



Board Report

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REGULAR BOARD MEETING  
JUNE 27, 2024

**SUBJECT: RESPONSE TO MOTION 34.1 IMPROVING SAFETY FOR METRO RIDERS AND EMPLOYEES**

**ACTION: RECEIVE AND FILE**

**RECOMMENDATION**

RECEIVE AND FILE a status report on strategies to improve safety for Metro riders and employees in response to Motion 34.1.

**ISSUE**

At its April 2024 meeting, the Board approved Motion 34.1 (Attachment A) by Directors Barger, Krekorian, Hahn, Najarian, Butts, and Solis, directing staff to provide an update on current strategies - and research potential new ones - to improve safety for Metro riders and employees, and report back to the Board in 60 days. This report provides an analysis of crime and arrest data; a progress update on station interventions and gate-hardening efforts; an overview and recommendations of potential technologies to secure the system and detect weapons; and an overview of opportunities for improved partnerships with local law enforcement agencies, the District Attorney’s Office, the Probation Department, local court systems and the legislature to strengthen penalties for crimes against transit employees, and ensure those who commit crimes are prosecuted and barred from the system.

**BACKGROUND**

Over the last 90 days, Metro employees and customers have experienced several random acts of violence, including a bus hijacking, a homicide at a rail station, and a homicide on a bus. Although the perpetrators behind these three incidents have been apprehended by law enforcement, these consecutive violent incidents, together with an escalation in the severity of bus operator assaults, and frequency of altercations between riders on the system have increased concerns and heightened fears about the safety and security of the Metro system. Transit agencies around the country are having similar experiences, which illustrates the seriousness of drug addiction and untreated mental illness crises that are fueling much of the violence.

Metro’s significant steps to improve public safety using a multi-layered model over the last few years have reduced crime on the system. Still, one violent incident is too many, so the agency must do

more to keep Metro employees safe and ensure they feel safe, too.

In response to the growing concerns from Metro riders and employees, the Metro Board of Directors directed the CEO to analyze crime data to better understand its connection to fare payment and repeat offenders, and also report back on infrastructure, technology, activation and partnerships that might improve safety on the system.

## **DISCUSSION**

This report analyzes crime and arrest data, updates on interventions in progress, and preliminary findings and recommendations for additional measures Metro can take to improve safety on the system. By exploring innovative approaches and best practices, Metro aims to provide a more secure and efficient transit experience.

### **Understanding the Issues: Data Analysis**

As the agency explores ways to strengthen the safety and security of the system, it is essential to examine existing violent crime data to gain a more comprehensive understanding of the current environment. SSLE reviewed violent crimes and arrest data collected over the past 12 months to understand the possible link to fare evasion and repeat offenders.

#### *Violent Crimes and Fare Evasion*

The contract law enforcement agencies (LAPD, LASD, and LBPD) have not been responsible for enforcing Metro's Code of Conduct, which includes fare payment, as these duties were removed from their contractual Scope of Work in July 2022. Metro Transit Security is responsible for Code of Conduct and fare enforcement. Transit Security Officers conduct fare compliance at station entry points and on buses and trains using Mobile Phone Validators (MPV), which allow TSOs to verify if customers have active fare media on their TAP card. Customers without valid proof of fare or in violation of the Code of Conduct and are subject to citations and written warnings.

Metro's contracted law enforcement partners are responsible for enforcing the penal code. Between April 2023 and March 2024, 904 violent crimes were committed on the Metro System. SSLE collaborated with LAPD, LASD, and LBPD to determine if there was a correlation between violent crime offenders on the Metro system and whether they had paid fare at the time of arrest. This review does not consider the percentage of fare evaders that are committing crimes, as there is no reliable data source or approach to calculating those statistics. The findings by the law enforcement partners are as follows:

- **LAPD:** Upon arrest of a crime, LAPD officers do not conduct a fare check (i.e., use a mobile phone validator to verify if a TAP card has fare). Instead, officers conduct visual TAP card inspections where they ask arrestees to show their TAP cards. LAPD tracks visual TAP card inspections for all crimes. During this 12-month period, LAPD reported 609 violent crimes. 13,499 individuals were arrested for misdemeanors and felonies. Of those, 81% did not possess a TAP card, 4% possessed a TAP card, and 15% refused to answer.

- **LASD:** Upon arrest of a crime, LASD deputies do not conduct a fare check. Instead, deputies conduct TAP card visual inspections where they ask arrestees to show their TAP cards. LASD reported 267 violent crimes over the 12-month period. Of those, nine arrestees presented a TAP card. This represents 3.4% of violent crime offenders who were able to produce a TAP card upon request.
- **LBPD:** Upon arrest of a crime, officers do not conduct a fare check or TAP card visual inspections. LBPD reported 28 violent crimes over the 12-month period.

Based on the data that is available for this analysis, approximately 871, or 96%, of offenders did not have a TAP card.

### *Crimes by Repeat Offenders*

During the same reporting period, 611 arrests were made for Crimes Against Persons on the Metro system as follows

- LAPD reported 439 arrests, with 20 arrestees identified as repeat offenders.
- LASD reported 152 arrests with only one repeat offender.
- LBPD reported 20 arrests and zero repeat offenders.

Of those arrested, 21 were identified as repeat offenders on the system. This represents 3.4% of individuals arrested for Crimes Against Persons.

### **Faregate Improvements to Improve Fare Compliance, Control System Access**

Identifying targeted interventions that improve fare compliance and restore safe, appropriate activity within stations is a priority and an effective safety approach. As illustrated earlier in this report, Metro's law enforcement contractors have found that up to 96% of those arrested on the system do not possess fare, which is indicative of the vulnerabilities of the current fare collection system. Though these statistics provide a glimpse into the characteristics of individual users arrested, there is no reliable data to determine what percentage of all non-fare-compliant users commit crimes.

Metro customers agree that fare enforcement should be a priority to ensure the system is a safe space. A survey in both English and Spanish of several hundred customers about strategies to improve fare compliance and access control at Westlake/MacArthur Park Station found that 95% of respondents felt that their personal safety improved in the paid area of the station after improvements were made. Further, a review of customer comments reveals that customers would like more to be done at other stations to ensure they are being used specifically for the purposes of transit.

Improved faregates play a crucial role in securing fare compliance by incorporating advanced design features that deter people from evading payment. With the increased difficulty of evading the fare, riders are more likely to adhere to the system's intended usage, fostering a culture of accountability and respect for the system. Ultimately, this benefits all riders by ensuring the sustainability and effectiveness of the transit system.

### *Background of Metro Fare Gates*

The Metro Rail system has a hybrid approach to fare collection, where around half of the stations employ faregates, and the other half rely on standalone validators (SAVs) in which customers are requested to validate their fare but not physically stopped by a faregate. This is because many street-running stations do not have adequate space to install faregates with the required Fire/Life Safety and ADA requirements. Additionally, a 2007 report prepared for Metro identified that, at stations with faregates, the current style of turnstile and leaf-style faregates are highly susceptible to fare evasion, especially the wide, ADA leaf-style gate that provides additional space and time for customers with disabilities to enter but is open to all riders. Metro is addressing this vulnerability at future stations, including the Airport Metro Connector, by replacing the leaf-style gate with a paddle-style gate that is more difficult to push open or climb over and maintains ADA accessibility.

### *Peer Agencies' Approach*

Staff has been monitoring peer agencies with different faregates across North America, including the Washington Area Metropolitan Transit Authority (WMATA) and Bay Area Rapid Transit (BART), both of which are replacing their leaf-style faregates with stronger, paneled faregates featuring greater precision in open door timing to improve fare compliance and reduce fare evasion through tailgating/piggybacking on someone who has paid their fare. WMATA is spending up to \$40M to strengthen its new faregates, with initial studies revealing that fare evasion has been reduced by more than 70%. At BART, new faregates were recently installed at West Oakland and are being rolled out to other challenging stations, with the eventual target to have complete replacement upgrades by the end of 2025 as part of a \$90M project (Attachment B).

### *Fare Enforcement Pilot*

Staff have worked over the past several months to develop a fare compliance pilot to explore whether latching faregates for exit, requiring customers to tap out as well as tap in, can help address fare evasion. Throughout the pilot period, faregates at the North Hollywood B Line Station are latched and customers must tap to confirm fare was paid when they started their trip. If they already paid, they are not charged and can exit. If they did not pay, they will be charged upon exit. If they do not have a TAP card, staff helps them purchase a card and load fare. This pilot involves reprogramming and testing numerous fare types and media, a comprehensive marketing and outreach program, and collaboration with Metrolink which uses a non-TAP-based fare media.

On May 9, 2024, a 45-minute test of the pilot program was conducted to perform Fire/Life Safety system testing, to simulate and confirm that various station alarm activations would successfully unlatch the faregates to exit during a station evacuation. All elements of the pilot programming performed as expected, and alarm systems were activated with gates unlatched without issue. Additionally, key faregate data was collected during the pilot. During the testing, nearly 200 customers exited the station. Only 1 in 3 riders were verified to have valid fare. The remaining two in three riders did not have valid fare. Of this group, half of them did not possess any valid fare, and the other half had sufficient value but did not deduct their fare as required at the beginning of their trip.

Given the successful testing, Metro fully implemented the pilot program at the North Hollywood B Line faregates on May 28. Customer outreach began the week before implementation and is continuing. Further, Metro is providing Low-Income Fare is Easy (LIFE) Program signups onsite during the beginning of the pilot, and TAP Blue Shirts are present to assist customers in purchasing

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appropriate fares. Metro Fare Compliance teams, who are trained in de-escalation tactics, provided an education-first approach during the first week of the pilot program, with an emphasis on informing customers of the need to tap and issuing warnings before transitioning to administrative Code of Conduct citations. Staff will be evaluating the North Hollywood pilot before expanding to other stations. The evaluation will include impacts on fare compliance, customer experience, safety, cleanliness, and impacts on other stations.

Additionally, staff continues to work through Metro's Office of Strategic Innovation to review innovative fare gate concepts through the Unsolicited Proposal program.

### **Update on Station Experience Improvements**

In addition to examining improved faregates at rail stations, staff has been implementing additional safety enhancements at stations. Learning from the successful strategies employed at the Westlake MacArthur Park station, Metro is implementing, and enhancing proven methods and piloting innovative solutions to further improve overall safety and security for all riders and Metro employees.

#### *Lake Ave Station*

Several improvements are underway to improve lighting, secure hidden corners, and deter inappropriate activities such as loitering and drug use. Metro's Traction Power department recently completed lighting upgrades, and Metro is also partnering with the City of Pasadena to extend lighting improvements on the city pathways leading up to the station entrance. Staff is also in the design phase to tactically seal off misused areas that do not provide meaningful functionality for customers, such as behind elevator shafts and vulnerable window ledges. Staff will report back on the outcomes of these interventions.

#### *Hollywood/Highland Station*

Through a joint effort between Metro, the adjacent property management company, the local business improvement district, and law enforcement partners, several improvements have been made to the station entrance, where customers complained about harassment and other safety concerns, particularly at the elevator. In response, Metro installed brighter lighting, new signage, and property markers that clearly delineate the areas that must be maintained for transit purposes only, allowing our security teams to keep the entrance clear and free of illicit activity, willful blocking of station access, and loitering. The property management company has also installed new measures that deter misuse of their window ledges and corners for drug activity. As a result, we have collectively seen a 90% reduction in illicit activity and loitering following several improvements to the station entrance.

#### *Downtown Santa Monica Station*

This station has unique challenges due its compact footprint and challenges present at other end-of-line stations. Metro has been working collaboratively with the City of Santa Monica on a multipronged approach to improving safety and cleanliness at this station. Part of this includes expanding safe and clean restroom access to this station in June 2024, as well as a review of potential wayfinding and environmental design interventions to improve station circulation and deter trespassing and fare evasion. Staff will report back on the outcomes of these interventions.

#### *Norwalk Station*

Metro's Facilities Maintenance department has completed the installation of several leaning benches at the two busiest bus bays at Norwalk Station. These benches have been popular with students, as there are several key bus routes from Norwalk that serve Cal State Long Beach, Cerritos College, and Rio Hondo College. Leaning benches are also popular with aging customers who may prefer leaning instead of being completely seated and having to stand back up.

Further, substantial lighting upgrades have been completed to all the connecting bus bays, and station personnel have now observed more customers returning to their assigned bus bays and using the waiting areas, compared to previously when customers would congregate towards backlit map cases.

Lastly, the Facilities Contracted Maintenance department has conducted a significant amount of tree and brush trimming where overgrowth from Caltrans property has impeded visibility along the station roadway, impacting station users and Metro Bus Operations. This will improve overall safety for vehicle circulation within the station area. Staff will report back on the outcomes of these interventions.

#### *APU/Citrus College Station*

In addition to the stations previously announced for the next phase of interventions, staff has also been responsive to other stations with acute issues observed from personnel and customers. As a result, staff is implementing a multipronged approach to promote appropriate activity in and around the APU/Citrus College station, with an emphasis on care-centered strategies.

Metro's HOME Outreach teams have been providing daily coverage at APU/Citrus College Station, engaging with individuals and offering supportive services. As part of the public safety ecosystem, Transit Ambassadors, Security, and Law Enforcement are also on-site.

In May 2024, a Throne public restroom was added to this station, expanding on the successful pilot that has provided safe, clean, free-to-use public restroom access.

As part of the comprehensive efforts to restore safety and cleanliness in Metro parking lots and structures, Station Experience launched a new initiative called the Parking Lot User Safety (PLUS) Program, which will incorporate different elements needed to address the specific issues encountered in Metro parking structures. Upon looking at Transit Watch reports pertaining to this station between January 1, 2024, and March 21, 2024, there have been over 90 incidents submitted, with over 40 reports specifically flagged for vandalism, defecation, bodily fluids, strewn clothing, elevator misuse, and illegal fires. Additionally, in this time range, there were two reports that mentioned the word "park." Given this feedback, one of the first tactics has been to add brighter lighting throughout the parking structure, with additional interventions to follow.

Staff has also been working with the City of Azusa on adjacent properties where lighting could be repaired and upgraded, which has substantially improved visibility throughout the station and the entrance approaches. Staff will report back on the outcomes of these interventions.

#### **Activating Stations**

In addition to station interventions, staff have researched the potential for station activations to improve safety. Activating Metro stations with events, amenities, and care-first engineering enhancements can improve safety and the transit experience. As indicated in the Arup 2020 study, *Future of Stations*, open environments and high visibility of and by others are important. The study promotes stations as enablers for sustainability, well-being, and opportunity and notes that the presence of activities such as cafes, kiosks, or shops to keep these areas busy creates visibility, and natural surveillance increases safety and transit ridership.

As part of the Economic Development Program (EDP), which the Board approved in December 2022, station activation pilot programs are underway. Markets at Metro will activate Metro's rail station plazas with community-led events and economic activity. The goal is to create cultural, historical, and locally significant destinations that improve the rider's experience, such as ground floor retail spaces in future Metro housing developments that serve the community. In 2024, there will be opportunities to participate as a vendor at Metro-operated open-air markets. Transit Oriented Communities (TOC) is launching pilot programs at Leimert Park, Westlake MacArthur Park, and the Willowbrook/Rosa Parks Stations as a result of the Measure M Visionary Seed Fund grant award and Community-Based Organization (CBO) partnerships. These pilot programs will allow Metro to test different partnership models and identify best practices that can be deployed across the system.

TOC recently launched its new online Economic Development Program story map on the Metro website ([metro.net/edp](http://metro.net/edp)), which highlights current station activation efforts as well as Metro's Economic Development Pilot Investment Fund program in Little Tokyo and along the K Line.

## Potential Uses of Technology to Improve Safety

### *Analysis: Benefits of Technology Use*

In 2023, SSLE analyzed incorporating innovative technology to enhance our reactive responses and enable Metro to address safety issues in an effective, robust, and proactive manner. The proactive and preventative system measures would blanket Metro's multi-layer public safety ecosystem with supportive technology.

As SSLE, in conjunction with Operations, upgrades to a new video management system throughout fixed Metro locations to introduce CCTV analytics, the below capabilities could be implemented within Metro's Operating Centers (security, bus, and rail). These functions could be implemented in alignment with Metro's Bias-Free Policing and Public Safety Data Analytics Policies.

1. **Enhanced Security Screening:** Millimeter wave scanners can detect concealed objects under clothing without invasive pat-downs, making them invaluable for security checks at train platforms and bus stations. By integrating video cameras, AI, and facial recognition technology, these systems can quickly identify individuals of interest or those on watch lists, enhancing security protocols.
2. **Real-time Threat Detection:** Combining AI algorithms with video feeds allows real-time threat detection. Suspicious behaviors, such as unattended bags, static movement, or erratic movements, can be flagged for immediate review by security personnel, reducing response times in potential security incidents.

3. **Crowd Monitoring and Management:** Video cameras equipped with AI can analyze crowd dynamics, detecting congestion points or potential safety hazards on platforms or within vehicles. This data enables transportation authorities to optimize crowd flow, allocate resources efficiently, and ensure passenger safety.
4. **Facial Recognition for BOLO Alerting and Staff Access Control:** Facial recognition technology integrated with millimeter wave scanners and video cameras enables immediate notifications of individuals on Metro properties that are banned from the transit system, which streamlines support to field security resources for awareness and removal. Facial recognition technology could also provide seamless access control for authorized personnel granting automatic access to critical areas on the system.
5. **Predictive Maintenance:** AI algorithms can proactively analyze video feeds to detect equipment malfunctions or infrastructure issues. This proactive approach to maintenance minimizes downtime and ensures the smooth operation of trains and buses.
6. **Data-driven Decision Making:** Integrating these technologies generates vast amounts of data on passenger movements, security incidents, and operational efficiency. Command and dispatch centers can leverage this data to make informed decisions, optimize resource allocation, and enhance system performance.
7. **Transit Watch Mobile Application:** Upgrades are in progress to the mobile application to provide a continued resource for citizen reporting with valuable features to identify wanted suspects, various crimes, patron notifications, and more. New features will include in-app messaging to the Metro SOC, video uploads, foreign language, on-the-fly inbound translations for SOC Staff, and many other back-end functions. These upgrades are already in development.

**Privacy Considerations:** While these technologies offer significant benefits, privacy and data security concerns must be addressed. Transparent data collection, storage, and usage policies would be essential to ensure public trust and regulation compliance.

### *CCTV Analytics*

A component of this analysis was the understanding of CCTV analytics and how Metro can ingest the use of smart software within Metro's +30K cameras agencywide. With the application of this capability, Metro's Operating Centers (SOC, BOC, and ROC) will have the ability to receive immediate alerts if cameras capture actions such as vandalism, suicide attempts, trespassing, weapons brandishing, and identification via the use of facial recognition, if warranted. Additionally, as part of the system, staff would utilize a physical security incident management (PSIM) which integrates CCTV, assets, vehicles, personnel, and various data sources in a single platform for Metro Operating Centers to validate incidents, make informed decisions, follow pre-defined standard operating procedures, optimize resource allocations, and enhance system awareness.

Using CCTV analytics, two components can be implemented in alignment with the Board-approved Bias-Free Policing Policy and the Public Safety Analytics Policy (Attachment C). The first is



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investigative analysis, which entails system (identifying repeat offenders of operation disruptions) and proactive immediate alerting to Metro Bus, Rail, and Security Operations Centers. Detecting and alerting human behavior triggers (based on unsafe conditions or Code of Conduct violations) and anomalies in real-time on the system can increase Metro's proactive awareness and reduce response times to incidents. For these types and other incidents, people resources rely upon and respond to phone calls (ROC, BOC, Law Enforcement), radio traffic, Transit Watch app submissions, and CCTV observations. Metro is immediately alerted with proactive analytic information without the previously mentioned dependencies.

Metro has evaluated its state of good repair and initiated camera infrastructure upgrade projects along the G Line, B/D Line, and segments of the A and E Lines. Metro has embarked on an ambitious project to transition disparate CCTV viewing applications to a new unified video management system, Genetec, that enables Metro's Bus, Rail, and Security Operating Centers a platform for agency-wide situational awareness via Metro's vast existing network of CCTV cameras. This system is the foundational software platform for utilizing upgraded high-definition camera analytics, Genetec-embedded analytics, and a compilation of analytic software solutions that integrate with Genetec's open architecture design to address our most critical system issues. The objective is for Metro to experience an adjustment in the paradigm of preventative and reactive safety and security measures with the inclusion of proactive capabilities. Metro has already procured and evaluated one video analytics software and plans to expand its application into the Genetec suite. This analytics software works by classifying real-time video by objects, motion, vehicles, people, clothing color, travel path, and other factors to support investigative and proactive responses.

Along with implementing new CCTV analytics, SSLE would strategize with our Genetec vendor to integrate data sources, where applicable, with existing law enforcement partner databases and systems. This would provide readily available relevant information on known offenders and seamless facilitation between law enforcement agencies and security personnel for coordination efforts. To ensure optimal performance and reliability, Physical Security and Operations teams would collaborate regularly and provide comprehensive training to security personnel on using analytics technology, PSIM dashboard, and protocols for responding to system-generated alerts. Lastly, SSLE would collaborate with Customer Experience to foster transparency in informing and educating the public on the CCTV upgrades, the purpose, and benefits, and address privacy and civil liberty concerns through open dialogue and engagement with community stakeholders.

Millimeter wave scanners, paired with video cameras, artificial intelligence (AI), and facial recognition technology, offer a potent synergy in enhancing security and operational efficiency within transportation networks such as the Metro system.

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<sup>2</sup> Images courtesy of Pacific Northwest National Laboratory (<[https://www.pnnl.gov/nationalsecurity/millimeterwave/learn\\_more.stm](https://www.pnnl.gov/nationalsecurity/millimeterwave/learn_more.stm)>) *Facial Recognition Technology Legislation*

Staff researched current legislation related to facial recognition technology (FRT) within California and sought input from County Counsel. AB 1215 banned the use of FRT for three years, but the law expired in January 2023. There was an effort to extend the ban through AB 642, which also would have regulated the use of programs that have been evaluated under the National Institute of Standards and Technology's (NIST) Face Recognition Vendor Test (FRVT) program and are at least 98% accurate. However, AB 642 did not pass into law. Currently there are no state laws in place regulating FRT use by law enforcement (see Attachment D - Survey of Laws in California Governing Use of Facial Recognition Technology).

What remains in terms of regulation of FRT is limited to some cities, such as San Francisco, Berkeley, and Oakland, which have existing moratoriums on facial recognition use by law enforcement. Other jurisdictions, such as Davis, Palo Alto, Santa Clara County, and San Diego, do not have an outright ban on the use of FRT. However, each city enacted procedures (similar to the New York Police Department Impact and Use Policies for technology) that local agencies must follow to procure and use the technology, including justification and board/council approval. There currently is a proposed bill, AB1814, that is in consideration, which *"Prohibits law enforcement from proceeding with a search, arrest or affidavit for a warrant, based solely on an FRT match, requiring other supporting factors."*

## Weapons Detection Systems

Per Code 6-05-100 A.13 in Metro's Customer Code of Conduct, weapons are prohibited on Metro or in Metro facilities. Weapons arrests systemwide for the last 12 months totaled 145. By mode, this corresponds to 33 (23%) on the bus system and 112 (77%) on the rail system. The increased presence of security resources on the system contributed to an increase of 96% in weapons arrests in the last 12 months compared to the previous 12 months (145 vs. 74). The increase in weapons arrests is more evident on the rail system, with 112 arrests in the last 12 months versus 44 arrests in the previous 12 months, an increase of 155%. In addition, there has been a 3% increase in

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aggravated assaults systemwide in the last 12 months compared to the previous 12 months (504 vs. 491). Though not all aggravated assaults involve the use of a weapon, the overall increase of aggravated assaults on the system throughout a 24-month duration demonstrates a need for prevention through weapons detection.

As such, the following are ways to detect and keep weapons off the system.

### *Metal Detectors*

As an effort to reduce weapons on the system, investment in the utilization of metal detectors (combination of wand and/or walkthrough) can be made at critical points on the system identified via data such as crime, arrests, and customer feedback. The largest advantage to this effort is enhanced security throughout the system and the detection of potentially dangerous weapons. Conversely, this may hinder the riders' experience, and some may find the additional security measures inconvenient.

The initial steps would consist of discussions on staffing, policies, processes, costs, and public outreach. This includes workshop sessions with Operations, Customer Experience and County Counsel, as well as involving external partners for input and feedback. During all steps, staff would continue to ensure alignment with Metro's Bias-Free Policing and Public Safety Analytics policies.

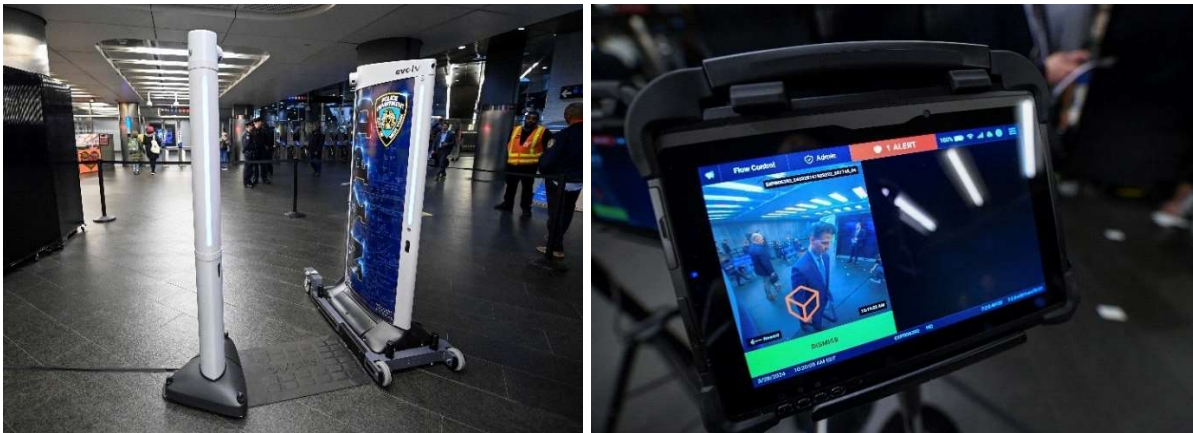
Detailed costs analysis and timelines for implementation will be provided in the July Public Safety report.

### *Electromagnetic Weapons Detection*

Staff also researched other types of technology that could reduce weapons on the Metro system. The City of New York, along with New York MTA, recently committed to exploring new technology that can detect weapons on their subway system. This includes partnering with various technology groups to pilot their equipment on the New York subway system. Specifically, the New York Police Department (NYPD) intends to conduct a pilot using an electromagnetic weapons detection system that emits an ultra-low frequency, which systems sensors process the pulses relayed to detect a potential weapon. It is also equipped with cameras to capture still images of the individual moving through the system to provide to law enforcement. To ensure the integrity and use of the system, under the City of New York's Police Surveillance Technology Transparency law, NYPD must release any Impact and Use Policies on new technology, that includes surveillance, for public comment before implementation. A new draft use policy

[https://www.nyc.gov/assets/nypd/downloads/pdf/public\\_information/post-final/electromagnetic-weapons-detection\\_iup\\_3.28.24\\_draftforcomment.pdf](https://www.nyc.gov/assets/nypd/downloads/pdf/public_information/post-final/electromagnetic-weapons-detection_iup_3.28.24_draftforcomment.pdf)

for electromagnetic weapons detection systems was published on March 28 for public comment. Metro's Physical Security Department plans to work with the New York MTA to evaluate the findings of their technology pilot.



<sup>1</sup> Images courtesy of New York Metropolitan Transportation Authority (<https://new.mta.info/press-release/icymi-mayor-adams-nypd-commissioner-caban-pilot-new-technology-announce-additional>)

### Other Measures

In October 2022, the Cops, Cameras, Care Initiative was implemented with a joint effort by New York MTA, NYPD, and state police to increase officer presence in the subway system. The initiative came as a response to violent incidents in the system, including violent assaults and homicides, which, despite overall crime statistics being down compared to pandemic-level, became a focus of intense public scrutiny. The initiative mainly consisted of:

- NYPD and MTA surged officer presence on platforms and trains each shift/per day on the subway.
- Addition of two new dedicated units at psychiatric centers to help provide those experiencing serious mental health illness with assistance needed.
- Implemented new training for NY MTA Police, NYPD, and EMS on best practices for engaging the unhoused population and authority for transporting individuals in need of psychiatric evaluation.

By January 2023, the governor and mayor's office provided an update indicating ridership that month was up 35% over the previous year, while crime was down 28%. More than 650 individuals were engaged with services by Safe Options Support teams and are getting help to transition into more permanent housing.

It was reported that since the initiatives were announced in October 2022, major crime in the subway system was down 16% compared to the same period during the prior year. Additionally, the crime rate on subways was returning to pre-pandemic levels.

- In 2019, the rate of crime was 1.5 crimes per million riders.
- In 2022, the rate of crime was 2.3 per million riders,
- In December 2023, the ridership adjusted rate was only 1.7 per million riders.

This result came with a reported increase from \$4M to \$150M in overtime pay for NYPD transit officers. Additionally, in March 2024, Governor Hochul ordered a force of nearly 1,000 people, comprising 750 National Guard members, state police and transit officers, to conduct bag checks at some of the busiest rail stations on the transit system.

### **The Potential Role of Improved Partnerships**

Metro depends on the partnership of law enforcement, the court and parole systems, and the legislature to disincentivize crime on the system, and to prevent repeat offenders from accessing the system.

#### *Collaboration with Local Safety Partners*

Fostering robust communication channels among key stakeholders is paramount for ensuring public safety within Metro. To enhance collaboration and efficacy concerning “Be on the Lookout” (BOLO) notices and Stay Away Orders, the following were recommended by our law enforcement partners:

1. **Regular Interagency Meetings:** Establish routine meetings involving representatives from Metro, local law enforcement agencies, and the City and District Attorney's Office. These meetings should serve as platforms for sharing information, discussing emerging trends, and coordinating efforts to address transit-related issues. **Metro staff concurs with this recommendation.**
2. **Unified Database:** Implement a centralized database accessible to all relevant agencies to streamline the dissemination of BOLO notices and Stay Away Orders. Metro should maintain an internal database to facilitate real-time updates and enable quick access to critical information for law enforcement personnel operating within the transit system. Currently, SSLE maintains internal records that are updated on a daily, weekly, or monthly basis. In parallel with the development of the Public Safety Dashboard, SSLE will build out an internal database hosting tactical data that can be shared with our law enforcement partners in near-real-time. **This would likely not be fully controlled by Metro, given the sensitive data within the system. Metro would only require access to an agreed-upon platform**
3. **Standardized Protocols:** Metro should develop standardized protocols and guidelines for the issuance and enforcement of BOLO notices and Stay Away Orders across all participating agencies. Clear and consistent procedures will ensure that law enforcement officers understand their roles and responsibilities when responding to transit-related incidents involving individuals subject to these orders. **Metro staff concurs with this recommendation.**
4. **Training Programs:** Metro should work and develop with law enforcement partners to

develop comprehensive training programs for law enforcement personnel, transit staff, and relevant stakeholders on identifying and responding to individuals subject to BOLO notices and Stay Away Orders. Training should emphasize the importance of collaboration, de-escalation techniques, and legal considerations when engaging with individuals in transit environments. **Metro staff concurs with this recommendation.**

5. **Community Engagement:** Metro should lead with law enforcement support to engage with community organizations, advocacy groups, and stakeholders to promote awareness of BOLO notices and Stay Away Orders within the transit community. By fostering community partnerships, we can enhance public trust, encourage reporting of suspicious activities, and facilitate the successful implementation of these enforcement measures. **Metro staff concurs with this recommendation.**
  
6. **Feedback Mechanisms:** Establish feedback mechanisms for Metro to share and solicit input from frontline personnel regarding the effectiveness of existing protocols and identify areas for improvement. Regular evaluations and adjustments based on operational feedback will help refine procedures and enhance the overall efficiency of transit security efforts. **Metro staff concurs with a continued stance with utilizing Division RAP sessions and site visits, and other existing areas to share with frontline personnel.**
  
7. **Technology Integration:** Explore Metro opportunities to leverage technology, such as mobile applications or digital platforms, to enhance the dissemination and tracking of BOLO notices and Stay-Away Orders. Integration with existing transit systems or law enforcement databases can improve information sharing and operational coordination in real-time. Integration with existing transit systems or law enforcement databases can improve information sharing and operational coordination in real-time. **Metro staff concurs with this recommendation.**

### *Penalties for Crimes Against Transit Employees*

Several states have legislation that carries various penalties for violent crimes against transit employees. In California, there are presently five penal codes for differing degrees of assault on a transportation worker. In the California penal code, a “public transportation provider” is a publicly or privately owned entity that operates a bus, taxicab, streetcar, cable car, trackless trolley, or other motor vehicle to transport people.



CA Penal Code	Provision	Crime Classification	Penalty
190.25	Murder of a transportation worker.	Felony	Life without parole.
212.5	Robbery of a transportation worker.	Felony	First degree robbery.
241.3	Assault of transportation worker or passenger.	Misdemeanor*	\$2,000 fine, 1 year in jail, or both.
243.3	Battery of transportation worker or passenger.	Misdemeanor*	\$10,000 fine or 1 year in jail, or both. If injury occurs, up to 3 years prison.
245.2	Assault with deadly weapon on transportation worker.	Felony	Up to 5 years prison.
369i	Interference with the safe and efficient transit operation	Misdemeanor*	Up to 1 year in county jail.

\*Requires a Private Person Arrest (PPA) if not committed in the presence of a peace officer

Related to pending California Assembly or Senate Bills aimed at strengthening penalties for crimes against transit workers, AB 2824 is an amendment to Section 243.3 of the Penal Code (as listed above) that is currently in Committee as of April 24, 2024. The proposed amendment is as follows:

*AB 2824 would expand the additional penalties to include employees or contractors of public transportation providers. A battery against any person on the property of, or in a motor vehicle of, a public transportation provider is subject to separate additional penalties (\$2,000 or up to a year in county jail), although such penalties are only available in specified locations (on the property or in the vehicle of a transportation provider).*

Most state legislation defines a “transit employee” as bus and train operators, security officers, immediate supervisors, and mechanics. Nationwide, over 30 states and the District of Columbia have laws related to transit worker assaults that carry varying penalties based on the type of crime. In 2023, the State of Virginia introduced legislation that would make it a Class 1 misdemeanor to assault a transit operator, and it would ban people who are convicted of those assaults from riding the bus for at least six months. In 2023, Oregon lawmakers introduced Senate Bill 787 to expand third-degree assault to include an assault on transit workers. It would carry a conviction with a sentence of up to five years in prison and a \$215,000 fine. The state of New York’s Penal Code Section 120.05 - Assault in the second degree was expiring July 19, 2024, but was reauthorized and published on April 28, 2024. This included intent to cause physical injury to a train operator, bus operator, and others, with new, updated language, including, ferries and traffic checkers. The maximum sentence for second-degree assaults is seven years in prison, classified as a violent felony, with a \$5,000 fine. See Attachment E for a full list of state laws.

Metro’s law enforcement partners recognize the critical need to ensure the safety and well-being of

transit employees who play an integral role in maintaining the functionality of our public transportation system. While specific legislative efforts may vary, their respective agencies consistently support initiatives to strengthen penalties for violent crimes against transit employees. Two areas of focus that law enforcement recognizes the importance of includes:

- 1. Legislative Support:** Law enforcement advocates for legislative measures that enhance the legal protections afforded to transit employees and impose stricter penalties for individuals who commit violent acts against them. This may include amending existing statutes or introducing new legislation specifically targeting offenses perpetrated against transit personnel.
- 2. Data-Driven Advocacy:** Law enforcement utilizes data and statistics to highlight the prevalence and severity of violent crimes targeting transit employees. By presenting evidence-based arguments, they can illustrate the impact of such offenses on the safety of transit workers and the broader community, strengthening the case for legislative action.

## **EQUITY PLATFORM**

As the agency explores various strategies and technology upgrades to protect Metro riders and employees better and improve the overall rider experience, questions arise about how these efforts will impact Black, Indigenous, and other People of Color (BIPOC) and other marginalized groups who rely on our system. The potential use of artificial intelligence and facial recognition technology on the system particularly brings concerns about racial profiling and biases. Given this, staff will ensure all system and security upgrades abide by Metro's Reimagining Public Safety Framework, Bias-Free Policing Policy, and Public Safety Analytics Policy.

Understanding that larger societal issues are at play-including the lack of adequate healthcare for mental illness and drug addiction treatment, coupled with housing affordability and homelessness crises-when considering the root causes of safety and security concerns on the system, Metro will continue to use a comprehensive human-centered public safety model. If the agency proceeds with any of the mentioned technology or environmental interventions, SSLE will work collaboratively with its public safety partners and other Metro departments to minimize any disruptions or negative impacts on riders who depend on the Metro system for transportation. Staff will also speak to Metro advisory groups about implementation plans, gather their feedback and concerns, and provide a transparent road map on capabilities and installation plans. In addition, as part of the next steps, staff may conduct outreach efforts with riders to gauge overall public opinion on the potential interventions.

## **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 is committed to improving security and #5.6: Provide responsive, accountable, and trustworthy governance within the Metro organization; Metro will foster and maintain a strong safety culture.

## **NEXT STEPS**



Staff will provide a complete report, to include costs and implementation timelines for various strategies next month.

**ATTACHMENTS**

Attachment A - Board Motion 34.1

Attachment B - BART Next Generation Fare Gates

Attachment C - Metro Bias-Free Policing Policy and Public Safety Analytics Policy

Attachment D - Survey of Laws in California Governing Use of Facial Recognition Technology

Attachment E - Full List of State Laws on Assaults Against Transit Employees

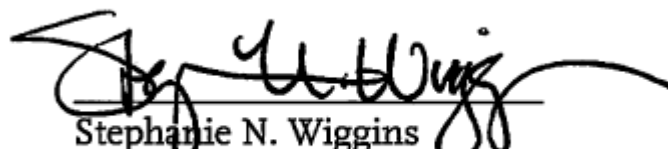
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