

# REPORT OF THE CHIEF LEGISLATIVE ANALYST

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DATE: October 7, 2021

TO: Honorable Members of the Council

FROM: Sharon M. Tso  
Chief Legislative Analyst

Council File No: 21-0263  
Assignment No: 21-06-0535

SUBJECT: Street Harassment in Public Spaces and Transit Systems

## SUMMARY

On July 2, 2021, the Council approved the following instructions relative to curtailing street harassment:

1. Direct the Chief Legislative Analyst (CLA), with the assistance of the Civil, Human Rights, and Equity Department, the Los Angeles Department of Transportation (LADOT), the Bureaus of Street Services and Street Lighting, the Department of Recreation and Parks, the Personnel Department, and any other departments, as needed, to report with recommendations to strengthen the oversight, mitigation, and response to street harassment in public spaces and transit systems.
2. Request that the Los Angeles County Metropolitan Transportation Authority (Metro) report relative to curtailing harassment on trains, buses, and transportation stops, including the "It's Off Limits" campaign and the recently-formed Public Safety Advisory Committee.

## CLA RECOMMENDATIONS:

That the City Council:

1. Instruct the Department of Transportation to require the City's transit operating contractors to collect data about street harassment and to develop procedures and processes to receive and report incidents of harassment on transit and at bus stops.
2. Instruct the Departments of Recreation and Parks and Transportation and the Bureaus of Street Lighting and Street Services to undertake an analysis of public space under their jurisdiction and report on the physical environment and recommended improvements to improve safety, as well as any new design standards that would improve safety and reduce harassment.

3. Instruct the Department of Transportation to report with statistics on the reliability of transit service and the possibility of expanding the real-time bus arrival information at bus stops to include anti-harassment information and options to report real-time incidents.
4. Instruct the Department of Transportation to report on their new pilot program that would require the City's transit contractors to allow on-demand stops at night.
5. Instruct the Information Technology Agency to report on digital tools and technologies that include digital platforms and smartphone apps that would make it easy to report street harassment in the public right-of-way and connect people with services if they have been affected by harassment.
6. Instruct the Civil, Human Rights and Equity Department and the Department of Cultural Affairs, with the assistance of the CLA, to develop a strategy to implement an anti-harassment public education campaign, as well as potential funding options.
7. Request the City Attorney to review penal code sections to include the full range of street and sexual harassment behaviors as criminal offenses and investigate the feasibility of promoting a larger legislative anti-harassment framework that supports a passenger's right to travel.

## BACKGROUND

Over the past few years, increased awareness about sexual harassment has brought attention to the issue, particularly through the #MeToo movement. Most of this attention has concentrated on workplace behavior, however, harassment in public spaces and on public transit systems is less publicized but often more prevalent.

Street harassment is generally used to define unwanted, disrespectful or threatening comments, gestures or other actions forced on a stranger in a public place without their consent and directed at someone because of actual or perceived gender, sexual orientation, race, ethnicity, religion, or national origin. These incidents may begin to occur to people when they are young and likely occur multiple times over the years. Most harassed people report that, at least once, they were fearful that an incident would escalate. In many respects, society has normalized street harassment and in some cases, people see it as complimentary or a 'joking' matter. Street harassment is a form of violence that causes many harassed persons, especially women, to feel less safe in public places, limit their time there, and change their travel patterns or way of life in some way to avoid such incidents.

Since 2008, the nonprofit Stop Street Harassment (SSH) has collected thousands of street harassment stories. Their 2014 study confirms that across all ages, races, income levels, sexual orientations, and geographic locations, many women in the United States experience street harassment. Those who identify as gay, bisexual, queer, or transgender, do as well.

Street harassment is a symptom of inequality, and it keeps harassed persons from fully participating and thriving in the world. Numerous studies have shown that harassment in transit environments is very common. Some characteristics of the surrounding physical and social

environment influence harassment incidence, reduce transit usage and recreational opportunities, and is largely underreported. Surveys of transit operators in the United States have found that operators are gender-neutral in their policies, leading to a significant mismatch between the security needs of women riders and the adopted strategies. There has also historically been a general lack of awareness from transit agencies regarding the extent of harassment on public transit. This may be due to scant data, which may be the result of both underreporting by victims and the fact that reporting of crime statistics do not specify harassment.

In 2019, the Los Angeles Department of Transportation (LADOT) commissioned “Changing Lanes,” a study to advance its efforts to achieve a gender-equitable transportation system. According to the study, one of the main obstacles to achieving this goal is the lack of data pertaining to the unique experiences and needs of women navigating Los Angeles’ transportation system. The study also found that women are more likely than men to have complex travel patterns, that women face varying barriers, including safety concerns, poor walking environments, lower access to driver’s licenses, high costs, and transit inefficiencies such as long travel times and infrequent service. Women are also more likely than are men to be concerned about their safety while using public transit. In addition to gender disparities, there are racial disparities in perceptions of safety waiting for transit, using transit, and walking. Respondents identifying as Latinx, Black, or Asian are more likely than those that identify as White or other to feel unsafe. These barriers prevent them from taking trips, making them less mobile than men. Additionally, a poor walking environment is the greatest barrier to travel for men and women across all three study neighborhoods.

Motion (Buscaino, Lee, Martinez, O’Farrell, Raman, Rodriguez - Price) states that street harassment is a pressing public safety issue and, as the City continues to invest millions of dollars each year in infrastructure improvements, the City has a responsibility to address the problem. It is critical to offer real help by empowering those affected and address potential and current harassers.

The following summarizes the general categories for the City to address when considering ways to combat street harassment:

*Documenting Harassment* - the City should work to change the all-too-common social attitude that harassment is not a big deal or that this type of treatment is simply a compliment. To begin, one major focus should be to document the problem and demonstrate the reasons it is a human rights violation.

LADOT provides transit service, including DASH, Commuter Express and Cityride paratransit, through contracts with private providers. As required by state and federal law, contractors conduct harassment training for all drivers to ensure appropriate behavior towards other employees, passengers, and the public. Any harassment that an operator encounters at a bus stop or on the bus, is required to be reported to dispatch immediately to request a road supervisor and law enforcement, if necessary. The Department, however, does not collect statistics on the number of such incidents nor does the annual rider survey include any specific questions related to street harassment.

*Reporting incidents* - A small percentage of individuals subjected to street harassment report the incident. The reluctance is often due to limited reporting opportunities and may compound the feeling of vulnerability and victimization. This lack of reporting, coupled with the fact that few transit agencies include questions about harassment in their passenger surveys, provides an incomplete picture of the problem. New digital tools and technologies are available that could make it easier to report incidents and connect individuals with assistance.

In 2015, Metro invited the organization Peace Over Violence (POV), a nonprofit organization dedicated to building healthy relationships, families and communities free from sexual, domestic, and interpersonal violence, to partner in efforts to reduce sexual harassment and assault on public transit. The action was in part due to a survey reporting that one in five Metro riders face unwanted sexual behavior on Metro. POV allowed Metro to use the name of their existing sexual harassment curriculum “Off Limits” and informed the message and design development of the initial campaign. Following this successful collaboration, Metro created a customized sexual harassment hotline, which was launched in 2017 and continues today. The hotline is an 800 number service that connects the caller directly to an advocate that provides 24/7 crisis intervention and emergency response customized for Metro. The City may want to consider such a model, as well as smart phone app-based options for individuals who may not be comfortable making a phone call during an incident.

*Increase the reliability of bus service.* Knowing when the next transit vehicle will arrive helps scheduling the transit trip in ways that can minimize long waiting and exposure at bus stops and station platforms. To improve safety and convenience for riders, on August 21, 2021, the Department of Transportation began operating a pilot program offering on-demand stops along four DASH routes.

*Outreach and education* - Educational workshops about respectful ways to interact with strangers and specific information about street harassment are ways to curb street harassment. More training of law enforcement and transit workers, community safety audits, and awareness campaigns are also important to empower individuals to know that this type of activity is wrong and unacceptable. As part of the Los Angeles Department of Civil, Human Rights and Equity’s mission to reduce bias and injustice, they may want to include information on anti-street harassment policies and measures in their public outreach efforts.

*Changes to the physical and social environment* - Studies have found that some characteristics of the physical and social environment influence harassment incidences. Studies have found that personality traits can affect an offenders’ modus operandi, but place characteristics appear to have a more significant effect. One of the key spatial characteristics of transit environments is that they are simultaneously open and accessible to a large number of people and yet spatially confined or even enclosed. Additionally, transit environments often include a variety of settings in and around stations and bus stops, as well as within transit vehicles. These varying conditions, such as crowded sidewalks, limited open space or wide streets with higher speed limits, all can affect the opportunities for street harassment.

Several scholars have also advocated for a more expansive view of the transit environment called “the whole journey approach,” encompassing “first mile/last mile” components. They

argue that walking to and from the bus stops and/or subway stations is an important aspect of the transit journey and that harassment during this segment of the transit journey is also likely to affect the behavior of transit riders. When it comes to the microenvironment of transit settings, the literature on transit crime has found that certain environmental characteristics help increase crime, while others help reduce it. As suggested by the weight of the empirical evidence, positive environmental characteristics include good lighting, good visibility, regular maintenance/cleanliness, surveillance through closed-circuit television cameras, and the presence of people. On the other hand, negative environmental characteristics include isolation/desolation, poor lighting/darkness, poor visibility, confined and enclosed places, and poor/inconsistent maintenance indicated by the presence of litter, graffiti, and vandalism. These findings point to the need for a re-examination of the City's built environment by the Departments of Recreation and Parks and Transportation and the Bureaus of Street Lighting and Street Services to ensure that the existing and planned infrastructure is designed, operated, and maintained to reduce the opportunity to engage in street harassment, as well as to determine if additional security measures may be necessary.

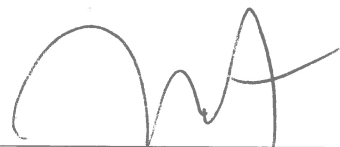
*Strengthen legal remedies* - Typically, criminal justice systems adopt very narrow definitions of punishable harassment behaviors. Moreover, because these incidents typically happen between strangers in a public place, there is less legal recourse than those that exist for situations of harassment in school and the workplace or dating or domestic violence.

As instructed by the Motion, this Office also contacted the Personnel Department to discuss their role in managing the risk of street harassment. Personnel Department's Occupational Safety and Health Division (OSHD) works collaboratively with all City departments toward a shared goal of managing risk for the benefit of the safety and wellness of the City workforce. While non-work related incidents that occur on the public street fall outside the purview of Personnel's OSHD, City departments are provided various safe practices including non-work-related public encounters under the Injury Illness Prevention Program (IIPP). The IIPP's Personal Safety and Security Tips includes a section on "Street Precautions," which provides strategies for City employees while walking on public streets. In cases where violent behavior or a credible threat of violent behavior is directed at a City employee, the City will take appropriate legal action and/or other steps necessary to help protect the employee and/or the employee's family members. With regard to public street harassment, the City-wide Threat Assessment Team will take note of any reported incidents and seek intervention to the extent possible by LAPD and, if the person can be identified, obtaining Temporary Restraining Orders (TROs) in limited circumstances.

## FINDINGS

- Street harassment is a significant problem across the nation.
- Street harassment often happens to women but can affect men and sexual orientation may affect a harassment incidence.
- Many times, street harassment occurs multiple times to individuals and can begins at a young age.
- Most harassed people were at least somewhat concerned that an incident would escalate.

- Most harassed people change their lives and activities in some way to reduce the chances of future incidents.
- Street harassment is not limited to the streets but include sidewalks, transit stations, and other public space.
- Harassment on public transportation systems creates fear among female riders and reduces transit use.
- Some characteristics of the physical and social environment influence harassment incidence.
- The lack of legal options against harassers require a re-examination legal remedies and stronger punishments.



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Analyst

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Attachment: Motion (Buscaino, Lee, Martinez, O'Farrell, Raman, Rodriguez - Price)

## M O T I O N

Street harassment is defined as unwanted, disrespectful, or threatening interactions in a public space, often consisting of comments, gestures, exposure, following, and taking photos or videos of a person without their consent. It typically takes the form of verbal and non-verbal harassment, but can and often does lead to physical violence. Street harassment causes many of its victims to feel uncomfortable, angry, frightened, violated and unsafe in public spaces. Though significantly under-reported, it is considered by most standards to be a human rights violation and is a pervasive issue across the world, particularly in dense cities such as Los Angeles.

Street harassment is typically directed at a person due to actual or perceived gender, sexual orientation, race, ethnicity, and religion. It therefore disproportionately affects already vulnerable populations, including people of color, women, people with disabilities, LGBTQ+, seniors, and adolescents. The age in which individuals begin to experience street harassment is between 10 and 18 years old, the same age range for which street harassment is most common. The most frequently listed location for harassment for all populations is a public space.

There has been a recent surge in hateful, inappropriate, xenophobic, sexist, and racist language throughout our nation. Specifically, since the onset of the pandemic, there's been a major spike in verbal and physical harassment against Asian Americans. Hate crimes targeted at Asian Americans have increased by 150% since last year in our nation's most populous cities. Los Angeles is the second city with the highest increase in reported crimes against Asian Americans, preceded only by New York City.

Historically, women and girls are the most frequent victims of street harassment, most commonly in the form of sexual harassment. A 2019 study conducted by the national non-profit Stop Street Harassment found that nearly 80% of women experienced verbal or non-verbal harassment in their lifetime and over one-third of women under the age of 24 had experienced street harassment in the past six months.

Street harassment is a pressing public safety issue because, beyond the serious psychological effects of repeated verbal and non-verbal harassment, incidents can and do lead to physical harassment and violence. In a 2014 report entitled, "*Unsafe and Harassed in Public Spaces*," roughly 70% of women and 50% of men who had experienced street harassment said they had been seriously concerned that the incident would escalate into something worse. A victim cannot know the intent of their harasser, and it is too risky to assume that it ends with a comment or gesture.

The prevalence of street harassment forces individuals within these vulnerable populations to alter their behaviors, including less convenient but safer routes of travel, avoiding travel at certain times, traveling with self-defense products, abandoning any unnecessary trips outdoors, and even blacklisting transit options in public spaces altogether. As the City continues to invest millions of dollars each year in infrastructure improvements to enhance pedestrian safety, the issue of street harassment and personal safety must also be a top priority, or else vulnerable populations will continue to use other travel options available to them, despite large capital investments in crosswalks, bikes lanes, and related.

Most major cities in the United States and around the globe have taken some degree of action to mitigate the extraordinarily prevalent issue of street harassment, for example Washington, D.C.'s "*Street Harassment Prevention Act of 2017*." There are many examples of successful soft

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**approaches**, such as **bystander training programs**, **educational campaigns**, **mandatory government personnel training**, **accessible and simple reporting systems**, and much more. As the second most populous city in the nation, the City of Los Angeles has a responsibility to protect its most vulnerable residents from harassment in public spaces.

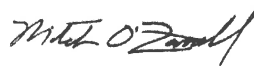
I THEREFORE MOVE that the Chief Legislative Analyst, with the assistance of the Civil, Human Rights and Equity Department, Department of Transportation, Bureau of Street Services, Department of Recreation and Parks, Personnel Department, and any other departments, as needed, be DIRECTED to report with recommendations including all soft approaches available to the City to strengthen the oversight, mitigation, and response to street harassment occurring in Los Angeles' public spaces and on City-administered transit systems, drawing from other cities' successful models from around the world.

I FURTHER MOVE that Los Angeles County Metropolitan Transportation Authority be REQUESTED to report with past and upcoming efforts to curtail the issue of harassment on trains, buses, and transportation stops, including the "It's Off Limits" campaign and the recently-formed Public Safety Advisory Committee.

PRESENTED BY:



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