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Agenda

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM PUBLIC SECURITY COMMITTEE

February 27, 2020

9:00 am

James R. Mills Building
Board Room, 10th Floor
1255 Imperial Avenue, San Diego

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ACTION RECOMMENDED

1. ROLL CALL
2. [APPROVAL OF MINUTES – December 5, 2019](#) Approve
3. [Public Comments](#) – Limited to five speakers with three minutes per speaker
4. [Proposed Fare Enforcement Diversion Program – Pilot Project \(Karen Landers\)](#) Provide
Action would provide direction to staff regarding potential Fare Enforcement
Diversion Program Pilot Project. Direction
5. [Security Procurement \(Sam Elmer\)](#) Informational
6. [Homeless Outreach Planning \(Sharon Cooney\)](#) Informational
7. [Weekly Report for Security Committee \(Manuel Guaderrama\)](#) Informational
8. Committee Member Comments
9. Next Meeting Date – March 19, 2020 at 2:00pm
10. Adjournment

Please SILENCE electronics
during the meeting

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Metropolitan Transit System (MTS) is a California public agency comprised of San Diego Transit Corp., San Diego Trolley, Inc. and San Diego and Arizona Eastern Railway Company (nonprofit public benefit corporations). MTS is the taxicab administrator for seven cities.

MTS member agencies include the cities of Chula Vista, Coronado, El Cajon, Imperial Beach, La Mesa, Lemon Grove, National City, Poway, San Diego, Santee, and the County of San Diego.



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

REQUEST TO SPEAK FORM

ORDER REQUEST RECEIVED

**PLEASE SUBMIT THIS COMPLETED FORM (AND YOUR WRITTEN STATEMENT)
TO THE CLERK OF THE BOARD PRIOR TO DISCUSSION OF YOUR ITEM**

1. INSTRUCTIONS

This Request to Speak form must be filled out and submitted in advance of the discussion of your item to the Clerk of the Board (please attach any written statement to this form). Communications on hearings and agenda items are generally limited to three minutes per person unless the Board authorizes additional time; however, the Chairperson may limit comment to one or two minutes each if there are multiple requests to speak on a particular item. General public comments on items not on the agenda are limited to three minutes. Please be brief and to the point. No yielding of time is allowed. Subjects of previous hearings or agenda items may not again be addressed under General Public Comments.

(PLEASE PRINT)

DATE	February 27, 2020		
Name	CHELLO		
Address	1260 - 3rd Ave,		
Telephone	1619425-8850		
Email	rchello888@gmail.com		
Organization Represented			
Subject of Your Remarks	Safety, Sanitation & Health		
Regarding Agenda Item No.			
Your Comments Present a Position of:	<input type="checkbox"/>	<input checked="" type="checkbox"/> SUPPORT	<input type="checkbox"/> OPPOSITION

2. TESTIMONY AT NOTICED PUBLIC HEARINGS

At Public Hearings of the Board, persons wishing to speak shall be permitted to address the Board on any issue relevant to the subject of the Hearing.

3. DISCUSSION OF AGENDA ITEMS

The Chairman may permit any member of the public to address the Board on any issue relevant to a particular agenda item.

4. GENERAL PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA

Public comment on matters not on the agenda will be limited to five speakers with three minutes each, under the Public Comment Agenda Item. Additional speakers will be heard at the end of the Board's Agenda.

NOTE: Subjects of previous hearings or agenda items may not again be addressed under General Public Comments.



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Agenda Item No. 4

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM PUBLIC SECURITY COMMITTEE

February 27, 2020

SUBJECT:

PROPOSED FARE ENFORCEMENT DIVERSION PROGRAM – PILOT PROJECT
(KAREN LANDERS)

RECOMMENDATION:

That the Public Security Committee provide direction to staff regarding potential Fare Enforcement Diversion Program Pilot Project.

Budget Impact

Implementation of a fare enforcement diversion program will have budget impacts related to additional staffing, technology, data systems, and other systems that may be required. If the Committee approves staff moving forward to develop a proposed pilot, these costs will be researched and identified.

DISCUSSION:

The Public Security Committee instructed staff to research and provide information regarding potential modifications to MTS's fare enforcement model.

In order to ride MTS transit services, a fare is required to be paid. The rates of fare are set by the San Diego Association of Governments (SANDAG) in the Regional Fare Ordinance, which are then implemented by MTS. Fares are available on a one-way, day pass, or monthly pass basis. Discounted monthly pass rates are available for individuals based on age (youth or senior) and certain qualifying disabilities.

Any change in MTS's fare enforcement policies must consider the potential impact on the fare revenue received each year by MTS. MTS annual fare revenue (\$97.1M in FY 20 Budget) accounts for 31.8% of MTS's operating budget. If fare evasion rates increase, then MTS must identify other sources of funding to maintain service at existing levels, or cut service to offset the loss. In addition, several of MTS's funding sources require MTS to maintain certain fare recovery levels to receive funding. MTS reports these statistics

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MTS member agencies include the cities of Chula Vista, Coronado, El Cajon, Imperial Beach, La Mesa, Lemon Grove, National City, Poway, San Diego, Santee, and the County of San Diego.



annually to SANDAG (acting as the regional Metropolitan Planning Organization), State Controller's Office, and National Transit Database. Local Transportation Development Act (TDA) funds assist in subsidizing MTS services, and requirements to maintain certain farebox recovery levels exist in order for MTS to receive these funds. State Transit Assistance (STA) funding is another subsidy revenue source that is formula based and allocated to California transportation agencies partially based upon the level of fare revenues collected.

Failure to pay the required MTS fare is an infraction under Penal Code section 640, Public Utilities Code section 120450, and MTS Ordinance No. 2. The violation elevates to a misdemeanor on third and subsequent offenses. Once an MTS code compliance inspector issues a citation for the fare violation, it is submitted for processing with the San Diego Superior Court – Traffic Court division. The MTS fine is set at \$75 for first and second offenses. However, once a citation enters the court system, additional fees (penalty assessment and surcharge, court operations assessment, and criminal conviction assessment) are imposed. Currently, MTS officers in the field are not able to search the MTS system to determine whether an individual has previously been cited and convicted for fare evasion. On that basis, citations are generally only written up by MTS officers as a first offense, even if there is a history of multiple violations.

Resolving an MTS citation generally involves one to two court appearances, and, if convicted, payment of penalties and court fees between \$177.50 and \$382.50. If charged as a misdemeanor, the court fees significantly escalate. However, the court commissioner has discretion to adjust the amount, allow installments, or permit community service for inability to pay. Court penalties received by MTS are not significant in relation to MTS's operating budget. In 2019, MTS received \$223,288 from the Superior Court for non-parking related court-adjudicated fines, which amounts to 0.23% of FY 20 budgeted fare revenue. In contrast, the 2.79% fare evasion rate that MTS experienced in 2019 accounts for approximately \$2.7 million in lost revenue annually. Every increase in the fare evasion rate by 1% represents a loss in revenue collected by approximately \$971,000.

Staff has researched potential modifications to the MTS fare enforcement model to identify options that provide an alternative, non-court path for citations, while also promoting compliance with MTS's fare policies. Staff proposes the development of a pilot project establishing a Diversion Program for MTS fare enforcement violations, with the following features:

1. Notify MTS of intent to participate in Diversion Program within 5 days of receiving citation. If the participant makes this election, MTS will hold onto the citation, not submitting it to the court for processing, for up to 90 days.
2. Administratively resolve citation within the 90-day time period by:
 - a. Paying a reduced fine directly to MTS; OR
 - b. Completing community service; OR
 - c. Providing proof of valid fare via documentation submitted to MTS.
3. If the citation is resolved under Item 2, then MTS will not file the citation with the court and consider the citation dismissed.

An individual who wants to contest their citation on the basis of anything other than providing proof of valid fare will have the option to bypass the diversion process and request a hearing at the traffic court, through the existing court process.

MTS officers will be trained in how to communicate the availability of the Diversion Program to individuals at the time a citation is issued.

Tri-Met (Portland, OR) recently implemented a similar process and has reported to MTS that it considers the program to be successful. The communications about the Diversion Program at the time of citation have acted as a natural de-escalation in many of their enforcement encounters. Although Tri-Met experienced an increase in its fare evasion rates during the initial implementation process, they attribute some of this increase to other factors. Tri-Met is closely monitoring the effectiveness of the program. During the pilot period, MTS would monitor the program for its impact on fare evasion, reduction in criminal processing of MTS citations, ease of participation, and impacts on system and security operations.

If the Committee is interested in pursuing a potential pilot Diversion Program, the next steps for staff would be:

1. Confirm if recommended participation deadlines (5 days to enroll, 90 days to complete) are practicable;
2. Determine staffing and equipment/technology that will be required to accept direct payment of fines (e.g., Transit Store vs. online options vs. other);
3. Determine recommended discounted fine amount;
4. Determine staffing and equipment/technology that will be required to monitor and document completion of community service;
5. Determine recommended community service hours;
6. Determine if fines and community service hours should be higher for subsequent offenses;
7. If fines and community service hours escalate with subsequent offenses, determine what technology or staffing is required for officers to identify whether a citation should be issued as a first, second, or subsequent offense;
8. Determine any eligibility rules for participation in the Diversion Program;
9. Identify if there are other options MTS should offer as alternatives to reduced fine payment or community service (e.g., documented participation in social service outreach services; enrollment in MTS monthly pass program);
10. Identify potential community service partners and enter agreements regarding participation in the MTS diversion program;
11. Identify overall program costs and funding source; and
12. Develop implementation time period based on new staffing, training, and technology that may need to be procured.

/s/ Paul C. Jablonski
Paul C. Jablonski
Chief Executive Officer

Key Staff Contact: Sharon Cooney, 619.557.4513, Sharon.Cooney@sdmts.com

Proposed Fare Enforcement Diversion Program – Pilot Project

February 27, 2020

Public Security Committee Meeting

Agenda Item No. 4



Current Fare Enforcement Process

- Citation issued if found without valid fare
 - MTS first/second violation is \$75 (sometimes reduced to \$25); court adds additional fees, which brings citation to \$177.50 to \$382.50.
 - MTS fare evasion and other citations are eligible for resolution in San Diego Homeless Court Program (<https://www.homelesscourtprogram.org/>)
- Limited Exceptions available
 - Juvenile Diversion
 - Senior/Disabled/Medicare – Proof of Eligibility
 - Case by Case request for dismissal

Importance of Fare Revenue

2020 Budget - Fare Revenue	\$ 97,100,000
2.79% Fare Evasion cost	\$ 2,709,090
Every 1% Increase in Fare Evasion	\$ 971,000
Budget Impact of 5% Increase	\$ 4,855,000
FY 2020 Revised Revenue with 5% increase	\$ 92,245,000

2019 Citation Revenue (includes fare and non-fare related citations except parking)	\$ 223,288
% of Fare Revenue (Citation Rev)	0.23%

Importance of Fare Revenue – Other Funding Sources

- Some funding sources require MTS to maintain certain fare recovery levels to receive funding
 - TDA
 - STA

MTS Research

- Reviewed other Transit Agency Fare Enforcement Processes
 - Some criminal, some civil, some hybrid (part civil/part criminal)
- Met with San Diego Superior Court - Traffic Court Division
 - Learned more about what happens to citation at court
- Met with San Diego City Attorney Office
 - diversion programs currently offered in City of San Diego

Tri-Met

Fare Enforcement Diversion Program

- Hybrid Program (Part Civil / Part Criminal)
 - citation issued if found without valid fare, but not entered into court system for 90 days (held at Tri-Met)
 - citation is dismissed if:

1. Pay Reduced Fine to Tri-Met (within 90 days)	2. Perform Community Service (within 90 days)
3. Enroll in a Tri-Met Fare Program (within 90 days)	4. Request an Appeal (within 45 days)

- If none of the 4 optional diversion paths are completed, then citation is submitted to Court to follow the existing criminal process
- <https://citation.trimet.org/hc/en-us>

Resolve Your TriMet Fare Citation

If you are 18 or older and you were cited for not having valid fare after July 1, 2018: Your penalty may be reduced (depending on your citation history) and you will not have a court record if you resolve your eligible citation using one of the options below in the time permitted.

After 90 days from your citation date, or if you are under 18 or were cited for something other than a fare violation: You must resolve your citation with the court by following the instructions on your citation. The presumptive fine will be \$175 and the maximum fine will be \$250.

Within 90 days

Pay a Reduced Fine

With this option, you pay a reduced fine.

Pay now

Within 90 days

Perform Community Service

In place of a fine, perform community service.

See options

Within 90 days

Enroll in a Reduced Fare Program

If you're eligible and enroll, your citation may be resolved.

Enroll now

Within 45 days

Request an Appeal Hearing

Your best bet if you can prove you had valid fare.

Request appeal

Proposed MTS Diversion Program

- Notify MTS of intent to participate in Diversion Program within 5 days of receiving citation.
 - If the participant makes this election, MTS will hold onto the citation, not submitting it to the court for processing, for up to 90 days.
- Administratively resolve citation within the 90-day time period by:
 - Paying a reduced fine directly to MTS; OR
 - Completing community service; OR
 - Providing proof of valid fare via documentation submitted to MTS.
- If the citation is resolved administratively, then MTS will not file the citation with the court and consider the citation voided.



Decision Points for Diversion Program

Diversion Options	To Be Determined
Delay Submission of Citation to Court	Is 5 days to enroll and 90 days to complete appropriate deadline?
Pay Reduced Fine	How much? Graduated per offense? Lower amount for reduced fare participants? Offer online payment option?
Perform Community Service	How many hours? Graduated per offense? Which organizations? Negotiate participation agreements
Enroll in Social Service Program	E.g., coordinate with existing and future homeless outreach programs and allow participation to qualify for MTS Diversion Program? What level/duration of participation required?
Enroll in Fare Program	Allow enrollment MTS fare programs (i.e. S/D/M, youth, adult) in lieu of fine? Only 1st offense?
Request Appeal for Proof of Valid Fare	What type of proof would be accepted?
Limit on Participation	Include maximum number of times individual can participate? E.g., X times in a 12 month period?
Unauthorized Use of Reduced Fare	Extend for longer period than 72 hours?

Cost/Timeline Impacts

Issue	To Be Determined
Pilot Program Staffing	Determine staffing needs to administer diversion program; timeline to hire, train; cost
CCI Staffing	Determine training needs and timeline to implement; cost
Overall Security Program Impacts	Determine if other impacts will require changes to Security deployments; cost
Security Database, Software and Equipment	New technology needed to enter cases in database, track program enrollment and completion; field check level of offense; timeline to procure, implement; cost
Payment Options	Currently do not have online payment capability; include with Next Generation Fare System, or develop stand alone option; timeline to procure, implement; cost
Diversion Program Online Portal	Need to create online portal to host Diversion Program, describe process and options to public
Track Fare Evasion/ Revenue Impacts & Program Success	Create criteria to track success of program and impacts on MTS fare revenue recovery or security program

Next Steps

- Provide direction on whether staff should pursue development of Diversion Program
 - Would do further analysis
 - Bring back to Committee for further discussion (est. May meeting)
 - Full Program to be approved by Board

REQUEST TO SPEAK FORM

ORDER REQUEST RECEIVED

1

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(PLEASE PRINT)

DATE	2/27/19		
Name	John Brady		
Address	4472 Felton		
Telephone			
Email			
Organization Represented	Voices of Dignity		
Subject of Your Remarks			
Regarding Agenda Item No.			
Your Comments Present a Position of:	<input checked="" type="checkbox"/>	SUPPORT	<input type="checkbox"/> OPPOSITION

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Agenda Item No. 5

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM PUBLIC SECURITY COMMITTEE

February 27, 2020

SUBJECT:

SECURITY PROCUREMENT (SAM ELMER)

INFORMATIONAL ONLY

Budget Impact

None with this action.

DISCUSSION:

MTS contracts with Allied Universal dba Transit Systems Security (TSS) for uniformed security officers at various locations throughout its service area to provide a safe environment for patrons and employees. The current contract for security services (MTS Doc. No. G1828.0-15 and amendments) is set to expire on June 30, 2021.

To ensure adequate time is provided to procure these services prior to the contract's expiration date, the following is the proposed procurement schedule:

Procurement Schedule for Security Services Contract	
Proposed Dates	Proposed Task
March 19, 2020 <i>[Public Security Committee Meeting]</i>	Continue to Request Feedback from Public Security Committee regarding Scope
April 2020	Finalize Scope and Post the Request for Proposal (RFP) Procurement for Security Services
July 2020	Proposals Due
October 2020	MTS Staff to Complete Evaluation of Proposals
November 12, 2020 <i>[Public Security Committee Meeting]</i>	Provide Public Security Committee an Update on Proposed Contract Award



Procurement Schedule for Security Services Contract	
Proposed Dates	Proposed Task
December 10, 2020 <i>[Board of Directors Meeting]</i>	Request Board of Directors to Authorize the Chief Executive Officer to Award Contract
January 1, 2021	Estimated Start Date to Begin Transition Period <i>if</i> New Contract is with Different Contractor than Allied Universal/TSS
June 30, 2021	Current Contract Expires
July 1, 2021	Estimated Start Date <i>if</i> New Contract is with Same Contractor Allied Universal/TSS

It is anticipated that the following areas will be incorporated into the scope for security services:

- Rates
- Performance Period
- Location/Service Area
- Number of Armed Officers, Number of Unarmed Officers and Number of Ambassadors/Special Event Personnel
- Minimum Training Levels
- Responsibilities and Duties
- Types of Uniforms
- Officer Equipment
- Record Keeping Requirements
- Liquidated Damages if Contract Requirements are Not Satisfied

It is MTS's aim that the future contract provides MTS flexibility to make scope changes during the life of the contract, as directed by the Board of Directors or Public Security Committee. Changes could include, but are not limited to: the number of officers; changes in style of uniforms; requiring additional training; adding locations (i.e. Mid-Coast), etc.

MTS staff is currently finalizing a draft scope. The draft security services scope will be provided at the next Public Security Committee Meeting on March 19, 2020 for Committee feedback.

/s/ Paul C. Jablonski
Paul C. Jablonski
Chief Executive Officer

Key Staff Contact: Sharon Cooney, 619.557.4513, Sharon.Cooney@sdmts.com

Security Services Procurement Update

Public Security Committee

February 27, 2020

Procurement Schedule

Procurement Schedule for Security Services Contract	
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Scope of Work Elements

- Rates
- Performance Period
- Location/Service Area
- Number of Armed Officers, Number of Unarmed Officers and Number of Ambassadors/Special Event Personnel
- Minimum Training Levels
- Responsibilities and Duties
- Types of Uniforms
- Officer Equipment
- Record Keeping Requirements
- Liquidated Damages if Contract Requirements are Not Satisfied

Scope of Work Changes for RFP

- Eliminated Conceal and Carry Authorization
- Removed undercover requirements
- Removed the option for bicycle patrol
- Added the following to training requirements:
 - De-escalation Training
 - Cultural Diversity Training
 - Biased Based Policing
 - Defensive Tactics
 - Onsite training coordinator to ensure training requirements are met, schedule training and ensure training documentation
- Added a provision for staffing flexibility
- Increased the Liquidated Damages for non compliance

Next Steps

- Receive additional comments/suggestions from Security Committee
- Finalize Scope of Work and prepare solicitation documents
- Post solicitation and begin vendor outreach including DBE's



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Agenda Item No. 6

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM PUBLIC SECURITY COMMITTEE

February 27, 2020

SUBJECT:

HOMELESS OUTREACH PLANNING (SHARON COONEY)

INFORMATIONAL ONLY

Budget Impact

None with this action.

DISCUSSION:

San Diego County's homeless crisis impacts the County's public transit systems in multiple ways. Homeless individuals and families often seek shelter on trains, buses, bus stops and transit centers. The lack of sufficient housing has increased the use of the County's transit systems as an alternative form of shelter.

MTS passengers often report individuals sleeping on trains and buses, or in bus and Trolley shelters, limiting access to seats, waiting areas, restrooms and elevators. The homeless crisis has directly impacted the rider experience, which raises concerns that ridership will decrease if MTS does not proactively address the use of the system for a replacement to shelter.

With this in mind, staff has been pursuing potential programs to enhance the ridership experience while seeking solutions that connect individuals experiencing homelessness to appropriate housing and supportive services. In partnership with the County of San Diego, the City of San Diego, and homeless service agencies, MTS hopes to contribute positively toward addressing the needs of the homeless population while also improving the rider experience.



Staff will provide a report on efforts since the last Committee meeting.

/s/ Paul C. Jablonski
Paul C. Jablonski
Chief Executive Officer

Key Staff Contact: Sharon Cooney, 619.557.4513, Sharon.Cooney@sdmts.com

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ORDER REQUEST RECEIVED

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Agenda Item No. 7

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM PUBLIC SECURITY COMMITTEE

February 27, 2020

SUBJECT:

WEEKLY REPORT FOR SECURITY COMMITTEE (MANUEL GUADERRAMA)

INFORMATIONAL ONLY

Budget Impact

None with this action.

DISCUSSION:

In order to provide Public Security Committee members with information to assist in their role as Committee members, staff has drafted a template for a weekly report on security related activities and issues. The draft will be provided to members for feedback and suggestions.

/s/ Paul C. Jablonski
Paul C. Jablonski
Chief Executive Officer

Key Staff Contact: Sharon Cooney, 619.557.4513, Sharon.Cooney@sdmts.com





Safety and Security Report



February 28, 2020

Ridership

Trolley ridership averages about 740,000 riders every week.

Fare Inspections & Citations

Of those riding, MTS Security personnel checked _____ riders for fares, or about ____% of total ridership. There were 1089 total citations issued, 750, which were fare related.

Special Enforcement Details

Special Enforcement Details are conducted weekly. Security teams are located at Trolley stations and on board Trolleys. This allows 100 percent of patrons to be checked for fares and provides MTS with an accurate assessment of fare evasion rates. Following are details from last week:

Fashion Valley: 1,254 inspections, 39 cites, 3.11% fare evasion

5th Avenue: 1,061 inspections, 37 cites, 3.48% fare evasion

Joint Agency Task Force Details

MTS security partners with the San Diego Police Department on Special Enforcement Details. People without fares are further checked by police personnel for wants and warrants. During the past week, this activity resulted in:

- **10 felony arrests** (3 probation parole, 4 felony warrants, 1 commercial robbery, 1 possession of stolen property/warrant and 1 felony vandalism)
- **12 misdemeanor arrests** (9 warrants, 1 fare evasion, 1 battery on transportation worker and 1 violation of stay away order).

Call for Service

MTS has established many ways for customers to contact security personnel and to make comments.

Last year MTS launched a "Ride Assured" campaign that provides riders with a call in number and text line to report incidents. Ride Assured is advertised in all MTS vehicles.

- Calls for Service: 389
- Ride Assured Messages: 94

Other Activities

- Two LRVs were cut from service due to fecal matter found on-board
- San Diego Transit Enforcement (SDTE) began recertification training in CPR and de-escalation training.
- SDTE completed Alzheimer's training.
- SDTE coordinated with SDPD and San Diego Lifeguard/Rescue Services to enforce quality of life issues and compliance of laws governing wildlife habitat areas in the San Diego Riverbed. 4,100 pounds of trash were removed.

SDTE assisted MTS contractors in the replacement of Variable Frequency Drives at the SDSU Transit Center to inspect all backrooms and tunnel portals every hour.

By the Numbers

2019 Weekly Average Trolley Ridership

Blue	362,233
Orange	165,820
Green	210,971
TOTAL	739,024

Trolley Fare Facts

February 10-16, 2020

- 1089 total citations
- 750 fare related citations

JATF Arrests

Feb. 17-23, 2020

- 10 Felony
- 12 Misdemeanor

Use of Force (date)

(Physical force used to detain and/or to overcome resistance to handcuffing)

- _____ total

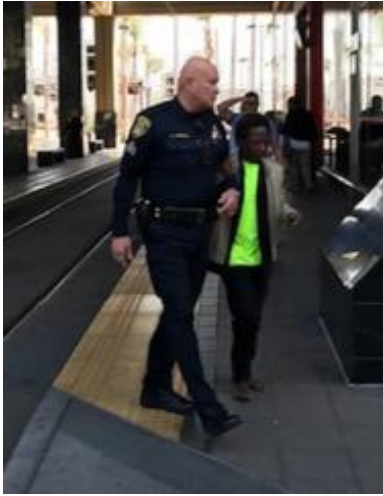
706 Patron Assists--Feb 10-16

Significant Events

Date	Time	Call Type	Location	Description
02-18-2020	1006	Battery On SDTE Use of Force	Lemon Grove Station	Inspector Rogers conducted a welfare check on a female who was laying on a bench at the Lemon Grove Trolley Station. The female quickly stood up and kicked Inspector Rogers in the arm. The female was quickly taken into custody by Inspector Rogers' partner, TSS Barlett. The female was transported to Los Colinas Detection Facility by SDSO.
02-18-2020	1204	Graffiti	El Cajon Transit Center	Ride Assured message received regarding a swastika drawn on the ground in orange marker, in the parking lot of the El Cajon Transit Center. Report was filed with ECPD.
02-18-2020	1611	Amtrak VS Pedestrian Fatality	Washington Street Station	An elderly male was struck by a southbound Amtrak train at the Washington Street Crossing, shortly after de-boarding a southbound Green Line Trolley. The male's body came to rest near the westbound trolley track at the Washington Street Crossing. SDPD, SDSO, SDFD and SDTE responded. The male was pronounced deceased at the scene. SDPD stopped trolley movement in both directions during their investigation. Transit Enforcement personnel assisted with bus bridge and securing scene.
02-19-2020	1447	Robbery Suspect	12 th & Imperial Transit Center	Inspector D. Steward contacted a male for no fare at the 12 th & Imperial Transit Center. The male was wanted for a robbery that occurred at a 7-11 store earlier that day. The male was transported to County Jail by JATF.
02-20-2020	0802	Vandalism	12 th & Imperial Transit Center	Ride Assured message received regarding a male who punched and broke a door window on-board a westbound Blue Line Trolley. Dispatch observed via CCTV the suspect de-board at 12 th & Imperial and directed SDTE units to his location. The suspect was taken into custody by SDTE units and was later transported to County Jail for Felony vandalism by SDPD.
02-21-2020	0524	Copper Theft	Hill Street El Cajon	SDTE responded to the area of Hill Street for reports of a male placing rocks on the tracks. SDTE arrived on scene and found new cuts to copper wire. M.O.W. responded and confirmed the cuts were new however, no copper was missing. M.O.W. estimated the damage to be \$500. A police report was filed with ECPD.
02-21-2020	0745	Battery On SDTE Use of Force	Beyer Blvd Station	During routine fare inspections of all passengers, a male became violent, resisted arrest, and assaulted both Inspector Lizarraga and TSS Officer Morales by scratching, punching and kicking. After several minutes of fighting with officers, the male was placed in handcuffs. The suspect was arrested and transported by SDPD for two counts of battery and one count of resisting arrest with violence. TSS Morales was transported to Concentra Medical Clinic for kicks to the groin area.
02-21-2020	1849	Battery On SDTE Use of Force	5 th Avenue Station	While contacting all people within the Fare Paid Zone at the 5 th Avenue Trolley Station, Inspector E. Steward and TSS Officer Rasekh contacted a male who became uncooperative and attempted to flee by jumping over the station railing. SDTE units grabbed the male and attempted to place him in handcuffs. During the arrest, the male began to bite TSS Officer Del Villar on his right hand. Additional SDTE units including SDPD officers arrived on scene and were able to place the male in handcuffs. The male was transported to County Jail by SDPD for resisting arrest with violence and assault.

Notable

CCI Sergeant Antonio Johnson assists a confused patron.



San Diego River Clean-up

