



## Board Report

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### OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE

MARCH 16, 2023

**SUBJECT: METRO'S CUSTOMER CODE OF CONDUCT**

**ACTION: APPROVE RECOMMENDATION**

#### **RECOMMENDATION**

APPROVE the revised Metro Customer Code of Conduct (Attachment A) effective June 1, 2023.

#### **ISSUE**

As part of Metro's ongoing commitment to a safer and more equitable transit system, staff led an effort, in consultation with the Public Safety Advisory Committee (PSAC) and other stakeholders, to reassess Metro's Code of Conduct (Code) and ensure that the document is consistent with the new Board adopted Public Safety Mission and Values Statements. The proposed update to the Code is centered on uplifting the feedback of Metro's riders and employees and balancing the expectation that all riders should contribute to ensuring a safe and enjoyable ride experience for all.

#### **BACKGROUND**

The Metro Code of Conduct sets the foundation for delivering public safety services for our riders. Through work with PSAC, surveys of employees and riders, and disaggregated data analysis, Metro has recognized diverging experiences and perspectives on the application and enforcement of the Code, specifically for Black and Latino riders. The proposed updates to the Code are aligned with Metro's Reimagined Public Safety Framework and intend to promote a shared stewardship of the system and clear expectations of riders, while also achieving a more humane and equity-driven approach to enforcement efforts.

A preliminary analysis indicates that between 2018 and 2020, 95%-97% of citations and warnings were for fare evasion and the balance of 3%-5% were for non-fare evasion related issues. The majority of citations and warnings were given to people of color; specifically, 50% were given to African Americans and approximately 25% to Latinos, reflecting disproportionate rates of enforcement given that African Americans represented 16% of ridership and Latinos represented 59% of ridership in 2019. A similar breakdown is reflected in 2021, during which time 53% of citations and warnings were issued to African Americans and 26% to Latinos. In December 2021, the Metro Office of Civil Rights launched a Mystery Rider Fare Observation Program to provide an independent review of the fare compliance process. Despite a slightly different breakdown, this program found that a majority of citations and warnings were still issued to African Americans (36%) and Latinos (36%) in

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2022. In April 2022, the Board unanimously reaffirmed and declared 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.

In November 2021, Metro presented report 2021-0680 to approve recommendations to amend the Code. Directors Solis and Dupont-Walker included an amendment that directed the Chief Executive Officer to review the current Code, including but not limited to any potential implicit biases.

In February 2022, Metro presented a status report on the Reimagining Public Safety Framework (2022-0054) that included a peer review of the Code. The peer review included an evaluation of Codes of Conduct across other transit agencies for their content, distribution methods, accessibility, and reach in both physical and digital spaces. The proposed changes to the Code seek to incorporate stakeholder feedback to make it more values-oriented, concise, equitable, and clear on the conduct that is appropriate and will meet the transit experience our customers expect on the Metro system.

The proposed updates to the Code are intended to support Metro's goal of creating a more welcoming and just environment for all riders. The revised Code of Conduct replaces the preamble through section 6-05-230 of the Los Angeles County Metropolitan Transportation Authority (Metro) Code of Conduct with Section 06-05-240 through the end of the Metro Administrative Code remains unchanged (Attachment B).

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**DISCUSSION**

Metro is committed to providing exceptional customer service and upholding the highest standards of safety and well-being for our customers and employees. Metro provides a vital service to over 10 million Angelenos. To provide a service that is safe, clean, reliable, and customer-focused, Metro must accept responsibility for protecting our riders and employees from risks posed by inappropriate conduct of other riders. Public transit requires sharing of space, so the Code provides a set of rules and principles that guides the behavior and actions of riders when using the Metro system.

The Code is an important tool to protect the health and safety of riders, protect transit equipment and facilities used to provide transit service to all of LA County and promote a civil desirable transit experience. The update to the Code reflects the core components of the Public Safety Values Statements which have been adopted by the Metro Board, including:

- Implementing a Human-Centered Approach
- Emphasizing Compassion and a Culture of Care
- Recognizing Diversity
- Acknowledging Context; and
- Committing to Openness and Accountability

**Process**

Staff convened an internal working group consisting of Metro's contracted law enforcement partners and the Offices of Equity and Race and Homeless Outreach and Engagement to assess the existing Code (Attachment B). In addition, staff consulted with PSAC to receive feedback on the proposed

changes (Attachment C). Furthermore, staff evaluated the Codes of Conduct of 22 other transit agencies. (Attachment D).

The proposed changes to the Code are:

1. Equitable: the Code was reviewed to remove language that could be construed as targeting specific communities.
2. Customer Friendly: language was updated to be clear and concise, setting clear rider expectations. The Code now focuses on those critical areas that support or interfere with user experience and safety. The revised language has substantially reduced the Code to a simple, concise description of expected conduct.
3. Applicable: Items were deleted from the Code that are fully covered under the penal code. This aligns with Code compliance responsibility with the Transit Security Officers. *Note:* At its December 2021 meeting, the Board approved removing Code compliance responsibility from the contracted law enforcement scope of work. Compliance of the penal code remains the responsibility of law enforcement.

Summary of Code Changes

The update streamlines the proposed new Code) to focus on the following 24 areas.

• Smoking	• Present after hours/trespassing
• Alcohol	• Use for non-transit purposes
• Eating & drinking	• Interfere in operation of vehicle
• Disruptive behavior, loud, profanity, sound devices, harassment	• Threaten, harm passenger or employee
• Animal	• Yield to Sr and wheelchairs
• Weapons	• Depart when trip complete, end of line
• Dangerous substances	• Bikes, skates, skateboards
• Littering	• Commercial solicitation
• Vandalism	• Harassment
• Soliciting	• Must wear shoes, tops, and bottoms
• Spitting, urinating, defecation, exposing or lewd conduct	• Compliance with Parking Administrative Code
• Illicit substances	
• Fare payment	

Changes were made to focus on facilitating friendly and respectful service, allowing riders to enjoy a clean and safe environment and to use Metro services without interference.

The language was also updated to be clearer and more concise, and rephrases requirements where possible in positive language. Moreover, the updated Code does not include matters that are better addressed by the penal code and removes language that could be construed as targeting specific communities. Attachment E provides a redlined version of the updates.

Communications Plan

To ensure riders are aware of these changes, and furthermore, to emphasize the importance of compliance with the Code, a marketing toolkit will be utilized. This may include renaming the Code of Conduct to a name that better resonates with the intended outcomes, such as *Metro Customer Ride Guide*.

Metro will revamp signage across the system to highlight key themes of the Code with clear and visible graphics, as well as hold community information sessions to introduce the updated Code and address any questions on the objectives of the update and its intended outcomes.

In addition to educating riders, training sessions and materials will be offered to all public safety personnel, including Metro Transit Security, contract security and law enforcement, Transit Ambassadors, and other key front-line personnel such as bus operators. Trainings will cover changes to the Code, as well as the bias-free enforcement and reporting protocols.

### **DETERMINATION OF SAFETY IMPACT**

The recommendation seeks to update the Code in a manner that aligns with Metro's Reimagined Public Safety Framework and promotes and facilitates a safer and more just experience for all on the Metro system.

### **FINANCIAL IMPACT**

There is no financial impact related to this report.

### **EQUITY PLATFORM**

Through surveys of employees and riders, and disaggregated data analysis, Metro has recognized diverging experiences and perspectives on the application and enforcement of the Code, especially for Black and Latino riders. The updated Code includes changes that seek to prevent problematic behavior and simplify the language.

### **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

The recommendation supports Strategic Plan Goal 2 - Deliver outstanding trip experience for all users of the transportation system and Initiative 2.1 - Metro is Committed to Improving Security.

### **ALTERNATIVES CONSIDERED**

The Board could decide not to approve the staff's recommendation, but the status quo will remain in place, creating a misalignment between the agency's Code and Metro's Reimagined Public Safety Framework and related ongoing initiatives to reimagine public safety and improve the customer experience.

### **NEXT STEPS**

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Upon Board approval of the proposed recommendations, staff will work with the Office of Inspector General to update the Code of Conduct and the schedule of administrative penalties to accurately reflect the changes to the Code. The new Code, if approved by the board, will go into effect on June 1, 2023.

Metro staff will also notify and train its ambassadors, security, and public safety partners in order to enforce the updated Code, develop a robust community outreach plan to inform riders of the changes, including creating and posting rider-friendly and visible signage, and posting the updated Code in an accessible location on the Metro website.

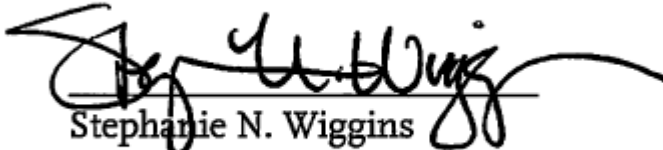
Metro staff will also develop a plan to monitor and track outcomes and violations issued to verify that the updated Code is supporting Metro's goal to provide a safe, enjoyable, and just experience for all users.

### **ATTACHMENTS**

- Attachment A - Proposed New Code of Conduct
- Attachment B - Existing Code of Conduct
- Attachment C - PSAC Code of Conduct Recommendations
- Attachment D - Code of Conduct Transit Agencies Matrix
- Attachment E - Redlined Code of Conduct
- Attachment F - Code Comparison Table

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