

**Board Report**

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**OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE
MARCH 16, 2023****SUBJECT: USE OF PUBLIC SAFETY DATA MOTION RESPONSE****ACTION: APPROVE RECOMMENDATIONS****RECOMMENDATIONS****ADOPT:**

- A. The Bias-Free Policing Policy (Attachment A); and
- B. The Public Safety Analytics Policy (Attachment B).

ISSUE

At its April 2022 meeting, the Board approved Motion 45 (Attachment C) by Directors Mitchell, Dupont-Walker, Hahn and Bonin directing staff to develop a Bias-Free Policing Policy and Public Safety Data Analytics Policy to avert racial profiling and bias in the deployment of Metro security and law enforcement services, consistent with the Metro Public Safety Mission statement that recognizes that each individual is entitled to a safe, dignified and human experience.

BACKGROUND

The customer code of conduct sets the foundation for delivering public safety services for our riders as it informs our customers about the behaviors we expect and will not tolerate to ensure a positive experience for everyone. It also provides guidance about the protocols for compliance

In Fall 2021, CEO Wiggins directed Metro's System Security & Law Enforcement (SSLE) to conduct a review of Code of Conduct citations, as part of her goal that Metro provides a safe, transparent, and equitable system for all. 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, data from 2020 showed that African Americans received 53% of fare citations despite comprising 16% of Metro's ridership. While these outcomes do not rise to the level of formal discrimination, racial inequities and racial harm are made evident through the initial analysis of the data. In December 2021, the Metro Office of Civil Rights launched a Mystery Rider Fare Observation Program to independently review the fare compliance process. Further, 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 February 2022, the SSLE department proposed creating the Analytics-Led Public Safety program as a part of the larger Reimagining Public Safety plan. The program would leverage data analytics to aid the review of ridership statistics, customer feedback surveys, security information, and homeless outreach data to help inform Metro's deployment of public safety resources to areas that need them the most. This raised concerns from community groups, racial justice advocacy organizations, and the Public Safety Advisory Committee (PSAC) that the proposal did not consider potential unintentional consequences and how Metro would mitigate against disproportionate impacts. Specifically, concerns were raised about predictive policing and the potential to utilize racially biased data, including citation data, to inform resource deployment that would only cause more racially biased outcomes. SSLE affirmed that data analytics is not the same as predictive policing. Data analytics is a method to understand the risks and issues impacting the system by leveraging Metro derived data. Specifically, data driven insights on risks and issues, that are not racially-based, would drive resource deployments, to include non-law enforcement alternatives.

In an effort to ensure that unconscious bias does not influence the Analytics-Led Public Safety Program, in April 2022, the Metro Board directed staff to develop a Bias-Free Policing Policy and Public Safety Data Analytics Policy. The policies, along with existing mandated training and oversight, affirm Metro's commitment to averting racial profiling and bias in the use of data and deployment of security resources.

DISCUSSION

As approved by the Board, the following are the mission and values statements for public safety on the Metro system:

Mission Statement: Metro safeguards the transit community by taking a holistic, equitable, and welcoming approach to public safety. Metro recognizes that each individual is entitled to a safe, dignified, and human experience.

Values Statements:

- Implement a Human-Centered Approach
- Emphasize Compassion and a Culture of Care
- Recognize Diversity
- Acknowledge Context
- Committed to Openness and Accountability

Bias-Free Policing Policy

Metro expressly prohibits all forms of biased policing. The Bias-Free Policing policy is essential to Metro's commitment to impartial and equitable treatment of all individuals, regardless of their personal characteristics. The policy establishes clear expectations and standards for fair and unbiased policing and reinforces the importance of treating all individuals with respect and dignity. This policy is crucial to effectively carry out Metro's safety mission, vision, and values.

Unbiased and equitable treatment is essential to ensure all Metro riders are treated in a fair, impartial, equitable, and objective manner and are not subjected to discrimination or prejudice based on personal demographics, such as their race, gender, religion, or socio-economic status. The policy directs that all contact with safety personnel will be based solely on the facts and circumstances of a situation, without being influenced by personal biases or prejudices when making decisions about safety deployment, to detain, cite or arrest.

The policy states unequivocally that Metro will:

- A. Dignify and respect the diversity and cultural differences of all people.
- B. Assure the highest standard of integrity and ethics among all agency personnel.
- C. Identify, prevent, and eliminate any instances of biased policing and racial profiling by agency personnel.
- D. Provide bias-free security services consistent with constitutional and statutory mandates.
- E. Prioritize the use of non-law enforcement response to calls for service when appropriate.
- F. Ensure any data or information obtained by Metro or associated contract services or law enforcement agencies regarding actual or perceived race, religion, color, ethnicity, national origin, age, gender, gender identity, gender expression, sexual orientation, disability, immigration, or employment status, English language fluency or homeless circumstance, is never used in a manner that supports bias or discrimination.
- G. Uphold the agency's commitment to protecting and serving people through transit services, safety, and non-law enforcement resources that promote and strengthen public trust and confidence in Metro and enhance the legitimacy of its policing practices.

The application portion of this policy focuses on ensuring that except in "suspect specific incidents," where acknowledgement, identification or reference to a suspect's specified characteristics is critical to the preservation of public safety, police and security officers are prohibited from considering actual or perceived race, religion, color, ethnicity, national origin, age, gender, gender identity, gender expression, sexual orientation, disability, immigration, or employment status, English language fluency or homeless circumstance in deciding to engage or detain a person. All contacts and activities shall be unbiased and based on legitimate, articulable facts, consistent with reasonable suspicion or probable cause standards as required by federal and state law. The policy defines key terms, outlines responsibilities associated with deploying fair and impartial treatment, sets compliance standards, reporting and training protocols, and plans to monitor performance and track key performance indicators.

Training is critical in ensuring compliance with the policy. Metro requires implicit bias training for all employees. In addition, the following training is mandatory for all Metro staff and contractors providing security resources on the system.

1. Bystander Intervention
2. Implicit (Unconscious) Bias for Transit Security
3. Safety/Security Training (Includes a primer on Unconscious Bias training)

In addition to the required training, safety and security personnel currently receive training on good practices of de-escalation, culture awareness, and Metro will work with local community-based organizations, and P.A.T.H to receive training on mental health and other social services. Whenever possible, Metro will integrate community members, from various backgrounds, into trainings to ensure they include the perspective of those whom Metro serves. Metro will also coordinate with PSAC to identify and advise on additional training curriculum opportunities.

Monitoring Performance

The Deputy Chief of Civil Rights will conduct an annual review of police and security reports, and the Safety Officer or designee will on a quarterly basis review the Transit Watch App, Customer Comment Analysis Tracking System (CCATS), and Customer Experience (CX) surveys to develop a report assessing feedback related to Metro anti-bias/anti-discrimination policies. Additionally, SSLE will at least annually assess customer's favorable impression of transit policing services including quality, fairness, helpfulness and satisfaction regarding racial profiling and/or bias.

To ensure transparency, specific KPIs will be tracked on a public facing dashboard that will include:

- Agency-wide annual compliance of all mandatory anti-bias related training (expectation of 100% compliance).
- Reports of complaints against law enforcement and security resources (expectation of year over year reduction).
- Use of force incidents (expectation of year over year reduction).
- Deployment of law enforcement security alternatives (expectation of year over year increase).
- Number of citations levied against marginalized communities (expectation of year over year reduction relative to population).

This policy will help to build a safer, more inclusive experience on the Metro system, ensuring all customers are confident that they will be treated fairly and impartially by security personnel. A failure to comply with this policy is viewed by Metro as counterproductive to building trust with and respect of riders and employees and will be considered serious misconduct.

Public Safety Analytics Policy

Public safety analytics is a tool for improving public safety outcomes. By leveraging data and technology, staff can better understand the nature and scope of public safety challenges and develop more effective strategies and interventions to address them.

Removing bias from public safety analytics is foundational because biased data can lead to biased decisions, which can harm certain groups in the community. The policy affirms that in deploying public safety resources, Metro considers information and data from a variety of platforms and sources but intends to safeguard against using such data and platforms in a discriminatory manner that is inconsistent with Metro policies and procedures.

Metro is committed to protecting the constitutional and civil rights of all people as outlined in Title VII

of the 1964 Civil Rights Act and the Americans with Disability Act (ADA). The purpose of this policy is to emphasize the agency's commitment to the collection and use of fair and bias-free public safety analytics and data and the fair and bias-free treatment of all people. This policy reaffirms Metro's pledge to bias-free practices and directs that the use of all data be done in a bias-free, non-discriminatory manner in its deployment of security and law enforcement services.

The policy's purpose is to remove bias from public safety analytics by ensuring that the data being used is of high quality - that is accurate, complete, consistent, reliable, and up to date - all of which determines how much a decision maker and stakeholders can trust the findings and implications. Equally important is ensuring the data has context, which limits assumptions and biases that could adversely impact the quality of the data. In addition, Metro will be trained to recognize and avoid biases in the analysis. The policy will ensure to the public that our analytics efforts are fair and equitable and that they promote public safety for all members of the community.

Metro is committed to utilizing data gathered in a bias-free, non-discriminatory manner in its deployment of security and law enforcement services, and to never utilize racial data in deploying resources.

The application portion of the policy addresses the use of analytics, the data sources that are anticipated to be utilized, the reports that will be generated from such data sources, the analytical tools that will be used, and how data will be gathered and assessed for quality and context. The policy also defines key terms, clarifies responsibilities for compliance and training, and establishes key performance indicators.

Regarding data sources, the policy states that Metro will focus on leveraging information from the following data sets, much of which is Metro derived:

- Calls for Service reports
- Vehicle maintenance requests
- Transit Watch App Incident reports
- Law Enforcement Service Requests (LESR)
- Incident reports
- Customer Comment Analysis Tracking System (CCATS)
- Customer Experience surveys
- Intrusion alarms at Metro facilities
- Trend reports from homeless outreach teams
- Justice Equity Need Index
- Justice Equity Services Index
- Everbridge alerts
- Frontline employee feedback (e.g., bus operators, custodians)

Metro will cite the instances and circumstances for using any external data sets.

Monitoring Performance and KPIs

To ensure policy compliance, Metro will take the following steps:

- SSLE will conduct quarterly reviews of security and analytic reports to confirm compliance with this policy. This includes reports which feature demographics, personal identifying information, or law enforcement or Metro-derived BOLOs.
- SSLE will ensure all agency personnel involved in public safety analytics maintain 100% annual compliance in attending and completing all related bias and discrimination training.
- SSLE will promptly address all complaints and will conduct a quarterly review of customer comments and complaints to ensure compliance with this policy.
- SSLE will continually evaluate KPIs to effectively measure success and assess impacts of the analytics program.
- KPI results will be published in a public facing dashboard.

As with the Bias-Free Policing policy, a failure to comply with this policy will be viewed by Metro as counterproductive to building the trust with and respect of customers and employees and will be considered to be an act of serious misconduct.

Collectively, these policies will work toward ensuring that all riders experience a transit system that is free of implicit/unconscious bias practices from security resources and law enforcement.

Community Outreach

SSLE staff worked with the first PSAC cohort to include a discussion of the motion in their workplan. In July 2022, staff presented to the PSAC's Non-Law Enforcement Alternatives Ad-hoc Subcommittee and discussed the intent to use various data points to enhance the implementation and effectiveness of its public safety resources. Metro staff reassured PSAC members that these objectives are not synonymous with predictive policing. Instead, Metro's safety programs place the customer at the forefront while recognizing that "feeling safe" is not a one-size-fits-all mentality. As a result, on August 17th, 2022, the PSAC voted on their recommendations regarding the Public Safety Analytics and Bias-Free Policing Policies (Attachment D).

In November 2022, SSLE engaged representatives from various Metro departments to discuss how both the Bias Free Policing and Public Safety Analytics policies were in line with Metro's commitment to equity and providing a system unencumbered by bias and discrimination. SSLE received feedback and recommendations which were incorporated into the policies. SSLE also reviewed State and federal guidelines to ensure the policies reflected fair and impartial treatment consistent with constitutional and statutory mandates.

In January 2023, Metro reached out to the following community organizations who had contacted the Board in April 2022 to present them with the drafted policies and seek their feedback:

- ACLU of Southern California
- Advancement Project California (Now Catalyst California)
- Community Coalition
- Community Power Collective
- Coalition for Humane Immigrant Rights (CHIRLA)
- Education Workers United, SEIU Local 99
- Esperanza Community Housing Corporation
- Investing in Place
- LA Black Worker Center
- LA Forward Action
- Labor Community Strategy Center/Bus Riders Union
- Los Angeles Walks
- People for Mobility Justice
- Strategic Actions for a Just Economy (SAJE)
- Stop LAPD Spying Coalition
- Women Organizing Resources Knowledge and Services (WORKS)

Of the aforementioned groups, People for Mobility Justice along with members of the current and former PSAC participated in SSLE hosted feedback sessions to address questions, elicit concerns, and incorporate feedback into the policies. Both policies received positive feedback with the participants recommending other data sources and validating that the key performance indicators were consistent in measuring the success of policy compliance. In addition to the feedback sessions, both policies were peer reviewed by UCLA's Center for Policing Equity.

The concerns identified by all groups during the peer review and feedback sessions are as follows:

- Remove language regarding community policing
- Ensuring Community Based Organizations (CBOs) and the PSAC contributed and had an opportunity to review training curriculum related to bias and de-escalation and add training on cultural awareness and mental health
- Providing clear conduits for the public and employees to report discrimination and bias
- Ensuring terminology is consistent throughout the policies
- Define retaliation
- Ensure the public facing dashboards are accessible to all and are easy to use

DETERMINATION OF SAFETY IMPACT

Both the Bias Free Policing and Public Safety Data Analytics policies are critical to supporting Metro's goal of operating a safe and secure system free of bias and discrimination. Incorporating these

policies strengthens the trust between Metro and the community Metro serves by establishing transparency and accountability for security resources.

FINANCIAL IMPACT

There is no financial impact to adopting both policies.

EQUITY PLATFORM

Approving these policies promotes public confidence that Metro is a safe and secure system that is free of bias and discrimination. Transparency and accountability for security and law enforcement resources are critical to establishing public trust and creating a culture of safety and inclusivity aboard the Metro system.

Community engagement played a vital role in the development of these policies. Metro staff recognize the criticality of earning public trust and actively sought feedback to address concerns regarding policing across the system, perceived biases of security and law enforcement resources, and the use of public safety analytics. Metro hosted several virtual feedback sessions and received peer review from UCLA's Center for Policing Equity. Incorporated feedback included clarifying terminology, validating key performance indicators, and ensuring the policies articulated transparency and accountability when violations occurred. In addition to the policies, feedback participants requested regular engagements with SSLE and the opportunity to have input on content related to public facing dashboards.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The recommendation supports Strategic Plan Goals #2.1: Deliver outstanding trip experiences for all users of the transportation system; Metro committed to improving security and #5.2: Provide responsive, accountable, and trustworthy governance within the Metro organization; Metro will exercise good public policy judgment.

NEXT STEPS

Upon board approval, SSLE will make these policy directives effective and implemented within FY23.

Metro security personnel will receive annual training relating to bias-free policing and proper use of data analytics.

Staff will also conduct quarterly compliance reviews of all security and analytic reports and review the Transit Watch App, Customer Comment Analysis Tracking System and Customer Experience surveys to assess adherence to Metro anti-bias/anti-discrimination policies. A public facing dashboard will also be created to track key performance indicators by the end of FY23 Q4.

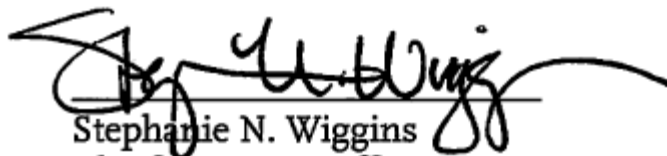
Staff will leverage PSAC to engage the community regarding data usage and receive feedback on potential biases and/or concerns.

ATTACHMENTS

Attachment A - Bias-Free Policing Policy
Attachment B - Public Safety Analytics Policy
Attachment C - Board Motion 45
Attachment D - PSAC Recommendations

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