Los Angeles County
Metropolitan Transportation Authority

Metro

GENERAL MANAGEMENT
Bias-Free Policing Policy

(GEN 64)

POLICY STATEMENT

Metro is committed to providing transit services and enforcing the Code of Conduct in a professional nondiscriminatory, fair, and equitable manner. 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, or employment status, English language fluency or homeless circumstance, is prohibited while performing any Metro activity. Metro 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 Metro security and public safety resources and build mutual trust and respect with the diverse groups and communities Metro provides service to. This policy will serve as a companion to the "*Public Safety Analytics Policy*", which ensures that any use of internal and external data sources is done in a manner that averts racial profiling and discrimination.

PURPOSE

Metro is committed to protecting the constitutional and civil rights of all people as outlined in Title VII of the 1964 Civil Rights Act and the Americans with Disability Act (ADA). The purpose of this policy is to emphasize 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 Metro security staff, contractors, and law enforcement partners supporting Metro will be expected to abide by this policy.

APPLICATION

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

_____	_____	_____
APPROVED: County Counsel or N/A	Department Head	ADOPTED: CEO

Effective Date: _____

DRAFT

Los Angeles County
Metropolitan Transportation Authority

Metro

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 Metro:

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

It is Metro's policy that except in "suspect specific incidents" where acknowledgment, 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

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.

DRAFT

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Metropolitan Transportation Authority

Metro

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

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.

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.

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.

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

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].

3.0 RESPONSIBILITIES

DRAFT

[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.

Los Angeles County
Metropolitan Transportation Authority

Metro

GENERAL MANAGEMENT
Bias-Free Policing Policy

(GEN 64)

The Chief Executive Officer 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.

3.1 Fair and Impartial Treatment

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

2. 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

1. 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.

2. 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 command can contact the Office of Civil Rights at 213-418-3190 to report instances of biased policing and discrimination.

3. Information on biased-policing complaints and any additional relevant information shall be provided to the Chief Executive Officer 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 Chief Executive Officer or their designee.

DRAFT

[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.

4. Metro 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, religion or sexual orientation as a basis for action by Metro security services..

5. Community members who are victims of unconscious bias, discrimination, or racial profiling by Metro 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 trust and respect with Metro 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 Metro procedures. Contract public safety employees shall report violations of this policy in accordance with the host agency and Metro procedures.

3.3 Training

Metro requires annual implicit bias training for all employees. In addition, the following represents mandatory training for all Metro 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. Metro will work with local Community-Based Organizations to develop and deliver training on mental health and other social services. Whenever possible, Metro will integrate community members from a variety of backgrounds into trainings to ensure the training includes the perspective of those whom Metro serves. Metro

DRAFT

will also coordinate with the Public Safety Advisory Committee (PSAC) to identify and vet training curriculum opportunities.

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 Metro anti-bias/anti-discrimination policies.

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

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

4.0 FLOWCHART

Not Applicable

5.0 REFERENCES

- Title VII of the 1964 Civil Rights Act
- CIV 5- LACMTA Civil Rights Policy
- CIV 4- Internal Complaint Process

DRAFT

Los Angeles County
Metropolitan Transportation Authority

Metro

GENERAL MANAGEMENT
Bias-Free Policing Policy

(GEN 64)

- CIV 13- Title VI Equity Policies
- GEN 42- Customer Complaints
- IT 12- Security Incident Reporting and Response Policy
- GEN 63 Public Safety Analytics Policy

DRAFT