

Attachment D - Multi-Agency Police Contract SOW: Schedule of Recommendations and Proposed Actions

Draft Multi-Agency Police Contract Scope of Work (SOW): Schedule of Recommendations and Proposed Actions - July 27, 2021

Contract Section	SOW	Comment/Recommendation	Metro Response/Proposed Action
1.1 Specific Responsibilities			
1.1h	Provide law enforcement presence during periodic fare enforcement and passenger screening operations;	<p>They should not be doing this- Another reason why fare less transit should be part of our discussions. It is a safety strategy and we should be up to date on the pilot h) Why is law enforcement tasked with fare enforcement? Given the focus from the Board (and other members of civil society) to discourage fare enforcement, or fares at all, what role does Metro envision the contractor to play in this question?</p> <p>RECOMMENDATION: 1.1h: Remove provisions on fare enforcement. This role of police is inconsistent with the direction Metro is moving - i.e., towards fare less transit. To add, it leads to harmful police-community interactions that create significant public distrust, and are racially and economically inequitable.</p>	<p>Law enforcement is not tasked with fare enforcement operations. Their role is to provide presence during Metro Transit Security Officers' periodic responsibility for fare enforcement operations. Reference: Metro letter, dated July 21, 2016 submitted to the Metro Board of Directors.</p> <p>Additionally, the fare less system initiative is under consideration by the Metro Board of Directors. Reference: https://www.metro.net/about/fsi/</p>
1.1i	Remove persons without a valid transit fare from buses, trains, buildings, and stations;	<p>They should not be doing this. h) Why is law enforcement tasked with fare enforcement? Given the focus from the Board (and other members of civil society) to discourage fare enforcement, or fares at all, what role does Metro envision the contractor to play in this question?</p> <p>RECOMMENDATION: 1.1i: Remove provisions on fare enforcement. This role of police is inconsistent with the direction Metro is moving - i.e., towards fare less transit. To add, it leads to harmful police-community interactions that create significant public distrust, and are racially and economically inequitable.</p>	<p>Law enforcement contractors are not tasked with fare enforcement operations on the system, it is a Metro Transit Security Officer's responsibility. See response to Item no. 7.</p> <p>Metro is private property and passengers who are in violation of Metro Code of Conduct, to include persons who have not paid adequate fare and/or criminal misconduct are subject to removal from the system. Metro's law enforcement contractors may be called by Metro Transit Security Officers in support of persons who do not comply with the removal. The fare invasion practices will be reevaluated as the fare less system initiative is developed.</p> <p>Metro is proposing to revise this responsibility to read "Escort persons from LACMTA property at the request of LACMTA;"</p>
1.1n	Conduct proactive anti-crime operations when not handling a dispatched call;	<p>From my understanding they spend a lot of time doing this and this is the stuff that leads to racial profiling, over ticketing etc. n) What is meant by "proactive anti-crime operations"?</p> <p>RECOMMENDATION: 1.1n: Concerned about this. Recommend banning pretextual stops and racial profiling so that "pro-active" crime fighting -- when there is no crime occurring to respond to -- does not turn into a bases to stop, harass, and dehumanize low-income people of color. Recommend modifying the role to focus on violent crimes harmful to others, and non enforcement of low-level quality of life offenses that are used to criminalize low-income communities of color (e.g., minor drug possession, disorderly conduct, trespassing, loitering, intoxication, fare evasion, sex work, and etc.)</p> <p>Strikeout n) Conduct proactive anti-crime operations when not handling a dispatched call;</p> <p>What are anti-crime operations? Are they giving out books, food, cash? I expect it's more inline with what Mohammad and Scarlett mentioned above - I believe we should strike this. They should be there to respond to 911 calls and provide deterrence by presence, not profiling. I would add that they should "greet customers and provide excellent customer service"</p>	<p>Proactive anti-crime operations is when officers self-initiate (e.g. observations, respond to citizen flag downs, customer contacts/stops, patrol checks, community policing etc.) while patrolling the system to prevent and deter criminal conduct. Stop and frisk is not a practice engaged by or supported by the law enforcement contractors. Reference: Metro letter, dated July 21, 2016 submitted to the Metro Board of Directors.</p> <p>Some anti-crime operations may include distribution of books or food related to community engagement.</p> <p>Additionally, Metro is proposing to revise this responsibility to read "Conduct community focus law enforcement activities operations when not handling a dispatched call;"</p>

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1.1p	Collaborate with social service agencies to address the impact of homelessness on the transit system	<p>The path program is a great example of a system that leads to permanent housing. METRO should continue and expand contracts with the LA county public health department to create different task forces to address unhoused issues i.e. outreach services, long term recovery, substance abuse etc. I also have questions on where the equity and race office is in all of this? Seems like they should be the ones working with social workers, mental health workers, outreach workers etc.,</p> <p>p) What is Metro's desired vision for how the contractor might collaborate in this context? Why is the contractor asked to do this collaboration at all? What data exists to suggest that this contractor might be an effective collaborate to handle this problem?</p> <p>RECOMMENDATION: 1.1p: Suggest adding organizations and non-government social service providers in addition to agencies.</p>	<p>Metro currently works with PATH, LA DOOR and HOME AT LAST, and is open to expanding collaborative partnerships with other CBOs to continue addressing unhoused issues. Metro's new CEO has made homelessness a top priority for the agency and to continue addressing the impact of homelessness on the system law enforcement contractors will continue to collaborate with Metro.</p> <p>Reference: Monthly Metro Board Reports, section "Homeless Outreach Services" submitted to the Metro Board of Directors; 2) https://dmh.lacounty.gov/our-services/countywide-services/eob/ and 3) Los Angeles County Metropolitan Transportation Authority, State of the Agency</p>
1.1q	Enforce LACMTA's Code of Conduct	<p>Metro needs to invest in infrastructure bathrooms!!!!, trash cans, recycling etc. As well as expand cleaning crew this in itself would help a lot of the code of conduct issues. Can we get a report back on elevator attended program? This is known to reduce defecation etc on elevators. These should be Metro public sector jobs and not contracted out.</p> <p>RECOMMENDATION: 1.1q: Suggest editing this provision so that the role of police is restricted to responding to criminal activity. Code of conduct issues should be within the realm of Transit Ambassadors and Metro Security, unless a code of conduct violation also rises to the level of being a crime.</p>	<p>Infrastructure bathrooms, trash cans, recycling, cleanliness and elevator attended program are not part of the law enforcement SOW and will be considered elsewhere.</p> <p>Metro is proposing to revise this responsibility to read "Enforce local, state and federal laws and regulations".</p>
1.2 Personnel and Training Requirements			
1.2g	g) Fare Collection and Fare Evasion	<p>RECOMMENDATION: 1.2g: Suggest eliminating fare collection from scope of work (see comments in 1.1); this implicates training here -- i.e., they should be trained not to conduct fare enforcement activities.</p> <p>Add provisions requiring training on procedural justice, racial and identity profiling, de-escalation, and community-oriented policing.</p> <p>Add provision prohibiting officers assigned to Metro with sustained complaint violations for racial profiling, excessive force, false reporting, or other serious misconduct.</p>	<p>Metro will remove this responsibility from SOW.</p> <p>Required training for law enforcement contractors will be addressed in the community policing plan, section 3.0 of the contract.</p>

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2.1 Reports			
		<p>RECOMMENDATION: Add collect and publicly report data (1) pursuant to the Racial & Identity Profiling Act (AB 953 - 2015), (2) uses of force (AB 71 - 2015), and (3) complaints of officer misconduct - officer name, rank, complaint category, incident date, allegation, finding/disposition, officer race, race of complainant, officer department and assignment, officer employment status (SB 1421 - 2018).</p>	<p>To enhance transparency and accountability Metro is exploring the ability to add data collection and posting information on its website for future contracted policing services. With respect to the numerical recommendations it is important to note:</p> <p>(1) law enforcement contractors currently collect data and report it as required by the state of California. Metro information is not specifically identified. Reference: Racial and Identity Profiling Act (ca.gov) (2) Each law enforcement agency reports uses of force to the public. Reference: lasd.org/transparency ; longbeach.gov; and lapdonline.org. (3) Information regarding complaints of officer's misconduct is considered a personnel record thus confidential as per the Peace Officer Bill of Rights. It is discoverable through a granted Pitchess Motion after a judicial review.</p> <p>Metro is exploring to add in this section the reporting of "Monthly summary and general nature of personnel complaints" (e.g. type and number of complaints such as sexual harassment, excess use of force, etc.), to then be able to explore with the law enforcement partners how this may be reported as a performance indicator, but anything related to personnel information is confidential.</p>
2.2 Monthly Key Performance Indicators			
	LACMTA will provide to Contractor details of each required key performance indicators ("KPI"), including definitions, raw data required and calculations. LACMTA will use these KIP Is as part of the contract monitoring and evaluation process.	<p>RECOMMENDATION: Add complaints of misconduct as a performance indicator. Ban use of quotas for tickets and arrests as performance indicators.</p>	Metro will consider adding statistics regarding complaints of misconduct as a performance indicator in future contracted policing services. Metro does not use quotas for tickets and arrests as performance indicators.
6.0 LACMTA Resources			
	j) Mobile phone fare validators for each law enforcement official assigned to the contract;	<p>RECOMMENDATION: Delete provision on mobile phone fare validators to align with shift in role provided in previous sections.</p>	<p>The purpose of mobile phone validators assigned to law enforcement contracts is to log-in their deployment shifts. This supports with monitoring contract compliance and access to resources such as Transit Watch App, Google Maps and other series of files for reference.</p> <p>Metro removed the ability for law enforcement to be able to issue citations for fare invasion when using the mobile phone validators. Metro is also proposing to remove the word "fare" from this section.</p>