can all contribute qualitative data to facilitate effective up to date interactions.

This information can also be presented strategically to the BART Board of Directors to understand the effectiveness of the CIS interaction.

Integrating Bitfocus into the PPCEB's standard operating procedures provides additional safety and security of our transit system by fulfilling the following two key achievements:

- Achievement 1: To improve real-time access to information that will facilitate interactions between individuals in crisis and PPCEB and provide a service plan that is trackable.
- Achievement 2: Bitfocus facilitates communication and collaboration between crisis intervention specialists. CIS' can use the application to access BART sourced service-related information to help connect individuals to longer-term health, housing, and social services. Service plans can contain contact information for the subject's community advocates, support individuals, and others who can help the individual access community

resources within the limits of Welfare and Institutions Code Section 10850 et seq. The application gives the CIS the ability to build out a provider directory which would enable the CIS to quickly find nearby resources while in the field.

Benefits

Use of Bitfocus will benefit individuals in crisis in the following ways:

- Facilitate communication and collaboration with PPCEB.
- Access to information to develop a BART service plan for individuals in crisis.
- Aid in coordinating mental health assistance and access to mental health services.
- Aid in outreach assistance and access to appropriate community resources.
- Demonstrate effectiveness of the PPCEB interactions with those individuals' crisis.

A. Authorized Use (Policy)

For the purposes of this Use Policy, only Crisis Intervention Specialists (CIS), CIS civilian supervisors, Office of the Chief Information Officer App Administrators, and the Senior Manager of Social Services Partnership, are Data Access Authorized Individuals. The social service partners may receive coordination information from the authorized individuals regarding the service plan. Additionally, aggregate data (not including personal information) will be presented to the BART Board of Director's.

Personal Identifiable Information (PII) can only be collected in Bitfocus when a person gives consent, and if the encountered individual appears to be homeless, in distress, in need of services, or displays a health issue. The Bitfocus application can be used to collect information for the following purposes:

- To assist with intervention efforts, prevention, or develop Service Plan.
- To identify appropriate, nearby, and available community services.
- To assist with outreach and collaborative interventions with community partners.
- To analyze and to share aggregated data with BART Board of Directors, partners, department administration, and the public (de-identified and in aggregate form only). Analysis of de-identified and aggregate data can be valuable for locational information and effectiveness of intervention.

Protecting individuals' right to privacy is paramount and it is critical that a balance be struck between information collection, sharing, and confidentiality. As such, stringent restrictions on data collection, access, and retention are built into the Bitfocus application.

Rules / Processes / Limitations of Use

To protect individuals' privacy, only limited personnel previously mentioned are authorized users. The application is fully compliant with HIPAA and HUD standards.

All reports and suggested updates are reviewed by the PPCEB Supervisors. For purposes of briefings, CIS civilian Supervisors may redact and curate information from the Bitfocus application for presentations and status reports, redact any Personally Identifiable Information (PII) to BART Police Department Command Staff and the BART Board of Directors.

B. Data Collection and Prohibited Uses

For purposes of this Use Policy, CISs shall be authorized to use the Bitfocus application to develop a BART service plan for individuals with the intent to facilitate solutions to individuals facing crisis, as well as decrease police interaction and escalation. PPCEB shall be authorized to collect and store with the consent of the individual the following broad categories of information in the Bitfocus application:

Information Category	Examples
Identifying information	Name, date of birth, state identification, identifying characteristics
Mental health	5150 Transport Data, voluntarily shared statements about psychological impairments/conditions as perceived by the subject to assist in securing appropriate services, imminent concerns, and history
Behavioral characteristics	known triggers, de-escalation techniques, and suggestions for calming the individual.
Substance use	Alcohol and Drug information and substance use history
Photos	Photos of individuals
Criminal history	For use as background information during crisis response ONLY
Referrals	Services suggested or requested, referrals
Support individual information	Contact and context information for kin, government case workers, others
Location Data	Gathered from the District device operating Bitfocus

Information collected via Bitfocus will be hosted on Bitfocus' secure, cloud-based data integration platform, which is compliant with federal, state, and local regulations. Information will be stored on the Bitfocus platform that meets the requirements, limitations, and standards set forth in the following regulations:

- Health Insurance Portability and Accountability Act (HIPAA Security Rule)
- Confidentiality of Substance Use Disorder Patient Records (42 CFR Part 2) regulation
- Welfare and Institutions Code Section 10850 et seq.
- Welfare and Institutions Code Section 5328 et seq.

Prohibited Use

Direct connections between the Bitfocus application and any other Law Enforcement applications(s) are expressly prohibited.

Data sharing with other Bitfocus users, outside of BART's custom implementation of Bitfocus is expressly prohibited.

Authorized Individuals shall be prohibited from sharing the information stored in the database with anyone other than behavioral health professionals, medical professionals, and community outreach/ resource providers that have both a right to know, and a need to know. Conversely, no data shall be sought from these professionals or providers that BART is legally ineligible to

receive or hold.

Any Personal Identifiable Information (PII) shared must be with informed consent based on a need to know and a right to know basis, in accordance with California state law.

Authorized Individuals will also be prohibited from using Bitfocus to store information or data for any person not suspected of having concerns that reflect substance use, homelessness, or mental health-related issues.

C. Data Access

In the normal course of events, only Authorized Individuals can access Bitfocus application data.

The Senior Manager of Social Services Partnership is designated as the System Owner, and one or more members of the Office of the Chief Information Officer will be assigned to assist the Senior Manager of Social Services Partnership with the required technical infrastructure maintenance, and administrative computer management tasks.

All access to the Bitfocus application will be approved by The Senior Manager of Social Services Partnership.

Rules and Processes

Authorized Individuals shall not access the Bitfocus application until they have received the required training. Authorized Individuals shall immediately report any unauthorized access or use of Bitfocus by unauthorized individuals. Authorized Individuals shall only access the Bitfocus application on a District-issued device.

All Authorized Individuals accessing the system must have an individual account with a unique username and password. Authorized Individuals will be prohibited from sharing login information with others. Authorized Individuals shall only access Bitfocus via their own login credentials. It is a violation of this policy to access the Bitfocus database under any account not assigned to the Authorized Individual.

D. Data Protection

Bitfocus is a mobile-responsive web application with the flexibility to be easily accessed on desktop computers and smartphones. Authorized Individuals access the app through a web browser, the Bitfocus platform encrypts all data in transit and at rest. The Bitfocus platform is hosted on the vendor platform that is HIPAA compliant and includes redundancies at every level to protect the system from data loss.

E. Data Retention

Data from the Bitfocus application will be stored for 5-years from the date of entry, and then deleted from the system. This retention period is in line with BART Police Department Policy Manual, Section 895, and consistent with the existing BART Police retention periods for records related to sick patrons, non-convicted detentions, uniform crime reporting and other BART Police Department Surveillance Use Policies.

F. *Public Access*

Information gathered will not be disclosed to the public unless such disclosure is required by law or court order.

G. *Third Party Data Sharing*

BART shall maintain robust security procedures and practices, including operational, administrative, technical, and physical safeguards, to protect Bitfocus data from unauthorized access, destruction, use, modification, or disclosure. BART shall not share information with ICE or any agency conducting immigration enforcement or removal operations. BART may share data with third parties as described above in Section B.

H. *Training*

Training for access and administration of the Bitfocus system will be provided by Bitfocus through webinars and recorded videos. On-site training is also a possibility if requested and deemed necessary.

I. *Auditing and Oversight*

The Senior Manager of Social Services Partnership, in coordination with the Office of the Chief Information Officer, will routinely audit the access and use logs for the Bitfocus application to ensure that only Authorized Individuals are accessing the system, in accordance with this Policy. Findings from these reviews shall be included in the District's Annual Surveillance Report presented to the BART Board of Directors each year.