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Agenda

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM PUBLIC SECURITY COMMITTEE

May 14, 2020

2:00 pm

Meeting will be held via webinar

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<https://www.sdmts.com/about-mts-meetings-and-agendas/other-committee>

ACTION RECOMMENDED

1. ROLL CALL
2. [APPROVAL OF MINUTES – February 27, 2020](#) Approve
3. Public Comments – Limited to five speakers with three minutes per speaker
4. [Proposed Fare Enforcement Diversion Program – Pilot Project \(Karen Landers\)](#) Approve
Action would forward a recommendation to the Board of Directors to implement the Phase 1 Pilot for a new Fare Evasion Diversion Program.
5. [Annual Security Report \(January 1, 2019 through December 31, 2019\) \(Manny Guaderrama\)](#) Informational
6. Committee Member Comments
7. Next Meeting Date – Thursday, July 23, 2020 at 9:00am
8. 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.



DRAFT

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

February 27, 2020

1. ROLL CALL

Chair Montgomery called the meeting to order at 9:01 a.m. A roll call sheet listing Public Security Committee member attendance is attached.

2. APPROVAL OF MINUTES

Mr. Arambula moved to approve the minutes of the December 5, 2019 Public Security Committee meeting. Vice Chair Aguirre seconded the motion, and the vote was 6 to 0 in favor.

3. PUBLIC COMMENTS

Renee Chello – Ms. Chello rides the 929 north and south and feels there is a health and sanitation issue on the buses. She feels the homeless riding the buses leave germs and contaminants on the bus that are hazardous to all who ride. She says there should be a right to refuse service to those that can compromise other people's health. She stated the right to refuse is so important and says that MTS already has this under the rider's rules regarding animals.

4. Proposed Fare Enforcement Diversion Program – Pilot Project

Karen Landers, MTS General Counsel, provided a presentation on the Proposed Fare Enforcement Diversion Program – Pilot Project. She explained the current citation process and the associated fines, including added court fees. She acknowledged concerns with the current fare enforcement model and the potential changes that may be made. She said our fare system is set up to create a culture of compliance, so any changes should continue to encourage people to buy a fare. She discussed how other MTS funding sources require documentation of fare revenue and provided data on fare recovery and fare evasion ratios. She said MTS did conduct research with other transit agencies' fare enforcement processes.

Ms. Landers met with San Diego Superior Court – Traffic Court Division and with representatives from the San Diego City Attorney's Office. It was learned that San Diego Superior Court no longer issues arrest warrants for failure to appear in court on an MTS related fare violation. Instead, a civil penalty is assessed.

Ms. Landers presented a fare enforcement diversion process as a new option and recommended the Tri-Met fare enforcement diversion program model. She explained how the program works. Ms. Landers then proposed an MTS Diversion Program including decisions that would need to be made by the Board as to the cost/timeline impacts. She stated that the next step is looking for direction to move forward.

PUBLIC COMMENTS

John Brady – Mr. Brady stated he feels that the presentation was great and is a step in the right direction. He would like more clarity on noncriminal and criminal fare citations and how those decisions are made. Mr. Brady would like more discussions on the screening process for the senior/disabled/military rate.

COMMITTEE COMMENTS

Chair Montgomery commented that for where we are now, this is very well laid out. She thinks it will be a significant structural change. She noted there is a lack of data to connect the deterrent piece to how we currently run our security system and the effects that will have on fare evasion.

Ms. Landers discussed how other agencies with civil processes have higher fare evasion rates than MTS and how that could be a concern for our agency. She pointed out that we are not a barrier system and rely on officers and Code Compliance Inspectors to inspect fares. A concern is if others see there is no consequence for not buying a fare then fare evasion could increase.

Mr. Arambula commented that he would like to see any criminal citations removed that could lead to a bench warrant for a failure to appear. Ms. Landers stated that the traffic court no longer issues bench warrants for failure to appear for fare violations. Mr. Arambula continued with his thoughts on the diversion program and said that if we could integrate the software programs and portals right now rather than having any additional, separate or standalone costs next year would be ideal.

Ms. Weber asked if the officers are handing out information regarding the homeless court program to the homeless people being cited in which Manny Guaderrama, MTS Chief of Police, said that it was not possible without profiling. Ms. Weber then asked if it was possible to provide the information to everyone. Chief Guaderrama stated that they could provide the information to everyone. Ms. Weber asked about the staffing we would need for the diversion program. Ms. Landers stated that would be part of the next phase to figure out how much and what kind of staffing would be needed.

Vice Chair Aguirre stated that she feels this is a step in the right direction and appreciates all the great work the staff has done. She voiced her thoughts on moving to a civil infraction instead of criminal and would like to explore the option of integrating an ambassador program. Ms. Aguirre asked for more explanation on the Tri-Met program appeals process. Ms. Landers further explained Tri-Met's options. Ms. Aguirre commented about not having the data to back up the risk verses the reward to evade fare payment. Ms. Landers stated that if we do the pilot program, we could develop more data to track and determine the level of fare payment/evasion rates.

Paul Jablonski, MTS CEO, stated there are two examples, including Portland and Los Angeles, where fare evasion rates are high and those agencies do not have a criminal process. He noted that our agency could experience similarities if there is no accountability for fare evasion.

Ms. Galvez asked if there is any way of estimating our fare evasion rate once consequences are removed. Ms. Landers stated that there is no way of knowing until we implement a pilot program. Ms. Galvez made comments on the decision points of the program and says it is a wonderful program. She also stated she is concerned that it could cost a lot to implement and hopes we can figure out a way to make the cost as minimal as possible.

Mr. Sandke commented about the fare evasion rate numbers provided. Chief Guaderrama stated there is an evasion rate for each special enforcement detail, and the rate varies based on a number of factors including the time of day, the number of patrons, etc. The fare evasion rate for the system is the average of all special enforcement details. Mr. Sandke said the numbers compared to other non-barrier systems look like we are doing something right. Mr. Sandke is sympathetic to some of the remarks about finding a path to enroll in a diversion program, but would be hesitant in taking away the criminal part of the process for repeat offenders taking advantage of the system.

Chair Montgomery appreciates the opportunity for this program to be a potential framework for data collection regarding fare evasion. She commented about the challenges between the transit agencies and the courts. Ms. Landers stated the superior court has been very cooperative. Chair Montgomery inquired about North County Transit District and if they have a different way of approaching and handling fare penalties compared to MTS. Ms. Montgomery also stated she would like to hear from LA Metro about their civil process.

Ms. Weber asked if we have data to show why people aren't paying for a fare. She wants to know if they aren't paying because they don't have money or because they just don't want to pay. Chief Guaderrama stated that we do not have such data. Ms. Landers stated that this could be incorporated into a pilot program.

Mr. Sandke would like to see what the added costs to the agency would be. Ms. Landers said that she can research information from other agencies to identify potential costs.

Action Taken

No action taken.

5. Security Procurement

Sam Elmer, Manager of Procurement, provided a presentation on Security Procurement and discussed the scope of work in the current contract and what will be updated in the scope of work for the new contract in hopes to meet the needs of the committee. He commented that there were 5 bidders in the last solicitation and hopes we get that same level of competition again.

COMMITTEE COMMENTS

Mr. Arambula asked if there is an indemnification clause for negligent or intentional acts, or poor judgement by the security contractors. Mr. Elmer stated yes, that is a standard clause in all contracts.

Chair Montgomery asked what the total cost was for the 2015 contract. Mr. Elmer stated it is valued at over \$41 million dollars over the five year period.

Action Taken

No action taken.

6. Homeless Outreach Planning

Sharon Cooney, Chief of Staff, provided a Homeless Outreach Planning update about what efforts are being made to help those experiencing homelessness throughout our system. She said that we have been reaching out to other agencies who are dealing with trying to find shelter for those experiencing homelessness. One of the issues is not having enough beds for those contacted who want help. She stated that an effective program will require a partnership with other social service agencies and we are working on creating a Request for Qualifications (RFQ) to get interested proposers. Additional information and results of the RFQ will be brought to the committee at a future date. Ms. Cooney mentioned that MTS has properties that could be potential locations for shelters and shared the location information with the county and the city. MTS is not currently eligible for funding streams that other social service providers and agencies are eligible for. There are also questions regarding whether or not fare revenue funds should be spent on social services and if MTS can legally do that.

PUBLIC COMMENTS

John Brady – Mr. Brady states he is very impressed and is happy to hear that MTS is looking into how to address the issue of the unsheltered population. He then commented that one of the issues he faces at Voices of Dignity, is that he does not have access to a reasonable fare rate that he could give to someone in his program. He would really encourage MTS to consider moving forward doing that. He mentioned that he has been nominated to the Homeless Court Steering Committee to look at ways to make it easier to access the program and looks forward to being able to hopefully work with MTS to make that happen.

COMMITTEE COMMENTS

Chair Montgomery asked about the funding issues and lobbying at the federal or state level. She asked if this is part of the legislative platform to help with funding streams for these kind of purposes. Ms. Cooney commented that she listened to the Governor's State of Address and although there was a mention about how we should be looking for ways to help, there was no mention of funding readily available to transit agencies. Ms. Cooney said since everyone wants the funding, including cities and counties, we will need to work on ways of finding additional state funding instead of going after other city and county funds.

Mr. Jablonski stated that a lot of the success of this hinges on whether you have a place and a bed for people when you interact with them. He commented that MTS could probably get donations to build a facility, but it's the operation of the facility that is the biggest problem and challenge that needs to be overcome.

Ms. Galvez asked a few questions regarding the infrastructure for the mentioned potential properties. Ms. Cooney discussed some of the challenges and collaboration efforts that have taken place.

Action Taken

No action taken.

7. Weekly Report for Security Committee

Manny Guaderrama, MTS Chief of Police, introduced the new Manager of Operations, Scott

Ybarrondo. Chief Guaderrama introduced a new weekly report to the committee stating that the report is to keep the committee more informed and up to date with security related activities and issues. The report will be provided to the committee on a weekly basis.

COMMITTEE COMMENTS

The Weekly Safety and Security Report was received very well by the committee.

Action Taken

No action taken.

8. COMMITTEE MEMBER COMMENTS

Ms. Galvez asked to possibly get a presentation on sanitation and discuss the right to refuse passengers for sanitation issues. Ms. Landers stated that she could provide the information on what MTS's legal limits are to take action regarding patrons with grooming and other issues. Ms. Galvez asked about cleaning details for the trolley and buses. Mr. Jablonski stated the trolley and buses are cleaned every night with approved techniques and materials recommended by the Centers for Disease Control and Prevention.

9. NEXT MEETING DATE

The next meeting is scheduled for March 19, 2020.

Clerks Note: The March 19, 2020 meeting was subsequently cancelled.

10. ADJOURNMENT

The meeting was adjourned at 10:46 a.m.

Chairperson

Attachment: A. Roll Call Sheet

PUBLIC SECURITY COMMITTEE
SAN DIEGO METROPOLITAN TRANSIT SYSTEM

ROLL CALL

MEETING OF (DATE) February 27, 2020

CALL TO ORDER (TIME) 9:01 a.m.

CLOSED SESSION _____

RECONVENE _____

ADJOURN 10:46 a.m.

COMMITTEE MEMBER	PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
AGUIRRE <input checked="" type="checkbox"/>	9:00 a.m.	10:46 a.m.
ARAMBULA <input checked="" type="checkbox"/>	9:00 a.m.	10:46 a.m.
GALVEZ <input checked="" type="checkbox"/>	9:00 a.m.	10:46 a.m.
MONTGOMERY <input checked="" type="checkbox"/>	9:00 a.m.	10:46 a.m.
SANDKE <input checked="" type="checkbox"/>	9:00 a.m.	10:46 a.m.
WEBER <input checked="" type="checkbox"/>	9:00 a.m.	10:46 a.m.

SIGNED BY THE CLERK OF THE COMMITTEE:

Karen Wisniewski

CONFIRMED BY MANUEL GUADERRAMA:

M.E. Guaderrama

c: Clerk of the Committee
Accounts Payable
Attachment to Original and Draft Minutes



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Agenda Item No. 4

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM PUBLIC SECURITY COMMITTEE

May 14, 2020

SUBJECT:

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

RECOMMENDATION:

That the Public Security Committee forward a recommendation to the Board of Directors to implement the Phase 1 Pilot for a new Fare Evasion Diversion Program.

Budget Impact

Today's proposal regarding an abbreviated Fare Evasion Diversion Program pilot (Phase 1 Pilot) would be a scaled down version that could be used to measure the popularity of the program and determine what type of software, hardware, or additional staffing may be required to manage participation in the program if it is made permanent. Existing staff would handle most aspects of the program when it is initially launched. Participation in the diversion program could impact the estimated \$220,000 in annual citation revenue (fare and non-fare related violations) MTS receives from the San Diego Superior Court, but that would likely be offset by direct payment of the reduced fine to MTS as part of the Diversion Program.

The Phase 1 Pilot would also allow staff to monitor the fare evasion rate and determine if the program is having a negative impact on MTS fare revenue. In general, a 1% increase in fare evasion equates to an annual loss of approximately \$971,000 to MTS. Consequently, even small increases in fare evasion can have significant MTS budget impacts.

DISCUSSION:

At its February 27, 2020 meeting, the Public Security Committee instructed staff to provide further information regarding a proposed fare enforcement diversion program.

Staff proposes implementation of the Phase 1 Pilot to further evaluate the effectiveness, and identify necessary software, hardware, and staffing resources that may be required



to effectively manage the program on a permanent basis (Phase 2). The Phase 1 Pilot would use existing staff and resources, except for the development of a Diversion Program web page and online payment platform, which would be completed by an existing MTS vendor. Initially, fine payment can be made by mail or in person at the Transit Store. An online payment system due to its cost and time necessary to implement will be procured if the program is made permanent or utilization warrants the expense.

Key Features of Phase 1 Pilot

Eligibility: All fare violations would be eligible, unless there was another violation (e.g., vandalism, assault, failure to comply) at the time of citation. No graduated offense levels with graduated penalties (e.g., first offense, second offense, etc.) would be included because officers do not have the ability to efficiently check prior citation history when in the field.

Options to Resolve:

1. Pay Reduced Fine within 60 days: \$50
 - Pay Online (*later stage implementation if program participation warrants*)
 - Pay In-Person at Transit Store
 - Pay by Mail
2. Complete Community Service within 60 days: 3-4 Hours
 - San Diego Food Bank
 - Other providers may be added pending further review
3. Limited Appeal within 15 days: Proof of Paid Fare or Malfunctioning Ticket Vending Machine
 - If appeal granted, then citation dismissed
 - If appeal denied, option to pay fine or complete community service within original 60-day window
4. No Action Taken within 60 days: Citation transmitted to San Diego Superior Court for adjudication

Implementation Costs and Timeline

The Phase 1 Pilot would be implemented using existing staff in the Security, Marketing, IT, Legal, and Customer Service departments. If participation exceeds the ability for existing employees to absorb these tasks into their workloads, then an additional employee may need to be hired to manage the Fare Evasion Diversion Program. That need would be evaluated during the Phase 1 Pilot period.

The online payment platform can be constructed by MTS's existing website vendor, at a cost estimated between \$10,000 and \$50,000 depending on the backend reporting needs for the program. This function would be added if initial participation in the Phase 1 Pilot supports this expenditure. Staff estimates that the Phase 1 Pilot could be implemented within approximately 75 days of Board approval to move forward.

Staff has confirmed that if any special software and equipment is needed to fully implement and manage the program, it would be a separate system from the overall Next Generation Fare System currently being developed for MTS. Consequently, the

implementation of the Fare Evasion Diversion Program is not tied to the new fare system project schedule.

Potential Fiscal Impacts

Annual Fine Revenue May Increase

In general, even though the statutory penalty for fare evasion is \$75, MTS often only receives \$25 per citation from the Court. Some penalties are further reduced in individual cases. While MTS may only receive \$25 or less, the individual defendant is assessed court fees that generally bring the actual cost of the citation to between \$177.50 and \$382.50. Consequently, a \$50 flat rate for the Phase 1 Pilot would both reduce the actual cost of the citation for the individual patron, while potentially increasing the amount of penalty revenue received by MTS.

MTS currently receives approximately \$220,000 in penalty revenue each year (includes fare and non-fare citation revenue received from courts and fine revenue received through the existing juvenile diversion program). To the extent this court-generated penalty revenue is reduced because patrons are participating in the Phase 1 Pilot, we would expect overall penalty revenue to increase because MTS would receive more of the penalty revenue per citation through the Diversion Program. This might offset the costs to run the program.

Loss of Fare Revenue

The more significant budget risk related to the proposed Fare Evasion Diversion Program is if the perceived lack of a penalty for not having a valid fare leads to a higher fare evasion rate. Essentially, patrons would conclude that the penalties for not having a valid fare are low enough that it is more cost effective to simply never buy a fare, but to pay the diversion program penalty when and if they get caught. This risk can be partially offset by maintaining frequent fare checking by enforcement officers.

MTS's annual operating budget relies heavily on fare revenue. MTS's Fiscal Year 2020 budgeted fare revenue to support operations is \$97,100,000.¹ MTS's current fare evasion rate for the first half of Fiscal Year 2020 is 2.87%, which equates to \$2.8 million in revenue loss to MTS caused by fare evasion. If the Fare Evasion Diversion Program causes an increase in fare evasion, then MTS will lose \$971,000 for every 1% increase in the fare evasion rate.

Staff will monitor the fare evasion rate during the Phase 1 Pilot closely to determine if the pilot project is having a negative impact. This is a significant area of concern. MTS's program is modeled after Tri-Met in Portland, Oregon. After implementation of its diversion program, Tri-Met's fare evasion rate increased from 13.1% to a range of 15.8% to 19.1%. This would equate to an *additional* \$2.6 million to \$5.8 million annual loss for MTS. Tri-Met attributes at least a portion of this increase to a deficit in fare enforcement

¹ This is the pre-COVID-19 budgeted amount for fare revenue. COVID-19 has had a significant impact on MTS fare revenue and ridership. The federal CARES Act package includes funding for transit agencies to cover revenue losses and other costs related to COVID-19. This funding is not available for general revenue losses related to a future, long-term increase in fare evasion.

officers that limited the agency's ability to perform sufficient fare checks during this period.

Locally, North County Transit District (NCTD), which has fare enforcement performed by the San Diego Sheriff's Department on a limited basis, has a 6.9% fare evasion rate on its light rail transit system. This would equate to an *additional* \$4 million annual revenue loss for MTS.

In Los Angeles, as LA Metro has converted to a civil-penalty only program and reduced its fare enforcement measures, the LA Metro fare evasion rate has steadily increased. It's fare evasion ratio in 2018 was an average of 6.95%. For the first half of Fiscal Year 2020, LA Metro's average fare evasion rate was 18%. This would equate to an *additional* \$10.7 million annual revenue loss for MTS. (See Attachment A for agency comparisons.)

Staff recommendation

That the Public Security Committee forward a recommendation to the Board of Directors to implement the Phase 1 Pilot for a new Fare Evasion Diversion Program.

/s/Sharon Cooney
Sharon Cooney
Interim Chief Executive Officer

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

Attachment A – Summary of Other Agency Fare Enforcement Models (Tri-Met, NCTD, LA Metro)

Comparison of Transit Agency Fare Enforcement Programs

	San Diego Metropolitan Transit System (MTS)	North County Transit District (NCTD)	Los Angeles County Metropolitan Transportation Authority (Metro)	Tri-County Metropolitan Transportation District of Oregon (TriMet)
Services Provided	Light Rail, Fixed Route Bus, Paratransit	Commuter Rail, Light Rail, Fixed Route Bus, Paratransit, and Flex	Subway, Commuter Rail, Light Rail, Fixed Route Bus, Paratransit	Light Rail, Fixed Route Bus, Paratransit
Operating Budget	FY20 - \$305,100,000	FY20 - \$117,445,134	FY20 - \$1,844,000,000	FY21 - \$730,400,000
Farebox Recovery %	FY20 - 31.8%	FY19 - 16.7%	FY20 - 15.7%	FY19 - 21%
Fare Enforcement Program	Criminal	Criminal	Civil	Hybrid (Part Criminal, Part Civil)
Fare Violation Penalty	<p><u>MTS Ord. 2:</u> 1st & 2nd offense: Infraction punishable by fine not exceeding \$75. 3rd & subsequent offense: Misdemeanor punishable by fine not exceeding \$500 or by imprisonment not exceeding 6 months, or by both.</p> <p><u>Pen. Code 640:</u> 1st & 2nd offense: Infraction punishable by a fine not exceeding \$250. 3rd & subsequent offense: Misdemeanor punishable by a fine not exceeding \$400 or by imprisonment not exceeding 90 days, or by both. Minors may only be cited under an administrative process.</p> <p>With court fees, fine may be \$177.50 or more.</p>	<p><u>NCTD Ord. 3:</u> 1st & 2nd offense: Infraction punishable by fine not exceeding \$75. 3rd & subsequent offense: Misdemeanor punishable by fine not exceeding \$500 or by imprisonment not exceeding 6 months, or by both.</p> <p><u>Pen. Code 640:</u> 1st & 2nd offense: Infraction punishable by a fine not exceeding \$250. 3rd & subsequent offense: Misdemeanor punishable by a fine not exceeding \$400 or by imprisonment not exceeding 90 days, or by both. Minors may be only be cited under an administrative process.</p> <p>With court fees, fine may be \$177.50 or more.</p>	<p><u>Metro Customer Code of Conduct:</u> 1st offense: \$75 fine or diversion program in lieu of \$40 fine for Minors or Ejection. 2nd offense: \$75 fine or diversion program in lieu of \$40 fine for Minors or Ejection. 3rd offense: same as 2nd offense but 30-day exclusion. 4th offense: same as 3rd offense but 60-day exclusion. 5th and subsequent offense: same as 4th offense but exclusion for 90 days.</p>	<p><u>TriMet Code Ch. 29:</u> Within 90 days, pay fine (1st offense: \$75; 2nd offense: \$100; 3rd offense: \$150; 4th and subsequent offense: \$175) to TriMet, participate in community service (1st offense: 4 hours; 2nd offense: 7 hours; 3rd offense: 12 hours; 4th and subsequent offense: 15 hours), or enroll and add money to fare program if eligible (1st offense only). May also appeal within 45 days if can provide proof of valid fare at time of citation. If none of these options are completed within the time prescribed, citation sent to court. If sent to court, fine ranges from \$175 to \$250.</p>
Fare Enforcement	In practice, if Code Compliance Inspector finds a passenger without a valid fare, passenger is issued criminal citation.	In practice, if Train Attendant or Conductor finds a passenger without a valid fare, passenger is educated on the potential consequences of fare violation. NCTD may dispatch law enforcement personnel (e.g. Sheriff) to issue a criminal fare citation.	In practice, if Fare Inspector finds a passenger without a valid fare, passenger may be issued a warning, ejected, or issued a civil Notice of Violation.	In practice, if Code Compliance Inspector finds a passenger without a valid fare, passenger is issued criminal citation, along with an envelope that explains TriMet's voluntary fare evasion diversion program.
Fare Evasion %	CY 2018 – 2.83% avg CY 2019 – 2.79% avg. July-Dec 2019 – 2.87%	FY19 – 6.9% for Light Rail	CY 2018 – 6.95% avg CY 2019 – 12.6% avg July-Dec 2019 – 18% avg (2019 range of 7.00% -19.28%)	CY 2017 – 13.1% CY 2018 – 15.8% CY 2019 – 19.1%
Future changes	MTS is developing a Pilot Fare Evasion Diversion Program, similar to Tri-Met's fare enforcement model. If cited for fare evasion, passengers may pay reduced fine to MTS, perform community service or appeal if can provide proof of valid fare at time of citation or that ticket vending machine was inoperable. If completed, citation voided. If not completed, citation sent to court.	NCTD is rebuilding its Fare Enforcement program. NCTD is in the process of training Train Attendants and Conductors to issue criminal fare evasion citations, instead of having to dispatch law enforcement. NCTD is interested in MTS's Pilot Fare Evasion Diversion Program and may implement at NCTD.	LA Metro reviewing legislation that would require passengers to show identification and addresses in order to issue a civil Notice of Violation with valid contact information. Also reviewing legislation to assist with collection of administration fines.	Tri-Met is hiring more fare inspectors in order to increase ability to check fares and issue citations as necessary.

Proposed Fare Enforcement Diversion Program – Pilot Project

May 14, 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

Phase 1 Pilot - Diversion Program

Civil/Criminal Hybrid

Eligibility: Fare violations *unless* there was another violation (e.g., vandalism, assault, failure to comply) at the time of citation.

Options to Resolve:

- Pay Reduced Fine
- Community Service
- Limited Appeal

Officer Training/Outreach: Fare enforcement officers to use program as de-escalation technique during contact; also inform of Homeless Court Amnesty program

Pay Reduced Fine

Pay Reduced Fine within 60 days:

- \$50 (instead of \$75 or full court fees of \$177.50+)
- Pay In-Person at Transit Store
- Pay by Mail
- Pay Online (*later stage implementation if program participation warrants*)

Community Service

Complete Community Service within 60 days:

- 3-4 Hours
- San Diego Food Bank
- Other providers may be added pending further review
 - Working with Homeless Court on other community service options

Limited Appeal or No Action

Limited Appeal within 15 days: Proof of Paid Fare or Malfunctioning Ticket Vending Machine

- If appeal granted, then citation dismissed
- If appeal denied, option to pay fine or complete community service within original 60-day window

No Action Taken within 60 days: Citation transmitted to San Diego Superior Court for normal adjudication

Data Collection & Reporting

To manage the program, and also inform the Committee & Board of the effectiveness of the program, staff will create reports on:

1. All fare citations issued
2. All participation in the diversion program, by type (fine, community service, appeal)
3. Number of citations dismissed for successful completion of diversion vs. citations submitted to court.
4. Other feedback received regarding Pilot Program

Potential Fiscal Impacts

Annual Fine Revenue

- Citation Revenue from Courts may decrease
 - 2019 Citation Revenue - \$220,000 approx.
 - Fines received through MTS Diversion Program may offset decrease in court citation revenue

Increased Costs to Administer

- Phase 1 Pilot costs minimal/within existing department budgets
 - Will use existing staff and resources
 - Minor printing costs for program materials and website implementation
- Future costs to be determined during Phase 1 Pilot

Potential Fiscal Impacts

Loss of Fare Revenue

- Fare Evasion may increase
 - MTS Fare Evasion Rate July – Dec 2019: 2.87%
 - Other agency programs have shown increase in fare evasion of 2.7% to 11%
 - Could be attributable to change in nature of fare evasion penalty (criminal to civil), or decrease in enforcement measures, or both, or other reasons
- Fare Revenue may decrease
 - FY 2020 budgeted fare revenue - \$97,100,000
 - Current fare revenue loss from fare evasion - \$2,800,000
 - Additional loss of \$971,000 per 1% increase in fare evasion
 - A 2.7% increase in fare evasion equates to \$2.6M per year loss
 - A 11% increase in fare evasion equates to \$10.7M per year loss

NCTD

Criminal Program

- Limited enforcement by Sheriff's Dept
- Generally warnings are issued if found without valid fare. Fare inspectors must dispatch law enforcement in order to issue citation.
- Current evasion rate (light rail): 6.9%
- Future Changes:
 - Rebuilding fare program to authorize Train Attendants and Conductors to issue criminal citations
 - Interested in MTS's pilot fare evasion diversion program

Tri-Met

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 no action, then citation is submitted to Court to follow the existing criminal process
- Fare Evasion Rates:
 - 2017- 13.1%
 - 2018 – 15.8%
 - 2019 – 19.1%

LA Metro

Civil Program

- If no valid fare: warning, ejected or Notice of Violation (NOV). NOV is dismissed **if**:

1. Pay Reduced Fine to LA Metro (\$75 or \$40 depending on eligibility)	2. Granted an Appeal by Hearing Officer (within 21 days)
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- Hearing Officer may also grant ability to perform community service (5 hours – *proof of inability to pay required*), reduction in penalty, or enrollment in a payment plan.
- If fine is not timely paid, then late fees and collections initiated.
- If fail to resolve NOV, subject to exclusion from La Metro services for 30-90 days.
- Fare Evasion Rates:
 - 2018 – 6.95%
 - 2019 – 12.6%
 - July-Dec 2019 – 18%

Cost/Timeline

Task	Cost/Timeline
Effective Start Date	Estimated 75 days from Board approval
Staffing	Use of Existing Staff for Phase 1 Pilot; Determine if additional staffing necessary to administer diversion program during Phase 1 implementation
Diversion Program Website	Need to create online website pages to describe process and options to public
Payment Options	Currently do not have online payment capability; develop online payment option if Phase 1 Pilot is successful
Administrative Forms and Databases	Develop citation envelope to describe diversion program options; develop database to record which citations are voided
Track Fare Evasion/ Revenue Impacts & Program Success	Create criteria to track success of program and impacts on MTS fare revenue recovery, fare evasion and security program

Staff Recommendation

- That the Public Security Committee forward a recommendation to the Board of Directors to implement the proposed Phase 1 Pilot for a new Fare Evasion Diversion Program.



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Agenda Item No. 5

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM PUBLIC SECURITY COMMITTEE MEETING

May 14, 2020

SUBJECT:

ANNUAL SECURITY REPORT (JANUARY 1, 2019 THROUGH DECEMBER 31, 2019)
(MANNY GUADERRAMA)

INFORMATIONAL ONLY

Budget Impact

None with this action.

DISCUSSION:

This annual security report covers the period from January 1, 2019 through December 31, 2019. Topics to be discussed will be the crime statistics for the calendar year and information regarding security and enforcement.

Transit Enforcement staff utilized the Automated Regional Justice Information System (ARJIS) database to obtain/identify Part I crimes that were possibly transit related. All law enforcement agencies in the San Diego region report their crime information to ARJIS and this is the most reliable data. Crime statistics where MTS staff was notified/involved are tracked and maintained in the MTS database (eForce). Once a crime was identified as possibly transit related, crime reports were obtained/reviewed to determine if there was a nexus to MTS.

/s/Sharon Cooney

Sharon Cooney
Interim Chief Executive Officer

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



TRANSIT ENFORCEMENT 2019 ANNUAL SECURITY REPORT

January 1, 2019 through December 31, 2019

Manny Guaderrama
Chief of Police

May 14, 2020



INTRODUCTION

Transit Enforcement Components

Code Compliance Inspectors

- Public Officers with Powers of Arrest
- Highly visible uniform presence
- 64 Personnel
- **Contract Security Officers - Transit Systems Security**
- Private Person's arrest – 837 PC
- Highly visible uniform presence
- 158 Personnel (**Actual Staffing – 141**)
- **Joint Agency Task Force (JATF) - Discontinued**
- A six person team consisting of four police officers (one SDPD sergeant, two SDPD officers, one SDSO deputy), one CCI and one security officer



Transit Enforcement Department Mission

- To maintain a safe, clean and efficient public transportation system; preserve MTS revenue to support operations
 - Routine fare inspections
 - Onboard vehicles, Fare Paid Zones
 - Provide Security
 - Enforce code violations, protect property (violations of MTS Ordinance 13)



New Employee Training

CCI

- 2 weeks Classroom Training
- 4 weeks Field Training with FTO
- 832 PC Laws of Arrest – Within First Year

TSS

- Must Have Guard Card Prior to Hire
- 160 Hours Job Site Training
- Optional 8-Hour Courses (Pepper Spray, Baton)
- 832 PC Laws of Arrest – Within First Year



Continuing Training

2019

All Code Compliance Inspectors and Code Compliance Supervisors attended the following training in 2019:

- De-escalation Training – Taught by a licensed psychologist who is a former La Mesa police captain
- CPR Training
- Defensive Tactics – POST certified instructors
- Courtroom Testimony
- People with Disabilities
- Biased Based Policing/Cultural Diversity
- Homeless Outreach (Line-up Training)
- Veterans with PTSD (Supervisors Only)



Transit Enforcement Oversight

- Body Cameras on All Uniform Personnel
- Station and LRV Video
- All Security Related Complaints are Investigated
- Proactive Review of all Use of Force Incidents
 - All use of force documented
 - All use of force incidents reviewed by management
 - Potential misconduct is formally investigated
 - When warranted, appropriate action taken
 - Retraining and/or disciplinary action



Part I Reported Crimes: Trolley

ARJIS Data vs. MTS Response

January through December

ARJIS Data

Part I Crimes	2018	2019
Homicide	0	0
Rape	1*	1*
Robbery	42	43
Aggravated Assault	64	48
Burglary	1	1
Larceny/Theft	102	127
Motor Vehicle Theft	66	44
Arson	3	1
Total:	279	265

MTS Response Data

Part I Crimes	2018	2019
Homicide	0	0
Rape	0	0
Robbery	21	10
Aggravated Assault	24	17
Burglary	3	1
Larceny/Theft	44	72
Motor Vehicle Theft	11	11
Arson	5	3
Total:	108	114

While there was a 5% decrease in Part I crimes (ARJIS data) for the year, there was a 12% increase in the second half of 2019 (125 in first half of year vs. 140 during last six months).

* SDPD Case – Determined to be unfounded



Part I Crimes Onboard/Arrests

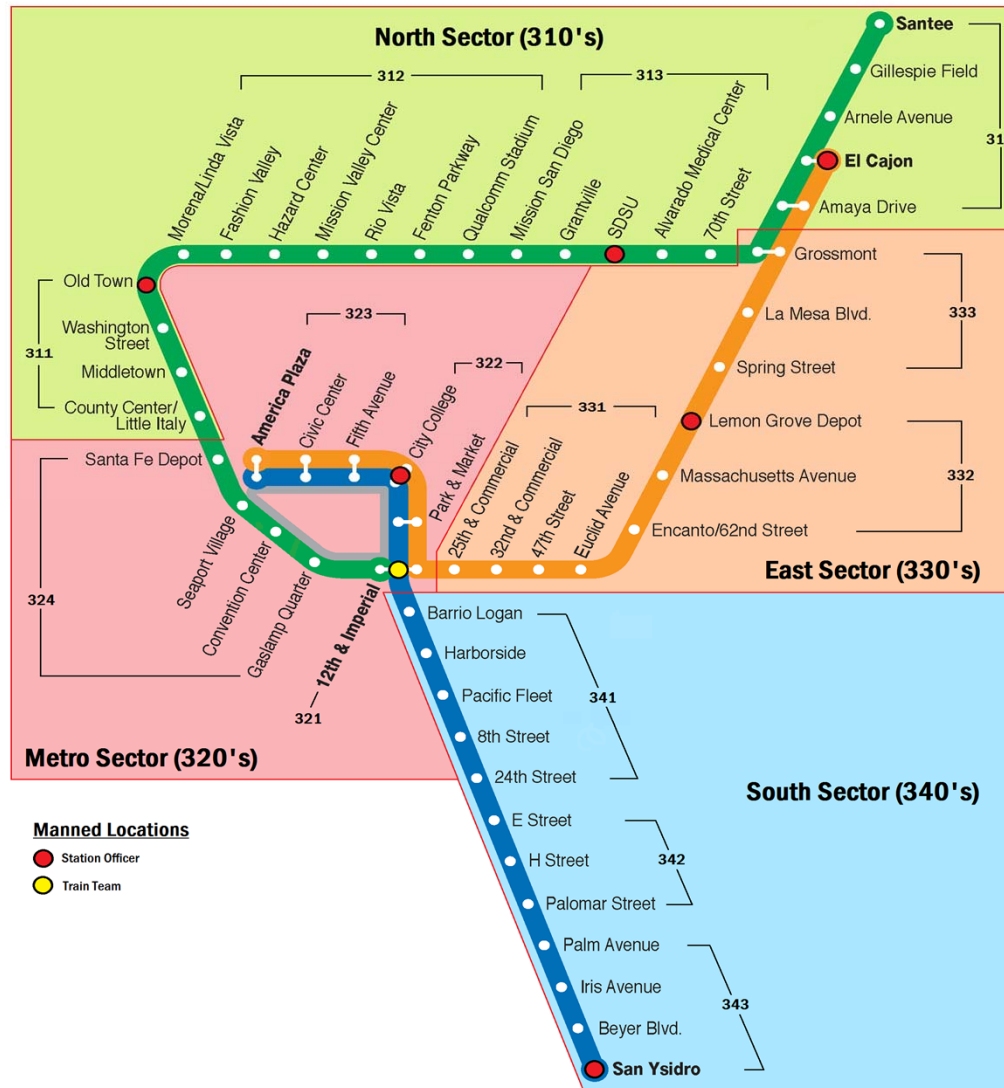
January through December

MTS Data

Part I Crimes	2018 Total Crimes	2019 Total Crimes	2018 Onboard	2019 Onboard	2018 Arrests	2019 Arrests
Homicide	0	0	0	0	0	0
Rape	0	0	0	0	0	0
Robbery	21	10	8	2	5	4
Aggravated Assault	24	17	4	7	13	7
Burglary	3	1	0	0	1	1
Larceny/Theft	44	72	4	2	1	1
Motor Vehicle Theft	11	11	0	0	0	0
Arson	5	3	0	0	0	0
Total:	108	114	16	11	20	13



MTS Sector/Beat Map



PART I CRIMES BY SECTOR

January through December 2019

ARJIS Data

	Metro	East Sector	North Sector	South Sector
Homicide	0	0	0	0
Rape	1	1	0	0
Robbery	11	13	11	8
Agg Assault	22	8	4	14
Burglary	1	0	0	0
Larceny/Theft	22	18	21	66
Motor Vehicle Theft	0	1	9	34
Arson	1	0	1	0
Total:	56	41	46	122



MTS Reporting of Part II Crimes: Trolley

January through December

Part II Incidents	2018 Total Crimes	2019 Total Crimes	2018 Onboard	2019 Onboard	2018 Arrests	2019 Arrests
Drunkenness	27	26	5	4	27	26
Drug Abuse Violations	40	36	2	1	40	36
Other Assaults	111	82	30	23	80	56
Vandalism	314	364	112	133	50	26
Sex Offenses	4	4	1	1	3	4
Total:	496	512	150	162	200	148



Copper Wire Thefts

January through December

There were four incidents of copper wire theft

Date	Location	Trolley Line
5/2/2019	Kettner Blvd. and G Street	Green line
5/23/2019	W. Washington Street	Green line
9/26/2019	Convention Center to Seaport	Green line
10/23/2019	Hill Street to El Cajon Blvd.	Orange Line



BUS

Calls for Service:

January through December

Division	Calls for Service		
	<u>2018</u>	<u>2019</u>	
• MTS Bus	165	160	
• TransDev E. County Division	39	39	
• TransDev S. Bay Division	153	106	
	<u>Total:</u>	<u>357</u>	<u>305</u> -14.5%

Top Three Call Types:

• Disturbance Calls	265	195
• Assaults	57	68
• Vandalism	35	42



MTS Response to Part I Crimes: Bus

January through December

Part I Crimes	2018 Total Crimes	2019 Total Crimes	2018 Onboard	2019 Onboard	2018 Arrests	2019 Arrests
Homicide	0	0	0	0	0	0
Rape	0	0	0	0	0	0
Robbery	1	0	1	0	0	0
Aggravated Assault	6	5	1	1	3	4
Burglary	1	0	0	0	0	0
Larceny/Theft	5	9	1	2	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Arson	1	4	0	0	0	0
Total:	14	18	3	3	3	4



MTS Response to Part II Crimes: Bus

January through December

Part II Incidents	2018 Total Crimes	2019 Total Crimes	2018 Onboard	2019 Onboard	2018 Arrests	2019 Arrests
Drunkenness	9	5	1	1	9	5
Drug Abuse Violations	5	5	0	1	5	5
Other Assaults	28	19	12	11	11	6
Vandalism	35	80	18	27	6	6
Sex Offenses	4	0	2	0	3	0
Total:	81	109	33	40	34	22



SECURITY & ENFORCEMENT



Assaults

January through December 2019

- MTS responded to 123 assaults (166 in 2018), both Part I and Part II, on both trolley and bus
 - 61 of those assaults were on MTS employees (Security Officers, Code Compliance Inspectors, and Bus and Trolley Personnel)



Joint Agency Task Force – JATF

January through December

- Felony Arrests: 351
- Misdemeanor Arrests: 516
- Infraction Cites: 5,451
- Special Detail (including
SED's) with MTS Personnel 61
- Gang Members Contacted 440
- Probation/Parolees Contacted 581
- AB-109 Contacts 155



Fare Inspections and Citations

January through December

There was a 0.6% increase in fare inspections and a 4.5% increase in total citations issued in 2019

Fare Inspections	2018	2019
	6,340,058	6,360,174
Citations	75,609	79,003

The top three citation violation charges are for Fare Evasion, Smoking and Failure to Comply.

	2018	2019	Percentage Change
Fare Evasion	61,560	66,155	+ 7.5%
Smoking	3,484	3,049	- 12.5%
Failure to Comply	1,694	1,480	- 12.6%



Special Enforcement Details

Fare Evasion Rate: Trolley

The Code Compliance Department conducted 65 controlled SED's and 24 Non-controlled SED's in 2019. The purpose of these details is to conduct fare inspections of all patrons onboard the trolley, enforce fare evasion and to determine the fare evasion rate.

	# of SED's	Total contacts	Total Fare Violations	Evasion Rate
Controlled SED's	65	132,408	3,699	2.79%

	# of SED's	Total Contacts	Total Fare Violations
Non-Controlled SED's	24	26,157	1,187



SDM Inspections

	Total Riders Inspected	Total SDMs Inspected	Citations	Warnings	Violation Rate
Trolley	6,360,174	871,501	1,149	61	0.14%
Bus		6,225	32	3	0.56%



Quality of Life – Transient Encampment Details

- Regular Transient Encampment and trespassing details were conducted to address trespassing, illegal lodging and other nuisance/quality-of-life concerns on MTS properties. These details resulted in 1,859 Trespassing/Loitering citations (January through December).
- 244 of those citations occurred along the San Diego River in Mission and Fashion Valley.
- Transit Enforcement provided security during 12 clean-ups.



Non-Compliant Arrests

January through December

There was a 14.9% decrease in non-compliant arrests in 2019 when compared to 2018. There was a 28.9% decrease in non-compliant arrests in the second half of the year compared to the first six months (371 vs. 264).

	CCI	TSS	Both CCI and TSS	Total
2018	56	40	650	746
2019	25	118	492	635



Ride Assured

“See Something, Say Something”

Month	Total Calls:	Calls within 60 sec. response time:	Security Related:
<i>January</i>	350	337 (96.3%)	241 (68.9%)
<i>February</i>	335	330 (98.5%)	211 (63.0%)
<i>March</i>	417	409 (98.1%)	284 (68.1%)
<i>April</i>	421	407 (96.7%)	256 (60.8%)
<i>May</i>	443	433 (97.8%)	325 (73.4%)
<i>June</i>	389	366 (94.1%)	254 (65.3%)
<i>July</i>	473	459 (97.04%)	282 (59.6%)
<i>August</i>	482	459 (95.4%)	313 (64.9%)
<i>September</i>	481	466 (96.9%)	316 (65.7%)
<i>October</i>	382	372 (96.6%)	223(58.4%)
<i>November</i>	302	287 (95.0%)	192 (63.6%)
<i>December</i>	276	264 (95.7%)	172 (62.3%)
Total:	4,751	4,589 (96.6%)	3,069 (64.6%)



Changes due to COVID-19

- Personal Protective Equipment (masks, gloves, hand sanitizer, safety glasses)
- Sanitize Equipment (portable radios, HHUs, handcuffs, etc.)
- Fare Inspections on Platforms vs Onboard Vehicles
- High Visible Security Presence Onboard Trolleys (vs fare inspections)
- Fare Inspections for Bus Boarding (rear-door boarding) at Transit Stations with Focus on Compliance vs Enforcement
- Avoidance to Touching Fare Medium
- Requiring Patron Face Coverings – Gaining Voluntary Compliance vs. Enforcement (disabilities taken into consideration)



Enforcement During COVID-19

	<u>2019 Weekly Average</u>	<u>April 2020 Weekly Average</u>	<u>Percentage change</u>
Inspections	122,311	24,660	-80%
Total Citations	1,520	307	-80%
Fare Citations	1,272	264	-79%



End of Presentation

Questions?

