

**Board Report**

File #: 2022-0286, **File Type:** Motion / Motion Response

Agenda Number: 45.

**REGULAR BOARD MEETING
APRIL 28, 2022**

Motion by:

DIRECTORS MITCHELL, DUPONT-WALKER, HAHN, AND BONIN,

Use of Public Safety Data Motion

Last fall, the Metro Chief Executive Officer initiated a review of Code of Conduct citation data. The review revealed that more than half of citations for “taking up more than one seat” and “riding with excess baggage” were issued to Black riders year-over-year from 2018-2020. Further, while making up 16% of riders (Fall 2019 Metro Customer Survey), Black riders received 53% of fare evasion citations administered in 2020. These statistics reveal that Code of Conduct provisions result in outcomes that are not equitable across the boundaries of protected classes and have disparate impacts primarily on unhoused African-American males.

As such, the CEO requested a comprehensive evaluation of the Code of Conduct as a substantive step towards an equitable and inclusive transit system. Code of Conduct enforcement was formally removed from Metro’s law enforcement partners’ Scope of Work in January 2022, and is now handled by Metro’s Transit Security Officers.

In tandem, over the last two years, the Metro Board passed multiple motions calling for a change in the agency’s public safety framework, amongst them an audit of use of force policies and the creation of a Public Safety Advisory Committee (PSAC).

CEO Wiggins has led this transformative change with less than a year at the helm and created a culture of transparency in decision making. Over the last year, Metro has directed an additional \$3.6 million in the homeless shelter pilot, a doubling of funding for homeless outreach services, and at least \$40 million to stand-up a transit ambassador program and other programs.

The Metro Board and leadership’s commitment to racial justice means using racial justice-centered language and establishing racial justice-centered policies that acknowledge the harm of policing practices on Black and Brown riders. Earlier this year, Metro discussed its plans to use data to inform its new public safety framework. PSAC expressed concerns that the data analytics-led framework could be a step backwards, due to the characterization of the need to stop bad actors before they commit crimes. Racial justice advocacy organizations issued a letter to members of the Metro Board and leadership that argued using racially biased data, including citation data, to inform resource deployment will only cause more racially biased outcomes.

While the most recent transit safety and security report (April 2022) acknowledges community fears of predictive policing, and while Metro has committed to not using racial data to determine deployments, Metro and its Board must ensure unconscious bias does not influence public safety data analytics as it has in the past.

SUBJECT: USE OF PUBLIC SAFETY DATA MOTION

RECOMMENDATION

APPROVE Motion by Directors Mitchell, Dupont-Walker, Hahn, and Bonin that will:

- A. Reaffirm and declare that racism is a threat to public health and safety and that racism against Black people has reached crisis proportions that result in large disparities in life outcomes beyond the Metro system.

WE, FURTHER MOVE, that the Board direct the Chief Executive Officer to:

- B. Draft a policy for applying public safety analytics, including a data summary, to inform resource deployment that averts racial profiling for board consideration. The draft policy shall have robust community outreach and input from appropriate stakeholders such as racial justice advocacy organizations and the Public Safety Advisory Committee.
- C. Develop a Bias-Free Policing Policy which shall include:
1. definitions for Bias-Free Policing and racial and identity profiling;
 2. key performance indicators to measure the effectiveness of the Bias-Free Policing Policy (including disparities in citations, uses of force, searches, arrests, and stops);
 3. clarification on circumstances in which characteristics of individuals may be considered;
 4. a system to encourage prompt completion of bias and inclusivity trainings with appropriate consequences for contractors and employees who fail to complete the trainings on schedule;
 5. a system for processing complaints regarding biased policing; and
 6. a plan to publicly host and analyze demographic data on a quarterly basis to track changes in arrest data over time for all contracted law enforcement partners.
- D. Report back to the Board on the above by August 2022.