Metro

Los Angeles County
Metropolitan Transportation
Authority
One Gateway Plaza
3rd Floor Board Room
Los Angeles, CA

Board Report

File #: 2024-0306, **File Type:** Informational Report

Agenda Number: 38.

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

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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

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), 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

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.

[2] *Images courtesy of Pacific Northwest National Laboratory (<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

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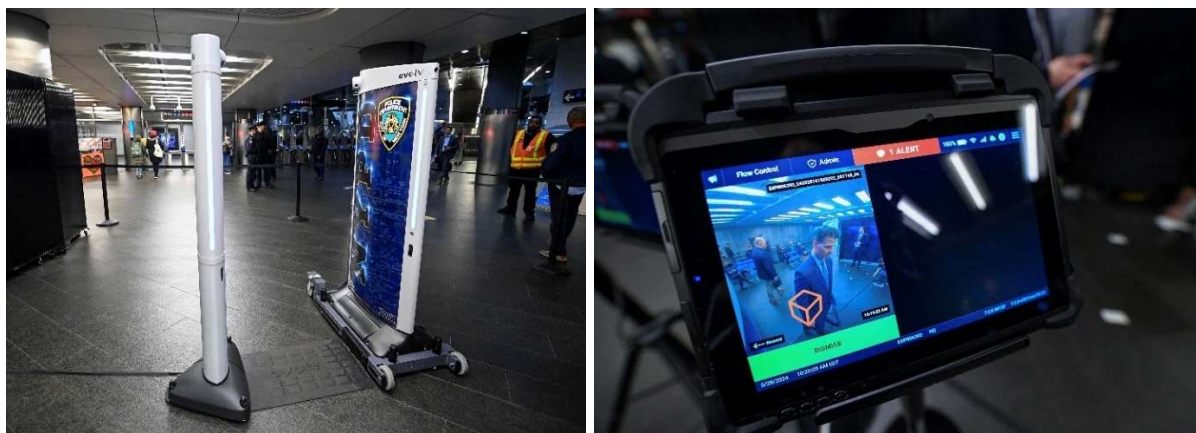
[1] *Images courtesy of New York Metropolitan Transportation Authority (*
<https://new.mta.info/press-release/icymi-mayor-adams-nypd-commissioner-caban-pilot-new-technology-announce-additional>)

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
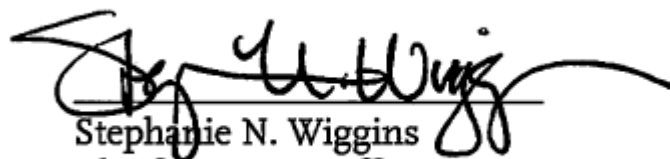
Prepared by: Robert Gummer, Interim Deputy Chief, System Security and Law
               Enforcement Officer, (213) 922-4513

               Aldon Bordenave, Deputy Executive Officer, System Security and Law
               Enforcement, (213) 922-4507

               Stephen Tu, Deputy Executive Officer, Operations, (213) 418-3005

Reviewed by: Kenneth Hernandez, Interim Chief Safety Officer, Chief Safety Office,
               (213) 922-2290

               Conan Cheung, Chief Operations Officer, Operations, (213) 418-3034

Stephanie N. Wiggins
Chief Executive Officer

Metro

Board Report

File #: 2024-0300, **File Type:** Motion / Motion Response

Agenda Number: 34.1

REGULAR BOARD MEETING
APRIL 25, 2024

Motion by:

DIRECTORS BARGER, KREKORIAN, HAHN, NAJARIAN, BUTTS, AND SOLIS

Related to Item 34: Bus Operator Retrofit Barriers

SUBJECT: IMPROVING SAFETY FOR METRO RIDERS & EMPLOYEES MOTION

RECOMMENDATION

APPROVE Motion by Directors Barger, Krekorian, Hahn, Najarian, Butts, and Solis directing the Chief Executive Officer to report back to the board in 60 days on:

A.   A preliminary investigation into fare gate hardening at our heavy and light rail stations, including identification of resources required, opportunities, and challenges associated with such an effort;

B.   An update on implementation of latching faregates upon exit, including the proposed pilots of this technology at both North Hollywood and Union Stations;

C.   An update on the proposed pilot interventions at Lake Ave, Hollywood/Highland, Downtown Santa Monica, and Norwalk stations, as highlighted in January's file#: 2023-0539;

D.   Data collected on violent crimes committed over the past twelve months on the LA Metro system and any correlation found with an inability of the perpetrator to demonstrate a paid fare;

E.   Data on outcomes of arrests for crimes against persons on the LA Metro system over the past twelve months, and instances of reoffending on the system;

F.   Any current or recent legislative efforts to strengthen penalties for violent crimes against transit employees.

HAHN AMENDMENT: report back to include recommendations for ways we can keep weapons off our system, including lessons learned from peer transit agencies.

SOLIS AMENDMENT: report back to include how activating our stations, including adding kiosks and

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prioritize care first station design improvements, could improve safety and provide jobs to at-risk individuals.

KREKORIAN AMENDMENT:

A.   Report back to include recommendations to create holistic and reciprocal communication among Metro, local law enforcement agencies (beyond our contracted partners), the District Attorney's Office, Probation Department, and local court systems to create effective protocol concerning Be on the Lookout "BOLO" notices and Stay Away Orders; and

B.   Recommendations for upgrades to the CCTV system on bus and rail facilities to support artificial intelligence and biometric technology to identify those individuals who are known repeat violent offenders, repeat disruptors to operations or individuals banned from the system by court order.

BUTTS AMENDMENT: report back to include staff's research on current applications of millimeter wave scanners combined with video cameras and artificial intelligence and facial recognition technology that can be installed on train platforms and trains/buses with a feed into command/dispatch centers.

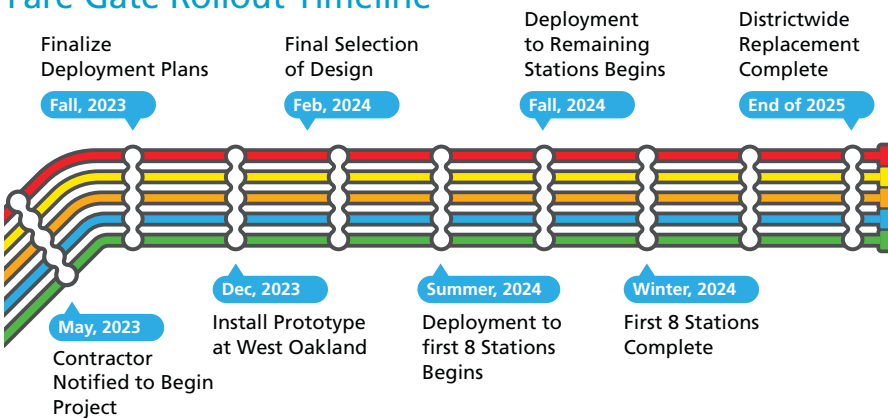# Next Generation Fare Gates
Improving the System

Let's go.

BART

Overview

BART is moving forward with a historic purchase of brand-new fare gates to be installed systemwide. The fare gates will bring a new look and improved experience, offering state-of-the-art technology that will boost safety by reducing fare evasion, enhancing accessibility for people in wheelchairs, those who bring bikes, and strollers on BART, and optimizing the reliability and maintenance needs of the fare gates. The first prototype gates went into service at West Oakland station in December 2023. Civic Center, Montgomery, Powell, 24th St, SFO, Fruitvale, Richmond, and Antioch are next in line for deployment of the new gates.

Fare Gate Rollout Timeline

Finalize Deployment Plans — Fall, 2023

Final Selection of Design — Feb, 2024

Deployment to Remaining Stations Begins — Fall, 2024

Districtwide Replacement Complete — End of 2025

May, 2023 — Contractor Notified to Begin Project

Dec, 2023 — Install Prototype at West Oakland

Summer, 2024 — Deployment to first 8 Stations Begins

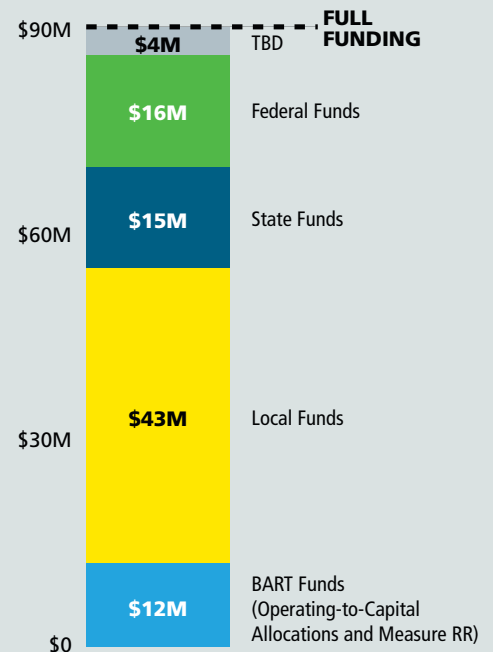**Winter, 2024** — First 8 Stations Complete

Project Benefits

- **Improve feelings of safety and boost ridership:** the new fare gates will have tall swing barriers that will make it difficult for fare evaders to push through, hurdle over, or maneuver under. More secure fare gates should improve perceptions of safety and encourage riders to return.

- **Improve customer experience:** gates will have advanced sensors to detect wheelchair users and those with luggage, strollers, or bikes to ensure they get through with ease, and LED lighting to assist visually impaired riders.

- **Increase reliability and reduce system downtime:** the gates will be easier to maintain.

- **Enhance monitoring:** the gates will contain sensors that can detect fare evasion to improve future deterrence efforts and provide real-time monitoring capabilities.

- **Modern aesthetics:** the new fare gates will help shift the look and feel of BART stations to the 21st century.

- **Fewer BPD and rider confrontations:** secure fare gates will help self-enforce fare payment, removing potentially negative confrontation between would-be fare evaders and police.

- **New payment options:** the new gates will be compatible with the next generation of Clipper which will accept open payment with the ability to pay for BART by tapping a credit or debit card or a phone/watch with Apple Pay or Google Pay at the gate.

San Francisco Bay Area Rapid Transit District

Fast Facts

- BART has over 700 fare gates across its stations
- Current fare gates are over 20 years old
- Each new fare gate allows upwards of 40 people per minute to pass

DRAFT – Prototype Design

To date, BART has secured $86 million of the $90 million project, with funding from:

Amount	Source
$4M	TBD — FULL FUNDING
$16M	Federal Funds
$15M	State Funds
$43M	Local Funds
$12M	BART Funds (Operating-to-Capital Allocations and Measure RR)

($90M, $60M, $30M, $0 axis markers)

BART will continue to work to secure full funding from local, state, and federal sources.

Metro

GENERAL MANAGEMENT
Bias-Free Policing Policy

(GEN 64)

POLICY STATEMENT

The Los Angeles County Metropolitan Transportation Authority (LACMTA) is committed to providing transit services and enforcing LACMTA's Customer Code of Conduct in a professional, nondiscriminatory, fair, and equitable manner. Discriminatory conduct is prohibited while performing any LACMTA activity. LACMTA has a zero-tolerance policy for any form of confirmed bias or discrimination, and expressly prohibits all forms of biased policing.

The intent of this policy is to avert racial profiling and discriminatory actions in the deployment of LACMTA security and public safety resources and to build mutual trust and respect with the diverse groups and communities to which LACMTA provides service. This policy will serve as a companion to the Public Safety Analytics Policy (GEN 64), which ensures that any use of internal and external data sources is done in a manner that averts racial profiling and discrimination.

PURPOSE

LACMTA 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 this agency's commitment to the fair and bias-free handling of security resources and to the fair and bias-free treatment of all system patrons. All LACMTA security staff, contractors, and law enforcement partners supporting LACMTA will be expected to abide by this policy.

APPLICATION

This policy applies to all LACMTA employees and contractors. Contracted law enforcement entities will be provided the policy and be required to adhere to it.

Effective Date: 03/23/23

GENERAL MANAGEMENT
Bias-Free Policing Policy

(GEN 64)

1.0 GENERAL

All individuals having contact with agency personnel shall be treated in a fair, impartial, bias-free, and objective manner, in accordance with the law, and without discrimination as defined in this policy.

It is the policy of LACMTA to:

- Dignify and respect the diversity and cultural differences of all people.
- Assure the highest standard of integrity and ethics among all LACMTA personnel.
- Identify, prevent, and eliminate any instances of biased policing and racial profiling by LACMTA personnel.
- Provide bias-free security services consistent with constitutional and statutory mandates.
- Prioritize the use of non-law enforcement response to calls for service when appropriate.
- Ensure any data or information obtained by LACMTA 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.
- Uphold LACMTA's commitment to protecting and serving people through transit services, safety, and non-law enforcement resources that promotes and strengthens public trust and confidence in LACMTA and enhances the legitimacy of its policing practices.

It is LACMTA's policy 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.

2.0 DEFINITION OF TERMS

Americans with Disability Act (ADA) – Federal law that prohibits discrimination on the basis of a disability. To be protected by the ADA, you must have a disability or relationship with an individual with a disability.

GENERAL MANAGEMENT
Bias-Free Policing Policy

(GEN 64)

Biased Policing - Discrimination in the performance of law enforcement duties or delivery of police services by LACMTA or based on personal prejudices or partiality of agency personnel toward classes of people based on specified characteristics.

Discrimination - Any adverse act or failure to act based on race, color, national origin, religion, sex, age, physical or mental disability or condition, ancestry, marital status, sexual orientation, gender identity, gender expression, affiliation, or any other basis protected under applicable federal or state law.

Fair and Bias-free Treatment - Conduct of agency personnel and contractors wherein all people are treated in the same manner under the same or similar circumstances irrespective of specific characteristics.

Police Services - Actions and activities that may not directly include enforcement of the law, but that contribute to the overall well-being of the public. These include, but are not limited to such tasks as public assistance to persons who may be lost, confused, or affected by mental or physical illness, as well as responding to medical emergencies, and providing lifesaving services, crime prevention, public information, and community engagement.

Protected Classes - For the purposes of this policy, real or perceived personal characteristics, including but not limited to race, color, national origin, religion, sex, medical conditions, disability, age, citizenship status, marital status, sexual orientation, gender identity, or political affiliation[1].

Racial/Ethnic Profiling - Suspecting someone of having committed an offense based on the individual's race, ethnicity, or national origin rather than relevant information specific to the individual or conduct in question.

Title VII - Title VII of the 1964 Civil Rights Act prohibits discrimination on the basis of race, color, or national origin by recipients of federal financial assistance.

3.0 RESPONSIBILITIES

The Chief Executive Officer (CEO) will ensure all agency personnel and contractors engaged in providing safety and security resources are operating in compliance with this policy and adhere to it.

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[1] [1] This list is not exhaustive but is intended to identify the factors that are most likely to produce differential decisions on the part of law enforcement. The definition of protected classes is consistent with the following laws; Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), and the Rehabilitation Act of 1973.

GENERAL MANAGEMENT
Bias-Free Policing Policy

(GEN 64)

3.1 Fair and Impartial Treatment

- Biased policing is prohibited both in enforcement of the law and the delivery of security and police services.

- Agency personnel shall take equivalent enforcement actions and provide bias-free services to all people in the same or similar circumstances.

3.2 Compliance and Reporting

- Agency personnel are encouraged to intervene at the time the biased policing or security incident occurs. Agency personnel who witness or who are aware of instances of biased policing are encouraged to report as early as possible.

- Supervisors shall:
  a. Ensure that all agency personnel in their command are familiar with the content of this policy and shall be alert and respond when biased policing is occurring.
  b. Respond to violations of this policy with training, counseling, discipline, or other remedial intervention as deemed appropriate to the violation.
  c. Ensure that those who report instances of biased policing are not subject to retaliation[2].
  d. Employees concerned about leveraging their respective chains of commands can contact the Office of Civil Rights and Inclusion at 213-418-3190 to report instances of bias policing and discrimination.

- Information on biased-policing complaints and any additional relevant information shall be provided to the CEO or their designee in a manner most suitable for administrative review, problem assessment, and development of appropriate officer-level and/or agency-level corrective actions. At least quarterly, a summary of biased-policing complaints should be provided to the CEO or their designee.

- LACMTA will generate and maintain a public facing bias complaint dashboard to ensure transparency with the community regarding any allegations of the use of age, disability, ethnicity, gender, nationality, race,

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[2] The Supreme Court has defined retaliation as an intentional act in response to a protected action. Retaliation is a deliberate action used to send a clear message that complaining is unwelcome and risky. It is employed to instill fear in others who might consider making a complaint in the future. Those with cause for complaining are frequently among the most vulnerable in an institution. Once they complain, they are labeled "trouble-makers." Retaliation, and the fear of retaliation, becomes a potent weapon used to maintain the power structure within the institution.

**Los Angeles County
Metropolitan Transportation Authority**

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**GENERAL MANAGEMENT
Bias-Free Policing Policy**

(GEN 64)

religion or sexual orientation as a basis for action by LACMTA security services.

- Community members who are victims of unconscious bias, discrimination, or racial profiling by LACMTA staff, contractors, or contracted law enforcement services have several options to file a formal complaint.
    a. Complete the online Civil Rights Complaint form found at https://media.metro.net/about_us/title_vi/images/civil_rights_complaint_form.pdf
    b. Submit a complaint via the Transit Watch Application
    c. Contact Customer Relations via email at CustomerRelations@metro.net or call 213-922-6235 or 1-800-464-2111.

A failure to comply with this policy is counterproductive to building the trust and respect with LACMTA customers and employees and is an act of serious misconduct and will result in discipline or termination Any employee who becomes aware of biased policing or any other violation shall report it in accordance with established LACMTA procedures. Contract public safety employees shall report violations of this policy in accordance with host agency and LACMTA procedures.

3.3 Training

LACMTA requires annual implicit bias training for all employees. In addition, the following represents mandatory training for all LACMTA staff and contractors providing security resources on the system.

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

In addition to required training, safety and security personnel will also receive training on good practices of de-escalation and culture awareness. LACMTA will work with local Community-Based Organizations to develop and deliver training on mental health and other social services. Whenever possible, LACMTA will integrate community members from a variety of backgrounds into trainings to ensure the trainings include the perspective of those whom LACMTA serves. LACMTA will also coordinate with the Public Safety Advisory Committee (PSAC) to identify and vet training curriculum opportunities.

GENERAL MANAGEMENT
Bias-Free Policing Policy

3.4 Monitoring Performance and Key Performance Indicators (KPI)

1. The Deputy Chief of Civil Rights will conduct an annual review of police and security reports.

2. On a quarterly basis, the Chief Safety Officer or designee will review the Transit Watch App, Customer Comment Analysis Tracking System (CCATS), and Customer Experience (CX) surveys to develop a report assessing feedback related to LACMTA anti-bias/anti-discrimination policies.

3. Through the annual or bi-annual safety and security survey of LACMTA patrons/riders, SSLE will assess and report on the following:
   o Percent Favorable Impression of Transit Policing Services
   o Service Rating - Service Quality
   o Service Rating – Fairness
   o Service Rating – Helpfulness
   o Increased rider satisfaction regarding racial profiling/bias

4. LACMTA will develop benchmarks for Key Performance Indicators, which will be tracked on a public-facing dashboard include:
   o Agency-wide annual compliance of all mandatory anti-bias related training.
   o Reports of complaints against law enforcement and security resources (expectation of year over year reduction).
   o Use of force incidents (expectation of year over year reduction).
   o Tracking the increased deployment of law enforcement/security alternatives (expectation of year over year increase).
   o Number of citations levied against marginalized communities (expectation of year over year reduction).

4.0 FLOWCHART

Not Applicable

5.0 REFERENCES

- Title VII of the 1964 Civil Rights Act
- LACMTA Civil Rights Policy (CIV 5)
- Internal Complaint Process (CIV 4)
- Title VI Equity Policies (CIV 13)
- Customer Complaints (GEN 42)

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GENERAL MANAGEMENT
Bias-Free Policing Policy

- Security Incident Reporting and Response Policy (IT 12)
- Public Safety Analytics Policy (GEN 63)

**Los Angeles County
Metropolitan Transportation Authority**

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GENERAL MANAGEMENT
Public Safety Analytics Policy

(GEN 63)

POLICY STATEMENT

The Los Angeles County Metropolitan Transportation Authority (LACMTA) is committed to providing safe and equitable transit services to all patrons. Discriminatory conduct on the basis of an individual's actual or perceived race, religion, color, ethnicity, national origin, age, gender, gender identity, gender expression, sexual orientation, disability, immigration, employment status, English language fluency, or homeless circumstance, is prohibited while performing any LACMTA activity. LACMTA has a zero-tolerance policy for any form of confirmed bias or discrimination and ensures all safety and security activity is conducted without discrimination, racial profiling, and bias. In deploying resources, LACMTA takes into consideration information and data from a variety of platforms and sources, to include public feedback. LACMTA has drafted the Public Safety Analytics policy to ensure that any use of internal and internal data sources is done in a manner that averts racial profiling and discrimination and holds personnel accountable for actions inconsistent with LACMTA policies.

PURPOSE

LACMTA 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 LACMTA's pledge to bias-free practices as declared in its Bias-Free Policing Policy (GEN 63). LACMTA will ensure the use of all data will be done in a bias-free, non-discriminatory manner in its deployment of security and law enforcement services.

APPLICATION

This policy applies to all LACMTA employees and contractors. Contracted law enforcement entities will be provided the policy and be required to adhere to it

Effective Date: 03/23/23

Ⓜ Metro™

GENERAL MANAGEMENT
Public Safety Analytics Policy

(GEN 63)

1.0 GENERAL

All individuals having contact with agency personnel shall be treated in a fair, impartial, bias-free, and objective manner, in accordance with the law, and without discrimination. Consistent with its commitment to bias-free policing, LACMTA pledges to utilize any data or information gathered in a manner which averts racial profiling.

In deploying resources, LACMTA considers information provided from a variety of platforms. These include, but are not limited to, bus and rail incident reports, the Customer Comment Analysis Tracking System (CCATS), closed-circuit television (CCTV), customer and employee surveys, dispatch calls for service, law enforcement crime statistics, intrusion alarms, social media, and the LA Metro Transit Watch App. Examining data from these various platforms enables LACMTA to deploy its array of resources strategically. Examples of LACMTA resources include Transit Security Officers, non-law enforcement alternatives such as homeless outreach specialists, and Metro Transit Ambassadors.

2.0 DEFINITION OF TERMS

Americans with Disability Act (ADA) - Federal law that prohibits discrimination on the basis of disability. To be protected by the ADA, you must have a disability or relationship with an individual with a disability.

Discrimination - Any adverse act or failure to act based on race, color, national origin, religion, sex, age, disability, ancestry, medical condition, marital status, sexual orientation, gender identity, gender expression, or any other basis protected under applicable federal or state law.

Fair and Bias-Free Treatment - Conduct of agency personnel and contractors wherein all people are treated in the same manner under the same or similar circumstances irrespective of specific characteristics.

Protected Classes - For the purposes of this policy, real or perceived personal characteristics, including but not limited to race, color, national origin, religion, sex, medical conditions, disability, age, citizenship status, marital status, sexual orientation, gender identity, or political affiliation[1].

Racial/Ethnic Profiling - Suspecting someone of having committed an offense based on the individual's race, ethnicity, or national origin rather than relevant information specific to the individual or conduct in question.

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[1] This list is not exhaustive but is intended to identify the factors that are most likely to produce differential decisions on the part of law enforcement. The definition of protected classes is consistent with the following laws; Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), and the Rehabilitation Act of 1973.

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Public Safety Analytics Policy

(GEN 63)

Title VII - Title VII of the 1964 Civil Rights Act prohibits discrimination on the basis of race, color, or national origin by recipients of federal financial assistance.

3.0 IMPLEMENTATION

3.1 Use of Analytics

Analytics can assist in the proper deployment of emergency services, safety and security technology, and resources that improve the customer experience for all patrons. LACMTA's use of analytics is intended to provide awareness of risks and issues that could potentially adversely impact LACMTA's bus and rail services and the viability, availability, and equitable deployment of LACMTA public safety and security resources. Analytics will be leveraged in a manner consistent with LACMTA's policies which promote the fair and impartial treatment of patrons, consistent with constitutional and statutory mandates.

3.2 Data Sources

LACMTA leverages information from a variety of sources and data sets to include:

- 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 LACMTA facilities
- Trend reports from homeless outreach teams
- Justice Equity Need Index (JENI)
- Justice Equity Services Index (JESI)
- Everbridge alerts
- Feedback from frontline employees (e.g., bus operators and custodians)

LACMTA will cite the instances and circumstances for the use of any external data sets outside of LACMTA holdings (see Section 3.4).

3.3 Use of Demographic Data

LACMTA will only leverage demographic data in a limited capacity to provide information necessary to the public and law enforcement on persons who present a direct threat to public safety (e.g., active shooter, terror suspect, robbery suspect, etc.). At no point will the use of demographic data be leveraged to inform or support

Metro

GENERAL MANAGEMENT
Public Safety Analytics Policy

(GEN 63)

the deployment of LACMTA's public safety resources. All data sources which utilize demographics data will be audited every 90 days by LACMTA's Chief Civil Rights Officer or designee to ensure compliance with LACMTA policies on discrimination and bias.

3.4 Use of External Reports

LACMTA's analytics program's use of external reports will be limited in scope and nature. Examples of such external reports include:

- U.S. Annual Crime Trends Report
- Incident reports from transit systems across the United States
- Incident reports from corporate partners
- Public Be On the Look Out (BOLO) reports from law enforcement partners articulating safety and security threats to patrons and operators
- Information Awareness Bulletins from the Federal Bureau of Investigations (FBI) and the Department of Homeland Security (DHS)
- Joint Special Event Threat Assessments from FBI, DHS, and other state and local partners
- Reports generated by the Joint Regional Intelligence Center (JRIC)

All external reports will be documented and Systems Security and Law Enforcement (SSLE) will ensure compliance with LACMTA policy.

3.5 Analytics Tools

Programs and tools used to support LACMTA in data analytics will include the following:

- ArcGIS
- Microsoft Power BI
- Microsoft Excel

An analytics tool policy will be drafted to ensure the usage of each program is consistent with this policy.

3.6 Report Types

LACMTA will leverage the aforementioned data to generate the following reports to provide awareness of safety and security issues across the system[2]: LACMTA will ensure all products are accessible to the public.

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[2] This is not an exhaustive list but represents examples of LACMTA products.

- Emerging trends reports
- Analysis of security incidents impacting rail and bus lines
- Analysis of issues impacting employee and rider safety
- BOLO reports on persons posing safety risks to operators and riders
- Vandalism trend reports

3.7 Data Gathering, Quality, and Context

Data serves as the foundation for all analytics products and its quality determines how much a decision maker and stakeholders can trust the findings and implications. Data quality is a measure of the condition of data based on factors such as accuracy, completeness, consistency, reliability and whether it is up to date. All data utilized by the program will be assessed for data quality. LACMTA will operate from a zero-trust model in which all data will be verified for quality prior to incorporation into analysis, reports, and findings.

Equally as important as the gathering method and quality of data context. Data context is important as it limits assumptions and biases which could adversely impact the quality of the data. All data utilized within reports and products will be caveated with the following information:

- Data source
- Time range
- Data scope

4.0 RESPONSIBILITIES

4.1 Compliance

The Chief Executive Officer (CEO) will ensure all agency personnel responsible for data collection, analysis, and deployment of LACMTA resources are familiar with the content of this policy and adhere to it.

Reports relating to violations of this policy will be provided to the CEO or their designee in a manner most suitable for administrative review, problem assessment, and development of appropriate supervisor-level and/or executive-level corrective actions.

4.2 Training

LACMTA requires annual implicit bias training for all employees. In addition to required training, LACMTA will coordinate with the Public Safety Advisory

GENERAL MANAGEMENT
Public Safety Analytics Policy

Committee (PSAC) and Community-Based organizations to identify and vet training curriculum opportunities on topic such as cultural awareness. Additionally, for data analytic practitioners, training will be provided to address state and federal legislation on data privacy, data, and standards.

4.3 Monitoring Performance and Key Performance Indicators (KPI)

- 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 LACMTA-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 address all complaints and will conduct a quarterly review of customer comments and complaints to ensure compliance with this policy.

- SSLE will continually evaluate Key Performance Indicators (KPI) to effectively measure success and assess impacts of the analytics program.

- KPI results will be published in a public facing dashboard.

5.0 FLOWCHART

Not Applicable

6.0 REFERENCES

- Title VII of the 1964 Civil Rights Act
- Civil Rights Policy (CIV 5)
- Internal Complaint Process (CIV 4)
- Title VI Equity Policies (CIV 13)
- Customer Complaints (GEN 42)
- Security Incident Reporting and Response Policy (IT 12)
- Bias-Free Policing Policy (GEN 64)

Survey of Laws in California Governing Use of FRT

Approved	Legislation	Dated	Jurisdiction	Source	Notes
Proposition E	Limit Police Department Administrative Task Time and Increase Use of Camera and Drone Technology Initiative (March 2024), among other reforms to departmental procedures of the SFPD, it also approves the installation of surveillance and facial recognition cameras without approval from the police commission or board of supervisors.	Approved March 2024, yet to be enacted	City & County of San Francisco	https://voterguide.sfelections.org/local-ballot-measures/measure-e	San Francisco banned facial recognition technology as part of the 2019 surveillance ordinance. Codifying this proposition into law requires the determination of whether it effectively circumvents the city's 2019 ordinance banning the use of FRT by city departments. The ballot's language reads that a "yes" vote on the measure would "authorize the SFPD to use drones and install surveillance cameras without Commission or Board approval, including those with facial recognition technology."
Ch. 19B: Acquisition of Surveillance Technology Ordinance	Bans the use of Facial Recognition Technology, with limited exceptions, and requires public posting of current surveillance technologies in possession or use by city departments.	In effect since June 2019	City & County of San Francisco	https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_admin/0-0-0-47320	
The Use of Photo Comparison Technology within Los Angeles County's Digital Mugshot System	The Department policy allows for analysis of permitted images in accordance with the Facial Recognition Technology Module of the Digital Mugshot System (DMS) of the Los Angeles County Regional Identification System (LACRIS) only.	In effect since December 2020	City of Los Angeles	http://www.lapdpolicecom.lacity.org/120820/BPC_20-0207.pdf	LAPD policies do not allow facial recognition platforms outside the county's mugshot system to be used, and the computer-generated list of comparisons must be investigated further by human analysis.

Proposed	Legislation	Dated	Jurisdiction	Source	Notes
AB 1814	Prohibits law enforcement from proceeding with a search, arrest or affidavit for a warrant, based solely on an FRT match, requiring other supporting factors. AB 1814 also requires the peace officer to examine the facial recognition match with care and consider the possibility it could be inaccurate with the goal of preventing mistaken arrests or inappropriate tracking when FRT is used.	Currently in consideration	State of California	https://a19.asmdc.org/press-releases/20240111-new-legislation-assemblymember-ting-targets-law-enforcement-use-facial	

Expired	Legislation	Dated	Jurisdiction	Source	Notes
AB 1215	Prohibits law enforcement from equipping body cameras with facial recognition software and other biometric scanners for three years.	Enacted January 2020 Expired January 2023	State of California	https://a19.asmdc.org/press-releases/20191008-california-law-enforcement-prohibited-using-facial-recognition-technology	The bill temporarily banned investigators in CA from using FRT; the measure expired January 2023,

Abandoned	Legislation	Dated	Jurisdiction	Source	Notes
AB 642	Authorizes law enforcement to use the facial recognition technology in some instances, and only permits 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.	Held in Assembly Appropriations Committee May 2023	State of California	https://a19.asmdc.org/press-releases/20230308-new-legislation-assemblymember-ting-seeks-regulate-law-enforcement-use	

State laws providing for specific penalties in connection with harming transit and school bus employees*

State	Section	Provision	Penalty
CA	Cal Pen Code 190.25	Murder of a transportation worker.	Life without parole.
CA	Cal Pen Code 212.5	Robbery of a transportation worker.	First degree robbery.
CA	Cal Pen Code 241.3	Assault of transportation worker or passenger.	$2,000 fine, 1 year in jail, or both.
CA	Cal Pen Code 243.3	Battery of transportation worker or passenger.	$10,000 fine or 1 year in jail, or both. If injury occurs, up to 3 years prison.
CA	Cal Pen Code 245.2	Assault with deadly weapon on transportation worker.	3, 4, or 5 years in prison.
CO	Colorado Revised Statutes § 32-9-160	Wrongfully interfering with any RTD employee in the proper discharge of his duties.	Class 2 misdemeanor. Minimum 3 month of imprisonment, $250 fine, or both and maximum of 364 days of imprisonment, $1,000 fine, or both.
CT	Connecticut General Statutes § 53a-167c	Assault of public safety, emergency medical, public transit or health care personnel: Class C felony.	Class C felony
DC	Code of the District of Columbia §22-3751 et seq.	Enhanced penalties for committing a crime of violence against transportation providers.	Up to one and 1/2 times the maximum term of imprisonment otherwise authorized by the offense, or one and 1/2 times the maximum fine, or both.
DC	Code of the District of Columbia § 35-261	Notice of enhanced penalties.	Requires WMATA to post signs regarding the enhanced penalties on all buses trains, and at or near Metrorail station kiosks.

State	Section	Provision	Penalty
DE	Title 11, § 612(a)(3) and § 613(a)(5)	Includes transit operators in the list of other positions, such as volunteer firefighters and paramedics, that result in heightened levels for crimes in which the operator was a victim.	§ 612(a)(3) A person who intentionally causes physical injury to a public transit operator who is acting in the lawful performance of duty is guilty of an assault in the second degree, a class D felony. § 613(a)(5) A person who intentionally causes serious physical injury to a public transit operator who is acting in the lawful performance of duty is guilty of an assault in the first degree, a class B felony.
FL	Florida Statute 784.07(2)(a)	Assault of transit employee.	1st degree misdemeanor.
FL	Florida Statute 784.07(2)(b)	Battery of transit employee.	3rd degree felony.
FL	Florida Statute 784.07(2)(c)	Aggravated assault of transit employee.	2nd degree felony.
FL	Florida Statute 784.07(2)(d)	Aggravated battery of transit employee.	1st degree felony.
GA	OCGA 16-5-20	Simple assault committed in a transit vehicle or station.	Misdemeanor of a "high & aggravated nature."
GA	OCGA 16-5-21	Aggravated assault committed in a transit vehicle or station.	3 to 20 years in prison.
GA	OCGA 16-5-23	Simple battery committed in a transit vehicle or station.	Misdemeanor of a "high & aggravated nature."
GA	OCGA 16-5-23.1	Battery committed in a transit vehicle or station.	Misdemeanor of a "high & aggravated nature."
GA	OCGA 16-5-24	Aggravated battery committed in a transit vehicle or station.	5 to 20 years in prison.
HI	HRS 711-1112	Interference with operator of public transit vehicle.	Class 'C' felony. Five years or less, but not less than one year.
ID	ID Code 18-1522	Disruption or interference with school bus driver.	Misdemeanor.

State	Section	Provision	Penalty
IL	625 ILCS 50/1	Requires a notice to be prominently displayed in each vehicle used for the transportation of the public for hire which must substantially state the following: "Any person who assaults or harms an individual whom he knows to be a driver, operator, employee or passenger of a transportation facility or system engaged in the business of transportation for hire and who is then performing in such capacity or using such public transportation as a passenger, if such individual is assaulted, commits a Class 'A' misdemeanor, or if such individual is harmed, commits a Class 3 felony.	None.
IL	720 ILCS 5/12-2	Aggravated assault on a driver, operator, employee, or passenger of any transportation facility or system engaged in the business of transportation of the public for hire.	Class 'A' misdemeanor.
IL	720 ILCS 5/12-3.05	Aggravated battery (intentionally or knowingly causing great bodily harm) to a driver, operator, employee, or passenger of any transportation facility or system engaged in the business of transportation of the public for hire.	Class 3 felony.
LA	R.S. 14:34.5.1	Battery of bus operator or cable car operator while that person is on duty in course and scope of his or her employment.	Fine not more than $500 and prison for not less than forty- eight hours nor more than six months without benefit of probation, parole, or suspension of sentence.

State	Section	Provision	Penalty
MA	Mass Ann Laws Ch.265, Sect 13 D	Assault & battery on certain public officers & employees (including bus, trackless trolley, rail, or rapid transit motorman, operator, gateman, guard or collector).	90 days to 2 1/2 years prison or fine of $500 to $5000.
MD	Md. Transportation Code Ann. § 7-705.fl	Prohibited Acts: Obstruct, hinder, or interfere with the operation or operator of a transit vehicle or railroad passenger car or a person engaged in official duties as a station agent, conductor, or station attendant.	Misdemeanor subject to a fine of not more than $1,000, imprisonment not exceeding 1 year, or both.
MN	Minn Stat 609.855 Sub 2	Unlawful interference with transit operator.	Up to 3 years in prison or $5000 fine, or both if violation was accompanied by force or violence or a communication of a threat of force or violence. If no force or violence or threat of force or violence, up to 90 days in jail or fine not to exceed $1000.
MO	577.703 R.S. Mo	The offense of "assault with the intent to commit bus hijacking" is defined as an intimidation, threat, assault or battery toward any driver, attendant or guard of a bus so as to interfere with the performance of duties by such person.	Class 'D' felony. Class 'A' felony if a dangerous weapon is employed.
MO	577.703 R.S. Mo	Bus hijacking (seizure or exercise of control, by force or violence, or threat of force or violence, of any bus).	Class 'B' felony.

State	Section	Provision	Penalty
NC	G.S. 14-33(c)(7)	Assault on a public transit operator, including a public employee or a private contractor employed as a transit operator, when the operator is discharging or attempting to discharge his or her duties.	Class A1 Misdemeanor.
NV	Nev Rev Stat Ann 193.161.1	Felony committed on a school bus while bus operator engaged in official duties.	Imprisonment for a term 1 to 20 years long & in addition to term prescribed by statute for that crime.
NV	Nev Rev Stat Ann 200.030.1(d)	Murder of the first degree. Among other types of murder, it includes murder committed on a school bus while the bus operator was engaged in official duties.	Class 'A' felony.
NV	Nev Rev Stat Ann 200.471.2(c)	Assault on a transit operator.	Gross misdemeanor. If assault is made with a deadly weapon, or the present ability to use a deadly weapon, upgraded to a 'B' felony (1-6 years prison or up to $5000 fine, or both).
NV	Nev Rev Stat Ann 200.481.2(c)	Battery of transit operator who sustains substantial bodily harm.	Class 'B' felony (minimum 2-10 years prison or up to $10,000 fine, or both). No substantial bodily harm needed if deadly weapon used. Gross misdemeanor if no substantial bodily harm & no deadly weapon.
NM	NM Stat Ann 30-7-12	Seizure or exercising control of a bus by force or violence or by threat of force or violence.	3rd degree felony.
NM	NM Stat Ann 30-7-12	Intimidating, threatening, or assaulting any driver of a bus with intent of seizing or exercising control of bus.	4th degree felony.
NJ	NJ Stat 2C:12-1.5(g)	Simple assault upon any operator of a motorbus or any employee of a rail passenger service, or school bus driver.	Upgraded to 3rd degree aggravated assault if victim suffers bodily injury. 4th degree aggravated assault if no injury.

State	Section	Provision	Penalty
NY	NY Penal Law 120.05, sub. 11	Assault on train operator, ticket inspector, conductor, bus operator or station agent while such employee is performing an assigned duty on, or directly related to, the operation of a train or bus.	2nd degree assault.
OH	ORC Ann. 2903.13.(C)4(d)	Assault of a school bus driver.	5th degree felony.
OK	21 Okl St. 1903	Using force or violence or threat of force or violence to seize or exercise control over a bus.	Felony (up to 20 years prison or $20,000 fine, or both. Intent to seize control of bus by intimidation, threat, or assault punishable by 'A' felony (up to 10 years prison or $5,000 fine, or both. For either offense, the more severe penalty applies if deadly weapon is used.
OR	ORS 163.165.1(d)	Assault in the third degree (including the causing of physical injury to the operator of a public transit vehicle while the operator is in control of or operating the vehicle).	Class C felony.
PA	18 Pa.C.S. § 2702.(a)(3)	Intentionally, knowingly or recklessly causing serious bodily injury to an employee of an agency, company or other entity engaged in public transportation, while in the performance of duty.	Felony of the first degree.
RI	RI Gen Laws 11-5-5	Assault of public officials (including Rhode Island Public Transit Authority bus drivers).	Felony punishable by up to 3 years prison or $1,500 fine, or both.
SC	SC Code Ann 16-3-612	Student committing assault & battery against school personnel (including bus drivers).	Misdemeanor punishable by up to 1 year in prison or up to $1,000 fine, or both.

State	Section	Provision	Penalty
SC	SC Code Ann 58-23-1830	Obstructing, hindering, interference with, or otherwise disrupting or disturbing the operation or operator of a public transportation vehicle.	Misdemeanor. First offense: Up to 30 days jail or $200 fine. Second offense: Up to 60 days jail, or $500 fine, or both. Third or subsequent offense: Up to 90 days jail or $1,000 fine, or both.
SC	SC Code Ann 59-67-245	Interference with operation of a school bus (includes threats to driver).	Misdemeanor ($100 fine or 30 days jail).
UT	UT Code Ann 76-10-1504.(1)(a)	Assault with intent to commit bus hijacking (intimidation, threat, assault or battery toward any driver, attendant or guard of a bus so as to interfere with the performance of duties by such person).	2nd degree felony. 1st degree felony if dangerous weapon used.
UT	UT Code Ann 76-10-1504.(2)(a)	Bus hijacking (seizure or exercise of control, by force or violence, or threat of force or violence, of any bus).	1st degree felony.
WA	Rev Code Wash (ARCW) 7.48.140.(4)	Interference with the provision or use of public transportation services, or obstructing or impeding a municipal transit driver, operator, or supervisor in performance of duties.	Public nuisance.
WA	Rev Code Wash (ARCW) 9.66.010.A	Interference with municipal transit vehicle or station.	Public nuisance.
WA	Rev Code Wash (ARCW) 9.91.025.(1)(p)	Unlawful bus conduct (includes intentional obstruction of municipal transit vehicles or interference with provision of public transportation services.	Misdemeanor.

State	Section	Provision	Penalty
WA	Rev Code Wash (ARCW) 9A.36.031.(1)(b)	Assault upon a person employed as a transit operator or driver, immediate supervisor, mechanic, or security officer. Includes public or private transit company or a contracted transit service provider. Also includes assault on a school bus driver or mechanic employed by a school district transportation service.	3rd degree assault (Class 'C' felony).
WI	Wis Stat 940.20.(6)(b)1	Battery to public transit vehicle operator, driver, or passenger. (Occurring on the vehicle, if offender forces victim to leave vehicle, or if victim is prevented from gaining access to the vehicle).	Class I felony.
WV	W. Va. Code § 61-2-10b	Malicious assault; unlawful assault; battery; and assault on governmental representatives, health care providers, and emergency medical service personnel; definitions; penalties	Jail time ranges from 24 hours to 15 years, depending on severity and number of violations.
WV	W. Va. Code § 61-2-16a	Malicious assault; unlawful assault; battery and recidivism of battery; assault on a driver, conductor, motorman, captain, pilot or other person in charge of any vehicle used for public conveyance.	3 to 15 years in prison.

Response to Motion 34.1 Improving Safety for Metro Riders and Employees

Ken Hernandez
Interim Chief Safety Officer

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Faregate Improvements to Improve Fare Compliance, Control System Access

- Up to 94% of those arrested on the system do not possess valid fare. However, there is no reliable data to determine what percentage of all non-fare compliant users commit crimes.

- Nearly half of Metro's 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.

- At stations with faregates, the current style of the turnstile and leaf-style faregates are substantially susceptible to fare evasion, in particular, the wide, ADA leaf-style gate that provides additional space and time for customers with disabilities to enter but is open to all riders.

- Peer agencies 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.
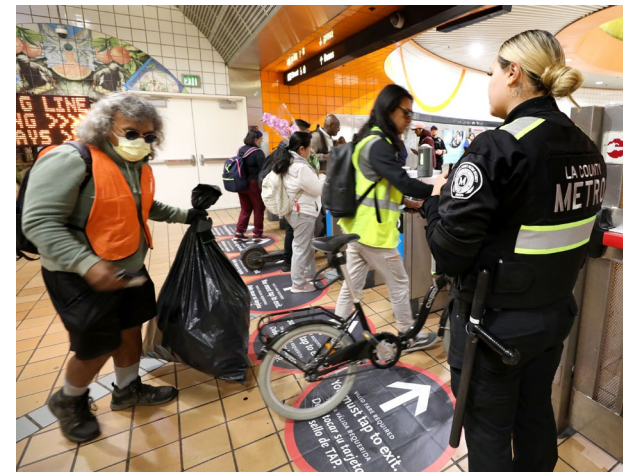

BART's new faregates

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Faregate Improvements to Improve Fare Compliance, Control System Access

- The **North Hollywood B Line Station pilot program** on faregates began on May 28, with customer outreach beginning the week before implementation.

  o Metro is providing LIFE Program signups onsite during the beginning of the pilot, and TAP Blue Shirts are present to assist customers in purchasing appropriate fares.

  o Metro Fare Compliance teams took 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.

  o Staff will be evaluating this pilot over a 90-day period to determine next steps. The evaluation will include impacts on fare compliance, customer experience, safety, cleanliness, and impacts on other stations.


North Hollywood, you must tap to exit.
Starting May 28, 2024, turnstiles won't open unless you tap your valid TAP card when you enter and exit North Hollywood Station.

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Update on Station Experience Improvements

Lake Av Station

- Completed lighting upgrades.
- Partnering with the City of Pasadena to extend lighting improvements to the city pathways leading up to our station entrance.
- Staff is in the design phase to tactically seal off misused areas that do not provide meaningful functionality for customers (i.e., areas behind elevator shafts, vulnerable window ledges).
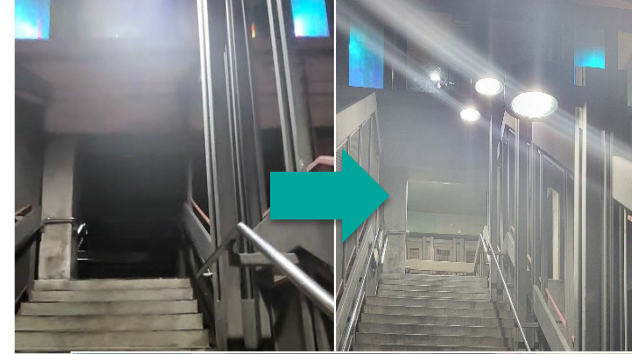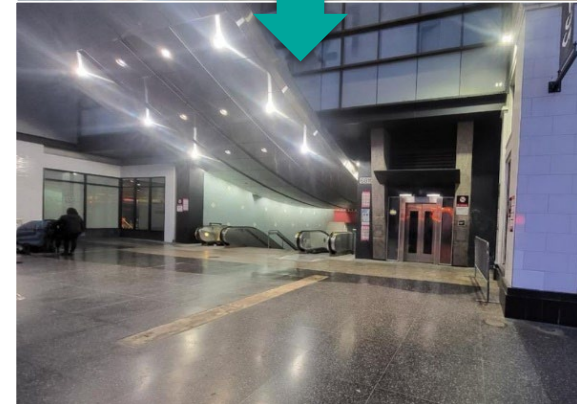
Hollywood/Highland Station

- Installed brighter lighting, new signage, and property markers that clearly delineate the areas that must be maintained for transit purposes only, allowing Metro's 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.

Downtown Santa Monica Station

- Working with the City of Santa Monica on a multipronged approach to improving safety and cleanliness at this station.
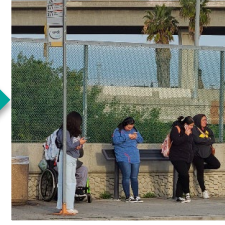

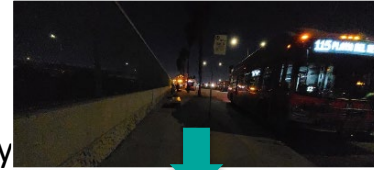*Before/After: Lighting improvements at Lake Av & Hollywood/Highland stations*

Update on Station Experience Improvements

Norwalk Station

- o Added leaning benches and substantial lighting upgrades bus bays at Norwalk Station.
- o Conducted roadway safety improvements, including tree and brush trimming where overgrowth from neighboring property has impeded visibility along the station roadway

*Before/After: Bus Stop Waiting Improvements at Norwalk C Line Station*

APU/Citrus College Station

- o Metro HOME Outreach teams have been providing daily coverage, engaging with individuals and offering supportive services.
- o A Throne public restroom was added to this station in May.
- o Parking Lot User Safety (PLUS) Program launched, incorporating various elements needed to address the specific issues encountered in Metro parking structures.
- o Staff has 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.

Before/After: Lighting improvements and elevator door open pilot are improving safety

Before
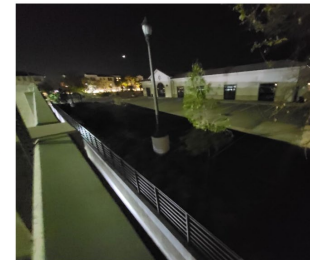
After

Violent Crimes & Repeat Offenders

Violent Crimes & Fare Evasion

Upon arrest of a crime, officers do not conduct a fare check. Instead, officers conduct visual TAP card inspections where they ask arrestees to show their TAP cards. Between April 2023 and March 2024, 904 violent crimes were committed on the Metro system. Based on the data available, **approximately 871, or 96%, of violent crime offenders did not have a TAP card. However, there is no reliable data to determine what percentage of all non-fare compliant users commit crimes.**

- LAPD reported 609 violent crimes
    - 13,499 individuals were arrested for misdemeanors and felonies, 81% did not have a TAP card in possession, 4% had a TAP card in possession, and 15% refused to answer.
- LASD reported 267 violent crimes
    - Of the 267 violent crimes committed, 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 reported 28 violent crimes. LBPD officers do not conduct a TAP visual card inspection.

Crimes by Repeat Offenders

Between April 2023 and March 2024, 611 arrests were made for Crimes Against Persons.
- Of those arrested, 21 were identified as repeat offenders on the system. This represents 3.4% of individuals arrested for Crimes Against Persons.

Agency	Number of Arrests	Number of Repeat Offenders
LAPD	439	20
LASD	152	1
LBPD	20	0

A Line CCTV Upgrade Project

CCTV systems at stations along the A Line from Union Station to Sierra Madre Villa Station were upgraded in May 2024, where existing cameras, recording equipment, and infrastructure were insufficient with the advanced video analytics technology being used in the near future across the Metro system such as intelligent processing of raw video footage, transforming it into a valuable resource for decision-making.

- Continued use of CCTV deters potential criminal activity, including trespassing, assaults, theft, and vandalism, which will be complemented by leveraging advanced video analytics tools.
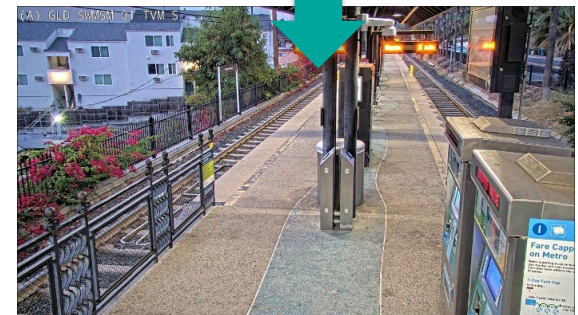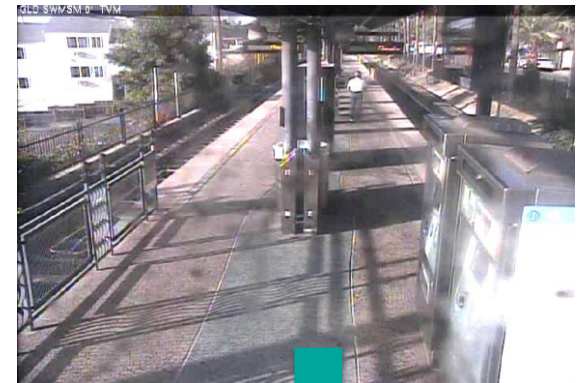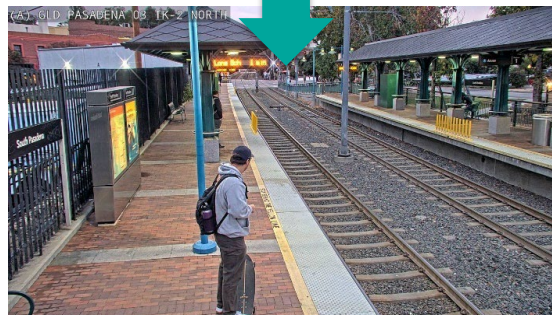
Before/After: South Pasadena Station (left) and Southwest Museum Station (right)

Potential Uses of Technology to Improve Safety

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).

Enhanced Security Screening

Real-time Behavioral Threat Detection

Crowd Monitoring and Management

Facial Recognition: BOLO Alerting & Staff Access Control

Predictive Maintenance

Data-driven Decision Making

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8

Potential Uses of Weapons Detection Systems

Metal Detectors

- Largest advantage to this effort is enhanced security throughout the system and the detection of potentially dangerous weapons

Electromagnetic Weapons Detection

- Emits an ultra-low frequency, which systems sensors process the pulses relayed to detect a potential weapon
- Also equipped with cameras to capture still images of the individual moving through the system to provide to security resources

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Role of Improved Partnerships

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:

Regular Interagency Meetings	Unified Database	Standardized Protocols	Training Programs
Community Engagement	Feedback Mechanisms	Technology Integration	

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Penalties for Crimes Against Transit Employees

In California, there are presently five penal codes for differing degrees of assault on a transportation worker.

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

AB 2824 is an amendment to Section 243.3 of the Penal Code that is currently in Committee as of April 24, 2024.

This would expand the additional penalties to include employees/contractors of public transportation providers.

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Next Steps

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

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