

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

July 23, 2020

1. ROLL CALL

Chair Montgomery called the meeting to order at 9:04 a.m. A roll call sheet listing Public Security Committee members' attendance is attached.

2. APPROVAL OF MINUTES

Vice Chair Aguirre moved to approve the minutes of the May 14, 2020 Public Security Committee meeting. Ms. Galvez seconded the motion, and the vote was 4 to 0 in favor, with Mr. Arambula and Mr. Sandke absent.

3. PUBLIC COMMENTS

Rosa Olascoaga – Ms. Olascoaga from Mid-City CAN stated she is looking forward to the Fare Diversion Program and she is hoping to work together with MTS in moving away from the criminal court process and moving towards a civil process.

4. New Use of Force Policy – Draft (Scott Ybarrondo)

Scott Ybarrondo, Manager of Operations – Transit Enforcement, provided a presentation on the New Use of Force Policy. Mr. Ybarrondo introduced Debbie Eglin, a certified court use of force expert and a consultant on this project, who assisted in rewriting the MTS Use of Force Policy. He stated the Use of Force Policy is one of the most important policies not only for MTS employees, but also for the public. Mr. Ybarrondo pointed out that MTS is not a law enforcement agency, but the Use of Force Policy should be in compliance with all current laws that govern law enforcement agencies. Mr. Ybarrondo discussed the #8CANTWAIT campaign concepts that are included in the policy, along with two new laws in California, as well as other updates and clarifications. Mr. Ybarrondo stated that all employees will be trained on the new policy and will be given a policy knowledge test that will be kept in their training file.

PUBLIC COMMENTS

Coleen Cusack – Ms. Cusack stated she would like to see some reference in the Use of Force Policy regarding infraction contacts. She also mentioned there should be documentation on the retention period for body worn camera footage.

COMMITTEE COMMENTS

Ms. Galvez stated that she applauds the inclusion of the additional measures.

Mr. Sandke commented that he feels MTS is moving in the right direction.

Ms. Weber mentioned that she appreciates MTS taking a proactive approach and would like to

recommend when discussing AB 392 that the purpose of the bill is understood. Mr. Ybarrondo stated that it will be explained during training.

Chair Montgomery asked about guidelines regarding handcuffing. Mr. Ybarrondo stated handcuffing is not considered a use of force tactic and sometimes is done for officer safety. Chair Montgomery asked for more details regarding the knowledge test that will go along with training. Mr. Ybarrondo stated that this is still a work in progress, but the plan is to initially give the test to everyone after the training. He mentioned that defensive tactics and use of force training is done each year and this will be a recurring test during that training. Chair Montgomery asked if this test was for both MTS employees and contracted employees. Mr. Ybarrondo stated that it is for both. Chair Montgomery asked if there would be a need to update the Board Policy to accommodate AB 392 and the MTS Use of Force Policy change. Ms. Cooney replied that the Use of Force Policy is an internal standard and is not at the level of a Board Policy, which would require an approval. She stated that it could be taken to the Board for further discussion. Chair Montgomery suggested taking the policy to the full Board. Chair Montgomery also asked to receive a follow up on the knowledge test, its implementation and suggested MTS have a conversation with the National #8CANTWAIT campaign.

Action Taken

Informational item only. No action taken.

5. Transit Enforcement Outside Organizational Review (Manny Guaderrama)

Ms. Cooney introduced this item and noted that with the committee's leadership, MTS would like to understand where it could enhance and/or improve practices in transit enforcement. Manny Guaderrama, MTS Director of Transit Enforcement, continued the discussion and provided a presentation regarding the Transit Enforcement Outside Organizational Review. Mr. Guaderrama discussed the purpose of the review, the scope of study, a proposal to contract with American Public Transportation Association (APTA) and reviewed APTA's process. Mr. Guaderrama stated there are other organizations that conduct similar reviews, such as the Police Executive Research Forum (PERF). He discussed the differences between these organizations and recommended moving forward with APTA for the review.

PUBLIC COMMENTS

Coleen Cusack – Ms. Cusack would like to see the scope of study extended to include the body worn camera policy and the community image.

COMMITTEE COMMENTS

Vice Chair Aguirre asked about the procurement process and if there were other agencies considered to conduct the study. Ms. Cooney stated the study is not being rushed and with the Boards direction, a further review could be done. Vice Chair Aguirre would like to see involvement of community and advocate members in this assessment process. Ms. Cooney stated that it would be important to use the Community Advisory Committee, a broad based committee set up during Elevate SD. Ms. Cooney asked Vice Chair Aguirre for input on specific individuals in the local community that MTS should include in the process. Vice Chair Aguirre stated that she would provide recommendations.

Ms. Galvez commented that industry support could add a lot more resources for the Transit

Enforcement Department.

Mr. Sandke feels that the selection of APTA as a place to start makes sense as they understand the environment in which MTS officers operate. He agrees with using MTS's internal Community Advisory Committee first, but also feels the more input the better.

Ms. Weber stated this is perfect timing to do an internal assessment. Ms. Weber inquired about the use of police officers to do fare inspections. Mr. Guaderrama stated that MTS is not recommending the use of police officers to conduct fare inspections.

Chair Montgomery feels the body worn camera policy should be reviewed during this process as well as the evaluation of fare citations issued to the homeless population. Chair Montgomery asked about the contract information related to camera footage availability from Allied Universal. Karen Landers, General Counsel, commented that the videos are available to MTS for investigations, to law enforcement and for any criminal court proceedings, but there is not a requirement in the contract to make it available to the public. Ms. Landers stated that this is something that can be changed in the new contract going forward. Vice Chair Aguirre asked to review a copy of the Allied Universal contract. Ms. Landers stated she would send Vice Chair Aguirre a copy of the current contract.

Action Taken

Informational item only. No action taken.

6. Fare Diversion Program Implementation Update (Karen Landers)

Karen Landers, General Counsel, stated the target start date for the program is September 1, 2020. She then turned the presentation over to Samantha Leslie, Staff Attorney – Regulatory Compliance. Ms. Leslie stated it is a one year pilot program and continued with a summary of the diversion program details including eligibility, program options, citation envelopes, program forms and the online website design. Ms. Leslie discussed the data tracking and community service providers. Ms. Leslie stated the next steps would include advertising, finalizing the SOP, and providing training to staff.

PUBLIC COMMENTS

Coleen Cusack – Ms. Cusack commented that a lot of her clients do not have access to computers or the internet to upload documentation proof for appeals.

Rosa Olascoaga – Ms. Olascoaga asked for other resources to be made available for those who do not have access to the internet to upload documentation proof for appeals. She asked to have a mail in or drop off option at the MTS Transit Store. Ms. Landers replied that it could be incorporated into the program for people to submit proof via mail or drop off at the Transit Store.

COMMITTEE COMMENTS

Vice Chair Aguirre commented that she is very encouraged with the progress that is being made. Ms. Aguirre asked for clarification on how the appeal process would work. Ms. Landers stated the appeal process is something MTS already does informally and provided examples and processes currently in place.

Ms. Galvez commented on a job well done, stating she feels it is well written and likes the options included in the program.

Mr. Sandke stated this is great work in a short period of time and feels this program will be a great asset. He also commented that he does not want to lose site of the fact that this program is based on fare evasion. He stated that a programmatic way to fairly address these issues is needed and mentioned this program is definitely a step in the right direction.

Ms. Weber thanked everyone for all the hard work put into this program and is really impressed with all the data that will be collected during this time period.

Chair Montgomery is looking forward to seeing the data that will be collected as well as trying to bring a homeless outreach component to the program. Chair Montgomery asked if the option for riders to pay for a fare after deboarding requires an ordinance update and would that particular aspect be going into effect in September. Ms. Landers stated the intent is to train the officers on that option as part of the diversion program pilot and would be implemented at the same time.

Action Taken

Informational item only. No action taken.

7. COMMITTEE MEMBER COMMENTS

No committee member comments.

8. NEXT MEETING DATE

Next meeting date is scheduled for September 24, 2020.

9. ADJOURNMENT

The meeting was adjourned at 10:28 a.m.

/s/ Monica Montgomery
Chairperson

Attachment: A. Roll Call Sheet