

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM  
PUBLIC SECURITY COMMITTEE  
1255 Imperial Avenue, Suite 1000  
San Diego, CA 92101

December 5, 2019

1. ROLL CALL

Chair Montgomery called the meeting to order at 2:05 p.m. A roll call sheet listing Public Security Committee member attendance is attached.

2. APPROVAL OF MINUTES

Vice Chair Aguirre requested for the previous meeting minutes to reflect her as Vice Chair. Staff confirmed that they would update the minutes accordingly.

Ms. Galvez moved to approve the minutes of the September 27, 2019 Public Security Committee meeting with the requested amendments from Vice Chair Aguirre. Chair Montgomery seconded the motion, and the vote was 5 to 0 in favor, with Mr. Fletcher and Mr. Hall absent.

3. PUBLIC COMMENTS

*Martha Sullivan* – Ms. Sullivan commented that she has been working with Women Occupy San Diego to create an independent police commission, and has also worked to help the homeless population. She stated that the MTS law enforcement actions on the homeless population in San Diego has become extremely burdensome. Ms. Sullivan stated that MTS should implement an independent review body to review the actions taken by the MTS Security officers.

*Debbie Terry* – Ms. Terry commented on the confusion people have between MTS Transit Enforcement and MTS Security Officers. She recommended that the two groups wear different uniforms to clearly identify the differences between code enforcement and security. Ms. Terry commented that she is concerned about the employee turnover in the Security department. She stated that the public should know what the training process and hiring process is for the officers.

*Clive Richard* – Mr. Richard commented that a person in a suit is treated differently than a person wearing a hoodie. He stated that the Security Officers tend to treat people wearing suits differently and better than people who appear homeless. Mr. Richard commented that the proposed ballot measure should differentiate between security and amenities.

*Coleen Cusack* – Ms. Cusack commented that she provides legal assistance pro bono to homeless clients that need help resolving fare citations. She stated that the homeless population is being targeted and discriminated against. Ms. Cusack said that she had a client that was beat up off camera by MTS officers. She stated that the video evidence was deleted before the court hearing.

*Anne Barron* – Ms. Barron commented on the incident involving the death of Angel Zapata Hernandez. She asked for the status of this investigation. Ms. Barron also inquired about de-escalation trainings required for security officers.

*Adrian Scott* – Adrian Scott commented on previous altercations with MTS Security. Adrian has had issues with use of force by MTS Security. Adrian stated that the officers need to have better training and be held accountable for their actions towards the riders.

4. PATH San Diego Presentation Regarding Outreach Services (Jonathan Castillo and Steve Fiechter of PATH)

Jonathan Castillo and Steve Fiechter of PATH provided a presentation on their company and the outreach services they provide to the homeless population in Los Angeles. Mr. Fiechter provided information on PATH's project history and background. He reviewed the services PATH provides including mental health, substance abuse, general experience, and medical support. Mr. Fiechter discussed the Los Angeles pilot program and how PATH operates the program. He reviewed the data and results from the pilot program and from the full system-wide expansion program since 2018. Lastly, Mr. Fiechter described the operations and practices that the PATH team does on a daily basis to make connections and contacts with people in need throughout the Los Angeles Metro system.

#### PUBLIC COMMENTS

*Martha Sullivan* – Ms. Sullivan stated that she likes the idea of this type of program being implemented in San Diego. She commented that this type of program could help the people in need be connected to the right resources.

*Ellis Rose* – Mr. Rose stated that it's important to engage and approach homeless people with opportunities and proper resources. He commented that MTS should focus on assisting those in need instead of writing fare citations.

#### COMMITTEE COMMENTS

Mr. Sandke commented that he would like to see MTS address the issues that have been raised by the public regarding security interactions. Mr. Sandke asked PATH for more clarification on their outreach services and how people are qualified to work in their company. Mr. Fiechter replied that their multidisciplinary teams are made up of highly trained individuals. He stated that they look for masters' level social workers who have expertise in mental health and substance abuse matters. Mr. Sandke commented on the current beat system that is in place for the MTS security officers. He asked if PATH uses a similar style of beat system. Mr. Fiechter replied that they do utilize a beat system style in order for those employees to become familiar with the people in the same specific areas.

Mr. Fletcher commented that he would like to see a discussion take place at the full MTS Board level and take action on a solution that could help the homeless population in our service area.

Vice Chair Aguirre thanked PATH for coming to present on their outreach services. She agreed with Mr. Fletcher that the full MTS Board should take action on a potential solution similar to PATH.

Chair Montgomery asked for PATH to elaborate on their relationship and partnership with security and law enforcement. Mr. Fiechter replied that people who have experienced homelessness have generally not had pleasant experiences with law enforcement. He stated that by approaching these individuals without security or law enforcement next to them, they are

able to break through some barriers. He stated that they do partner with law enforcement, however they do not regularly walk around with uniformed officers, due to the negative connotation that is received from the homeless population. Mr. Fiechter noted that they have positive partnerships with law enforcement and are able to have a larger bandwidth with this type of approach.

Chair Montgomery thanked the PATH employees for attending and providing this information. She said that she looks forward to continuing this conversation at the full Board level and taking action and steps in the right direction to help address these issues.

#### Action Taken

No action taken. Informational item only.

#### 5. San Diego Metropolitan Transit System (MTS) Ordinances No. 2 and 5 (Manuel Guaderrama)

Manny Guaderrama, MTS Chief of Police, provided a presentation on Ordinances No. 2 and 5. He introduced Tim Curran, Deputy Director of Transit Enforcement, and two security officers, Code Compliance Inspector (CCI) Joe Kirby, and Transit System Security Officer Oritsebemicgho Ilevabare. Mr. Guaderrama discussed the details of Ordinances No. 2 and 5. He noted that CCIs are authorized by the MTS Board of Directors to enforce specific code sections from MTS Ordinances, California Penal Code, California Health and Safety Code, California Public Utilities Code, California Vehicle Code, Local Municipal Codes, and Business and Professions Codes. Mr. Guaderrama reviewed the details of California Penal Code Section 836.5; MTS Ordinance No. 5; MTS Ordinance No. 5, Section 5.3; MTS Ordinance No. 2; MTS Ordinance No. 2, Section 2.3; MTS Ordinance No. 2, Section 2.5; and California Penal Code Section 640.

Chair Montgomery noted that she asked for this item to be discussed today, because she wants to try and find ways to decriminalize fare evasion. She stated that there are other methods that can be put into place to decriminalize fare evasion. Chair Montgomery stated that she would like this discussion to take place at the Committee level and the full Board level to determine what methods MTS may take to address this issue.

#### PUBLIC COMMENTS

*John Brady* – Mr. Brady commented that he had hoped to receive additional details and data related to the citations at today's meeting. He stated that these fare citations should be decriminalized. Mr. Brady said that the homeless population is being put in jail for these fare citations. He stated that the fines should be no more than what a person would pay for a parking ticket.

*Martha Sullivan* – Ms. Sullivan commented that she would like to see what MTS pays for security services versus the amount of citations that are issued.

*Casie Schuffels* – Ms. Schuffels stated that she has traveled all over the country and has never been as scared in other cities from transit security as she is here in San Diego. She stated that she sees discrimination by the officers and does not see them practicing de-escalation.

*Anne Barron* – Ms. Barron asked how the fines are determined and assessed. She stated that she was given a citation recently and the amount is too much for her to afford. Ms. Barron asked why the citations are priced so high.

*Joycelyn Banks* – Ms. Banks stated that the majority of her experience has been positive when riding the MTS system. She commented that there is work to be done though. Ms. Banks stated that she had an experience when she could only find the receipt for her ticket purchase and the security officers would not accept her receipt as proof of fare. She stated that she felt embarrassed and targeted during the encounter. She asked for the officers to have more compassion and empathy for the riders.

*Debbie Terry* – Ms. Terry asked for the ordinances to be more clear and understandable for the public. She stated that the MTS rules and laws currently in place regarding security need to be cleaned up.

*Coleen Cusack* – Ms. Cusack commented about the clients that she represents in court regarding fare citations. She stated that there are issues with the courts and with security officers regarding disabled fare citations. Ms. Cusack said that the rules surrounding disabled fare requirements need to be amended.

*Adrian Scott* – Adrian Scott commented that this system is criminalizing the poor and homeless population. Adrian Scott stated that transit security and law enforcement in the San Diego region is much worse than other cities such as Baltimore and Washington DC.

*Sally Jacobus* – Ms. Jacobus stated that she has always taken public transportation. She said that her anxiety has recently been high while riding the MTS system, due to the security officer enforcement issues that she has experienced.

#### COMMITTEE COMMENTS

Ms. Galvez stated that most fare evasion only occurs on the trolleys, because the buses have the drivers to verify fares before the rider enters the vehicle.

Mr. Arambula asked if MTS is governed by AB 392 and if the security officers are sworn peace officers. Mr. Guaderrama replied that MTS security officers are not sworn peace officers. Mr. Fletcher asked what the use of force policy is as it relates to MTS security. Mr. Guaderrama replied that MTS CCIs are unarmed and half of the security officers are armed. He stated that MTS security use of force is generally hand to hand while trying to take someone into custody. He noted that if a situation requires further assistance, the security officers will contact the local law enforcement agency for assistance. Mr. Fletcher asked about the details of the use of force policy for the armed security officers. He asked for information on the training and policies in place to handle a firearm. Mr. Guaderrama stated that their trainings are limited, because they are not doing the same functions as a police officer. He stated that their firearm trainings take place before they are working under the MTS contract. Mr. Guaderrama stated that they undergo the basic trainings required to handle a firearm as a security officer. Mr. Fletcher asked what the criteria is by which the security officer may draw and use their weapon. Mr. Guaderrama stated that they may draw or use their weapon when their life or the life of someone else is in immediate danger of suffering serious bodily injury or death. Mr. Guaderrama noted that he can think of only one instance in the last five years where a firearm was drawn.

Mr. Arambula asked if the security officers have additional trainings on an annual basis. Mr. Guaderrama replied that the security officers received additional trainings, however their need to use firearms is limited compared to a police officer. The security officers are required to update their firearm license and training every two years. Mr. Arambula asked what weapons security officers and CCIs are allowed to carry. Mr. Guaderrama replied that CCIs are allowed to carry OC spray and handcuffs. The armed security officers are allowed to carry a firearm, a collapsible nightstick, and OC spray. Mr. Arambula asked if officers were allowed to carry knives. Mr. Guaderrama replied that some officers choose to carry knives in their pockets, but that is not part of their equipment. Mr. Arambula asked if there is a policy on carrying knives. Mr. Guaderrama replied that there is no policy on carrying knives. Mr. Arambula stated that maybe they should look into having a knife policy and determine whether or not it's appropriate to carry a knife. Mr. Arambula commented on the potential risk of negative encounters with veterans once the Blue Line is extended to the VA Medical Center. He stated that de-escalation training and other trainings need to be addressed before the trolley extension is opened. Mr. Arambula asked about any incidents of officers being on the Brady List. Mr. Guaderrama stated that they have not had issues with employees being on the Brady List. He stated there was one employee on the list from a driving under the influence charge from several years prior. Mr. Arambula asked about the body camera policies for MTS security. Mr. Guaderrama replied that body cameras are to be activated and turned on anytime an officer is in an enforcement contact and stay on through the entire encounter. He stated that if the body camera is activated late, it will pick up recording 30 seconds prior to being activated. Mr. Guaderrama noted that if a person is cited, that body camera footage will stay saved for 60 days. He stated that the video will self-delete after 60 days, unless staff manually saves the footage, then the video is saved indefinitely. Mr. Arambula asked about the body camera maintenance schedules. Mr. Guaderrama replied that the lifespan of the body cameras is approximately three years. He stated that anytime a body camera malfunctions, it will be switched out immediately with a working body camera. Mr. Arambula asked about the process of reviewing major incidents involving security. Mr. Guaderrama replied that any time there is a major incident, staff preserves all evidence. He stated that incidents are tracked daily and reported to all executive staff and the Chief Executive Officer. Mr. Arambula asked for the Board to consider hearing any litigation or potential litigation matters related to security incidents in closed session. He also requested at the next Public Security Committee meeting to review in closed session any lawsuits that MTS is engaged in relation to security officer contacts.

Chair Montgomery commented about a potential approach in moving forward with a civil charge rather than a criminal charge for fare evasion. She asked what type of state law codes that could be used to proceed with civil charges and the process of those options. She asked for staff to clarify whether or not the current ordinance fare citations can be turned into warrants by the courts. Mr. Guaderrama stated that he cannot confirm whether or not the courts issue warrants from the submitted ordinance fare citations. He stated the courts do issue warrants from the penal code fare citations. Chair Montgomery directed staff to determine the court process related to both the penal code and the ordinance fare citations. Chair Montgomery also asked for staff to report back on how many fare citations in the past year have been issued via penal code and how many have been issued via ordinance. Chair Montgomery also asked how many of those citations issued in the past year have been turned into warrants, and what the results of the fare citations are in the court system. Mr. Guaderrama stated that staff will inquire with the courts for the information. Ms. Cooney stated that MTS will submit a formal request letter to the courts to see if they can provide us that information. Chair Montgomery stated that she would also like to see the data on the time and money expended related to security and fare citations.



Mr. Fletcher stated that MTS needs to be mindful of the full picture and what exactly happens to the riders that are given fare citations. He stated that we need to know the full impact of the fare citations in the court system. Mr. Fletcher noted that after understanding that process, we will be able to make better choice to address these issues. He stated that the Committee should also continue to evaluate the security processes and policies in place.

Vice Chair Aguirre stated that she would like to see MTS move towards decriminalizing fare evasion. She stated that she is disappointed to hear that people are fearful to ride the system due to the security practices. Vice Chair Aguirre stated that she would like to see data on how much time staff is spending at the courts related to the fare citations. She noted that staff responded to her and stated that the amount of time is generally unknown. Vice Chair Aguirre proposed that they create an ad hoc or citizen advisory committee with experts to provide information and expertise related to security practices. Chair Montgomery stated that she would be supportive of that request.

Ms. Galvez commented on behalf of working citizens in her jurisdiction. She stated that the working riders in her city base their reasons on riding the system on whether or not they feel safe. She commented that there have been Board public comments related to issues of riders that have foul odors. Ms. Galvez asked if one of the CCIs could voice and explain their experiences in the field. CCI Officer Kirby commented and provided statements related to his trainings and his daily experiences riding the system.

Mr. Sandke stated that he wants to remind everyone that MTS is in the business of transporting people, and not providing social services. He stated that if there is an opportunity to help with social services, he is supportive of that. Mr. Sandke also stated that there are issues onboard the buses and trolleys, and people have incidents with unruly passengers on board. He stated that there are other security related incidents that require the help of the security officers in these situations. Mr. Sandke reminded the Committee that we have to acknowledge all of these matters to make the system a safer and better place for all riders.

Chair Montgomery stated that she would also like to see benchmarking from other comparable agencies regarding security and issuing civil penalties versus criminal penalties. She noted that we should understand what our core mission is at MTS, but we also need to address and help with the social service issues in our communities.

#### Action Taken

No action taken.

#### 6. COMMITTEE MEMBER COMMENTS

Vice Chair Aguirre asked for the Public Security Committee to have more meetings scheduled for next year.

#### 7. NEXT MEETING DATE

The next meeting is to be determined based on the members' availability.

8. ADJOURNMENT

The meeting was adjourned at 3:58 p.m.

/s/ Monica Montgomery

Chairperson

Attachment: A. Roll Call Sheet

**PUBLIC SECURITY COMMITTEE  
SAN DIEGO METROPOLITAN TRANSIT SYSTEM**

ROLL CALL

MEETING OF (DATE) December 5, 2019

CALL TO ORDER (TIME) 2:05 p.m.

CLOSED SESSION \_\_\_\_\_

RECONVENE \_\_\_\_\_

ADJOURN 3:58 p.m.

COMMITTEE MEMBER	PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
AGUIRRE <input checked="" type="checkbox"/>	2:00 p.m.	3:58 p.m.
ARAMBULA <input checked="" type="checkbox"/>	2:00 p.m.	3:58 p.m.
FLETCHER <input checked="" type="checkbox"/>	2:12 p.m.	3:58 p.m.
GALVEZ <input checked="" type="checkbox"/>	2:00 p.m.	3:58 p.m.
HALL <input type="checkbox"/>		
MONTGOMERY <input checked="" type="checkbox"/>	2:00 p.m.	3:58 p.m.
SANDKE <input checked="" type="checkbox"/>	2:00 p.m.	3:58 p.m.

SIGNED BY THE CLERK OF THE COMMITTEE:

Julia Tuer

CONFIRMED BY THE GENERAL COUNSEL:

Will Core