



April 1, 2022

CEO Stephanie Wiggins
Los Angeles County Metropolitan Transportation Authority
One Gateway Plaza
Los Angeles, California 90012-2952
Sent via email to WigginsS@metro.net

Re: Oppose Racially-Harmful Intelligence Gathering Within Metro's Reimagining Public Safety Framework (File #2022-0054)

Dear Metro CEO Stephanie Wiggins,

April 1, 2022

The Alliance for Community Transit-Los Angeles (ACT-LA) and the undersigned organizations strongly urge you to oppose the adoption of a racially-biased intelligence-gathering program currently proposed by the new Chief Safety Officer under the new Reimagining Public Safety Framework. **The Chief Safety Officer's testimony on 2/24/2022 and 3/2/2022 revealed that Metro's proposed intelligence-gathering framework will result in more harm and bias towards low-income riders of color on Metro.¹ Instead, we urge you to divest from contracted law enforcement in all forms and redirect those funds towards effective and racially equitable non-policing safety solutions.**

Metro's own data reveals how its current law enforcement infrastructure disproportionately harms Black riders through excessive policing, racial profiling, and unjust and unwarranted detentions and arrests: Black riders make up 18% of Metro ridership and over 50% of citations.² Nevertheless, in FY21 Metro budgeted \$227.7 million for police contracts,³ which dwarfs the resources it spends on supportive services and non-law enforcement alternatives to safety and security on its system. In recognition of this, in June 2020, the Metro Board created the Metro Public Safety Advisory Committee (PSAC) to study and recommend ways to redirect resources from policing to other non-law enforcement solutions to enhance riders' safety and security.

Despite this explicit call from the Board and the diligent work of PSAC to recommend alternatives, the detail shared about Metro's new intelligence program represents a sharp u-turn from the progress made by the Board, PSAC, advocates and engaged riders to fundamentally shift how safety and security are maintained on the system. Relying on FBI counterintelligence strategies instead of robust investments in community-based safety solutions with a commitment to public transparency, community input, and oversight moves us away from the important efforts advocates, riders, PSAC and the Board have been working on. The emerging details about this particular program point to a plan to deploy predictive policing on Metro:

- Board Report #2022-0054 states that "[a] team of intelligence analysts will create a set of safety and security metrics. That information will be analyzed and used to identify high-risk areas within the transit system and evaluate the effectiveness of the various initiatives and deployment resources. The Chief Safety Officer will then have the ability to strategically deploy resources to prevent incidents . . ."
- In discussing this program, the Chief Safety Officer informed PSAC members that the goal of the program "is not targeting a certain race, it's not targeting a certain group, it is really targeting bad behavior."⁴

¹ Testimony collected from the 2/24/2022 Metro Board of Directors meeting and the 3/2/2022 Metro Public Safety Advisory Committee (PSAC) meeting

² Los Angeles County Metropolitan Transportation Authority. "Transit Citation Data 2017-2021." Los Angeles County Metropolitan Transportation Authority, October 2021.

³ Los Angeles County Metropolitan Transportation Authority. "FY22 Adopted Budget." Los Angeles County Metropolitan Transportation Authority, September 2021.

⁴ PSAC March 2, 2022 Meeting, at 1:29:55, recording available at <https://www.youtube.com/watch?v=inDYLWXDtSQ>.

April 1, 2022

Based on the Chief Safety Officer's testimony and the accompanying Board Report (File #2022-0054), it is substantively clear that Metro's proposed new intelligence system amounts to a predictive policing program because it aims to collect and analyze security data (which is racially and economically biased in itself) to determine where to deploy law enforcement personnel. Predictive policing programs describe the collection of large amounts of data (primarily criminal detention and arrest data generated by policing agencies) and combing through the data with analytics (typically technologically-assisted software algorithms) to attempt to predict where future crime may occur so that law enforcement personnel can be deployed to those locations for the purported aim of preventing crime. Predictive policing systems are extremely problematic because they:

- perpetuate racial bias by relying upon data that is, in itself, built upon decades of racialized criminalization and economic extraction from low-income communities of color;
- lack transparency by failing to publicly disclose the data being collected and used, and the algorithms and other methods applied to analyze the data;
- are inconsistent with the "reasonable suspicion" standard required under the Fourth Amendment; and,
- have been consistently found to be ineffective at determining where crime may occur.

These predictive analytical tools have been largely discredited, including in Los Angeles itself; in 2019, the LAPD discontinued its use of predictive policing in light of an audit that found significant problems and vociferous community opposition.⁵

Metro personnel claim that they intend to use this type of analytics program to deploy other (non-law enforcement) resources, but this attempt should be rejected for two reasons. First, given Metro's reluctance—over PSAC's objections—to significantly divest from its law enforcement contracts, we know that this program will be used to specifically deploy law enforcement personnel. Second, and more fundamentally, predictive policing systems are neither necessary nor useful for deploying non-law enforcement safety-enhancing resources and supportive services. The goal of predictive policing systems is to predict where an unknown criminal act may occur. **But Metro does not need to predict where to deploy non-policing resources. Metro needs only to ask and listen.** Scores of community-based organizations, including the undersigned, have consistently lobbied Metro to provide access for riders with disabilities, crisis response personnel, the elimination of fares, lighting, restrooms, elevators, routine cleaning, transit service, infrastructure upgrades, and more. Input from riders, operators and others, as well as equity-based metrics can provide the needed data regarding where these kinds of supportive services and infrastructure improvements are needed most.

Metro should use existing research, recommendations, and equity-driven platforms created by community-based organizations—and not police departments—to determine where to allocate

⁵ <https://www.brennancenter.org/our-work/research-reports/predictive-policing-explained>;
<https://www.eff.org/deeplinks/2020/09/technology-cant-predict-crime-it-can-only-weaponize-proximity-policing>

April 1, 2022

non-law enforcement services that truly enhance community safety. ACT-LA's report "[Metro as a Sanctuary: Reimagining Safety on Public Transit](#)," cites real safety solutions Metro can adopt that do not rely on policing and highlights community-led safety strategies. The [Justice Equity Need Index](#) (JENI), and [Justice Equity Services Index](#) (JESI) are mapping tools developed by a coalition of organizations centered on racial and economic equity. JENI is a geographic tool that identifies the areas in greatest need of resources for community healing, health, and prevention services to help reverse historical injustices of our outdated, broken criminal justice system. JESI identifies L.A. County's density of justice-related community-based supports and services to inform organizers and policymakers where to shift investments and capacity-building supports towards equity and justice. Metro should cross-reference these resources to determine areas where gaps between needs and services exist to allocate exclusively non-law enforcement, care-based supports and services.

Through PSAC's leadership, Metro already has a model for supplanting its existing policing-centered public safety framework to one led by more effective, care-based supports and safety investments, including transit ambassadors, lighting, homeless outreach, and short-term shelters. Metro should shift its vast law enforcement resources to programs developed in partnership with community-based organizations, rather than police agencies. A recent report by NYU researchers⁶ found that doing so is likely to reduce murder, violent crime, and property crime rates. **Despite the Board's directive to shift funds to non-police alternatives, 68% of Metro's proposed FY23 public safety budget, or \$218 million,⁷ is earmarked for racially-biased law enforcement and security personnel.** Metro's proposed model and reliance on racially biased intelligence gathering fails to move beyond its inequitable contracted law enforcement program.

We urge Metro to divest from its contracted law enforcement model and redirect those funds towards upstream, community-based approaches to keep the Metro system safe and welcoming for Black, Indigenous, and riders of color. We look forward to speaking with you to resolve these urgent matters. For any questions, please connect with Alfonso Directo Jr. at adirecto@act-la.org.

Signed,

Alliance for Community Transit - Los Angeles
ACLU of Southern California
Advancement Project California
Community Coalition
Community Power Collective
Coalition for Humane Immigrant Rights (CHIRLA)

⁶ Sharkey, Torrats-Espinosa and Takayara. "Community and the Crime Decline: The Causal Effect of Local Nonprofits on Violent Crime." <https://journals.sagepub.com/doi/10.1177/0003122417736289>

⁷ Metro Public Safety Advisory Committee. "PSAC Budget Guidance (FY23)." March 2022

April 1, 2022

Education Workers United, SEIU Local 99
Esperanza Community Housing Corporation
Investing in Place
LA Black Worker Center
LA Forward Action
Labor/Community Strategy Center/Bus Riders Union
Los Angeles Walks
People for Mobility Justice
Strategic Actions for a Just Economy (SAJE)
Stop LAPD Spying Coalition
Women Organizing Resources Knowledge and Services (WORKS)

CC:

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